

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1931

14th January to 18th February, 1931

FIRST SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1931**



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CORRIGENDA.

In the Legislative Assembly Debates, Delhi Session, 1931,—

(1) Volume I, No. 14, dated 3rd February, 1931, page 547, *insert* the sign “†” against the word “Judicial” in column 6 of the statement and also against the words “Includes posts recruited from the Bar.” in the foot-note.

(2) Volume II, No. 2, dated 23rd February, 1931, page 1125, line 9, from the bottom, for the figures “46” *read* “4.6”.

(3) Volume II, No. 3, dated 24th February, 1931,—

(i) page 1179, line 8, for the word “sofcitous” *read* “solicitous”.

(ii) page 1204, line 31, for the word “give” *read* “given”.

(4) Volume II, No. 8, dated 5th March, 1931, page 1505, line 8, from the bottom, for the word “refrayed” *read* “defrayed”.

(5) Volume II, No. 13, dated 11th March, 1931, page 1874, line 25, between the words “his” and “strongly” *insert* the word “is”.

(6) Volume III, No. 2, dated 13th March, 1931,—

(i) page 1970, line 10, for “a token out” *read* “a token cut”.

(ii) page 1970, line 24, for the word “opinion” *read* “opium”.

(iii) page 2013, line 2, from the bottom, for the words “as far it is” *read* “as far as it is”.

(7) Volume III, No. 3, dated 16th March, 1931, page 2073, in the tabular statement against the entry “7. Pay and Accounts Officer, Secretariat” *insert* the figure “2” in the fourth column.

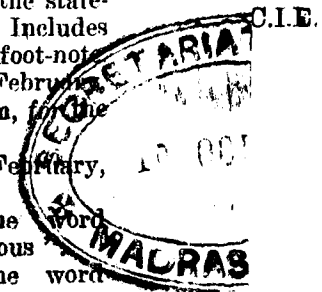
(8) Volume III, No. 6, dated 19th March, 1931, page 2262, last line, for the words “promises made year year” *read* “promises made year after year”.

(9) Volume IV, No. 4, dated 30th March, 1931,—

(i) page 2873, in the subject heading for the words “Indian Forces (Amendment)” *read* “Indian Reserve Forces (Amendment)”.

(ii) page 2879, line 17, for the word “nibbed” *read* “nipped”.

(iii) page 2884, line 6, from the bottom, for the words “at once place” *read* “at one place”.



Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

DIWAN BAHADUR T. RANGACHARIAR, C.I.E., M.L.A.

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

MAULVI MUHAMMAD YAKUB, M.L.A.

RAI SAHIB HARBILAS SARDA, M.L.A.

Secretary :

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

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN NUR AHMAD KHAN, M.C., I.O.M.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

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

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

RAJA BAHADUR G. KRISHNAMACHARIAR, M.L.A.

MIAN MUHAMMAD SHAH NAWAZ, C.I.E., M.L.A.

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

VOLUME I—1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 14th January, 1931.

The Assembly met in the Assembly Chamber of the Council House in New Delhi at Eleven of the Clock, being the first day of the meeting of the Fourth Legislative Assembly, pursuant to S. 63D (2) of the Government of India Act.

MESSAGE FROM H. E. THE VICEROY.

Secretary of the Assembly: The following Message has been received from His Excellency the Viceroy:

(The Assembly received the Message standing.)

"In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby appoint Mr. Ramasamy Chetty Kandasamy Shanmukham Chetty to be Chairman of the Legislative Assembly with effect from the morning of Wednesday, the 14th January, 1931.

*(Signed) IRWIN,
Viceroy and Governor General."*

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural) then took the Chair.

Mr. Chairman: In order that this, the first meeting of the Fourth Legislative Assembly, may be fully constituted, Members will now take the oath or make the affirmation of allegiance to the Crown in the manner prescribed in the order in which their names are read out by the Secretary.

Mr. Chairman first himself made the affirmation of allegiance.

MEMBERS SWORN:

The Honourable Sir George Rainy, K.C.S.I., K.C.I.E. (Member for Commerce and Railways); The Honourable Sir James Crerar, K.C.S.I., C.I.E. (Home Member); The Honourable Sir George Ernest Schuster, K.C.M.G., C.B.E., M.C. (Finance Member); The Honourable Khan Bahadur Mian Sir Fazl-i-Husain, K.C.I.E., Kt. (Member for Education, Health and Lands); Mr. B. Sitaramaraju, M.L.A. (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural); Mr. M. N. Rao, M.L.A. (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural); Dewan Bahadur T. Rangachariar, C.I.E., M.L.A. (South Arcot *cum* Chingleput: Non-Muhammadan Rural); Raja Bahadur G. Krishnamachariar, M.L.A. (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural); Mr. Bhaskara Rajaram Pandian, M.L.A. (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural); Mr. Kuthiravattath Prabhakaran Thampan, M.L.A. (West Coast and Nilgiris: Non-Muhammadan Rural); Mr. Mahomed Muazzam Sahib Bahadur, M.L.A. (North Madras: Muhammadan); Maulvi Sayyid Murtuza Sahib Bahadur, M.L.A. (South Madras: Muhammadan); Mr. William Alexander, M.L.A. (Madras: European); Raja Sir Vasudeva Rajah, Kt., C.I.E., M.L.A. (Madras: Landholders); Mr. Sahibsing Chandasing Shahani, M.L.A. (Sind: Non-Muhammadan Rural); Mr. Nassarwanji Navroji Anklesaria, M.L.A. (Bombay Northern Division: Non-Muhammadan Rural); Sir Ibrahim Rahimtoola, K.C.S.I., C.I.E., M.L.A. (Bombay Southern Division: Muhammadan Rural); Seth Haji Abdoolah Haroon, M.L.A. (Sind: Muhammadan Rural); Nawab Naharsingji Ishwarisingji, M.L.A. (Bombay Northern Division: Muhammadan Rural); Mr. Edward Francis Sykes, M.L.A. (Bombay: European); Sardar Gangadhar Rao Narayanrao Mujumdar, M.L.A. (Gujrat and Deccan Sardars and Inamdars: Landholders); Mr. Charu Chandra Biswas, M.L.A. (Calcutta: Non-Muhammadan Urban); Mr. Nabakumar Sing Dudhoria, M.L.A. (Calcutta Suburbs: Non-Muhammadan Urban); Mr. Amarnath Dutt, M.L.A. (Burdwan Division: Non-Muhammadan Rural); Pandit Satyendra Nath Sen, M.L.A. (Presidency Division: Non-Muhammadan Rural); Sir Abdur Rahim, K.C.S.I., Kt., M.L.A. (Calcutta and Suburbs: Muhammadan Urban); Mr. Satyendra Chandra Mitra, M.L.A. (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural); Dr. Abdullah al-Ma'mun Suhrawardy, M.L.A. (Burdwan and Presidency Divisions: Muhammadan Rural); Haji Chaudhury Muhammad Ismail Khan, M.L.A. (Bakarganj *cum* Faridpur: Muhammadan Rural); Mr. Muhammad Anwar-ul-Azim, M.L.A. (Chittagong Division: Muhammadan Rural); Mr. Kabeer-ud-din Ahmed, M.L.A. (Rajshahi Division: Muhammadan Rural); Mr. William Arthur Moore, M.B.E., M.L.A. (Bengal: European); Mr. Eric Studd, M.L.A. (Bengal: European); Mr. George Morgan, C.I.E., M.L.A. (Bengal: European); Mr. Dharendra Kanta Lahiri Chaudhury, M.L.A. (Bengal: Landholders); Mr. Satish Chandra Sen, M.L.A. (Bengal National Chamber of Commerce: Indian Commerce); Lala Rameshwar Prasad Bagla, M.L.A. (Cities of the United Provinces: Non-Muhammadan Urban); Kunwar Raghubir Singh, M.L.A. (Agra Division: Non-Muhammadan Rural); Mr. A. Hoon, M.L.A. (Allahabad and Jhansi Divisions: Non-Muhammadan Rural); Mr. Ayodhya Das, M.L.A. (Benares and Gorakhpur Divisions: Non-Muhammadan Rural); Khan Bahadur Haji Wajihuddin, M.L.A. (Cities of the United Provinces: Muhammadan Urban); Kunwar Hajee Ismail Ali Khan, M.L.A. (Meerut Division: Muhammadan Rural);

Mr. Muhammad Yamin Khan, M.L.A. (Agra Division: Muhammadan Rural); Maulvi Muhammad Yakub, M.L.A. (Rohilkund and Kumaon Divisions: Muhammadan Rural); Chaudhri Isra, M.L.A. (Meerut Division: Non-Muhammadan Rural); Dr. Ziauddin Ahmad, C.I.E., M.L.A. (United Provinces Southern Divisions: Muhammadan Rural); Mr. Muhammad Azhar Ali, M.L.A. (Lucknow and Fyzabad Divisions: Muhammadan Rural); Mr. John Ramsay Scott, M.L.A. (United Provinces: European); Lala Hari Raj Swarup, M.L.A. (United Provinces: Landholders); Rai Sahib Pandit Hari Das, M.L.A. (Ambala Division: Non-Muhammadan); Mr. Bhagat Ram Puri, M.L.A. (West Punjab: Non-Muhammadan); Lieutenant Nawab Muhammad Ibrahim Ali Khan, M.L.A. (East Punjab: Muhammadan); Shaikh Sadiq Hasan, M.L.A. (East Central Punjab: Muhammadan); Mr. Narayan Ramji Gunjal, M.L.A. (Bombay Central Division: Non-Muhammadan Rural); Mr. Uppi Sahib Bahadur, M.L.A. (West Coast and Nilgiris: Muhammadan); Mian Muhammad Shah Nawaz, C.I.E., M.L.A. (West Central Punjab: Muhammadan); Nawab Major Malik Talib Mehdi Khan, O.B.E., M.L.A. (North Punjab: Muhammadan); Shaikh Fazal Haq Piracha, M.L.A. (North West Punjab: Muhammadan); Sirdar Harbans Singh Brar, M.L.A. (East Punjab: Sikh); Sardar Sant Singh, M.L.A. (West Punjab: Sikh); Sirdar Sohan Singh, M.L.A. (Punjab: Landholders); Pandit Ram Krishna Jha, M.L.A. (Darbhanga *cum* Saran: Non-Muhammadan); Mr. Gaya Prasad Singh, M.L.A. (Muzaffarpur *cum* Champaran: Non-Muhammadan); Mr. B. N. Misra, M.L.A. (Orissa Division: Non-Muhammadan); Mr. B. Das, M.L.A. (Orissa Division: Non-Muhammadan); Mr. Badri Lal Rastogi, M.L.A. (Patna *cum* Shahabad: Non-Muhammadan); Rai Bahadur Sukhraj Rai, M.L.A. (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan); Thakur Mahendra Nath Shah Deo, M.L.A. (Chota Nagpur Division: Non-Muhammadan); Mr. M. Maswood, M.L.A. (Patna and Chota Nagpur *cum* Orissa: Muhammadan); Maulvi Muhammad Shafee Daoodi, M.L.A. (Tirhut Division: Muhammadan); Mr. C. S. Ranga Iyer, M.L.A. (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural); Mr. Bhuput Sing, M.L.A. (Bihar and Orissa: Landholders); Rao Bahadur S. R. Pandit, M.L.A. (Nagpur Division: Non-Muhammadan); Sir Hari Singh Gour, Kt., M.L.A. (Central Provinces: Hindi Divisions: Non-Muhammadan); Seth Liladhar Chaudhury, M.L.A. (Central Provinces: Hindi Divisions: Non-Muhammadan); Khan Bahadur H. M. Walayatullah, I.S.O., M.L.A. (Central Provinces: Muhammadan); Mr. Goswami M. R. Puri, M.L.A. (Central Provinces: Landholders); Mr. T. N. Ramakrishna Reddi, M.L.A. (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural); Kumar G. R. Roy, M.L.A. (Surma Valley *cum* Shillong: Non-Muhammadan); Mr. Abdul Matin Chaudhury, M.L.A. (Assam: Muhammadan); Mr. P. G. Reddi, M.L.A. (Guntur *cum* Nellore: Non-Muhammadan Rural); Bhagat Chandi Mal Gola, M.L.A. (Delhi: General); Rai Sahib Harbilas Sarma, M.L.A. (Ajmer-Merwara: General); Mr. S. G. Jog, M.L.A. (Berar Representative); Mr. K. C. Roy, C.I.E., M.L.A. (Nominated Non-Official); Sardar Bahadur Sardar Jawahar Singh, C.I.E., M.L.A. (Nominated Non-Official); Rai Bahadur S. C. Mukherjee, C.B.E., M.L.A. (Nominated Non-Official); The Revd. J. C. Chatterjee, M.L.A. (Nominated Non-Official); Rao Bahadur M. C. Rajah, M.L.A. (Nominated Non-Official); Mr. R. S. Sarma, C.I.E., M.L.A. (Nominated Non-Official); Mr. L. V. Heathcote, M.L.A. (Nominated Non-Official); Khan Bahadur Maulvi Rafiuddin Ahmad, M.L.A. (Nominated Non-Official); Dr. R. D. Dalal, M.L.A. (Nominated Non-Official); Mr. C. W. Gwynne, C.I.E., O.B.E., M.L.A. (Government of India: Nominated Official);

Mr. R. S. Bajpai, O.B.E., M.L.A. (Government of India: Nominated Official); Mr. E. B. Howell, C.S.I., C.I.E., M.L.A. (Foreign Secretary); Mr. G. M. Young, C.I.E., M.L.A. (Army Secretary); Mr. K. Sanjiva Row, M.L.A. (Government of India: Nominated Official); Sir Lancelot Graham, K.C.I.E., M.L.A. (Secretary, Legislative Department); Mr. J. A. Shillidy, M.L.A. (Secretary, Industries and Labour Department); Mr. H. A. Sams, C.I.E., M.L.A. (Director General of Posts and Telegraphs); Mr. Tin Tüt, M.L.A. (Government of India: Nominated Official); Mr. Alfred Alan Lethbridge Parsons, C.I.E., M.L.A. (Financial Commissioner, Railways); Mr. George Townsend Boag, C.I.E., M.L.A. (Madras: Nominated Official); Mr. Valavaram Bhashyam Ayyangar, M.L.A. (Madras: Nominated Official); Mr. Archibald Morven Macmillan, C.I.E., M.L.A. (Bombay: Nominated Official); Mr. Henry Montgomery, M.L.A. (Bombay: Nominated Official); Mr. Joseph Charles French, M.L.A. (Bengal: Nominated Official); Mr. Rajnarayan Barerji, M.L.A. (Bengal: Nominated Official); Mr. Khurshed Ahmad Khan, M.L.A. (United Provinces: Nominated Official); Khan Bahadur Malik Allah Bakhsh Khan Tiwana, M.B.E., M.L.A. (Punjab: Nominated Official); Mr. Ram Prasad Narayan Sahi, M.L.A. (Bihar and Orissa: Nominated Official); Mr. Kismet Leland Brewer Hamilton, M.L.A. (Central Provinces: Nominated Official); and Mr. Ernest Frederick Baum, M.L.A. (Burma: Nominated Official).

MOTION FOR ADJOURNMENT.

DEATH SENTENCES PASSED IN CONNECTION WITH THE SHOLAPUR RIOT.

Mr. Chairman: I have received notice of a motion for the adjournment of this House from two Honourable Members, Mr. N. R. Gunjal and Mr. S. G. Jog. It runs as follows:

"I beg to give you notice of my intention to move a motion for the adjournment of the House in a matter of urgent public importance, viz., the infliction of the sentence of death upon four persons of Sholapur in respect of whose guilt there was a difference of opinion between the judges of the Bombay High Court. I understand the sentence is to be executed to-morrow. I, therefore, request that a clear the line message be immediately sent to stay the execution."

This notice was sent on the 12th instant. Does the Honourable Member (Mr. Jog) wish to move this motion for adjournment?

Mr. S. G. Jog (Berar Representative): Sir, it is very sad and unfortunate that we are opening the session of the Assembly in an atmosphere of gloom and despair

Mr. Chairman: Order, order. The Honourable Member is probably new to this House and he is not acquainted with the procedure. No speech is allowed at this stage. First of all, the Honourable Member must make up his mind whether he intends to ask the leave of the House to make this motion?

Mr. S. G. Jog: Yes, Sir; I do wish to ask for the leave of the House.

The Honourable Sir James Crerar (Home Member): Perhaps I might with advantage at this stage suggest that, in view of the fact that the sentences of the Court in this case have already been carried out, the Honourable Member might consider whether the object which he has in view could in any way be attained by proceeding with his motion.

Mr. S. G. Jog: I want the official statement from the Honourable the Home Member that the sentences have been executed. It is always unreliable to rely upon the newspapers, with due respect to the Press Gallery, and therefore I would like to have an official statement on the subject.

The Honourable Sir James Crerar: My object was to make that point clear to the Honourable Member.

Mr. Chairman: The Honourable the Home Member has said officially that the sentence has been executed.

Mr. S. G. Jog: In view of the statement made by the official Member, I withdraw my motion.

STATEMENT LAID ON THE TABLE.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department): Sir, I lay on the table a statement furnished by the High Commissioner for India, showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1930.

HIGH COMMISSION.

INDIA STORES.

ABSTRACT OF CASES in which tenders for stores demanded by the Central of the goods demanded, were accepted on the grounds of facility of inspection.

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for British

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Medicines . . .	K. 3988/5765/28-1-30 .	Burgoyne, Burbidges & Co., Ltd.	539 15 10 (British).
Locomotive boilers	K. 4675/6899/24-3-30 .	Nasmyth Wilson & Co. .	6,180 0 0 (British).
Lead pipes . . .	L. 59/7747/5-4-30 . .	Geo. Farmiloe & Sons, Ltd.	99 10 7 (British).
Zinc sheets . . .	L. 68/7861/7-4-30 . .	London Zinc Mills, Ltd. .	106 10 11 (British).

ER FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description superior quality, superior trustworthiness of the firm tendering, greater quicker delivery, etc.

30TH JUNE, 1930.

foreign made goods, have been set aside wholly or partially in favour of tenders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 537 16 6 (Part French).	The accepted tender was the better offer, having regard to the cost of inspection.
6,170 0 0 (Swiss).	The accepted tender was the better offer, having regard to the cost of inspection.
91 3 7 (Belgian).	The accepted tender was the better offer, having regard to the cost of inspection.
105 10 7 (Belgian).	The accepted tender was the better offer, having regard to the cost of inspection.

PART B.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Barometer, "Fortin's".	K. 4417/7128/27-2-30	S. & A. Calderara .	17 18 6 (British).
Coupling rod for Mallet engine.	K. 4497/7421/6-2-30	Kitson & Co., Ltd.	17 0 0 (British).
Flannel . . .	L. 360/7635/24-4-30	James Harper & Sons .	1,093 15 0
	L. 359/7635/24-4-30	Kelsall & Kemp, Ltd.	2,202 1 8
			3,295 16 8 (British).
Buffer heads and spindles :—			
No. 1770 .	L. 781/S. 612/4-6-30	Tees Side Bridge & Engineering Works, Ltd.	1,216 17 6
No. 600 .	L. 782/S. 612/4-6-30	Metropolitan Cammell Carriage, Wagon & Finance Co., Ltd.	420 0 0
			1,636 17 6 (British).

is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
14 2 6 (British).	Accepted on the ground of earlier delivery, as immediate supply was required by the indentor.
14 0 0 (British).	The rod was urgently required, and by accepting the second lowest tender a saving of six weeks in delivery was secured.
..	The order was divided between the two lowest tenderers in order to obtain the delivery required.
..	
3,225 10 5 (British).	
..	A portion of the order was placed with the second lowest tenderer in order to obtain the delivery required.
..	
1,629 7 6 (British).	

PART C.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Steel tyres .	K. 4649/7590/21-3-30 .	Fried. Krupp A. G. .	2,375 0 0 (German).

is between Foreign firms.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 2,358 6 8 (Swedish). 2,366 13 4 (French).	The order was placed with the third lowest tenderer in order to obtain the delivery required.

ELECTION OF THE STANDING FINANCE COMMITTEE.

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

"That this Assembly do proceed to the election, for the rest of the financial year 1930-31, in such manner as may be approved by the Chairman, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to move:

"That this Assembly do proceed to elect in such manner as may be approved by the Chairman, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight Members to be Members of the Committee on Public Accounts."

Sir, it has come to my knowledge in the course of this morning that certain Honourable Members are desirous that the election to the Public Accounts Committee should be postponed until the 12th February in order that certain Members who have already served in the past on the Public Accounts Committee may be here to stand for election. Speaking on behalf of Government I may say that, if that is the wish of the House, we would have no objection to such postponement.

Mr. Chairman: The question is:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight Members to be Members of the Committee on Public Accounts."

The motion was adopted.

Mr. Chairman: I may inform Honourable Members that in accordance with the motions now adopted nominations for the purpose of election of Members to the Standing Finance Committee and the Standing Finance Committee for Railways will be received in the Assembly office up to 12 noon on Thursday, the 15th January, 1931, while the

date for the nominations to the Public Accounts Committee will be announced later on. The elections for the Standing Finance Committee and the Standing Finance Committee for Railways, if necessary, will be held in this Chamber on Friday, the 16th January, 1931. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I should like to make a brief statement in regard to the business which will be placed before the House on the remaining days of this week and also in the next week. The agenda paper for to-morrow has, I think, already reached Members, but I may draw their attention to the fact that we shall ask for leave to introduce six Bills. Those Bills are:

- (1) A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes;
- (2) A Bill to supplement the Criminal Procedure Code (Punjab Amendment) Act, 1930;
- (3) A Bill to supplement the Bengal Criminal Law Amendment Act, 1930;
- (4) A Bill to provide for the better control of the Press;
- (5) A Bill to provide against instigation to the refusal of the payment of certain liabilities; and
- (6) A Bill to give effect to the International Convention for the suppression of counterfeiting currency.

If leave is given, we propose to proceed with further motions in respect of these Bills on the Government days which will be available next week and the week after. On Friday, the House will be called together for a brief time to carry through the elections to the Standing Finance Committee and the Railway Standing Finance Committee. In addition, a motion will be made by my Honourable friend, Sir Fazl-i-Husain, to ask the House to agree to elect two Members to sit on the Governing Body of the Imperial Council of Agricultural Research, and I shall move for leave to introduce a Bill effecting a small amendment in the Indian Ports Act. On Saturday, the House will be sitting in the morning to conduct the election of the President and in the afternoon to listen to the address of His Excellency the Viceroy.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th January, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 15th January, 1931.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. R. K. Shanmukham Chetty in the Chair.

MEMBER SWORN:

Lala Jagan Nath Aggarwal, M.L.A. (Jullundur Division: Non-Muhammadan).

DEATHS OF COLONEL CRAWFORD AND MAULANA MUHAMMAD ALI.

The Honourable Sir George Rainy (Leader of the House): It would, I believe, Mr. Chairman, be the desire of this House that at the time of our re-assembling we should briefly but sincerely deplore a loss which the House has suffered since we were last assembled in this place. We had all of us expected that in the new Assembly Colonel Crawford would fill his accustomed place in the European Group and would make his own contribution to our deliberations. Colonel Crawford was an able and competent soldier with a distinguished military career. During the war he earned a Brevet-Majority, the Distinguished Service Order and the Military Cross, and was six times mentioned in despatches. He served during the war in no less than six different countries, in France, in Egypt, in Gallipoli, in Iraq, in Persia and in Russia. He held temporary ranks at various times of Lieutenant-Colonel and as Colonel, and on retirement from the Army was granted the rank of Colonel. In the ordinary course, had he remained in the military profession, in all probability a high and distinguished career lay before him. But he made up his mind that he could serve India better, and could serve his own country in serving India better by abandoning a military career and by taking an active part in public life in this country. No one who knew Colonel Crawford, I believe, Mr. Chairman, would think or imagine for a moment that he was actuated by ambition or by any personal motive. I am sure we are all convinced that what underlay his decision was an honest desire to do the best he could for this great country which we are all of us bound to serve. In this House he possessed qualifications different from those possessed, I think, by any other unofficial Member, and had a knowledge of military subjects which no other unofficial Member of the House possessed. He was able always to make a contribution of his own to our debates, which was of great value and of great assistance. Courageous and frank, he expressed his views freely on every subject that came up. But alike those of us who may have shared his opinions and those who did not, none of us, I am sure, doubted either his honesty of purpose or his sincere desire to serve. We mourn his absence today, Mr. Chairman, and we would desire, I am sure, to give expression to that feeling. I for one hope that there will never be a time in the

[Sir George Rainy.]

deliberations of the Central Legislature of India when members of the community to which Colonel Crawford belonged will not be ready to come forward and render such service as they can to the future of India; and I am sure that any member of that community possessing qualifications based upon military knowledge and experience will always be able to render service of the highest value.

Dewan Bahadur T. Rangachariar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I wish to associate myself—and those of my non-official Indian friends on this side who knew Colonel Crawford will agree—with almost every word which the Leader of the House has given expression to in connection with the demise of my late friend Colonel Crawford. It is now ten years, Sir, since I knew him. Although he was not then in the House, he was in the Army Department, in the Publicity Department thereof, and as a Member of this House I was invited to several consultations there. I knew him first there. He travelled abroad and then came to Madras, and he was very anxious to make the acquaintance of my Indian friends. We Indians, Sir, seldom come in contact with military officers, and those who do not come into personal contact with military officers have got queer notions about them. But by personal touch and acquaintance we come to know that they are also human, and in that way Colonel Crawford struck us immensely. His personal qualities endeared him to all people who came in contact with him. We forgot that we belonged to different races. Whenever general questions affecting the country arose, he was always of great assistance. I remember as a member of the Racial Distinctions Committee when we visited Calcutta he was of immense assistance to us. Calcutta was at that time known to be the hotbed of Anglo-Indian prejudice. And when we went there I remember Sir Hubert Carr, or Mr. Carr as he then was, and Colonel Crawford rendered us great assistance in solving the very knotty problems we had to face in the year 1921-22. Those were days when we were bent upon understanding each other and in the real spirit of co-operation finding out what real differences there were and how we could set about putting them right; and that committee was one from which very little was expected by the public. But when the Report emerged after our deliberations, we were able to remove a great deal of irritating distinctions which existed in the law.

Sir, I remember Colonel Crawford was also of great assistance to several other committees of this House. As a peacemaker I do not think he had any rival. He was always ready to give his wise counsel in delicate matters which required tactful handling. I know much of the European political life today in India is due to Colonel Crawford. It was not in the province of Europeans settled in this country to take very much interest in the politics of the country, and I know he went about the country rousing his people to a sense of their position as citizens of this great land and of the duty they owed to this country in taking part in the political life of this country. I remember the lectures he delivered in Madras when he was there on that mission, how he roused the apathetic European public of Madras to a sense of their duties as citizens. I remember the last time I had the honour of sitting with him on the Cinema Committee. There were some acute differences on certain aspects of our Report. He had retired to Calcutta thinking that we had come to satisfactory conclusions; but when he heard that there were still differences to settle, he

travelled back again at great personal trouble to the Nilgiris and gave us his sound advice in arriving at conclusions. I have spent several days with him and travelled with him to and fro. To Mrs. Crawford this must be a great loss. To the country and to the European public generally, the death of Colonel Crawford is an irreparable loss. Nobody who knew him and had seen his physique and admired him ever anticipated that the end was to be so soon. In fact I remember once, when in a humorous mood I remarked upon his age and that he was also as old as myself, he resented it and wanted to be known as a young man. I wish that he had lived with us for a longer time; especially when new reforms are to come, persons like Colonel Crawford will be of immense assistance in solving them. I hope his example will be kept up by other successors of his who grace the European Group with their presence today. His example is one which must be followed by Europeans and by Indians alike. He was a true friend, a genuine patriot, and in his death the European community has sustained a severe loss, nay, more, all of us have sustained the loss of a personal friend and the country cannot afford to lose such people. I associate myself with the expression of sorrow and regret, and I hope a message will go forth to Mrs. Crawford from you as Chairman of this Assembly, conveying our sympathy in her hour of trouble.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, with the untimely death of Colonel Crawford a great personality has passed away. His loss is rare and irreparable. The illustrious deceased was a fine soldier, a very fine speaker and undoubtedly an authority on questions relating to the Army. He was always heard with the greatest respect in this House. We can no longer see Colonel Crawford in this Assembly; but his memory will always be cherished by all those who knew him well. The European community has lost a great man indeed. Sir, I beg you to convey our sincere condolence to the family of the illustrious departed soul.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, on behalf of the Independent Party of the last Assembly I beg to associate myself in the expression of our grief and sympathy on the sad death of Colonel Crawford. My friend, Dewan Bahadur T. Rangachariar has given you an account of his good qualities and I need not reiterate the same thing over and over again. Those who personally knew him, and had the privilege of working with him, knew that he was not only a true well-wisher of the country but also a thorough gentleman; and his loss at this stage, when the services of peacemakers like him were very greatly needed by the country, is a great misfortune and almost a national calamity. We know that the future of India depends greatly upon the co-operation of the different communities inhabiting this sub-continent; and prominent persons of each community, who try and create goodwill between different communities, are the harbingers of producing good will in the country and making the future constitution a success. Viewed in this light, the loss of Colonel Crawford is still more to be regretted. I again wish to associate myself, and wish you, Sir, to convey on my behalf as well as on behalf of my party, the Independent Party, our sense of grief and our condolence to his bereaved wife and other members of the family.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, coming from Bengal, and as one who had exceptional opportunities of coming into frequent contact with Colonel Crawford both in

[Dr. A. Suhrawardy.]

Bengal and recently in England, I rise to pay my personal tribute to the memory of the warm-hearted and gallant Member whose untimely death we all deplore. Courageous, straightforward and frank as he has been described by the Leader of the House, these qualities and his devotion to duty strongly appealed to me; and I daresay the House will long miss the stalwart and stately figure and commanding presence of Colonel Crawford. With these words I wish to associate myself with what has fallen from the previous speakers.

Mr. Arthur Moore (Bengal European): Sir, those of us who sit in this part of the House are, I think, particularly grateful for the words that fell from the lips of the Leader of the House and Dewan Bahadur Rangachariar and from Maulvi Muhammad Yakub and my two friends in the Central Muslim Group. I think, as the last speaker said, that the whole House will miss that tall soldierly figure, that deep rich voice, and the sense of earnestness and high issues which he always created and carried with him. We in this Group know, though we cannot express, what he did for us in this House and what he did for our wider community outside this House. I think that those of us who had the opportunity of hearing the fine maiden speech which he delivered in Simla, and the moving terms in which he spoke of his long association in peace and war with the Indian soldier, and of his love for India, realise how well he understood that, for our community, at all times, the test is our willingness to serve India. Although the word "tragedy" is very often now used lightly, I think we do feel that in no stereotyped sense but in the Greek sense of the term, it is a tragedy that all those generous hopes and purposes should have been snuffed out prematurely.

***Mr. Chairman:** I feel that I cannot let this sad moment pass without adding my own tribute to the memory of the late Colonel Crawford. Those of us who had the privilege of coming into close contact with Colonel Crawford knew full well that inside this House he was an amiable colleague and outside he was a staunch friend. We have lost him at a moment when both India and England can ill afford to lose such personalities, and it shall be my duty, as the spokesman of this House, to convey to the relatives of the deceased the deep sense of sorrow felt by his colleagues at the premature death of one whom this House so well loved.

Maulvi Muhammad Yakub: Sir, since we last met in Simla, the country has sustained a very great and irreparable loss in the untimely death of Maulana Muhammad Ali. Although the late Maulana was not a Member of this House, yet this House has never missed an opportunity of expressing its sense of grief at the death of outstanding personalities. The late Mr. C. R. Das was also not a Member of this House, and yet we expressed our feelings of grief and sorrow at his sad demise, as a representative of this country. And, Sir, today, as representatives of the Indian population we the Members of this House are in duty bound to express our sense of deep sorrow and loss which the country has sustained in the death of Maulana Muhammad Ali, who died fighting for the cause of the country in a strange land. The public life and political activities of the late Maulana are so well known that I do not think I need take much time in expatiating on

*Speech not revised by Mr. Chairman.

them. He was, as has always been said, a true friend of the country and a true son of Mother India, who spent all his life and all his energy in doing service to the Motherland. Although his health was failing, although he was in a very delicate condition, he never cared for his life and proceeded to England to fight the cause of India and fell there in the battlefield. Sir, this is neither the time nor the occasion for giving the House a sketch of his life. Personally, my feelings are too intense to be expressed in words. We were together as students at Aligarh, and I came to know him first 35 years ago. In spite of holding different political views sometimes, our social relations were never disturbed, and to me he was like a second brother. I remember well, Sir, the time when I saw the late Maulana in the Ripon Hospital in Simla in a very delicate state of health, and as we were leaving he could not get up from his bed. He asked me to go near him, and he embraced me and gave a kiss on my cheek. That was our last parting. I never thought then that we would never meet again, but it has happened so. Sir, I hope this House, as representing the people of India, will join in giving expression to our sense of grief, and convey our heart-felt condolence to the bereaved lady, who was at the death bedside of her husband in England, and to his stalwart brother Maulana Shaukat Ali.

The Honourable Sir George Rainy: Mr. Chairman, I desire, on behalf of Government, to associate myself with what has fallen from my friend, Maulvi Muhammad Yakub, as regards the loss which the country has suffered by the death of Maulana Muhammad Ali. Maulvi Muhammad Yakub has been able to speak of the late Maulana with the intimacy of old friendship and intimate acquaintance with his career, and I think we must all of us be glad that he has given us this opportunity of stating in very few words what we feel. As my Honourable friend said, this is neither the time nor the occasion to review the political career of the deceased and the active part he took in public life in various ways; but, certainly, we should all, I think, desire to record our sorrow. At a time when he was in a very delicate state of health and at great sacrifice to himself he unreservedly laid down his life in order to render the last service he believed he could render to India. The loss of a man like that must clearly be a heavy loss, and I do desire, on behalf of Government, to say we associate ourselves with the feeling which I know is present in the hearts of all Indian Members of the House today.

***Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I wish to associate with the Mover of this Resolution, because like the Mover of the Resolution, the late Maulana Muhammad Ali was my lifelong friend, and when he left India on his mission to England, he was going there, as he told most of us when we parted company with him, as a dying man. But in spite of his failing health, in spite of the doctor's advice, Maulana Muhammad Ali went to England because he felt that the call of his country needed it. The work that he did in that short interval before his death in England will leave an imperishable record in the history of this country, and the newspaper reports that were received here at the time show how ably he pleaded the cause of a united India. Sir, this is certainly not the time nor the place when we can pass in review the work of this great departed leader of Indian thought. But this we will say that, whatever differences of opinion there may have been between the members of his community and others there is no one in this House

*Speech not revised by the Honourable Member.

[Sir Hari Singh Gour.]

or outside who does not feel his loss as his own. Sir, I strongly support my Honourable friend Maulvi Muhammad Yakub's motion and I join with him in asking you that the terms of this motion may be conveyed to the bereaved members of the deceased's family.

Mian Muhammad Shah Nawaz: Sir, Maulana Muhammad Ali died 7,000 miles away from his home and the whole of India is plunged in a deep gloom. The late Maulana was undoubtedly one of the greatest sons of India. He was a fine journalist, a great patriot, a brave fighter, and a staunch lover of freedom. When he went to England, we all knew that he was accelerating his death. When he made his memorable speech at the Round Table Conference, we thought that he was pretty nearly exhausted. He made that remarkable speech against the advice of his doctors. His last words were "Make India free or bury me in England". Throughout his life he worked hard for Hindu-Muslim unity, and we all know that only 12 hours before his death he was preparing a scheme for the Hindus and Muslims as to how to compose their differences. His death is heroic and glorious indeed: it is sweet and glorious to die for one's own country. Maulana Muhammad Ali was born in the East; he died in the West; and his remains are now to be buried in the compound of the famous Mosque of Omar at Jerusalem. India's loss is so great that it can never be replaced. We offer our sincerest condolence to Begum Muhammad Ali, who became a widow in a foreign land, and also to Maulana Shaukat Ali, the brother of the deceased. To me the loss is indeed very great because the illustrious Maulana was an esteemed friend of mine. He and I in our youthful days were together in England. I know his fine qualities. He was absolutely an honest man, a great friend of India and loved by his own community and country. His death is India's great loss; it is also the loss of the Muslim world. And I pray you, Sir, to convey our sincere condolences and deep sense of sorrow to the family of the illustrious deceased.

Mr. Arthur Moore: I think that we here would also very much like to be associated with the motion by my Honourable friend, Maulvi Muhammad Yakub. Personally, I always think of the late Maulana Muhammad Ali in terms of energy—radiant energy—and I have always regretted that he never sat in this House, because he was the embodiment of a man who was always throwing himself into some cause and devoting himself to it. The first time I met him was some twenty years ago when, with the active assistance of Lord Hardinge, he was organising the Red Crescent during the Turco-Italian War. The last time I saw him was, as was the experience of other Members here, when I visited him in Simla in the Ripon Hospital. He told me that he was dying, but that he was determined not to die till he had gone to London and attended the Round Table Conference, and as he hoped, brought about a new understanding. That showed the spirit of the man. I am sure that all of us have read the remarkable speech which he delivered during the opening days of the Conference. I think that during the whole of his life he never did anything which approached that supreme finish, and that in the future Mr. Muhammad Ali's name will always be associated with those closing days in London and with that very remarkable speech.

Sir Ibrahim Rahimtoola (Bombay Southern Division: Muhammadan Rural): Sir, I should like to associate myself with the previous speakers in lamenting the great loss which this country has suffered by the sad death of Maulana Muhammad Ali. I have known him for many years, and the one thing which impressed me most was his unbounded patriotism and the intense love for his Motherland. India can ill afford to lose at this juncture a man capable of rendering most valuable service to her. It is inevitable that God's will be done, but there is no doubt that India feels very deeply the sad loss which she has sustained by the death of Maulana Muhammad Ali.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): That we Indians should mourn the loss of Maulana Muhammad Ali is only natural; but it is refreshing to find that my European friends and Members of the Government, both here and abroad, should be so unstinted in pouring out their tributes to his memory. Maulana Muhammad Ali was a fighter. He was a fighter first, he was a fighter last, he was a fighter all his life. And it is a remarkable tribute, I say, to his personality, to his strength of character, to his courage, that those whom he had been fighting all his life should be so gushing in their tributes to his memory. That, I should like to feel, betokens a welcome change in the angle of vision of our rulers.

Sir, Maulana Muhammad Ali was a man who had a dynamic personality. He was one who knew how to bend others to his own purposes. He was a man who believed in what he did and did what he believed in. He never shrank from the consequences of his own actions. He had the courage of his convictions and had the courage to act up to them. Such a man is always a national asset. Whether or not we agree with all his political views, there is no doubt that a man of such indomitable will, a man of such fearless courage is always an asset in our national life. By his death, therefore, Sir, India is distinctly the poorer. He was a patriot, a patriot in whom patriotism rose to the height of religion. The tragic circumstances of his death lend pathos to the closing scenes of his life. That he should pass away, away from those who were near and dear to him, away from his co-workers and co-adjutors is one of those ironies of fate which we can never explain. Such a man has passed away in Maulana Muhammad Ali, and we are glad to feel that, in the closing days of his life, a man whose whole life was perpetual warfare, if we might say so, should have pleaded so passionately for peace, and as I had occasion to remark elsewhere, it would be a welcome day—and the Maulana would not have died in vain—if India could build on his grave a temple of concord, peace and amity.

***Mr. Chairman:** I desire to associate myself with the warm tributes paid from the various quarters of the House to the memory of the late Maulana Muhammad Ali. He was indeed, as has been just remarked, a dynamic personality in India's national life. His life was one of service to his country and on his death-bed he breathed his last in the service of his country. In life as in death, he cannot but evoke the admiration, love and gratitude of his countrymen. It shall again be my duty to convey to Begum Muhammad Ali and Maulana Shaukat Ali the feelings of this House in regard to the loss that the country has sustained in the premature death of Maulana Muhammad Ali.

*Speech not revised by Mr. Chairman.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): I move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

What this Bill seeks to do, Mr. Chairman, is to make such changes in the law as are necessary in order to give effect to certain International Labour Conventions which at various times have been under the consideration of the House. I do not propose to go into any detail, because a full explanation is given in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

THE PUNJAB CRIMINAL PROCEDURE AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir James Orerar (Home Member): I move for leave to introduce a Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930.

This is a very brief measure containing only two points and at this stage I do not propose to add to what is stated in the Statement of Objects and Reasons.

The motion was adopted.

The Honourable Sir James Orerar: I introduce the Bill.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir James Orerar (Home Member): I move for leave to introduce a Bill to supplement the Bengal Criminal Law Amendment Act, 1930.

With regard to this and the succeeding items on the List of Business, I would merely state, Mr. Chairman, that these are important measures, but at this stage I do not propose to add to the summary of the salient facts which have moved Government to introduce this legislation contained in the statement accompanying the Bills.

The motion was adopted.

The Honourable Sir James Orerar: I introduce the Bill.

THE INDIAN PRESS BILL.

The Honourable Sir James Orerar (Home Member): I move for leave to introduce a Bill to provide for the better control of the Press.

The motion was adopted.

The Honourable Sir James Orerar: I introduce the Bill.

(22)

THE UNLAWFUL INSTIGATION BILL.

The Honourable Sir James Orerar (Home Member): I move for leave to introduce a Bill to provide against instigation to the refusal of the payment of certain liabilities.

The motion was adopted.

The Honourable Sir James Orerar: I introduce the Bill.

THE SUPPRESSION OF COUNTERFEITING CURRENCY (INTERNATIONAL CONVENTION) BILL.

The Honourable Sir George Schuster (Finance Member): I move for leave to introduce a Bill to give effect to the International Convention for the suppression of counterfeiting currency.

The Government of India, having signed at Geneva in April, 1929, an international convention for this purpose, it is necessary, before ratifying the convention, that the Indian law should be brought into line with its provisions. The details involved in this legislation are clearly explained in the Statement of Objects and Reasons and it is not necessary for me, at this stage, to enlarge upon this measure further.

The motion was adopted.

The Honourable Sir George Schuster: I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th January, 1931.

(23)

LEGISLATIVE ASSEMBLY.

Friday, 16th January, 1931.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. R. K. Shanmukham Chetty in the Chair.

MEMBERS SWORN:

Rai Bahadur Pandit Triloki Nath Bhargava, M. L. A. (Fyzabad Division: Non-Muhammadan Rural); Kumar Gupteshwar Prasad Singh, M. L. A. (Gaya cum Monghyr: Non-Muhammadan); Mr. James Hezlett, C.I.E., M. L. A. (Assam: Nominated Official).

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. Chairman: The House will now proceed to elect Members not exceeding fourteen in number to the Standing Finance Committee. There were originally 82 candidates who were nominated, but the following have since withdrawn:

Mr. B. Sitaramaraju,

Mr. M. Maswood, and

Haji Chaudhury Muhammad Ismail Khan.

The ballot papers will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. Chairman: The House will now proceed to elect 11 Members to the Standing Finance Committee for Railways. Out of 37 candidates originally nominated, the following have since withdrawn their candidature:

Mr. C. S. Ranga Iyer,

Kunwar Raghubir Singh,

Mr. M. Maswood,

Mr. Muhammad Muazzam Sahib Bahadur,

Kunwar Hajee Ismail Ali Khan, and

Mr. A. Das.

The ballot papers will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

[Mr. B. Das.]

Gour, himself voted last year when two Members were elected to this Council, but he wants that Sir Fazl-i-Husain should explain to the Members, new and old, the functions of that Committee. It seems that the Honourable Sir Fazl-i-Husain, not being himself well informed about the constitution of that Committee, refers my friend to the huge big Library that we have on the other side of the Chamber; he could not refer to the particular Resolution, because he himself has not got it before him, nor has he himself read it, if I understand him aright.

***Dewan Bahadur T. Rangachariar** (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, it appears to me that the questions put by my friend, Sir Hari Singh Gour, were quite relevant and legitimate to the Resolution we are considering (*Cries of "Hear, hear"* from the Nationalist Benches), and if the Honourable Member is not in possession of the information he may tell us frankly "I want notice of this and I shall collect the information". I do think we are entitled to know really something about the points raised by my friend, Sir Hari Singh Gour; and in order to put this in order, I formally move that the consideration of this motion be adjourned to Monday next.

Mr. Arthur Moore (Bengal: European): I suggest, Sir, that the opposition is in danger of creating a most dangerous precedent which they may regret afterwards. As the Honourable Member has pointed out, the Council

***Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, Sir. Dewan Bahadur Rangachariar just now formally moved that this motion be considered on Monday next and I would put it to the Chair (*Cries of "Louder please"*) as well as to the House whether it may not be relevant first to take that motion for adjournment into consideration.

Mr. Chairman: What is the point of order?

Mr. C. S. Ranga Iyer: The point of order is that the discussion should be on the motion for adjournment of the question.

Mr. Chairman: The Honourable Member knows perfectly well that when the Chair calls another Member to follow the motion made by Mr. Rangachariar, the discussion will be on the amended motion.

Mr. C. S. Ranga Iyer: Sir, I thought that the Chair would invite the House by putting that motion before it that the House should consider it. I thank you, Sir, for your suggestion.

Mr. Arthur Moore: I am endeavouring to speak upon Dewan Bahadur Rangachariar's motion, which I think may create a very unfortunate precedent. As the Honourable Member has pointed out, the Council of Agricultural Research is or ought to be a perfectly well known institution, and I think that it is a very grave reflection on ourselves if we do not know about it; and if on an ordinary motion to fill two vacancies we have got to spend our time in listening to a dissertation from the Government

**Speech not revised by the Honourable Member.*

Benches upon the objects and origin and constitution and functions of this Council. The same thing will obviously have to be done in the case of all the committees that we have to elect at the beginning of a new session; we will waste half our time while the Government give us lectures

Sir Hari Singh Gour: They are all committees of the House, Sir; this is not a committee of the House.

Mr. Arthur Moore: It makes no difference.

Sir Hari Singh Gour: It makes all the difference.

Mr. Arthur Moore: What difference does it make? This is a committee upon which the House is entitled to have representatives; we have elected them before; we are asked to re-elect them. My friend here sat upon it, and we have now got to find two new Members; I think it is a very serious reflection upon the use to which we put our time that we cannot carry through that business this morning and have to ask for further notice in order that the Government may come to us and give us a dissertation upon the objects of the Council of Agricultural Research.

Mr. C. S. Ranga Iyer: Sir, I am very much astonished that the Honourable Member who represents the European Association of Calcutta

Mr. Arthur Moore: I don't.

Mr. C. S. Ranga Iyer: I am very much astonished that the previous speaker should have suggested that we are wasting the time of the House and that we should be acting in indecent haste. Sir, this is a very important matter, and I do think that it would be a very good thing in the interests of the new Members that the matter should be adjourned so that we might have ample time for the consideration of the subject. The very fact that the official Member in charge today felt it necessary to give what the European Member described as a dissertation makes it very clear that the matter requires consideration. . . .

Mr. Arthur Moore: I did not say that he had given a dissertation; I said he was asked to give a dissertation.

Mr. C. S. Ranga Iyer: Well, Sir, that that was a dissertation is the opinion on this side of the House, and my friend, Mr. B. Das, in his very lucid speech, made it quite clear, and my friend, Dewan Bahadur Rangachariar, also made it still more clear; and I am quite sure that the Honourable gentleman is not such a dunce as not to understand whether it was a dissertation or not. In any case, it is the desire on this side of the House that the matter should stand adjourned so that there may be no indecent haste about this election, as there appears to be on the part of Government, to bring in controversial measures. This is not a very controversial measure, but at the same time it is much better that there should be some more information at the disposal of new Members who are here before you proceed with this matter.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, my friend Sir Hari Singh Gour knows that ignorance of law is no excuse. In this case all the information he is asking for has been published in the Government Gazette and every Member of this House gets a copy of it. . . .

Sir Hari Singh Gour: Is that law? Is everything published in the Government Gazette law?

Dr. Ziauddin Ahmad: I am just coming to it. This information is published in the Government Gazette which every one of us is expected to read. If we did not care to read it, it is not the fault of Sir Fazl-i-Hussain; it is our own fault. As regards the question whether the Members know something about this matter or not, I might say that, just before we met, half a dozen Members here came to me and asked me whether I could give my first vote for this Committee to them. So it appears that a good many people already know what this Committee is, and that is why they were demanding the first vote from other Members. Sir, this Committee has been in existence for some time, and any one who is interested in Agriculture practically knows how the whole Department is now working.

Sir Hari Singh Gour: You tell us something about the constitution; you give us an idea of the constitution.

Dr. Ziauddin Ahmad: My friend Sir Hari Singh Gour wishes to examine me. I have no doubt that I appeared in my life in more than 200 examinations, and I have outlived them.

Sir Hari Singh Gour: You have survived all that ordeal. (Laughter.)

Dr. Ziauddin Ahmad: Yes, leaving bitterness, Sir, I think that in a matter of this kind it is very desirable that there should be no postponement. We have been electing Members for the Medical Research Institute Committee and for various other similar Committees, and I think this is the first time that a question has been raised that the constitution, powers and functions of the Committee should first be defined and examined by the House before electing Members. I think this is a very dangerous procedure and will lead to unnecessary waste of time.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces: Muhammadan Urban): May I know, Sir, the names of the Members who have served on this Committee during the last three or four years?

Sir Lancelot Graham (Secretary, Legislative Department): Sir, on a small point of order. As regards my Honourable friend's motion for adjournment, in the first place my submission is that this question lies with you, as to whether you will put the motion to the House or not.

My second point is this, that my friend opposite, in proposing this, said we should not proceed today with the consideration of this business and he definitely proposed that the business should be taken on Monday next. May I remind the Honourable Member, Sir, that under Standing Order 7, Monday next is a day allotted for Government business, and it rests with the Governor General in Council to decide what business he will put on the paper on that day. Therefore, Sir, if you decide to put this motion to the House, I would suggest to the Honourable Member who wishes to move the motion that he should withdraw that portion of his motion which relates to putting the business down on a definite day.

Dewan Bahadur T. Rangachariar: Sir, I am obliged to the Honourable Member opposite. I understood the Government would have no objection to put this business down for Monday if the House moved for the adjournment of this debate; I thought the Government would have no objection to put it down for Monday next. However, I am afraid I was perhaps a little out of order in fixing Monday as a definite day 12 noon. for taking up this business. I am quite prepared to omit the word "Monday" if you agree, Sir.

Mr. Chairman: When a definite motion for the consideration of this House has been made, it is perfectly in order for any Member to move as an amendment that the consideration of that motion do stand adjourned, and so long as such an amended motion is before the House, the Chair is bound to put that motion first.

The original motion was:

"That this Assembly do proceed to elect, in such manner as the Chairman may direct, two Members to sit on the Governing Body of the Imperial Council of Agricultural Research."

Since which an amendment has been moved:

"That the consideration of this motion do stand adjourned."

The question I have now to put is that the consideration of this motion do stand adjourned.

The Assembly divided:

AYES—49.

Abdul Matin Chaudhury, Mr.
Aggarwal, Lala Jagan Nath.
Bagla, Lala Rameshwar Prasad.
Bhargava, Rai Bahadur Pandit T. N.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chandi Mal Gola, Bhagat.
Das, Mr. A.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Das, Rai Sahib Pandit.
Hari Rai Swarup, Lala.
Hoon, Mr. A.
Isra, Chaudhri.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mujumdar, Sardar G. N.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.

Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Raghubir Singh, Kunwar.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rangachariar, Dewan Bahadur T.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Kumar G. R.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit S. N.
Shahani, Mr. S. O.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Suhrawardy, Dr. A.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Yakub, Maulvi Muhammad.

NOES—65.

Abdoola Haroon, Seth Haji.
 Abdur Rahim, Sir
 Ahmed, Mr. K.
 Alexander, Mr. W.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyangar, Mr. V. B.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Boag, Mr. G. T.
 Chatterjee, The Revd. J. C.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Deo Thakur Mahendra Nath Shah.
 Fazal Haq Piracha, Shaikh.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. B. L.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Ibrahim Ali Khan, Lt. Nawab
 Muhammad.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Khurshed Ahmad Khan, Mr.

Krishnamachariar, Raja Bahadur G.
 Macmillan, Mr. A. M.
 Maswood, Mr. M.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr.
 Muhammad.
 Mukherjee, Rai Bahadur S. C.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Parsons, Mr. A. A. L.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Rahimtoola, Sir Ibrahim.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Row, Mr. K. Sanjiva.
 Roy, Mr. K. C.
 Sadiq Hasan, Shaikh.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Mr. H. A.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shafee Daoodi, Maulvi Muhammad.
 Shah Nawaz, Mian Muhammad.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Tin Tut, Mr.
 Wajihuddin, Khan Bahadur Haji.
 Walayatullah, Khan Bahadur H. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. Chairman: The question I have to put now is:

"That this Assembly do proceed to elect, in such manner as the Chairman may direct, two Members to sit on the Governing Body of the Imperial Council of Agricultural Research."

Dewan Bahadur T. Rangachariar: We were till now discussing the adjournment of the motion. The original motion is now before the House for discussion and I want to say a few words.

Mr. Chairman: If it is the desire of the House that there should be a discussion on the original motion, I certainly have no objection.

Dewan Bahadur T. Rangachariar: As this simple request for information has been denied to us, we propose to take no part in the division on the original motion.

Mr. Chairman: The question is:

"That this Assembly do proceed to elect, in such manner as the Chairman may direct, two Members to sit on the Governing Body of the Imperial Council of Agricultural Research."

The motion was adopted.

Mr. Chairman: I may inform Honourable Members that the date for receiving nominations as well as the date on which the election of Members to the Governing Body of the Imperial Council of Agricultural Research will take place will be announced later on. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN PORTS (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Ports Act, 1908, for a certain purpose.

This is a very short Bill, Sir, and its object is not so much to change the law as to clear up a small point of interpretation.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 17th January, 1931.

LEGISLATIVE ASSEMBLY.

Saturday, 17th January, 1931.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. R. K. Shanmukham Chetty in the Chair.

MEMBER SWORN:

Lala Brij Kishore, M.L.A. (Lucknow Division: Non-Muhammadan Rural).

ELECTION OF THE PRESIDENT.

Mr. Chairman: In accordance with the provisions of rule 5-A 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 that I received before noon yesterday 16 notices, duly signed, nominating the following four candidates for election to the office of President, namely:—

1. Sir Ibrahim Rahimtoola,
2. Sir Hari Singh Gour,
3. Maulvi Muhammad Yakub, and
4. Dr. A. Suhrawardy.

Since then, Dr. A. Suhrawardy has intimated to me that he withdraws his candidature. The names of the proposers and seconders of the remaining candidates are as follows:

For Sir Ibrahim Rahimtoola:

<i>Proposers</i>	{	Mr. Arthur Moore,
		Mian Muhammad Shah Nawaz,
		Mr. M. Maswood,
		Mr. Muhammad Anwar-ul-Azim,
		Seth Haji Abdoola Haroon,
<i>Seconders</i>	{	Mr. Muhammad Yamin Khan,
		Nawab Major Malik Talib Mehdi Khan.
		Mr. W. Alexander,
		Shaikh Fazal Haq Piracha,
		Maulvi Muhammad Shafee Daoodi,
<i>Seconders</i>	{	Mr. Muhammad Muazzam Sahib Bahadur,
		Mr. Abdul Matin Chaudhury,
		Maulvi Sayyid Murtuza Saheb Bahadur,
		Mr. D. K. Lahiri Chaudhury,
		Nawab Naharsingji Ishwarsingji.

[Mr. Chairman.]

For Sir Hari Singh Gour:

Proposers	{	Mr. S. C. Shahani,
		Sardar G. N. Mujumdar,
		Mr. N. N. Anklesaria.
Seconders	{	Rai Sahib Pandit Hari Das,
		Mr. Amar Nath Dutt,
		Nawab Naharsingji Tehwarsingji.

For Maulvi Muhammad Yakub:

Proposer	Mr. B. Sitaramaraju.
Seconders	Mr. Uppi Sahab Bahadur.

Honourable Members will now come up to the table and receive the ballot papers from the Secretary in the order in which I call their names; and in order better to preserve the secrecy of the ballot, I would invite Honourable Members, on taking the ballot paper, to come behind my chair, where a table is provided for them, and after recording their votes to hand the ballot papers to the Secretary at the table.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I hope you will excuse me for making a statement at this late hour. Just as I was entering the House, I was approached by Sir Abdur Rahim, Sir Ibrahim Rahimtoola and several other members of my community asking me to withdraw from this contest. Well, having in view the reverence which I have for these elder members of my community, I think I have got no alternative but to withdraw. I declare, therefore, Sir, that I am not in the field now.

(The ballot was then taken.)

Mr. Chairman: I have now to declare that Sir Ibrahim Rahimtoola has secured 76 votes and Dr. Sir Hari Singh Gour 36 votes. I therefore declare Sir Ibrahim Rahimtoola to be duly elected by the Assembly as its President. All that is necessary now is to secure the approval of His Excellency the Governor General required by sub-section (1) of section 63-C of the Government of India Act. In order that the requisite approval may be obtained and communicated to the House before His Excellency addresses this House this afternoon, the House will re-assemble at a quarter to one today, until which time the House now stands adjourned.

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

The Assembly re-assembled at a Quarter to One of the Clock, Mr. R. K. Shanmukham Chetty in the Chair.

Mr. 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 sub-section (1) of section 63-C 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 Ibrahim Rahimtoola, K.C.S.I., C.I.E., as President of the said Assembly.

NEW DELHI:

The 17th January, 1931.

(Signed) IRWIN,

Viceroy and Governor General."

Mr. President, the Message I have just read from His Excellency the Governor General now authorises you to come and occupy this Chair. Mr. President, though you are a new-comer to this Legislative Assembly, your fame has preceded you. You have a record of public life of which anyone in this country might feel proud (Applause), and though you are new to this Assembly, you have, in another place practised the art of chairmanship with success, and the way in which you conducted the proceedings of the Bombay Legislative Council justifies us in the expectation that you will conduct the proceedings of this House with dignity, and that you will ever guard jealously the rights and privileges of this House. (Hear, hear.) It is now my pleasure and privilege, Mr. President, to invite you to come and occupy the Chair. (Applause.)

(Mr. Chairman then vacated the Chair, which was occupied by the Honourable Sir Ibrahim Rahimtoola amidst applause.)

The Honourable Sir George Rainy (Leader of the House): It is my good fortune, Mr. President, to be the first, after our Chairman, to felicitate you on the signal distinction which the House has conferred upon you, and also the House itself on the choice which it has made. The duties of the Chair are arduous and important, and its occupant wields a wide influence for good or evil. By electing you to be its presiding officer, the House has shown its belief that you have the capacity to grapple with and overcome any difficulties that may arise, its confidence in your impartiality and fairness, and its sense that you will preside worthily over its deliberations. (Applause.) You will, I am sure, be the first to recognize, Mr. President, that if the President of the Assembly is to discharge the duties of the post to his own satisfaction, he must receive the constant co-operation and support of the House. I feel confident, Sir, that you will receive such support in an abundant measure from every quarter of the House, and not the least from those of our number who at one time or another have been candidates for the Chair. (Applause.) With all of us, I am sure, the interests of the House rank far above any personal considerations, and I think the House may congratulate itself on the public spirit of those who, from a sense of public duty and in order to avoid a long, complicated contest, withdrew their candidature. (Applause.) Let me at any rate, Mr. President, assure you that it will be the desire of myself and my colleagues to give you all the support in our power and to uphold in all respects the dignity and authority of the Chair. (Applause.) We believe that you will be faithful to the best traditions of your high office; we have full confidence in your fairness and impartiality, and we believe that you will add distinction to the presidency of the Assembly. I desire, on behalf of the Government Benches, to congratulate you heartily on your elevation and to wish that your tenure of the Chair may in every respect be happy and successful. (Loud applause.)

Dewan Bahadur T. Rangachariar (South Arcot cum Chingleput Non-Muhammadan Rural): It is my peculiar good fortune that I should be in a position to congratulate you, Sir, on the very very high distinction you have attained after a very long career—a career marked by patriotic fervour, and marked by a sense of duty as an Indian. Your public career, your public services in all your career are well known to us, Sir, and I have known them a sufficiently long time to be able to bear a personal testimony to them. Sir, you have always put India first and community

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[Dewan Bahadur T. Rangachariar.]

next. That, Sir, is the proper spirit in which we Indians have to co-operate in building up a future great India, and I daresay—it is really unnecessary for me to say it—that in the discharge of the high office which you have assumed, you will act, as you have always done, in fear of God and without fear or favour of man. (Hear, hear.) The Chair is above all politics; the Chair is above all communities; the Chair is above all parties. You command the entire confidence of the whole House whatever contest there may have been or may have been threatened. But it is all a friendly contest. These are high places for which everyone is entitled to fight and fight reasonably and fairly. You have won after a fair fight, and now the fight is over. All of us unite in felicitating you on the distinction you have obtained.

Sir, it is not an easy seat you are occupying. Having experience of this House, I can say that problems will often arise for your decision which will require your most careful attention on the spot. You have ever to be alive to what is going on about you and when you have to decide, I daresay you will give your decision according to the best of your lights, uncontrolled and uninfluenced by either the right or the left. The minorities require your personal attention. Sometimes there may be noisy scenes trying to put down a speaker, attempting to give expression to unpopular views. Such a person is entitled to claim protection at your hands. The House may be in a temper and may not be willing to listen to speakers who want to speak out their mind. In such circumstances, a great deal of tact and ability will be required. With your long experience as a public man, I am sure you will be able to discharge those responsible and very strenuous functions in a most satisfactory manner. You have had predecessors in the Chair who have set an example and whose example you will try to follow according to your best judgment as the occasion arises. Some conventions have been established in this young House; we have not got a long history of conventions. We have to make the conventions as we go on; and I do hope, with the assistance of the House, which, I am sure, it will accord in a full spirit of co-operation, we will be able to build up more and more healthy conventions as we go on. We hope and trust you will be spared to us for the Chair for a long time to come. I wish you, Sir, not only on my own behalf but on behalf of the friends behind me, a long and bright career in the Chair which you have now occupied.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Mr. President, I rise to congratulate you on your elevation to the Chair. In doing so, I need hardly remind you of what would be your duties because every body knows that you are an experienced ex-President of the Bombay Legislative Council. And, though you are new to this House, you are not new to the rules and practice which obtain in this House as well as in all the Local Councils, over one of which you have had the rare distinction of presiding. Sir, I am perfectly certain that in your exalted place as President of the Legislative Assembly you will show the same characteristics which have made your name so famous throughout the length and breadth of the country. Your duty to this House and your duty as a custodian of the rights and privileges of this House is clear, and I am certain that all of us in this House will co-operate with you in every possible way to assist you in the discharge of

those onerous duties. Sir, I associate myself entirely with what has fallen from the Honourable the Leader of the House, and I wish you a long and prosperous career in your new office.

Maulvi Muhammad Yakub (Rohilkhand and Kumaon Divisions: Muhammadan-Rural): Sir, I also rise to offer you my humble and sincere congratulations on your elevation to the presidentship of this august Assembly. Sir, Honourable Members who have preceded me reminded you that you are new to this House, but as we all know, you are not new to the public life of this country, because for over 25 years you occupied a most distinguished and prominent position in the public life of India. You began your life as a member of the Corporation of Bombay, then as a member of the Bombay Council, and the old Imperial Council and afterwards as President of the Bombay Council, as well as a member of the Bombay Government, and also acted as a member of many committees and commissions. You thus possess such an amount of varied experience of public life, as, I can say without any fear of contradiction, none of us in this House can claim to his credit. (Applause.) And in all these capacities you have discharged your duties in such a manner as has won for you both the appreciation of the Government and the approval of the country. You are also, Sir, as we all know, one of the most distinguished leaders of the Muslim community now living in India, and, as such, you have received the proof of the approbation of your community by having been elected as a President of the All-India Muslim League, and more than once, as a President of the All-India Muslim Educational Conference, and also as a President of the All-India Muslim Conference. You occupy in this respect a unique position, a position which probably none of your distinguished predecessors of this House occupied before.

Sir, my Honourable friends who have just spoken have assured you of the co-operation of the non-official Members of this House. I also wish to assure you that the non-official Members of this House have never lagged behind in giving their united and strong support to the custodian of the honour and the prestige of their Assembly; but we also expect and hope that you will try your best to keep up the high traditions of the occupants of the Chair which you are now occupying. I am sure that you will succeed in maintaining the dignity and the honour of this House. I wish you, Sir, good luck and I hope that your career will be as successful as that of any of your predecessors, in the office of the President of the Assembly.

Mr. Arthur Moore (Bengal: European): Sir, it gives me very great pleasure to join in this chorus of congratulations to you upon your attainment to this high office. You come to us with all the prestige of your distinguished record in public life and with behind you in particular a record in the Chair of the Legislative Council in your own province. Sir, I feel that a particularly pleasing feature of your accession to the Chair is the magnanimous way in which distinguished candidates withdrew their candidature in order that we should be able to secure that large measure of unanimity which has characterised the election. And further I think that we can congratulate ourselves particularly on the three speeches we have just listened to. My Honourable friends, Dewan Bahadur Rangachariar, Sir Hari Singh Gour and Maulvi Muhammad Yakub, have all in the past rendered very great services to the growth of constitutional practice and

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parliamentary practice in this country, and I feel that in the three speeches that we have just listened to, they have all of them added signally to those services. (Hear, hear.) My Honourable friend, Dewan Bahadur Rangachariar, made a point, which it was in my mind to make, and that is that the traditions that surround the Chair of this Assembly are not yet fixed or completed because this House has not yet been in existence even ten years. We feel that we may leave the building, or rather the further building of those traditions in your experienced hands with the greatest confidence, and we here assure you of all our respect and that at all times we will endeavour to support the dignity and the position of the Chair.

***Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, I rise to congratulate you on your elevation to the Chair. I do not wish to repeat what has already been said by so many speakers, except to say this, that I associate myself with every word that has fallen from the mouth of the different speakers about you. I wish to assure you that you will receive full co-operation from all Members coming from the United Provinces, whether Muslims or Hindus, elected or nominated Members. With this assurance, I again wish you a long career in this Chair and a brilliant one.

***Shah Muhammad Shah Nawaz** (West Central Punjab: Muhammadan): Sir, I have great pleasure in associating myself with the previous speakers who have paid tributes to your high qualities. Sir, I warmly congratulate you on your election to the high office of the President of the Fourth Assembly. You have a brilliant record of which any one could be proud, and we all know that you possess tact and good judgment. You know how to be firm and independent. You will need these qualities in the performance of your onerous duties and need them in a greater measure. We are perfectly confident that you will perform the responsible duties of your high office with dignity, courage, ability and wise impartiality. On behalf of my party, I assure you of our support and we shall never be wanting in upholding the dignity of the Chair and I have every hope that you will maintain the rights and privileges of this House. Sir, I wish you success.

***Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, on behalf of the members of the Independent Party. I offer our sincere congratulations, and we associate ourselves with the sentiments expressed by previous speakers. Sir, though you may be new to the mazes of this Assembly Chamber, yet certainly you are not new to the Indian Legislature. You have already been a Member of the Indian Legislature for five years from 1913-1918 and during this period you have associated yourself with many important Resolutions and Acts passed by the Central Legislature. You have been associated continuously with the Legislature for a period of 27 years, and there is no other Indian who can boast of a longer service in the working of the Legislatures than yourself. You are not also new to presiding over the deliberations of the Assembly. You have guided such deliberations in your own province for three years and any one who has followed the proceedings of the Bombay Legislative Council will admire the way and admire the tact which you used in guiding its deliberations. You have taken a very great interest not only in presiding

*Speech not revised by the Honourable Member.

over Moslem Conferences, but you have also guided very successfully the proceedings of other conferences, such as the Commercial and Industrial Conference, which was held at Madras in the year 1922. We, on this side, are confident that you will guide the destinies of this Assembly very tactfully and guard the prestige of this House in the same manner as your predecessor has done. In the end, I congratulate you once more on behalf of the Independent Party.

***Mr. S. G. Jog** (Berar Representative): Sir, I think I hold a very queer position in this House, for I am both elected as well as nominated, and it is a very queer position so far as I can understand, and I think times may change when probably the situation will improve. As the sole representative of Berar, I rise to pay my respects and offer my congratulations to the Chair, not on behalf of myself, but on behalf of the province to which I have the honour to belong. I entirely associate myself with the remarks and observations made by the previous speakers about your merits and about your services. Sir, you have come to this House with a record of very distinguished services, with a reputation for impartiality and of having a bright vision and broad outlook. You have always put the nation first and regarded all other considerations as subordinate. You have rendered very valuable services in old days to the Indian National Congress. You have worked as a Municipal Councillor of Bombay, but that was an honour bestowed on you by that city. You have also worked as Mayor of the Bombay Corporation. That may be a little bit higher honour. You have also worked as an Executive Councillor of the Bombay Government. That was an honour entirely in the gift of Government, and howsoever important it might be, I do not attach much importance to it. You have also occupied the Chair of the Bombay Legislative Council with great credit, but even that is an honour which was restricted and confined to one Presidency only. The honour that we have done today to you is far more important than all the honours put together. We have bestowed on you the highest honour that was possible and that was in the gift of the people. Sir, I am sure this election will set at rest the doubts expressed by the Members of the Round Table Conference about the solution of the communal question, and we can tell them that when the time arises, we can settle all our differences, without regard to community, but with special reference to merits. Sir, I have no doubt that you are worthy of the confidence that has been reposed in you by this House and that you will discharge your duties to the satisfaction of all concerned. You came, you saw, and you tactfully captured us, not by fraud or by force, but by persuasive manners, amiable nature and by the record of your distinguished services in the Bombay Presidency and your general career in public life. Sir, I wish you a happy career and I hope that you will properly guide and lead us in all our proceedings.

***Mr. S. C. Shakti** (Sind: Non-Muhammadan Rural): Sir, I rise to congratulate you most warmly on your elevation to the Presidentship of this House. You come from the Presidency to which I belong and I have had ample opportunities of watching your career with care. I have not the slightest doubt that you will not only show your rare knowledge of men and things in the discharge of the duties that have devolved upon

*Speech not revised by the Honourable Member.

[Mr. S. C. Shahani.]

you now, but that you will hold the scales even between the different sections in this House. I wish you most cordially the rarest of success in the discharge of your functions.

***Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, while entirely associating myself with what has fallen from the previous distinguished speakers, I rejoice as a man coming from Bombay at the very high honour done to my Presidency. It is an honour, I say, which is unique in its uniqueness. In the course of the life of this Assembly, it has chosen its President four times and on three occasions a Bombay man has been chosen. Sir, the result of the voting shows that you have been elected President of this House, not only by all castes and creeds, but also by all schools of political thought in this House. Sir, you can also be proud of the particular circumstances in which you are elected. It has been said on previous occasions on the floor of this House that a constitutional precedent or convention has been established here to the effect that if the ex-Speaker chose re-election he should be usually elected. In disregarding that convention, Sir, the House has done you an unique honour of which any man can be proud.

Sir, your election as President of this House will be particularly welcome to the Press Gallery and the reporters, for under your Presidentship that odious creature, the political bore, with his unending speeches will tend slowly but surely to disappear. Sir, as I see other speakers on tenter-hooks to pour their meed of tribute and congratulations out to you, I shall conclude by sincerely congratulating you on the high position to which the House has called you today and wishing you a very long, successful and honourable career.

Before I resume my seat, I must speak one word of reference to the noble sacrifice of Dewan Bahadur Rangachariar and Maulvi Muhammad Yakub who have withdrawn their candidature and saved mutual friends from an extremely awkward position.

[**Mr. N. R. Gunjal** (Bombay Central Division: Non-Muhammadan Rural) then delivered a speech in Marathi, a translation of which will be printed later as an Appendix to these proceedings.]

Mr. President: Honourable Members will excuse me if I am unable to give adequate expression to all that I feel on the present occasion when I have been asked to occupy the high position of President of this Assembly. I cordially welcome the offer which has been made from all parts of the House of help and co-operation. I realise to the full the extreme necessity of that co-operation and help. No President can discharge his onerous duties successfully without such co-operation from his Honourable colleagues. I am most grateful for that offer. I hope that, in the discharge of our duty in the service of India, we will all co-operate together in the best spirit (Cheers) and in peace and harmony. Much has been said about my humble services in the past. I have always tried to serve the cause of India to the best of my ability. If I have attained success to some extent, it has been always due to the friendly co-operation of fellow-workers, and it is in that firm conviction that I offered myself for election to the Chair. No one realises more than I do how

*Speech not revised by the Honourable Member.

difficult this task is. I can only tell you that I will do my best to discharge these onerous duties to the satisfaction of every section and every interest in the House. I shall try to be a staunch custodian of the rights and privileges of the House, (Hear, hear) and I need not assure you that I shall yield to none in maintaining the traditions and the dignity of this august Assembly. When I was called to the Chair of the Bombay Legislative Council, I stated that I would keep before me the motto of judicial impartiality. (Hear, hear.) I tried to discharge my duties there in that spirit, and I assure you that I will keep that motto before me here to be judicially impartial on each and every occasion. While I occupy the Chair I cease to belong to any interest whatsoever outside this House. Honourable Members will, I hope, excuse me if I do not detain them any longer. It will be a matter of satisfaction to me only when the time comes to lay down my office, that I may receive some appreciation from my colleagues as to the manner in which I may have discharged my duties. We are told that during the whole of one's life-time one is a student. Well, I appear before you as a student aspiring to honours marks, but will be quite content if at the end of my career you can give me at least pass marks. (Cheers.)

Before I adjourn the House, I should like to inform Honourable Members that His Excellency the Governor General will address the Members of the Assembly in this Chamber this afternoon at 2-45 P. M. instead of at 2-30 as previously arranged and therefore Members are requested to take their seats before 2-30 P. M.

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th January, 1981.

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

✓ **His Excellency the Viceroy:** Gentlemen, it is my privilege today to welcome Members of this House to the opening session of the fourth Legislative Assembly. Among them are many who have already made their names in public life, and, if we regret, as we must, the absence of some who have hitherto been frequent participants in our debates, we are glad to see again many, who are well known to the Assembly, along with others of proved quality in other fields, who have come forward to serve their country in this sphere.

My first duty is to offer my sincere congratulations to your President on his election to his responsible and honourable office. He brings to his duties a wide experience of public affairs and of legislative procedure, and I am confident that he will discharge his important functions with dignity and with wise impartiality. Though the election has on this occasion been contested, I have no doubt, that, now the decision of the House has been taken the President will on all occasions be able to count upon the loyal support of all parties and persons in it.

I would have wished that this Assembly might have been convened for its first meeting at such a date as would have enabled those of its members, who have attended the Round Table Conference, to be in their places at the beginning of the session. There are however certain fixed dates and certain requirements of procedure which have limited my choice in this

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matter. The Railway Budget must be completed in time to permit us to bring the second-half of the general Budget before the House at the beginning of March. Moreover, on the occasion of a new Assembly, the Standing Finance Committee and the Railway Standing Finance Committee, which at other times complete the greater part of their task before the beginning of the session, have to be reconstituted. There are also important measures of legislation, to which I must presently refer, and for which it was clearly essential to give ample time for discussion. These were all reasons which would have made delay inconvenient.

On this particular occasion too I was anxious that the work of the session should be completed before I laid down my office, and, as the date of my departure from India was uncertain until a week or two ago, I felt it desirable if possible to conclude our business by about the third week in March. For these reasons I decided to summon the House in the middle of January, and I trust that this may not have exposed Honourable Members to inconvenience. It has meant, I fear, the absence today of certain prominent members from their places, but, while regretting this, I trust I have made plain the reasons that appeared to preclude the adoption of any other course.

The same considerations of urgency did not apply to the Council of State, and, as their session will not open until February, I have had to forego the pleasure of addressing them on this occasion. I shall hope, however, towards the close of the session to ask the Members of both Houses to give me an opportunity of taking my formal farewell of the Central Legislature.

For myself this occasion must necessarily be tinged with regret. For it marks the opening of the last session of the Legislature with which I shall be concerned, and it brings nearer the day when I shall have to say good-bye to many friends in India, amongst whom I am fortunate to count large numbers, who are and who have been Members of this House. I am, however, happy to think that, when the time comes for me to lay down the responsibilities of my present charge, I shall hand them over to one, well known to India, who is singularly well qualified to guide her destinies at this particular juncture, and who has during a long and distinguished period of Indian public service already assured for himself a place in the esteem and friendship of very many of India's people.

Before I speak of the legislative and other business which will come before the House this session, there are certain important matters of more than departmental interest, which deserve mention.

Our relations with Foreign States along the whole of our great land frontier continue to be of a cordial character. On the North-West Frontier the disturbances, which marred the spring and summer months of last year, have subsided, and, except in our relations with the Afridis, normal conditions may be said now to have been generally restored. As a result of two unprovoked invasions of the Peshawar District during the summer by lashkars of certain sections of the Afridi tribe, it was decided by my Government, with the concurrence of His Majesty's Government, to take measures for the protection of Peshawar against this danger, by preventing hostile concentrations from again using the Khajuri and Aka Khel plain, on the western border of the Peshawar District, as a base for such attacks.

In pursuance of this decision some miles of road have been or are being constructed to link up the plain with adjoining areas in which communications have been developed, and portions of the plain have been occupied by troops with negligible opposition. A considerable number of troops have been employed under very severe climatic conditions in these operations, and have carried out their duties with the cheerfulness and efficiency that is always characteristic of the Army in India.

The situation created by the Afridi incursions compelled my Government, in the interest of the public safety, to impose Martial Law in the Peshawar District. The Chief Commissioner was appointed Chief Administrator of Martial Law, and made every effort to ensure that there should be as little interference as possible with the ordinary administration. In this he was successful, and now that provision has been made otherwise for the continuance of certain emergency powers under a public Safety Regulation, the Martial Law Ordinance is being withdrawn.

With the approval of my Government, the Chief Commissioner in July last gave an undertaking that the administration of the five districts of the Province would be scrutinised, and if, on comparison with the adjoining districts of the Punjab, the North-West Frontier Province administration appeared to be in any way deficient, especially in its beneficent activities, steps would be taken, as funds admitted, to remedy the defects. The Chief Commissioner's proposals in fulfilment of this undertaking are now under consideration. Among other measures, the reassessment which was recently made of the Peshawar District has been revised to bring it into accord with the Punjab Land Revenue Amendment Act, with the result that the total assessment was reduced by some Rs. 60,000.

Questions affecting Indians overseas have as always claimed the special attention of my Government. When I last addressed this House, I referred briefly to the Land Tenure Bill introduced in the Assembly of the Union of South Africa, which had caused considerable alarm among Indians in the Transvaal. My Government sought counsel from the Standing Committee on Emigration on the far-reaching provisions of this measure, and received from them valuable advice to guide them in their line of approach to this difficult and delicate problem. We fully recognise the serious implications of the Bill, and in particular the effect it must have on the trading and business interests of the Indian community in the Transvaal. We are aware too of the feelings of deep concern which the Bill has aroused amongst those whose interests are threatened, and of the sympathy which is felt for them by their compatriots in South Africa and in this country. I have given this question much anxious thought and personal attention. Every opportunity has been taken of representing the Indian point of view, and as our Agent—Sir Kurma Reddi—announced at the recent conference of the South African Indian Congress, our views will be communicated to the Union Government. It is unnecessary to assure the House that we are making every endeavour, in co-operation with the Union Government, to secure an equitable solution, and I earnestly hope that the negotiations to be conducted by our representative will result, after full and frank discussion, in an agreement satisfactory to both sides.

Turning to East Africa, Honourable Members will remember that the conclusions of His Majesty's Government have now been referred to a Joint Select Committee of Parliament. My Government are not ignorant of how widespread is the anxiety on the several questions that are involved.

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and they have submitted their views to this Committee through His Majesty's Secretary of State for India. We have further requested permission to present our case through a representative from India. I am glad to inform the House that, in the event of that request being accepted, it is hoped that our spokesman will be the Right Honourable Srinivasa Sastri, whose readiness to undertake any duty in the service of his country has ever been so conspicuous a characteristic of his public career, and who is shortly returning from the Conference to resume his seat on the Royal Commission on Labour under the Chairmanship of the Right Honourable Mr. Whitley. That Commission, after sparing no pains to see for themselves the labour conditions of India and to hear all shades of opinion, are now engaged in drafting their report, and Honourable Members, who will be grateful to them for the manner in which they have prosecuted their enquiry, will also be glad to hear that they expect to be able to complete their work next March.

I turn now to the main items of the business which will claim the attention of Honourable Members. It will be part of your task to consider the measures for maintaining the financial position of India, which will be placed before you in due course by my Government, and I venture to say that there can have been no period in the history of the country when financial problems have needed not only so much earnest consideration but also the co-operation of all the forces in India, which have power to help the situation. In using these words I have in mind not merely the needs created by the present economic crisis, but the task of finding adequate financial resources to give the new constitution now under discussion a favourable start.

India, like the rest of the world, has suffered seriously from an almost universal trade depression, and in the nature of things has felt the full weight of the collapse in world prices of agricultural products. The troubles, arising from this state of affairs, as I recently had cause to point out, are being seriously aggravated by the disturbances resulting from the civil disobedience movement. I do not wish to dwell at length on this aspect of that movement today, nor indeed is it profitable to indulge in recriminations about the past. What concerns us is the present and the future, and I would ask all Honourable Members to ponder deeply on the injury which the present dissensions are causing to the economic life of the country.

If only distrust and attempts to paralyse Government could be replaced by a spirit of mutual confidence and co-operation, then even in spite of the world crisis we might see the dawn of a new optimism in India, and the opening of new ways for the recuperation and development of her economic strength.

There are in particular two aspects of the civil disobedience movement to which I must invite the attention of Honourable Members.

A little less than a month ago, I felt it my duty to have recourse again to the special powers, which I took last year for the better control of the Press and of unauthorised news-sheets and newspapers, and for dealing with persons who may instigate others to refuse the fulfilment of certain lawful obligations. In doing so I expressed my regret that the urgent nature of the emergency, which necessitated the promulgation of these

Ordinances, had not allowed me to await the meeting of the Central Legislature, but I indicated the intention of my Government to bring these matters before this House at the earliest opportunity. That intention we now propose to carry into effect by introducing legislation on these two subjects forthwith, and I must therefore briefly review the main factors which have led us to this decision.

A political movement must be judged and dealt with, not according to the professions of those who initiate it or carry it into effect, but in the light of practical results. Whatever may be, or have been, the true object underlying the present civil disobedience movement, Government still sees in many parts of India determined efforts to substitute another authority for its own and to interfere with the maintenance of law and order, of which Government is the constituted guardian. I need not at this stage detail the several forms which such activities have taken. But none I think is more pernicious, or more cruel to those whom it endeavours to mislead, than the pressure put upon payers of land revenue and other liabilities, to withhold payments that they are legally bound to make. In certain parts of the country those responsible for this movement have successfully instigated the withholding of such payments, and in other parts vigorous efforts are being made to this end. It is very easy to see how such a programme can be put forward in attractive guise, especially at a time when the low prices of agricultural products have unhappily created a situation of great gravity. I would once more make it very plain that the special powers taken by Government are in no way intended to modify the usual policy, followed by Local Governments, of granting suspension or remission of land revenue, when economic circumstances demand it. Indeed, while the necessity of combating these insidious and dangerous attempts to cripple the administration constrained me to take these powers, I attach great importance to them as a means by which the small agriculturists may be saved from the effects of such propaganda by people, who themselves have little to lose, but who are callously ready to involve the small landholder in the risks of legal processes and even forfeiture of his land. Legislation on this subject will accordingly be laid before you.

We also propose to ask this House to give legislative sanction for a limited period to the provisions contained in the Press Ordinance issued a few weeks ago. Apart from the activities of the kind to which I have just referred, and which in themselves constitute so grave a menace to the public tranquillity, we have lately witnessed a disturbing increase in those crimes of violence, which have deeply stained the fair name of India and which, I know, are as abhorrent to the Members of this House as they are to all other reasonable persons.

The experience of the past few months leaves no doubt as to the existence of an organisation, whose insane objective it is to promote the overthrow of established Government by the deliberate creation of a state of terrorism. I know that the vast majority of Indians deplore the growth of a movement wholly foreign to their traditions and instincts, and I see in the wide condemnation of outrages, and in particular in the indignation evoked by the attack on His Excellency the Governor of the Punjab, a growing recognition of the urgent and paramount need of removing this

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malignant cancer in the life of India. I desire to express my deep sympathy with the relatives of all who have fallen victims at the hands of assassins, and I gladly pay a high tribute to the skill and courage of those, who at the constant risk of their lives are engaged in the detection and prevention of terrorist plans. The devotion to duty of the officers, high and low, of every department of Government, in difficult and often dangerous circumstances, has been a feature of the past year of which all branches of the service may well feel proud. I and my Government in our sphere shall spare no effort to protect our officers and the public; but, whatever action Government may take in this matter, it cannot achieve complete success, unless it is assisted by the whole-hearted determination of every citizen to stamp out so evil a thing from their society. I earnestly appeal to all, who have at heart India's good name, to show by action and words, which will admit of no doubt or reservation, that they regard the terrorist movement with repugnance, and those who are actively engaged in it, or extend to it their sympathy or support, as the worst enemies of India.

Among other influences which have undoubtedly tended to the encouragement of such revolutionary methods and violent crime, are certain sections of the Press, whose reiterated laudation of false sentiment and of distorted patriotism lead all too often to the injection of deadly poison into a certain type of mind. Fair criticism of the administration or of our constitutional proposals I do not fear; I rather welcome it. But, when the great power of the Press is diverted from its true functions to dangerous and destructive doctrine, Government can no longer stand aside.

I am very well aware that the two projects of legislation to which I have referred must excite keen discussion and perhaps controversy, and I would gladly have avoided controversy at this time had I felt it to be possible. Profoundly hoping as I do that the outcome of the Round Table Conference may be to assist the speedy restoration of normal conditions, I should have preferred, if I could, to suspend action, and await the advent of a situation in which special powers would no longer be required. But, so far as the terrorist movement is concerned, there is little ground for supposing that those who direct it are likely to be deterred from their course by constitutional agreements that may be reached, and, for the rest, it is not possible for Government to play the rôle of benevolent spectators, so long as those, who have been endeavouring to destroy its foundations at every point, show no sign of abating their activities. It therefore seemed clear to my Government that, in the face of these facts, it would be a dereliction of our duty to refrain from taking the necessary protective action, and it also seemed clear to them that on such vital issues the Members of this House had both the right and the duty to express their views. I am confident that, when they examine our proposals, they will do so with a deep sense of the responsibility, which they share with Government, for preserving the peace and stability of the country.

I have never concealed my view that action of this kind, necessary as it is, will not of itself give us the remedy that we seek for present discontents. And, during the past two months, the thoughts of all, who have believed that honourable agreement is not beyond our grasp, have been focussed upon the proceedings of the Conference in London. There

were those, both in India and Great Britain, who openly scorned its meeting, and, both before and since it met, have made scant concealment of their hope that it would fail, little mindful of the gravity of the times, and of the need for their redemption on both sides by practical and courageous statesmanship. From the outset, there were many among the delegates from India who must have been conscious of the fact that their own faith in the efficiency of constitutional methods was not shared by many of their compatriots. In these circumstances, it demanded from them no small degree of political courage to disregard the powerful pressure to which they were exposed, and men of every opinion can well afford to recognise the sense of public duty, which impelled them to do what they deemed right in the face of much bitter controversy. Of those who went to England, there is one to whom I must make a special reference, for I feel assured that we should all wish to join in an expression of deep sorrow that one of the most notable personalities of the Conference should not have been permitted to witness the outcome of the labours, to which, as it proved, he gave his last days of life.

The Conference, graciously opened by His Majesty the King-Emperor, is now about to conclude its labours, and we await with eager interest the announcement to be made by the Prime Minister in the next few days. Pending that announcement I content myself with pointing to certain things, which already stand out in sharp relief.

The first undoubtedly is the recognition by the Indian States of the essential unity of all India, and their readiness to take their full share in designing the instruments of Government, through which that conception of unity may gain concrete expression and effect. I do not underrate the difficulties that still have to be surmounted before these aspirations can be realised in their entirety. But those need not blind us to the far-reaching and deep significance of the step taken by the States' representatives in London. I scarcely think I exaggerate when I say that the historian a hundred years hence, commenting on these times, will find in it the turning point of the constitutional history of India.

The Conference has had two further results that seem to me of incalculable value. At the time of its convention the atmosphere was clouded with misunderstandings on both sides. Opinion in Great Britain was ill-informed of the realities of thought in India; opinion in India, even in circles where so-called moderate views prevailed, was suspicious and sceptical of the purpose of Great Britain. If ignorance and suspicion still linger, they represent the rear-guard and no longer the main body of opinion in the two countries. Great Britain has realised, as she has heard it at first-hand from all sections of the Indian delegation, something of the new forces that are animating the political thought of India, while India, feeling no longer that she is misunderstood, is better prepared to recognise that British statesmen have approached the problem, not indeed ignoring real difficulties, but with a single will to find means by which they may be speedily and securely resolved.

And thus it might appear that all, who have longed to see the Conference bear fruit for the true healing of the nations, may take new hope. The London discussions have revealed a genuine desire on all sides to find practical means, by which speedy and substantial recognition may be given to the natural claims of Indian political thought. There is no one who will not deplore the fact that the work of the Conference should have been so gravely impeded by that problem, which continues to occupy so

[H. E. the Viceroy.]

pre-eminent and unfortunate a place in the domestic life of India. Any constitution that is to work smoothly must obviously command the confidence of all communities, and in this matter India can help herself more than anybody else can help her. I would most earnestly trust that leaders of all communities would once more come together, resolved no longer to allow the constitutional progress of India to be impeded by this cause, or India herself to lie under this reproach of internal discord and mistrust. Apart from this, it is evident that to many of those participating in the Conference, the influence of personal contact with men of differing views, along with the inspiration of the new and wider vision of a United India that the Conference has unfolded, has had the effect of presenting an old problem in new guise, and of leading them to revise some of their earlier views upon it. That way lies the best possibility for both countries of return to the conditions of peace and harmony that we all desire.

Many times during the last twelve months thoughtful men and women must have pondered deeply over what has been one of their most poignant and perplexing features. However mistaken any man may think him to be, and however deplorable may appear the results of the policy associated with his name, no one can fail to recognise the spiritual force, which impels Mr. Gandhi to count no sacrifice too great in the cause, as he believes, of the India that he loves. And I fancy that, though he on his side too thinks those who differ from him to be the victims of a false philosophy, Mr. Gandhi would not be unwilling to say that men of my race, who are today responsible for Government in India, were sincere in their attempt to serve her. It has been one of the tragedies of this time that where ultimate purposes have perhaps differed little, if at all, the methods employed by some should have been, as I conceive, far more calculated to impede than to assist the accomplishment of that largely common end. And, deeply as I crave to see the dawn of a happier day in India, I am bound, so long as a movement designed to undermine and sap the foundations of Government holds the front place in the programme of the great Congress organisation, to resist it to the uttermost of my strength. Is it not now possible, I would ask, for those responsible for this policy to try another course that, in the light on the one hand of sinister events in India, and on the other of the encouragement offered to India by the progress of the Conference in England, would seem to be the more excellent way? A great deal remains to be done, for it has long been generally recognised that, if and when the broad lines of constitutional revision could be drawn, much subsequent detailed thought would be required for its adjustment to the particular circumstances of India. Quite evidently it would be for the good of India that all the best elements both here and in Great Britain should join hands in the work of elaborating and bringing to fruition the undertaking so well begun in London, and thus place the seal of friendship once again upon the relations of two peoples, whom unhappy circumstances have latterly estranged. On the wide basis of friendship and mutual respect alone can we confidently build the structure of a strong and self-reliant India, one within herself and one with the other partners in the British Commonwealth. I feel confident that I can count on every Member of this House to lend at all times such assistance as may be in his power to the furtherance of a work, so fraught with consequence to the welfare of India, of Great Britain, and of that Empire, in which I very earnestly pray India may for all time be proud to take her place.

LEGISLATIVE ASSEMBLY.

Monday, 19th January, 1931.

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

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have the honour to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Simla Session, 1930, 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 Indian Lac Cess Act, 1930.
2. The Negotiable Instruments (Amendment) Act, 1930.
3. The Indian Forest (Amendment) Act, 1930.
4. The Indian Telegraph (Amendment) Act, 1930.
5. The Bombay Civil Courts (Amendment) Act, 1930.
6. The Benares Hindu University (Amendment) Act, 1930.
7. The Hindu Gains of Learning Act, 1930.
8. The Ajmer-Merwara Court-fees (Amendment) Act, 1930.
9. The Mussalman Wakf Validating Act, 1930.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee:

1. Rai Bahadur S. C. Mukherjee.
2. Dr. Ziauddin Ahmad.
3. Mr. Gaya Prasad Singh.
4. Mr. R. S. Sarma.
5. Rai Sahib Harbilas Sarda.
6. Rao Bahadur M. C. Rajah.
7. Mr. Arthur Moore.
8. Mr. G. Morgan.
9. Mr. S. G. Jog.
10. Seth Haji Abdoolah Haroon.
11. Lala Jagan Nath Aggarwal.
12. Mr. C. C. Biswas.
13. Mr. K. Ahmed.
14. Sirdar Harbans Singh Brar.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President: I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for Railways:

1. Mr. Muhammad Yamin Khan.
2. Raja Sir Vasudeva Rajah.
3. Khan Bahadur H. M. Walayatullah.
4. Mr. Muhammad Anwar-ul-Azim.
5. Mr. E. F. Sykes.
6. Maulvi Sayyid Murtuza Saheb Bahadur.
7. Haji Chaudhury Muhammad Ismail Khan.
8. Mr. Amar Nath Dutt.
9. Mr. B. R. Puri.
10. Mr. D. K. Lahiri Chaudhury.
11. Mr. Bhuput Sing.

THE INDIAN PRESS BILL AND THE UNLAWFUL INSTIGATION BILL.

The Honourable Sir James Orerar (Home Member): Mr. President, . . .
Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I sent some questions today

Several Honourable Members: No, no.

The Honourable Sir James Orerar: Mr. President, before I proceed to move the first motion which stands in my name, I desire with your permission to inform the House of the intentions of Government with regard to two other items of business, of which notice has been given, though only one is on the list of business for today, namely, the motions for taking into consideration the Press Bill and the Unlawful Instigation Bill.

I think that I can without any impropriety say that I have reason to believe that the House would be ready to give an attentive and favourable hearing to the case which Government have to present for undertaking these Bills on the broad grounds of principle involved. His Excellency the Viceroy stated in his address on Saturday, the over-riding considerations of public interest that had decided him to issue, without delay, further ordinances on these subjects. His Excellency also said that Government had felt it right, on general grounds, to bring them before the Assembly by way of legislation in order that such legislation on being duly enacted, might replace the powers which, under the existing ordinances, will remain valid for a period of six months. These considerations of public interest necessarily stand good and, so long as that is so, the necessity for the powers must likewise remain. During the last day or two, however, intimation has reached me from many quarters of the House regarding the desirability of asking Honourable Members

to proceed immediately with the consideration of these measures. It has been represented to me that the Prime Minister, on behalf of His Majesty's Government, is about to make a momentous announcement of policy which, it is hoped, will open up the prospect to all men of reason and goodwill of the possibility of the early restoration to India of conditions of tranquillity and confidence. It has accordingly been suggested that, without prejudice to any question of principle or policy, and except on grounds of immediate necessity, this is not an opportune occasion for pressing debate on matters which must necessarily excite some degree of controversy. Having regard to the fact that the ordinances afford present protection against the evils with which the legislation is designed to deal, Government do not desire to proceed immediately with the Bills, and they appreciate, moreover, the sentiments inspiring the view that has been advanced as to the undesirability of taking action at this critical juncture, which might in any way appear to prejudice the fruition of the best hopes of the wisest minds in India and in England. For these reasons the Government of India have decided to refrain from submitting at the time originally proposed the motions of which notice has been given regarding these two Bills. They are confident that the House will recognise the propriety of the course they took in seeking, with the least possible delay, the concurrence of the House in the action taken. They are equally confident that the House will appreciate that, if now, in deference to wishes so widely and so earnestly expressed, Government postpone this legislation, they must reserve their liberty to proceed further with it, according to their discretion, while the Assembly is still sitting or, if the occasion should arise when this may be impracticable, to tender such advice to the Governor General as the circumstances and their responsibilities may appear to them to require.

Dewan Bahadur T. Rangachariar (South Arcot cum Chingleput: Non-Muhammadian: Rural): Sir, with reference to the statement made by the Honourable the Home Member, as one of the persons who joined in the request to the Government, I wish to make the following statement:

While the postponement of the discussion of the Bills announced by the Honourable the Home Member just now is welcome to several Members on this side of the House on the ground that it gives them the required time, which they had not, to study the Bills carefully and the literature on the subject and to give notice of motions relating to the Bills, it cannot but be regretted that the Government of India have not accompanied their statement by a further declaration announcing their determination either to suspend the operation of the ordinances to which the Bills relate, or at least their determination to issue the necessary instructions to Local Governments not to put them in force, except when they are compelled by extreme necessity to do so; for with the ordinances at work, a mere postponement of the discussion of the Bills, while it may be of some use by not adding to the bitterness of the situation, is not enough, unless accompanied by a genuine gesture, on the part of the Government, to produce that calm atmosphere, which is needed for an impassionate consideration and reception of the Premier's statement and of the decisions of the Round Table Conference in the country, or to evoke the spirit of co-operation so earnestly pleaded for by His Excellency the Viceroy the other day. While appreciating the desire on the part of the Government to meet the wishes of the Members, I would once again

[Dewan Bahadur T. Rangachariar.]

impress on the Government the necessity for complying also with the other portions of the request already made to the Government and indicated above. In order to avoid any misapprehension of our attitude, I wish to add that our attitude towards both the Bills, as at present advised, I may assure the Government, will be one of opposition to the principles underlying both the Bills, and of strenuous opposition to the former.

The Honourable Sir James Orerar: I have listened with the greatest attention to what has fallen from the Honourable and learned gentleman, but I regret that I am not able to add anything to the statement which I have just made.

~~ELECTION OF THE DEPUTY PRESIDENT.~~

Mr. President: Before the regular business of the House is taken up, I should like to announce that, in pursuance of Order 5 of the Standing Orders of the Legislative Assembly, I have fixed Thursday, the 22nd January, as the date for the election to the office of Deputy President of this House. 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 on Wednesday, the 21st January, a notice showing the name of the candidate signed by the proposing Member himself and by some other Member as seconder.

As soon as possible after 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 ballot on Thursday, the 22nd January.

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

~~STATEMENT OF BUSINESS.~~

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I should like to make a brief statement about the business of the House.

Having regard to the announcement made by my Honourable colleague, the programme for this week's Government work naturally requires considerable modification.

On Wednesday we shall take any business that may be left over from Tuesday, and in place of the Press Bill and the Unlawful Instigation Bill, the Government propose on that day to proceed with my Bill further to amend the Indian Merchant Shipping Act, and I shall make a motion that the Bill be referred to a Select Committee. The Honourable Sir George Schuster will thereafter move that the Bill to give effect to the International Convention for the suppression of counterfeit currency be taken into consideration and also that the Bill be passed. Thereafter, I shall move the remaining motions necessary for passing the small Bill which I introduced on Friday last to amend the Indian Ports Act, 1908. Finally, a motion will be made for leave to introduce a Bill to define and amend the law relating to partnership.

It is not expected that this list of business, which is all that Government have ready at present, will occupy this House for more than a portion of Wednesday, the 21st. If this anticipation is correct, there will be no business before the House on Thursday, the 22nd, except the election of the Deputy President, should an election become necessary, and time will thus become available for the sittings of the Standing Finance Committee and the Railway Standing Finance Committee. Every effort will be made to accelerate the production of the remaining Bills which Government propose to bring before the House this Session, so that the House may not be left without enough business to transact.

THE PUNJAB CRIMINAL PROCEDURE AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir James Orerar (Home Member): Mr. President, I beg to move that the Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930, be taken into consideration.

I think, Sir, that it will require very few words from me to commend this motion to the favourable consideration of the Assembly. The facts in connection with it are briefly these. When the measure which this Bill is designed to supplement was under consideration in the local Legislature, an engagement was given on behalf of the Government that the Government of India would take the earliest possible opportunity to lay before the Legislative Assembly provisions for the right of appeal from any conviction by the tribunals constituted by the local Act and for confirmation by the High Court of any sentence of death that might be passed. It is unnecessary for me, I think, to emphasise before the House the desirability and propriety of the introduction of these provisions, and I do not propose to detain the House at any length on that point. I have no doubt that the Assembly will support the Government of India in the public undertaking which they have given with regard to this matter. Sir, I move.

Lala Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): With your permission, Sir, I wish to say a few words in opposition to the motion that has been brought forward before the House.

My reason for opposing this apparently harmless motion is simple. Honourable Members must have noticed that in this Act IV of 1930, passed by the Punjab Legislative Council, and which received the assent of His Excellency the Viceroy and Governor General on the 10th November, 1930, and under which a tribunal has been constituted in the Punjab for the trial of certain offences by three Commissioners, a certain section has to be incorporated by this Supplementary Bill to make provision that persons convicted by that tribunal shall have the right of appeal and that the High Court shall have the power to confirm sentences of death passed by that tribunal. Sir, it is a curious provision if I may say so. My objection to this Bill is briefly this. If the whole measure which has been passed by the Punjab Legislative Council, together with this provision for appeal, had come before this House, then this House would have had an opportunity of examining the provisions of the measure and

[Lala Jagan Nath Aggarwal.]

expressing its opinion as to the desirability of effecting such a radical change in the criminal law of the land. Situated as we are, I say that an undesirable measure from my point of view, making an inroad into the criminal law of the land, has been left to be passed by the Punjab Legislative Council. That measure is now a part of the law of the Punjab, and it is only one provision, this provision as to the right of appeal—which I am free to confess is one of the saving graces of this otherwise unfortunate measure—that has been left to be passed by this House.

Now, Sir, we are in this position. If we object to this Bill, we will be told, "You are objecting to the only good provision, according to yourself, in this measure". If we do not object to it, then we shall be deemed to have tacitly consented to the whole measure by consenting to the provisions in this Bill. Again, Sir, there is another oddity about the situation. When this measure came before the Punjab Legislative Council, the people objected. The Government gave an assurance—the Honourable Sir Henry Craik, the Leader of the Punjab Legislative Council, gave an assurance—that a Bill would be passed by the Legislative Assembly giving a right of appeal. One of the Members of the Punjab Legislative Council objected saying, "How can you say that a Bill like that will be passed? You can only say that a Bill like that will be introduced". Then an assurance was given by the Honourable Member for the Punjab Government that a Bill like that would be passed, and if necessary, would be certified. Therefore, Sir, we are in this position, that, without our consent to it, this Bill has already been passed. We are supposed to have given our consent already, and in the schoolboy's phraseology, the Government are telling us, "If you do not behave well, the rod will be applied to you. The thing will be certified". That is the oddity of the situation. If we had all the provisions of that measure before us, a good deal might be said, but for the present, with your permission, Sir, I would only say this. We object to this truncated measure being brought forward in this House firstly, because we are asked to pass this measure without having had an opportunity of examining the whole of the provisions and scope of the measure, and secondly, because our consent has, so to say, been parted away by somebody behind our back, without giving us any opportunity of expressing our opinion thereon. In these circumstances, I submit that the House should throw out this Bill, which is a short and small Bill, and request the Government to bring forward a consolidating measure, a complete measure incorporating the provisions of the Bill as passed by the Punjab Legislative Council and also any other provisions which the Government may think fit to add—relating to the right of appeal. Then the House will be in a position to discuss the whole measure and to pass it in whatever form it appears to this House to be fit and proper.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, in support of what my Honourable friend over there has already urged before the House, I wish to add a few observations. We have been indeed placed in a very awkward position at the present juncture by being called upon to add a clause to a measure, the nature and character of which remains a sealed book. We have not been taken into confidence, Sir, as to what the main features of that measure are, and we are asked in a blindfolded manner to give it our indirect assent by adding a clause to it. Whatever

may be the merit or the virtue of that clause, I submit we are entitled to know before we associate ourselves with that measure, as to what that measure is. Now, it is hardly fair to this House that we should be called upon to associate ourselves with a measure regarding which we have not got the least idea. If we were to go into the merits of that measure, I have no doubt I should be able to convince this House that it is a most reactionary measure. It really denies to a prisoner the elementary privileges which he has already earned during a long period in which the struggle for the recognition of the rights of a prisoner have gone on and I submit that it is only fair to this House that we should be allowed to go into the merits of the measure, before the House is called upon to give its decision with regard to the particular clause.

Now, so far as the merits of that measure are concerned, I may be permitted to point out that almost at the very threshold we find that, although it happens to be a special and an emergency measure, its life is fixed for two years, with power given to the Local Government to prolong its applicability for another period of three years. Whoever, Sir, has heard of an emergency measure being perpetuated for a period of five long years? Apart from that, all sorts of offences, whether they have been committed before or after the promulgation of the Act, have been brought within its operation. What it means, Sir, is this—that if an offence was committed before this measure was even thought of by the local Legislature and a trial was actually proceeding in a court of law under the ordinary procedure prescribed by the Criminal Procedure Code, the case can be taken out of the hands of that court and made over to this special tribunal. I consider that that is tantamount to denying justice, inasmuch as the measure passed by the local Legislature does not sufficiently safeguard the accused's interests. I submit that it would be a very great hardship for an accused person if his case was thus taken out of the hands of an ordinary court and made over to a tribunal created under the Act with all the defects that that Act embodies.

Now, Sir, when we come further to examine the main provisions of that Act, we find, to start with, that the committal procedure has been completely wiped out. As we all know, the procedure prescribed under the Code is that before a person is called upon to meet a grave charge like murder or any other serious offence in a court of Sessions, he has got the privilege of fighting out his case before a magistrate in inquiry proceedings, and he has the chance of convincing the magistrate that the charge against him is unfounded and frivolous and of asserting his innocence, before the matter goes further. He has lost that chance. Under the Punjab Act, that procedure has been completely wiped out.

Mr. Arthur Moore (Bengal: European): On a point of order. Is it in order to discuss the provisions of an Act passed by the Punjab Council, which is not before us for consideration today?

Mr. President: I hold that the Honourable Member is quite in order on the ground that the present Bill supplements the Punjab Act by providing an appeal to the High Court and I think that any Honourable Member desiring to do so can give reasons why he is opposing this Bill. In doing so, he can refer to that Act.

Mr. B. R. Puri: The committal procedure has with one stroke been done away with and the matter goes straight before the tribunal. Now, the House will be astonished to learn that although the status that has been

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[Mr. B. R. Puri.]

given to this tribunal is that of a Sessions Court, the procedure which has been prescribed is not the procedure of a Sessions trial. The procedure for the trial is the procedure prescribed for a warrant case. That, I submit, is really taking away one of the most precious privileges which an accused person enjoys. As we are all familiar, the trial before a Court of Session must under the existing law be conducted either with the aid of assessors or with the aid of a jury. In cases of a racial character, an accused person has got the right to claim a jury. He has further got the right to claim. . . .

Mr. President: Order, order. I have ruled the Honourable Member in order in referring to the Punjab Act, but I do not think that it is necessary for the purpose of this Bill to go into such detail in regard to it. The time of the House is valuable, and I would appeal to the Honourable Member to deal briefly with the provisions of that measure.

Mr. B. R. Puri: Now, Sir, I shall briefly allude to some of the main features of that Act without going into their details. In order that the House may be in a position to realise the enormity of this procedure, I would like to place before you a specific case which is now actually pending before an ordinary tribunal in the Punjab, and which but for the absence of an appeal clause would have been at this stage tried by the special tribunal created by this Act.

The Honourable Sir James Orerar: Will the Honourable Member be in order in referring in any degree to a matter which, on his own statement, is still pending before a court of law?

Mr. President: No reference can be made to a case which is *sub judice*.

Mr. B. R. Puri: With reference to the warrant procedure, I will briefly point out how this warrant procedure, instead of expediting the proceedings, is likely to protract them. The main object and the underlying principle of that Act was and is that, in order to expedite the disposal of cases of this character, a procedure was devised under which cases would be concluded earlier than under the ordinary procedure. Well, now, that desire may be a very commendable desire and I have no grievance against that. But I am certainly entitled to show to this House that in the guise of that expedition, certain most valuable privileges have been denied to accused persons. Now, for instance

Mr. President: Order, order. I have allowed the Honourable Member to deal with that Act for reasons which I have already explained. I should like to bring to the notice of the Honourable Member that the Bill before the House contemplates providing an appeal to the High Court. It is to my mind relevant to say that though in favour of an appeal to the High Court the Honourable Member wishes to oppose this Bill as a protest against the Punjab Act. For that purpose I do not think it is necessary that Honourable Members should go into such details, as the Honourable Member is doing. I would ask him not to be so long in putting forward his reasons for opposing this Bill. It has to be remembered that the Bill before the House is a Bill for providing an appeal to the High Court and nothing else.

Mr. B. R. Puri: Well, Sir, I very much regret that, in order to make my position clear, I have yet to place before the House some further facts. The first point I should like to place before the House is this. Are we supposed to assent to this particular clause without, as I submitted in the beginning, knowing the nature or the character of the Act itself? It is open to us, after the whole matter is threshed out, to come to the conclusion that no appeal is needed, that is quite conceivable. But then, on what material are we going to decide whether the appeal should or should not be allowed unless we go into the merits?

Mr. B. Das (Orissa Division: Non-Muhammadan): Quite so.

Mr. President: The Honourable Member will be perfectly relevant if he convinces the House that no appeal is needed. (Laughter.)

Mr. B. R. Puri: It will be for the House later on to come to any conclusion. But I have to discuss the material which really is relevant for the purpose of coming to a right conclusion. I do not for a moment urge that no appeal should be provided because, if the Bill is bad from beginning to end, there might be some consolation in having some sort of clause added which might remedy the defects of that Act, but suppose tomorrow, Sir,—the House will pardon me for a little digression,—a Bill was brought in wherein a local Legislature were to make a law that every head constable or Sub-Inspector of Police could try cases on the spot and pass all sorts of sentences, and for the purpose of an appeal clause being added the matter was brought before this House, would we be justified in not looking into and examining such act which conferred upon such persons such wide powers?

Mr. President: I am sorry to interrupt the Honourable Member. I think I have made my position perfectly clear. I have allowed Honourable Members to deal with the Punjab Act by way of reference, in order to show to this House that they wish to oppose the present Bill; and I want again to emphasise that the only measure before the House is the present Bill and not the Punjab Act. I would be glad to allow any Honourable Member to give his reasons by way of illustration why he wishes to oppose this Bill. But obviously the Punjab Act is not before this House; and it is unnecessary to bring forward all the provisions of that Act merely for the purpose of forming an opinion as to whether the House is prepared to accept the Bill or to reject it. I hope the Honourable Member will not pursue the lengthy observations he is placing before the House in regard to the provisions of the Punjab Act.

Mr. B. Das: Sir, I would like to point out that we have established a convention in this House that, at the consideration stage, we can discuss a Bill a little more in detail and that we can digress. I would like to appeal to you, Sir, on the first day that you are occupying the Chair

An Honourable Member: On a point of order. . . .

Mr. President: Order, order. I know perfectly well what the proper procedure is; and I may at once tell the Honourable Member that if anyone wishes to address the House in the minutest detail in regard to a Bill that is before the House, I will not prevent him from doing so. If however any Honourable Member wishes to bring forward any matter which is not directly before the House, I will allow him to do so, provided it is relevant. No debate can proceed on the basis as if the Punjab Act was before the House for consideration. That I cannot and will not allow. (Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, as I understand this Bill, it is called a Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930. Consequently it must be treated for the purpose of argument as part of the Punjab Act. It is a Bill intended to supplement the provisions of that Act; and while I am perfectly certain that my Honourable friend does not wish to enlarge upon or go minutely into the provisions of that Act, I hope, Sir

Mr. President: The Honourable Member is aware that when the point of order was raised I ruled that it was in order.

Sir Hari Singh Gour: Yes.

Mr. President: Then nothing further need be said about that.

Mr. B. R. Puri: After that ruling from the Chair, I trust I am entitled, Sir, to go into the merits of the Act with a view to convince this House whether an appeal should or should not be provided.

Mr. President: I do not think I can make myself clearer than I have tried to do. The Honourable Member can refer to that Act. I ruled him in order, but he has to bear in mind that the Punjab Act, as a Bill, is not before this House to be discussed as if we were considering the provisions of that Bill. If the Honourable Member refers to that Act, he can do so, but his observations should be such as can be useful to the House in the consideration of the Bill under discussion.

Mr. B. R. Puri: Well, Sir, I submit that so far as the Punjab Act is concerned, it is a measure which from beginning to end is of such a character that, if it had come before this House, it would not have been tolerated for a moment. But that is not the point; that question we are debarred from considering in this House, as has been pointed out by the Chair, and I must obey the command of the Chair so that that matter goes. But, Sir, I assert that we are entitled, in order to be able to dispose of the question that is now before this House satisfactorily, to look into the merits of that Act at least for this limited purpose; and having regard to this consideration, I submit I should be allowed to touch upon and deal very briefly with some of the salient features of the Punjab Act. As I have already pointed out, so far as the committal proceedings are concerned, that is done away with. So far as the warrant procedure is concerned, that is a procedure which deprives an accused person of his right of being tried by a jury or assessors as the case may be.

I pass on now very briefly to certain other provisions. There is a provision in the Act, which permits the admission of certain hearsay evidence. Now, that being so, I submit, without asking this House to review or repeal in any way or amend or improve that Act, for that is beyond us, that an Act which actually allows the use of evidence, which under the existing law is not permissible, to be led would really promote protraction rather than expedite matters, and the professed object of the Act would be completely frustrated. Therefore I have got to bring to the notice of the House such provisions of that Act as throw a considerable amount of light as to what the real internal object underlying that Act is. It is not for the purpose of expediting the proceedings that that Act has been introduced, but with a view to deprive the accused person of some of his most valuable rights. Another instance, that the Act in reality prolongs the pro-

ceedings rather than in any way curtailing them, is that, so far as the warrant procedure is concerned, it provides a double set of cross-examination, whereas if the Sessions Court procedure had been followed, a single cross-examination is all that is allowed under the law. These instances give us the true insight into the underlying objects of the Act made by the Punjab Legislature. It would be absolutely essential for this House carefully to look into those provisions, as I have submitted already, if not with a view to improve them, at least with a view to satisfy ourselves whether it is a measure with which this House would like to associate itself at all. It is a measure which is really indefensible, and as such we would be stultifying ourselves if we at all allowed our own seal to be put upon it.

There is one thing more I would like to add and it is this. As has already been pointed out by my Honourable friend, a sort of an undertaking has already been given. Now what does that undertaking mean? What does it really convey? It was conveyed to the local Legislature at the time when this Bill was presented in that House that, inasmuch as the local Legislature was not empowered to confer any jurisdiction upon the High Court regarding appeal, that appeal would hereafter be provided by this Honourable House. Now, it is in pursuance of that undertaking that this measure is now before us. Sir, I submit, it is very unfair to this House, which has got the right to judge for itself and to give its decision, that its judgment should have been thus pledged already.

Possibly the Punjab Government had an eye on the ultimate power of certification which can be invoked as the last resort. That power cannot be denied—it is always there—although opinions may differ as to the wisdom of using it too frequently.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): It is perfectly plain, Sir, that the situation that has been created by this measure is extremely anomalous. The House is not supposed to discuss the merits of the Punjab Act which it is required to supplement by this Bill. I take it for granted that the Act was passed by the Punjab Legislature itself and not by certification by the Governor of the Punjab. It would have been much more satisfactory if the Honourable Member in charge of the Bill had given the House some idea of the salient provisions of the Punjab Act. (Hear, hear.) It is much to be regretted that he has not said one word about the procedure adopted in the Punjab Act for the trial of the class of cases with which it deals. Unfortunately, however, we cannot deal with the merits of that Act, though we have a general idea that it is an Act which is out of the way of the ordinary law. (Hear, hear.) It is called an Emergency Act, but is for five long years. This is a new definition of emergency (Laughter.) which we have learnt. But, Sir, all the same, the Act is there and the supplementary Bill is intended to provide a right of appeal to the High Court and also in cases of sentence of death gives power to the High Court to annul the sentence or rather to refuse to confirm the sentence if the sentence is not in accordance with evidence or law. That is the supplementary Bill now before the House. But we do not know how far the powers under the procedure provided in the Punjab Act would be effective or illusory. I know some of the powers given under some of the special Acts to the High Courts are extremely illusory and I do hope that in this case at least the powers are of a somewhat real character. Any way, Sir, it cannot prejudice an accused person to have the right of appeal to the High Court. At any rate he can

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have the facts reviewed by another tribunal, a higher tribunal, and a tribunal which does enjoy the confidence of the country. That in itself is a gain to the prisoner (Hear, hear.) and I should be sorry indeed, now that the Punjab Act is in force and we cannot deal with it in any way, to deprive any prisoner, especially a prisoner who has been tried under the special procedure, of the right of appeal. I doubt very much whether any Honourable Member of this House will vote against a provision of this character. That is all I have to say.

The Honourable Sir Brojendra Mitter (Law Member): Sir, much of what has been said by the first two speakers this morning might with cogency and with relevancy have been said when the Punjab Bill was before the Punjab Legislature. But in my submission all that is irrelevant so far as the present measure is concerned. We cannot here

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Is it permissible for an Honourable Member to argue against the ruling of the Chair, Sir? You have said it was relevant.

Mr. President: Order, order. It was perfectly open for the Honourable Member to have risen in support of the point of order raised by the Honourable Member Mr. Arthur Moore. At this stage, I will not allow any Honourable Member to say that a particular speech or discussion is irrelevant after a point of order had been raised on that issue and the Chair had ruled that the matter is relevant and in order. (Hear, hear.)

The Honourable Sir Brojendra Mitter: I beg your pardon, Sir. I said, 'much of what has been said'. I did not say the speeches were irrelevant. Much of what has been said by the first two speakers could have been said with cogency and with relevancy in the Punjab Council. I never intended to question for a single moment the ruling of the Chair. That was far from my intention, Sir. In dealing with the arguments which have been adduced, I was going to differentiate between what was relevant and what was irrelevant. The Chair ruled out the irrelevant and these arguments were not pursued. It was only to introduce that that I made mention of irrelevancy. It was not in the slightest degree in my mind to question the ruling of the Chair.

Mr. President: I accept the explanation.

The Honourable Sir Brojendra Mitter: Here on the present occasion, Sir, we cannot in any way amend or abrogate the Punjab Act. That is perfectly clear.

Maulvi Muhammad Yakub: That is the most unfortunate part of it.

The Honourable Sir Brojendra Mitter: It may be unfortunate but it is the fact. We cannot touch the Punjab Act in any way here. If the Punjab Act was necessary, there was a certain lacuna in it which the Punjab Legislature could not provide for. It is necessary for us to fill that lacuna. It is one of the objects of the present Bill to fill that lacuna. The Punjab Legislature could not deal with the jurisdiction of the High Court, and therefore to give the accused a right of access to the High Court we had to bring in this measure. That is the necessity for this measure. If this measure was necessary, as the Punjab Legislature thought it was necessary, we are here to fill the gap. If the measure is oppressive,

and it has been suggested that the measure is oppressive, we are here to mitigate the rigours of that oppression. It is for that purpose that this Bill has been brought forward. Sir, a similar measure was enacted in Bengal in 1925 as the Punjab has passed. After the Bengal Act, it was necessary for the Central Legislature to provide for an appeal to the High Court. We are doing the same thing here.

Sir, I shall mention one other fact in this connection apropos of the charge of the measure being oppressive, and it is this. I have myself been associated with a number of trials in Bengal under the Bengal Act of 1925. There were in my time, when I was Advocate-General of Bengal, several trials under the special procedure laid down by the Bengal Act. Not in one instance was the decision of the special tribunal to my knowledge reversed by the High Court. Not in one instance was there any adverse comment in the public press that the trial was either unfair to the accused or that the special procedure in any way denied to the accused any of the rights which the accused ought to have for the proper defence of his case.

Mr. Gaya Prasad Singh (Muzzaffarpur cum Champaran: Non-Muhammadan): The decisions were as one-sided as the evidence.

The Honourable Sir Brojendra Mitter: There was no comment, Sir, in the public press to my knowledge.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Question!

The Honourable Sir Brojendra Mitter: There was no comment to my knowledge in the public press that any accused was denied any opportunity of adducing any evidence which he wanted to place before the tribunal. So far as the administration of the Bengal Act was concerned, and the trials held under the Bengal law were concerned, there was no grievance whatsoever to my knowledge either from the accused or the public in general.

Mr. B. R. Puri: Sir, is the Honourable Member entitled to import his personal knowledge in connection with matters (The rest of the sentence was drowned in laughter.)

Mr. President: Certainly he is.

The Honourable Sir Brojendra Mitter: I do not deny for a single moment that the Bengal Act was with a certain section of the people extremely unpopular. But the working of the Act soon reconciled that section to the provisions of the Act, with the result that, when in 1930, that very measure was brought before the Bengal Council for re-enactment, it was passed by that Council by an overwhelming majority.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Then why don't you have special tribunals in all provinces and for all offences if they work so well?

Mr. Gaya Prasad Singh: And permanent tribunals too!

The Honourable Sir Brojendra Mitter: I will answer that. Sir, I have not got the figures of the voting in the Bengal Council, but I find that the Bengal measure was passed last year without a division. That shows that the previous five years' working of the Bengal Act had not been unsatisfactory.

Mr. B. Das: I am sorry for the Bengalis!

The Honourable Sir Brojendra Mitter: Now, Sir, in all these matters I take it that it is not an unwise thing to be guided by past experience. Five years' working of the Act in Bengal was not unhappy, and it is hoped that the experience in the Punjab will be equally happy. (Laughter.)

Sir, I shall answer the question which was put to me by my Honourable friend, Mr. Mitra, why we do not set up special tribunals for all offences. The answer is simply this, that we are not dealing with ordinary crimes but with extraordinary crimes. For ordinary offences there are the ordinary tribunals. These terrorist offences are extraordinary; they are against the traditions and sentiments of the people of this country. They are an exotic; and in order to deal with that particular species of crime, it is necessary to set up a special procedure and that is what Bengal has done and that is what the Punjab has done.

Sir, I will not detain this House any more in justification of the measure. That is not my function here. My function here is to speak on this Bill, and all I say is this, that if the Punjab Act is oppressive, we are seeking to mitigate its rigours. If the Punjab Act is necessary, we are here to improve its usefulness. Having regard to these obvious objects, it really passes my comprehension why there should be any opposition at all. I can well understand that Honourable Members who come from the Punjab, and who do not like the Punjab Act, wanted an opportunity to vent their feelings. They have done so and I hope they will leave it at that.

Maulvi Muhammad Yakub: Sir, the Punjab has always been a source of trouble to us. It has been a source of trouble to us in the Round Table Conference and it is now again a source of trouble to us in this House. I wish we had the power to exclude the Punjab from British India. Unfortunately we do not possess that power as yet, but I hope that after the new reforms have come into existence we will have that power and we will utilise it. As it stands at present, although I am unable to go so far with my Honourable friends from the Punjab as to say that we entirely oppose this Bill, I quite agree at the same time with the Honourable Members, who have said that the Bill is so mischievous, that we cannot silently go into the lobby on this Bill because a silent vote on this Bill is really calculated to misinterpret our position.

12 Noon. Therefore it is necessary that we should make our position quite clear. Without going into the details of the Punjab Act, Sir, let me tell you that we, on this side of the House, entirely dissociate ourselves from that Act and that we strongly protest against such an Act, as the Punjab Criminal Law Amendment Act, being placed on the Statute-book. (Hear, hear.) We want to make it clear that our association with the present Bill in any way should not be understood to mean that we approve of the Punjab Act. At the same time, this House will not, on principle, be justified in throwing out or opposing the present Bill, which gives a right of appeal and review to and by the High Court. On principle the House should not oppose any Bill which gives a right of appeal to the prisoner. But I wish to make it clear that, by passing this Bill, I do not think we are going in any way to diminish the rigour of the Punjab Act or are doing anything in favour of the prisoner, because the method of taking evidence under that Act and the one-sided character of trial will make it impossible for the High Court to interfere with the

judgment of the tribunal. There will be nothing before the High Court which would justify the High Court in interfering with the judgment of the lower court, because the material on the record would not justify any interference. I cannot therefore agree with the Honourable the Mover of the Bill, or the Honourable the Law Member, when they say that this Bill will in any way mitigate the rigour of the Punjab Act. But on principle we do not oppose this Bill; it is on principle alone that this House cannot reject the Bill which gives a right of appeal to the prisoner, however poor and inadequate that right may be. With these words, Sir, I want to explain my position.

Mr. Arthur Moore: Sir, I think Maulvi Muhammad Yakub has really touched the point. The whole point surely is, how will the action of this House be interpreted if we throw out this Bill, or if we pass it. And it is on that ground that I would like to appeal to Mr. Aggarwal to withdraw his opposition, because I understand the feelings of that section of the House concerning the Punjab Act. We know that they oppose and disapprove of that Act. Now, the whole question is whether, by passing this Bill (which Mr. Aggarwal himself said represented a redeeming feature and tended to improve that Act), we are in any way committing this House to approval of the principles of the Punjab Act. Sir, what becomes of provincial autonomy if this view were to be established? How is provincial autonomy to become a reality, if Honourable Members say that the Punjab should not be allowed to pass its own Acts, or if they say that this House, by dealing with a subject with which it is competent to deal and ought to deal, but which has a bearing on provincial legislation, is thereby taking upon its own shoulders the burden of responsibility for something for which it has not the slightest responsibility? Sir, could paradox go further than this—that when we get a Bill of which I think every Member of this House in his heart of hearts approves, a Bill to give a right of appeal, we should be asked to throw it out as a gesture, and an Honourable Member should go so far as to say that he would prefer to see it made law by an act of certification? Surely, that is very damaging to us in this House. We wish to increase our own powers; we wish to establish for ourselves a position. I suggest that if we were to follow the advice of Mr. Aggarwal, we should be damaging our own position, and we should certainly damage the prestige of this House in the eyes of the country by saying that we did not wish to provide for this right of appeal. On these grounds I would appeal to Mr. Aggarwal not to press his opposition to a division, because we perfectly understand his opposition to the Punjab Act which he has made clear.

Sir Hari Singh Gour: Sir, I think the Honourable the Law Member and the Honourable Mr. Arthur Moore seem to be at cross purposes though both are in favour of this Bill. I would ask the Honourable the Law Member one question, and that is a question which clinches the whole case. That question is, will the appeal to the High Court be effective if the procedure in the trial court has been such as is not in conformity with the ordinary provisions of the law? I submit that is the main question; what Mr. Aggarwal and Mr. Puri have been contending is though this provision for the appeal to the High Court is enacted by this Bill, it is purely a nominal provision and that the accused has been deprived of the right of appeal to the High Court by the special procedure of trial, inasmuch as there would be no commitment, inasmuch as the Commissioners will be appointed by the Local Government and not by the High Court, inasmuch as,

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in defiance of the provisions contained in the Evidence Act, section 10. of the Punjab Act provides for the admissibility of evidence taken in the absence of the accused and without giving him an opportunity for a cross-examination

The Honourable Sir Brojendra Mitter: Shall I answer the Honourable Member's question?

Sir Hari Singh Gour: You can answer as soon as I have finished.

The Honourable Sir Brojendra Mitter: I will answer it now because it is very short

Mr. President: Not unless the Honourable Member is prepared to yield.

Sir Hari Singh Gour: I submit therefore that these are departures from the ordinary procedure; and in so far as these are departures from the ordinary procedure, they deprive the accused of the effective right of appeal to the High Court. My Honourable friend the Law Member said that the Bengal Criminal Law Ordinance was passed in 1925, and that he as the Advocate-General of Bengal prosecuted many cases, and there were appeals to the High Court, and the High Court did not interfere in a single case. Sir, that is the unfortunate predicament in which the Punjab appellant would be placed. ("Hear, hear." from the Nationalist Benches.) He is tied hand and foot by the arbitrary trial and then buried into the sea with a direction that he might swim ashore. It would be impossible; that is the complaint of the Punjab Members who have spoken on the subject. What they complain of is this; that this Punjab Act, by its special procedure, deprives the accused of the right of jury trial, deprives the accused of the right even of having assessors at his trial and deprives him finally of the salutary provisions of the Evidence Act in the cases mentioned in section 10. The Punjab Act makes a clean sweep of the general law enacted in the Criminal Procedure Code, which entitles an accused to hear and cross-examine witnesses before the committing court. Depriving him of these provisions, what has the High Court to do in appeal? The High Court may say, "Well upon this record as I find it, you are guilty". But should it have been the record as the High Court finds it? That is the main question in the whole case, and that is the gravamen of the complaint of my friend Mr. Jagannath Aggarwal and Mr. Puri and on which the Honourable the Home Member has not given any answer at all. And the Honourable the Law Member, when he ran to the rescue of the Home Department, all he could say was that everybody was happy with the Bengal Act and everybody would be happy under the Punjab Act. (An Honourable Member: "Let us make happy the whole of India!") I am quite sure when he said that he spoke with his tongue in his cheek, because if he was to meet us in the lobby, I am perfectly certain he would say, "I do not like this infernal Bill, what can I do?"

The Honourable Sir Brojendra Mitter: I do like it.

Sir Hari Singh Gour: He said, oh, this Bill is intended to mitigate the rigour of the Punjab Act. I am quite glad that it is intended to mitigate the rigour of the Punjab Act, but the mitigation is illusory; it is insufficient, it is ineffective, and it is because it is illusory, because it is ineffective, that we are entering a protest against the introduction of a

measure like this and against the procedure adopted by the Treasury Benches in asking our consent to piece-meal legislation when the whole piece of legislation should have been brought before us and we should have had the opportunity of examining it, clause by clause, and seeing how these interdependent provisions will work either to the prejudice of the accused or to the prejudice of the prosecution. That is a comprehensive view which we would have taken of the whole Act. That privilege we have been deprived of. We have protested before, and we wish to protest once more, that so long as the Central Legislature has the power of legislating for all India, we should be given the power of looking at the Bill as a whole, and not partially, and saying that, "The rest of it is screened from your view, you can have a peep at it, but you cannot disturb it, and that so far as the rest of it is concerned, well, we are going to give you some sort of right of appeal". Now, Sir, we are not satisfied with that. If the accused is to have a real right of appeal, that right of appeal is contingent upon a right of trial. How is the High Court to go into the question? Supposing an unfortunate accused is convicted and he goes to the High Court and says, "I have been convicted in defiance of every known provision of the Statute; the Commissioners have been appointed by the executive and they have been called upon to discharge a judicial function. That power of appointment of judicial officers should have been given to the High Court. There is no provision in the local Act for the transfer of the case to another tribunal howmuch-soever the Commissioners might be prejudiced against the accused and whatever may be their other shortcomings. A summary of the evidence is to be given to the accused and in that summary the accused has been deprived of the right of examining the evidence in that detail to which he was entitled. Witnesses have not been examined before the committing Magistrate and therefore the accused have not had the opportunity of either seeing them or hearing them or cross-examining them", and under the provisions of section 10 of the Punjab Act in certain cases where they find that a man is not easily obtainable and in the circumstances mentioned there, even evidence given *ex-parte* might be used against the accused. And last of all, Sir, I would appeal to every Englishman to stand by us, because I am quite sure that when we were dealing with the Criminal Procedure Code in 1922, the Englishmen in a body said, "We want our right of jury, that is our birthright", and they have got it. That right was extended to the people of India. That right which you and your forefathers have enjoyed ever since the days of the *Magna Charta*, that right has been extended to the people of India under the amended Code of Criminal Procedure. That right has been taken away in this case. Put yourself in the position of those unfortunate accused of the Punjab who have been deprived of this most valuable right of being tried by their own countrymen, by their own jury.

Mr. Arthur Moore: Is that not an additional reason why they should have a right of appeal?

Sir Hari Singh Gour: My friend has not understood me. Under the Code of Criminal Procedure a finding of fact is given by the jury; where a man has done a particular act, it is called a question of fact, and on that the jury's verdict is final. The accused has been deprived of that verdict which the jury would have given for or against him, and that is one of the fundamental principles and rights which was fought for at

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Runnymede, for which your forefathers had shed their blood, and for which the people of India have been asking for the last 40 years, and in the first reformed Legislative Assembly we were able partially to get it. That right you have taken away by the Criminal Procedure Code (Amendment) Act. More than that, Sir. Ever since the enactment of the Code of 1882 every Sessions trial is held in co-operation with 2, 3 or 5 or more assessors and the assessors then give a verdict as to whether a man had committed a particular offence or not. That has been done away with in this special procedure. I therefore say that this right of appeal is a negation of every ordinary rule and method of procedure. That being the case, as my friend Sir Abdur Rahim has pointed out, it being an anomalous trial, what is the good of your giving a right of appeal? What is the High Court Judge to say and what is he going to say? All he can say is, "Some evidence is given against you behind your back which is relevant under the Act; it has condemned you; we have no right of going behind it; and therefore you must either go to the gallows or be transported for life". That I call a negation of the right of appeal, and it is against that that Members on this side of the House protest.

It is true, Sir, that our protest is in vain because the Punjab Act is not before us, and the right of appeal which the present Bill seeks to give is, as I have pointed out, ineffective and illusory. All that we therefore can do is to appeal to the Treasury Benches not to follow this anomalous procedure, but to bring before us a consolidating measure, and then we shall be in a position to see and judge of it as a whole and to give you our support, subject to such amendments as the House may adopt. That, I submit, is a right course; that, I submit, is a constitutional course. Any other course, we submit, is unconstitutional. What my friend Mr. Jagannath Aggarwal was complaining of, Sir, was this. He said that the rights and privileges of this House, of which you, Sir, are the custodian, have been seriously violated in the Punjab Council, where the Members were assured that the right of appeal, if not given by the Legislative Assembly, would be certified by the Governor General in Council. That you have got the power of certification nobody denies, but it is not conducive to a better feeling between you and us if you keep dangling that power of certification before our eyes every day. After all, human nature is sentimental to a certain extent, and when you reminded the Punjab Council and said, "Oh! don't care about the Assembly; if the Assembly refuses that right of appeal, the Viceroy has the power of certification"

Dewan Bahadur T. Rangachariar: Will my Honourable friend point out the exact words?

Sir Hari Singh Gour: That, I submit, is an attitude of mind which is not conducive to a better feeling between the occupants of the Treasury Benches and ourselves.

Some Honourable Members want me to read out the exact portion. I will give them the exact words from the Punjab Legislative Council debates, dated the 27th October 1930, pages 30 and 31. Now, I will give

the exact words. (*An Honourable Member:* "Whose?") I will give the exact words of the Honourable the Home Member:

The Honourable Captain Sardar Sikandar Hyat Khan: Sir, I do not quite follow the honourable member's point. Sir Henry Craik was talking about the supplementary Bill to give the accused right of appeal to the High Court.

The Honourable Sir Henry Craik: We have a definite promise from the Government of India."

(*Honourable Members:* "Hear, hear.")

That is not all.

Shaikh Muhammad Sadiq: They have in writing a promise, which cannot be seen by me or by any Member of this House, that the Bill will be introduced in the Legislative Assembly, and that that Bill will be passed by the Assembly. . . . "

I leave out the rest of it. Then:

The Honourable Sir Henry Craik: There is another device."

(*Laughter.*)

I make a present of those words to the Honourable the Home Member and the Honourable the Law Member.

"There is another device if the Bill is not passed.

Shaikh Muhammad Sadiq: The Viceroy may permit the Home Member to move the Bill in the Assembly. The Bill may be rejected. If it goes to a Select Committee, it may be changed out of shape.

The Honourable Sir Henry Craik: It may be certified."

Mr. Arthur Moore: That is what Mr. Puri suggested.

Sir Hari Singh Gour: That is the position which Members of the Opposition resent. We perfectly know that you have got the constitutional power of certification. But do not come to us every day and say, "Gentlemen, pass this Bill. If you don't, we are none the worse for it; we will certify it". That is the position you have taken up in the Punjab Legislative Council. We therefore ask you to reconsider your position, and if you really want to have the co-operation of this side of the House, I warn you that you must give us at least credit for common sense and come to us with a measure which, if it is a right measure, we will pass, but if it is not a right measure, you know very well as well as we do that we shall not pass. I therefore submit that my Honourable friends from the Punjab, after the emphatic protest which they have registered, would not oppose the passing of this Bill. Half a loaf is better than no bread, and it is in that sense that we will not oppose the further progress of this Bill.

Nawab Major Malik Talib Mehdi Khan (North Punjab: Muhammadan): My Honourable friend, Maulvi Muhammad Yakub, if I understood him correctly, said that the Punjab has been a source of trouble. May I remind him at the outset that the Punjab has never been a source of trouble, and that it has been the Punjab and the Punjab alone that has fought the battles of India on the far off frontier, in Afghanistan, Tibet, Africa, and last of all, in Germany.

Maulvi Muhammad Yakub: And also passed this Act.

Nawab Major Malik Talib Mehdi Khan: I say that, but for the Punjab, we could not have been so secure as we are to-day, and I would request this Honourable House to bear in mind those who have served the cause of India so well. I am rather disappointed to hear the debate to-day. We are talking of the federal system, provincial autonomy, etc. Is this a foretaste of them, that we are being provided with today? In the Punjab an Act has been passed and it is in operation, and here we are told that whatever has been done is not lawful. (*An Honourable Member:* "Lawful? Constitutional.") Does it require any argument that emergency measures are needed for the situation that has been created? All we have to see is whether the measure before us will serve the purpose that we have in view. It has been pointed out that the Punjab law is defective. Well, it may or may not be, I do not think it is; but I say that the Bill before us to-day is a useful measure and it is devised to lessen any rigour that exists in the original Act, and as such, we should all heartily support it.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Witnessing as I do the fight, the internecine warfare, that has been carried on in this House from this morning, I cannot help feeling that I must speak a few words regarding the position before the House. In doing so, I submit that it is not my intention to inflict any long speech, but merely to clarify the situation as it has emerged on the Bill to-day. The present Bill, as the Statement of its Objects and Reasons points out, is simply to provide a right of appeal and also for confirmation of sentences of death by the High Court. I have heard the arguments put forward by the non-official Members, but I must say that there is nothing in them to justify me in opposing the passing of this measure to-day, which is like an ointment that can be applied to the bruised bodies of the accused persons. I may not be a member of the Red Crescent Society; I may not be a medical man (*An Honourable Member:* "Is the ointment to be applied after the execution?") My object is to heal the wound. That measure was passed in the Punjab Legislative Council at a time of great emergency, and there is no use crying over spilt milk. My Honourable colleague, Mr. Shaikh Muhammad Sadiq, whom I do not see in his place there, was an M. L. C. (*An Honourable Member:* "That is his brother.") I thought Mr. Sadiq was an M. L. C., but be it he or his brother, whether it be Mr. Aggarwal or Mr. Puri who fought the battles there and lost—to-day at the last moment they come here to oppose the Bill, though they know that it gives some substantial help to people convicted by the Commissioners. Would he, (turning to Mr. Puri) as an advocate, championing the cause of the public or of his client, not welcome such a wholesome provision? (*An Honourable Member:* "Address the Chair.") Does he know that the object of this Bill is to get the power of revision by the Honourable Judges of the High Court, before whom he practises?

Mr. O. C. Biswas (Calcutta: Non-Muhammadan Urban): Will the Honourable Member address the Chair?

Mr. K. Ahmed: Is there any justification to oppose this Bill on account of a personal grudge? You have lost your strong case on account of bad instructions and you are now opposing this remedial clause which the Home Department of the Government of India have brought forward. Suppose two parties are fighting there in Connaught Place and blood is coming out. Would you not advise the police to take the bruised bodies

to the hospital and apply some ointment? Is it because the provisions of the Criminal Procedure Code were not quite applicable at the trial, my friend Sir Hari Singh Gour feels so much that his book was not used? Sir, this is an emergent measure. When the House is on fire and the buckets of water are in front of you, would you call the fire brigade and wait till they come? As sensible men, you ought to use the buckets of water in front of you to extinguish the fire. Or, would you wait for evidence and inquire into the causes of the fire? We are not saying that in all cases this emergent measure should be applied. In ninety cases out of a hundred you apply the ordinary Procedure Code and you apply your Evidence Act. To-day we find that my friend Sir Abdur Rahim who on behalf of the Bengal Government sent my friend Mr. S. C. Mitra to the Mandalay Jail in 1924 have joined hands. Last year, the year before and a few years ago, we found our friend Sir Hari Singh Gour dancing on the floor of this House when the Bengal Ordinance was being discussed. What was the result of the fighting then? We came to the same conclusion as what is contained in this Bill. I see my friend from Moradabad, for some reason or other, has lost his balance. If it is not favourable to the accused that his sentence of death should be confirmed on revision by the High Court in appeal, how will it be favourable to my Honourable friend to plead his cause?

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Like yourself?

Mr. K. Ahmed: Yes, like myself. It will give me the greatest pleasure to see if my friend, representing the Landholders of Bengal, is not killed under the conditions going on in Bengal at present. It will be a source of great pleasure to me to see that he is unhurt. Sir, being a disinterested person, I think that if a death sentence is passed on a person, the accused person should be given a chance to go to the High Court in revision, and am sure that the House will not make any mistake in passing this piece of legislation. I have the greatest pleasure, Sir, in supporting this Bill.

Dewan Bahadur T. Rangachariar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I do not wish to intervene in the debate on the main motion before the House. I want to ask the Home Member whether the Government of India really allowed the Local Government to give some assurance on behalf of the Government of India as to what would happen in the Legislative Assembly, and whether they informed the Local Government that the power of certification would be resorted to or might be resorted to. It appears to me that the Government of India will resent any such intrusion on their powers by Local Governments. One other question I wish to ask the Leader of the House, is this. Whether, having regard to the fact that this Government was approached by the Punjab Government beforehand as regards the measure, with due respect to this House, they will consider the desirability of placing a consolidated measure before this House instead of placing us on the horns of a dilemma, as it were? What is it they say? We have allowed the Local Government to pass a measure up to a certain stage. We want to supplement that by a beneficent provision. Now, they hold a pistol at our head and say, "Pass this measure or the interests of the accused will suffer". Have not the Government of India jurisdiction to pass the whole legislation in this House? Why should not the whole Bill have been placed before us? It is really placing us in a very very awkward position to ask us to consider

[Dewan Bahadur T. Rangachariar.]

this measure. It may be a very beneficent measure, it may be absolutely necessary, nobody can say "No" to this measure, nobody with any conscience can say, "I oppose this motion". In fact I was hesitating to say so today. I cannot oppose it in my own heart of hearts; and I will be doing an injustice to the persons convicted, however wrongly by any tribunal. (Hear, hear.) But we are placed in this unfortunate position; why should not the whole legislation be placed before us, why should not the whole of the supplementary procedure Act be passed by this Legislature? If any amendment is required to that legislation, namely, the Criminal Procedure Code, it ought to be done by this Legislature as long as it has got the power. Why should it be done piece-meal in the Punjab and why should it then come up before us in this manner, placing us thus in an awkward position? I appeal to you, Sir, that some device should be made by you in consultation with the Government of India so that the privileges of this House are not trenched upon and abused in the manner proposed by the Government of India.

The Honourable Sir James Crerar: Sir, though naturally much has been said in the course of this debate which personally I cannot endorse, nevertheless I am gratified to infer that, subject to certain reservations, subject indeed to certain protests, with much of which I am not now concerned to deal, the general tenor of the debate indicates that the House is prepared to accept the provisions of this Bill. Consequently the observations which I have now to make can be restricted to a reasonably narrow compass. In the first instance I must say this. Listening with great attention to the speech of the Honourable Member from the Punjab, Mr. Puri, it appeared to me that he questioned, or did so by implication, if not in very definite terms, the whole justification of the provincial Act. Sir, I propose to observe very closely the ruling which you have given for the guidance of this House in this matter. Consequently I only propose in this connection to reply to points actually raised in the debate. I do not think that there are any Honourable gentlemen in this House who, even with a general cognizance of the course of affairs recently in the Punjab, or if they have taken the trouble to read with any attention the debates in the local Legislative Council, will be disposed for a moment to question or challenge the grave justification with which the Punjab Government introduced into their own Legislative Council a measure of an extremely urgent and important character. I will not go deeply into that question. I will not inflict on the House a recital of the grave and serious outrages, culminating in two very recent occurrences, which I am sure must excite the abhorrence and the condemnation of every single Member of this House whatever his attitude may be towards the precise terms of the Punjab Act. But if I am right in that conclusion, I think I can also reasonably expect that this House will do its part,—that it will not merely express its abhorrence but will do its part in a legislative manner, in co-operation with the Local Government and the local Legislative Council, to carry out what has been found necessary in respect of a very grave state of affairs.

Sir Hari Singh Gour: Is not the responsibility ours?

The Honourable Sir James Crerar: Now I shall deal—and I hope the Honourable gentleman opposite will excuse me if I did not deal in the first

instance with the point he raised—I shall deal with that point now. The Honourable and learned gentleman and some other Honourable Members complained that, in the course of the proceedings in the Punjab Legislative Council, it had been stated that if this House did not pass this measure, it would be certified. Now I venture to suggest—in fact I very definitely affirm—that if Honourable Members will carefully peruse those proceedings, they will perceive that that is an extremely inaccurate account of what actually did take place. I have two points to make with regard to that. The first is this. Honourable Members in the local Legislative Council, when they were asked to consider this measure, said that they were very deeply concerned on the two points embodied in my Bill, *viz.*, that there should be a right of appeal, and that there should be powers of confirmation by the High Court. I do not think that any Honourable Member here will be prepared to assert that that solicitude on the part of Honourable Members in the Local Legislative Council was not perfectly natural. It ought, indeed, to command the respect and the sympathy of this House, and I wish to say this, that it was a solicitude which it was the duty both of the Local Government and of the Government of India to satisfy in the most complete manner possible. We therefore gave the Government of the Punjab authority to say that the Government of India would take all possible measures to see that this measure was duly enacted; and though I agree that there was a reference made by the Honourable the Home Member of the Punjab Government to the possibility of certification, I invite the attention of the House to the circumstances in which it was made. An extreme, a very extreme hypothesis, was put before the local Legislative Council; and in reply to the very extreme hypothesis, the Home Member of the Punjab Government explained that there was a possibility, if the facts assumed in that extreme hypothesis did arise, there might conceivably be methods, by which that hypothesis could conceivably be met. I maintain that there was no disparagement of the authority of this House (Hear, hear); and I say that the Punjab Government, in urgently placing before us their request and we ourselves in complying with their urgent request, have shown the same degree of solicitude and our respect of the authority of this House by bringing forward this measure at the earliest possible moment.

Now the third point which I have to make—and I shall make it very briefly—is this. I was somewhat surprised to hear it urged upon me by two Honourable and learned gentlemen—Sir Hari Singh Gour and Dewan Bahadur Rangachariar—that the proper constitutional course of the Government of India was to introduce a consolidated measure. Now what does that mean? Do the two Honourable gentlemen opposite intend to convey that now is the proper time for the Government of India to pass a measure of general application introducing special methods of procedure when to one of even limited application they have taken a very strong objection? If so, I confess I myself cannot see how

Dewan Bahadur T. Rangachariar: That is not what I meant. What I meant was that such a measure should apply to the Punjab alone.

The Honourable Sir James Crerar: Precisely. That may not be what the Honourable and learned gentleman meant, but what I venture to point out is that that would be the logical consequence of this suggestion.

Sir Hari Singh Gour: No.

The Honourable Sir James Orerar: Or in the alternative this, that if it were contemplated that these provisions were to be of purely local application, then we would be invited to deprive the local Legislative Council of their legitimate and statutory jurisdiction in the matter. (Hear, hear.) I say in either alternative that suggestion was not a suggestion which we could accept. Well I will put it in this way: I respect the legal and constitutional learning of the two Honourable gentlemen, but when they made that suggestion, I do not think that they spoke precisely in that capacity.

Then, I will take up only one or two points which were urged with some vigour by Sir Hari Singh Gour. He said in the first instance that he objected to this appeal, because the appeal would not be effective. I must traverse that very strongly. I deny that the special procedure set up under this Act would produce a record which must compel a High Court to reject every appeal coming before it. Sir, I have a very much greater respect for the authority of Benches of the High Court than to suppose that they would take that course. But, I maintain that we have justification in the light of the experience of a very similar measure in another province for rejecting altogether the suggestion that a High Court hearing a case on appeal will not have ample material for them to exercise to the full their judicial discretion in the matter. Sir Hari Singh Gour also complained that the tribunals were appointed by the executive power. It appeared to him improper that the judicial authority should be appointed by executive power. I confess I see nothing repugnant to constitutional considerations on that point because the Honourable and learned Member will I think agree with me that every judicial authority is, in the long run, appointed by or under the authority of the Crown and that is precisely what is provided in the Punjab Act. He said there was a certain rule of evidence in the Punjab Act which put the defence at a very improper disadvantage in regard to the admission of evidence, and he quoted section 10 of the Act. Now, Sir, may I remind the House exactly what that provision is:

"Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act, if such person is dead or cannot be found or is incapable of giving evidence and it is proved to the satisfaction of the Commissioners that such death, disappearance or incapacity has been caused in the interests of the accused."

I think, Sir, that that proviso is a very important proviso, a proviso which in the circumstances of the kind of cases, which are the only kind of cases covered by the Act, is an essential proviso for the due administration of justice.

Then, Sir, Sir Hari Singh Gour also contended that the Punjab Act deprived accused persons in the Punjab of an inalienable right which they already enjoy, that is the right of trial by jury. I do not think my Honourable and learned friend has very carefully investigated that point.

Sir Hari Singh Gour: Jury or assessors, I said.

The Honourable Sir James Orerar: The main point that the Honourable Member made was that the Punjab Act deprived accused persons in the Punjab of an inalienable right of trial by jury. I may inform the House that the Act does not do any such thing because under the provisions of the Criminal Procedure Code that right of trial by jury does not at present subsist in the Punjab.

Mr. B. B. Puri: Question.

The Honourable Sir James Orerar: Now, Sir, I do not wish to deal with any points in greater detail. I refer, of course, to trials in the Courts of Session.

Mr. B. B. Puri: If the Honourable Member would refer to section 268 of the Code, and Chapter XXXIII relating to cases of a racial nature, he would find all trials in the Courts of Session must be either with the aid of assessors or jury, as the case may be, whether in the Punjab or elsewhere.

Sir Hari Singh Gour: I referred to that provision.

The Honourable Sir James Orerar: The Local Government have certain powers. Where the Local Government have exercised discretion in the matter, they set up

Mr. B. B. Puri: When it is a warrant case, no trial by jury or assessors can take place.

The Honourable Sir James Orerar: I do not however propose to weary the House, or indeed to over-elaborate a case which I think has already been completely substantiated by traversing any points in greater detail. I quite sympathise with the feeling of certain Honourable Members of the House that they are asked to deal with a limited measure which supplements a measure not passed in this House, but I think that there has been every justification for that course. I contend that those, who hold that the jurisdiction of this House has been in any way impaired or infringed because cognisance has been taken only of a limited jurisdiction of the local Legislative Council as regards this measure, are really asserting a doctrine whose implications upon the course of political development in this country would be of a very retrograde character if they are closely scrutinised and examined. With these observations I commend the Bill for the favourable consideration of the House.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, although two very eminent Members of the Calcutta Bar have spoken about this Supplementary Bill, still I may be permitted to refer to certain points about which the House may be under some misapprehension. The two Members of the Calcutta Bar have addressed so far. . . .

Maulvi Muhammad Yakub: We do not know who they are.

Mr. Amar Nath Dutt: I refer to the reasoned and eloquent speech which was delivered by Mr. K. Ahmed in support of the Government measure and certainly, I do not mean the ex-Advocate General of Bengal, for he can hardly rival the member from Rajshahi in this respect. But I take exception to some statement of the Honourable the Law Member. He said that because the Bengal Criminal Law Amendment Act was passed in 1925, a similar Bill was introduced here and we had no objection to pass that measure. I am sorry, Sir, that my Honourable friend makes a statement which is not correct. It was not passed by the Bengal Legislative Council; but was rejected by the Bengal Legislative Council as some Honourable Members here who were then in the Bengal Legislative Council will bear me out. It was afterwards certified by the Governor of Bengal. Then, again the Bill which was brought forward here to supplement the same was rejected by a majority.

[Mr. Amar Nath Dutt.]

The votes on that supplemental Bill were 39 against 73. So, Sir, the appeal which the Honourable the Law Member has made to us that there is a precedent which we ought to follow is not based on actual facts. Again during the passage of the recent Bengal Criminal Law Amendment Act, to which reference has also been made here, several Members walked out in protest when that Bill was before the Bengal Legislative Council. They recorded their protest by a simple walk out and they did not take part in the deliberations. These are the facts which I wish to place before Honourable Members so that they may accept the statement of the Honourable the Law Member with regard to the point about the Bengal Criminal Law Amendment Act for what it is worth. Coming from Bengal, I think it my duty to point this out.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I desire to make a few observations regarding this Bill. I support the motion for consideration of this Bill for two reasons, firstly because the Punjab Act is the law of the land of five rivers and the Supplementary Bill gives the right of appeal to a convict, and secondly because, I must accord my assent to it in the interest of justice. But that does not mean that I approve of the provisions of the Punjab Act, because I tell you, Sir, that I do not. In my humble judgment the Punjab Act was hurried through and the assent of the Governor General in Council was also given hurriedly. This House should have been given an opportunity to express opinion on the merits and demerits of the Punjab Act before it had come before the Governor General in Council for assent. In fact the Punjab Act had received assent before the meeting of the New Assembly. May I request the Honourable the Home Member and the Honourable the Law Member to reconsider the matter in the light of the suggestions I have to make? Is it not possible for them still to advise the Punjab Government to get the Punjab Act amended in some respects by the Punjab Council? And I will tell you, Sir, in what respects it should be modified. The Punjab Act does not give sufficient time to an accused person to defend himself. He should be given at least a fortnight to prepare his defence before his trial begins before the Special Tribunal. And further a fortnight at least should be given to him after the framing of the charge to enable him to make his defence. The Punjab Act is defective in this respect. An accused person should be given sufficient time to enable him to meet the charge. The debate in this House has served a very useful purpose. I have made this suggestion in the hope that the Government of India may make it to the Punjab Government.

Sir, I have another suggestion to make. I believe the rules allow a non-official Member of this House to place a private Bill before this Assembly for consideration with the previous sanction of the Governor General in Council and thus an Act of the Local Council can be modified by this House. Is it not possible for the Government to allow a non-official Member of this House to introduce a private Bill in this House to make the necessary changes or modifications in the Punjab Act? The Punjab Act has done away with the commitment proceedings and it is only but just that an accused should be given ample time to give instructions to his Counsel to cross-examine the witnesses for the prosecution and adduce evidence for the defence. The time given by the Punjab Act is utterly

inadequate and hence you cannot say there will be a proper trial in cases that will be tried by the Special Tribunal.

Mr. S. O. Shahani (Sind: Non-Muhammadan Rural): Sir, I have found it difficult to understand the procedure that has been adopted for introducing this Bill in this House. If the Punjab Amendment Act was passed by the Punjab Legislative Council, it is only reasonable that this supplementary measure should have been brought before that Council. The original Act is objectionable from every point of view. It denies some fundamental rights and liberties to the people, such repressive measures are calculated to estrange the people from the Government. On this account a consolidating measure should have been brought before this House; and as that has not been done, it will be only right on the part of the Members of this House to reject the Supplementary Bill.

***Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, I would take the liberty of pointing out to the House that some of the speeches made here may prove misleading, especially the very able speech of my Honourable friend, Sir Hari Singh Gour. If you look at the Bill, Sir, you will find that it inserts by necessary implication all the salutary provisions of chapters 25 and 31 of the Criminal Procedure Code. Therefore the Bill provides that the High Court is not only not restricted to deciding cases offhand, but it has got the power to call for the record of the whole case and also to call for any evidence which it thinks necessary. It gives a decision not only on the law involved but also on facts. I therefore submit, Sir, that so far as the Bill goes, it embodies very salutary provisions in favour of accused persons, and the sole question therefore would be whether the Bill as it stands improves the position of an accused person or in any way worsens it. If the House is satisfied that it is an advance on the Punjab Act in favour of the accused, then I submit there can be one and one conclusion only, namely, that the House should support the Bill.

An Honourable Member: Apply to Bombay.

Mr. N. N. Anklesaria: We will apply to Bombay if it is necessary. I submit, Sir, that most of the discussion which has taken place may appear irrelevant to the issue in hand, but if that discussion serves to show to the country that we are in entire disagreement with the principle of the Punjab Act, I submit that discussion will not have been wasted. With these words, I will resume my seat.

***Mr. S. G. Jog** (Berar Representative): Sir, I am honestly going to be very brief, and I am not going to inflict any speech upon the House. The Bill, Sir, as I read it, is very defective. This Bill, as I understand it, is not to supplement the Punjab Act, but to complement it. It is a Bill to complement the mischievous law which has been passed by the Punjab Legislature; and with due deference to the House, this point does not appear to have been touched by any of the Honourable Members. The Act which has been passed by the Punjab Legislative Council shall not be brought into operation so long as this complementary law has not been passed by this House. (Several Honourable Members: "No, no".) My view of the case is that we are not discussing this measure merely for the sake of fashion, or merely for the sake of putting in a protest against the Act that has been passed

[Mr. S. G. Jog.]

by the Punjab Council. I appeal to the House to vote against the concessions that are offered in this Bill. If we succeed in defeating this Bill, the legal position to my mind is that the Punjab Criminal Law Amendment Act automatically falls through. That is a position which I think the House should take into account.

Several Honourable Members: No, no.

Sir Hari Singh Gour: There will be conviction without an appeal.

Mr. S. G. Jog: If I am not correct in my view, I beg to resume my seat.

Mr. President: The question is:

"That the Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930, be taken into consideration."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. President: I now put the Bill clause by clause.

Clauses 2 and 3 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 James Crerar: Sir, I now move that the Bill be passed.

The motion was adopted.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir James Crerar (Home Member): Sir, I move that the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, be taken into consideration. In submitting this motion to the House, I propose very briefly and summarily to recall to the recollection of Honourable Members a brief history of the Bill and of the circumstances which have led the Government of India to lay this piece of legislation before the House. Honourable Members are aware that towards the end of the year 1924 the recrudescence which had dated from a considerable period before, of terrorist crime in Bengal had necessitated in the first instance, owing to the rapid increase of crimes of violence of that character in that year, the promulgation by the Governor General of an Ordinance for dealing with it. That Ordinance was made during the Viceroyalty of Lord Reading and the powers which were taken under the Ordinance were replaced by an Act of the local Legislature supplemented by a Supplementary Act of this Legislature in 1925. In the first two years during

which that Act was in operation, action taken under the Act had, I am glad to record, a very marked effect upon the incidence of crime of that character. In fact, during the concluding half of the period for which that Act was in force, we were able, with very much satisfaction, to record an almost complete cessation of crime of that character, and for the greater part of that time the Local Government were able to dispense with any fresh recourse to the detentive provisions of the Act.

In the beginning of last year, that Act was shortly about to come to the end of its statutory period of five years, and it became a matter for the very grave and anxious consideration of the Local Government and the Government of India what steps should be taken with that prospect immediately in view. Both the Government of Bengal and the Government of India were extremely anxious to dispense, as far as was practicable, with the exceptional powers to which Government, either the Local Government or the Central Government, have only had recourse with the greatest reluctance and under pressure of the greatest necessity. It was thereupon decided that the Government of Bengal should undertake in the local Legislative Council the re-enactment of only that part of the Bill which dealt with special tribunals. The remaining provisions of the Bill relating to preventive detention were then repealed.

In order to put the House fully in possession of the situation, I cannot do better than read a portion of the statement which was made at the time by His Excellency the Governor of Bengal. He said:

"After anxious thought my Government have decided not to propose, on the facts at present before them, the continuance of that part of the Bengal Criminal Law Amendment Act which grants the executive the power of arrest and detention without trial. These powers have unfortunately been found essential in the past, but for the last three years it has been possible to keep the situation under control without fresh recourse to it. My Government desire to do everything that they can to seek in co-operation with Indian opinion the solution of our present difficulties, and are therefore reluctant to invite the Legislature to continue in existence powers, the occasion for the exercise of which we most of all deplore. We sincerely trust that no emergency will necessitate their re-enactment. They cannot conceal from themselves the possibility that such an emergency might again arise which may make it essential for them to be in possession of these powers. They have accordingly been in communication with the Government of India in this matter, and I am authorised to state that the Governor General in Council and His Majesty's Government, if they are satisfied of the existence of such an emergency, will be prepared to approve of the necessary steps being taken to secure such powers to the Government."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): On a point of order, Sir. Is the Honourable the Home Member in order in arguing the necessity for the Criminal Law Amendment Act? Is that Act before the House now?

Mr. President: The Honourable the Mover is trying to explain why it is necessary to bring this Bill before the House and he is quite in order.

The Honourable Sir James Crerar: Thank you, Sir. I intend at this stage of my arguments to restrict myself to a recital of the facts in case any Honourable Member might be under an initial misapprehension as to what the facts of the case are. Well, Sir, the Act to which I have just referred was re-enacted with the provisions relating to the special tribunals on the 5th April, 1930. Hardly a fortnight had elapsed when the country was shocked and horrified by the armed rising at Chittagong, which resulted in the death of no less than twelve persons and serious injuries to many

[Sir James Crerar.]

others and many violent acts of arson and incendiarism. In view of that situation the Governor General found it necessary to promulgate an Ordinance reviving the powers relating to preventive detention, and a Bill with the same content was in due course submitted to the local Legislative Council and was passed by a very large majority, I think, in the beginning of November of last year.

Now, in order to bring those facts into precise relation with the Bill which I have laid before the House, I must explain that the original Act of 1925 contained provisions of a similar character to those which I dealt with in another context this morning for the right of appeal to the High Court and for confirmation of death sentences. Those provisions still survive, because the Supplementary Act of 1925, which embodied those provisions, is, in so far as those provisions are concerned, still in operation. For that reason no provision of that nature appears in the Bill before the House. The two points involved in the Bill now before the House are, as Honourable Members will observe, in themselves really narrow points. The first confers on the Local Government the right, subject to the sanction of the Governor General in Council, to transfer to some other province in British India, any person or persons who may be detained in accordance with the provisions of the Act. The second relates to certain powers of the nature of *habeas corpus*.

Now, I shall deal with those two points separately. Dealing first with regard to the powers to transfer detenus, I hope the House will allow me to speak to them with the utmost frankness and candour. Government have nothing to conceal from themselves in the matter, and I think that the clearer and the more precise view I can give to the House, the better will it be for a clear understanding of the position. It must be obvious that when circumstances unfortunately have arisen which render it necessary for Government to enact powers of preventive detention, we are faced with a very serious state of affairs. It is this, that we have to keep in detention, with due regard to all the circumstances, but nevertheless in detention, a considerable number of persons all of whom are engaged in extremely dangerous activities, and some of whom are individually men of an exceptionally dangerous character. Now, the detention of persons whose unhappy view of affairs has led them to embark on action so dangerous to the State and to the society manifestly confronts the local administration with a serious problem. It has been known, I regret to say, and there have been very strong reasons to suppose, that terrorist activities; terrorist conspiracies have in point of fact had some contact within the jails. It is a condition of affairs which, however, deplorable, we must face. It may be, and I am afraid in some cases it probably has been the case, that many of these prisoners have been in a position to exercise influence on subordinate officers of the jail. Such a contingency must always be a reasonable apprehension, and I have very strong reasons for supposing that it has occurred. Now, another consideration is this. Among the persons who have to be detained under these provisions, there are some whom I might call inveterate terrorists. There are others, younger men who are not so deeply involved in these lamentable activities whom, as far as possible, we should like to isolate and protect from the demoralising influence of persons of the other kind. Now, a provision of this kind which enables in certain circumstances a transfer of detenus from jails in Bengal to jails outside

the province meets those, to some extent at any rate, practical necessities of the case. Now, I ask the House to recognise that those necessities are practical necessities, and it is our duty, if we can, to assist the Government of Bengal in their difficult and dangerous task of dealing with a difficult and dangerous situation. Such cases are not likely to be common, and I should like to emphasise the fact that in no case can transfers of that kind be carried out without the express sanction of the Governor General in Council, who would of course see that full and satisfactory grounds were made out before such action was taken in every case which came before them.

Now, Sir, I pass on to the second important provision of the Bill, which relates to the powers of *habeas corpus*. With regard to both these provisions, that with which I have already dealt, namely, powers of transfer, and that with which I now propose to deal shortly and summarily, I should like to emphasise at this stage that there are not any new points of principle. They have been laid before this House and there have been fully debated and therefore I am not bringing forward at this stage any novel principle, any principle which has not been very fully canvassed and examined. Dealing with the powers of *habeas corpus*, I cannot do better than recapitulate the very frank and candid statement of the case which was made by my lamented predecessor in office, the late Sir Alexander Muddiman, when provisions of this identical character were in 1925 submitted to this Assembly. This is what he said:

"I do not minimise the fact that this is a very grave step to take, but it is a step that really is essential to executive preventive procedure set up by this legislation. The necessity of such a bar where legislation confers a power of internment has been recognised by this Legislature, not in 1818 but very much later. Section 491 (3) of the Criminal Procedure Code bars for exactly the same reason as this Bill application to the High Court. And why does it do it? . . . The point I am putting to the House is this. This has been represented as some new, dreadful invasion on the rights of the subject. Sir, if that is so, this House and the other House have been parties to a similar invasion for a large number of years. The Legislature apparently at that time recognised, and rightly recognised, that there are essential provisions in connection with any executive power of detention.

If you admit that in special circumstances the Executive must have power to detain without trial, then you must admit, it is the logical conclusion of your admission, it cannot be avoided, that you must also bar the jurisdiction of the High Court to interfere by way of *habeas corpus*. There is no question of suspicion of the court. That is not the point at all. I will take section 13 of the Bengal Criminal Law Amendment Act as an example and develop what I am endeavouring to explain. Section 13 runs as follows:

'Any officer of Government authorised in this behalf by general or special order of the Local Government, may arrest without warrant any person against whom a reasonable suspicion exists, etc.'

An arrest is made under the section. I go straight off to the High Court and I engage my friend opposite and he instructs learned counsel on my behalf, and the Court is bound to issue a rule on the officer who arrested me to show that he acted on reasonable suspicion. Very good, what is the position of Government in regard to that? Government may justify or it may not justify. If it justifies, it must produce evidence which *ex hypothesi* is evidence which it cannot produce. It is evidence of a secret and State character which cannot be produced in court, because if it could be produced in court the man would be tried. Government are in this dilemma then, they must either give away their secret sources of information, which will destroy the whole system on which our power to control secret movements is based, or they must submit to the discharge of the person arrested. In other words, this Act becomes unworkable. That shows why it is essential, if you set up this system, that you must bar the jurisdiction of the High Court. There is nothing else left to you. Otherwise you may just as well not have the procedure at all."

[Sir James Crerar.]

Again, somewhat more concisely he added:

"If I have to justify the detention in the High Court, I have to reveal my sources of information. My case is that I cannot reveal the evidence. That is my whole case. If the evidence can be brought before the Court, we should bring it forward and put the man on trial. If I do not justify, then the accused person arrested must be discharged by the court. Let me impress upon my Honourable friend that there is no question of distrusting the court. The court is bound to make me produce the evidence which I cannot produce and which the very course I am taking shows that I cannot produce. *Ex hypothesi* I cannot produce that. You absolutely destroy the whole of the second part of the Bill if you take a different view. That is the whole of my point. You cannot have co-existing a power of revision of the grounds of your action by a judicial tribunal. That is the short answer and that is the only answer."

Now, Sir, I have read those passages at some length because I feel that they give a clear, candid and honest statement of the case which I cannot better. I will only say that the public grounds of necessity which operated at the time that Sir Alexander Muddiman addressed this House in these terms operate with still more gravity at the present time. I should like to point out further to the House that the power which this Bill seeks to confer is really of a very limited character; in practice, I think I may say that it will only apply in the case of detention under section 4 of the Act. As Honourable Members will observe, that provides for detention in the first instance for a period of fifteen days; it may be extended by the Local Government to a maximum of thirty days. So that, in my view of the case, the degree of interference with the liberty of the subject which is involved is by no means so extensive as has been so frequently supposed. I am not in the least disposed to argue that there is not any interference with the liberty of the subject, but in the circumstances of the case it is inevitable that that should be so. If the grave circumstances, which compelled the Local Government, with the sanction of the Governor General, to introduce this legislation, hold good,—and I do not think it is likely to be seriously challenged in this House or elsewhere that they do hold good—then this interference with the normal law regarding the liberty of the subject is, after all, much more restricted than has generally been supposed, and it is restricted for purposes which are of the greatest and the most immediate importance. I observe in some of the questions of which notice has been given, I have been asked why the responsible police authorities did not prevent the commission of certain serious outrages which are referred to in the questions. I agree that what lies behind a question of that nature is that prevention is a very much better thing than punishment. But how are you going to prevent? You can only prevent by being forewarned, and you can only be forewarned by having sources of information, by following up clues, and by keeping under surveillance the actions of persons whom you have reason to believe are involved in dangerous activities of this kind. It is at that stage that the possibility arises of taking preventive measures as distinct from punitive measures, and it is in order that the responsible authorities may have adequate opportunity at that critical time which coincides with the formation and precedes the commission of offences of that kind, that the practical necessity of a measure of this kind really arises.

Now, Sir, I have spoken, I fear, at some considerable length. I have deliberately refrained from dealing with the details of outrages some of

which are of recent occurrence and have shocked the whole country. I have not referred to them because I think the House is in full possession of the facts, but I cannot entirely omit reference to them because I would not have it supposed that I do not regard that as a matter of the very greatest gravity and importance, as a condition precedent to the measures which I have had to lay before the House, but it is one which I do not think necessary to dilate upon before a House which I am sure is fully aware of the facts and will be willing to unite with Government not only in deploring them but in giving effect to their sense of condemnation by their co-operation in the measures necessary to deal with these and similar offences. (Applause.)

Mr. Abdul Matin Chaudhury: Sir, I move that the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, be circulated for the purpose of eliciting opinions thereon by the 30th March, 1931.

Sir, my Honourable friend, Mr. Satyendra Chandra Mitra, who is more competent than myself to speak on this subject, had originally given notice of a similar motion, but as he is indisposed, he is prevented from making a speech under medical advice, and the duty has fallen upon me of moving this motion.

Sir, I have not been able to understand all this haste and hurry with which the Government are trying to rush this Bill. This Bill was introduced in this House on the 15th January, and four days after—to-day is only 19th—we are being asked to consider and pass it. Government want us to skip over all the usual intermediate stages, circulation of the Bill, reference to Select Committee, etc. and give our sanction to the Bill immediately here and now. Now, Sir, the question arises, what is the urgency and emergency of this measure? The position is really this. The detenus are already inside the jail. Their movements have been restricted; their liberty has been curtailed; and their capacity for mischief, whatever that may be, has been curbed. For all practical purposes, they are entombed inside the prison walls. Where, then, is the need, the justification for rushing this Bill through without giving the House and the public outside an opportunity of discussing this Bill in all its varied

aspects? This Bill is not so innocent as it looks. It has got 3 P.M. graver implications. Till now the detenus were detained in their own province. Now they are going to be exiled. The Detention is going to be supplemented by Deportation. That is the most sinister implication of this Bill. It is hardly necessary for me to emphasize the horrible consequences of this measure. The detenus will be deported to distant places like Mandalay and Coimbatore. They will be detained in unfamiliar surroundings, far away from their friends and relatives and it will be impossible for their friends and relatives to interview them. They will be deprived of the little consolation, little joy and little cheer that interviews with their friends and relatives bring in their dreary life. As it is, the life of a detenu is more unbearable than the life of an ordinary convict. The ordinary convict knows when he is going to be released, and he patiently and confidently waits for the day of his release. There is no such solace for the detenu. His period of detention is uncertain and the physical and psychological effect of this uncertainty on the mind and constitution of the detenu is most debilitating. Instances are not rare of young men of rigorous constitution who went to jail as detenus, and came back as physical wrecks. Honourable Members are aware of the case of Mr. Subhas Chandra Bose, who went to internment, a picture

[Mr. Abdul Matin Chaudhury.]

of health, and came back a consumptive. My friend over there, Mr. S. C. Mitra, went to Mandalay jail on internment and came back more dead than alive. If as a result of this deportation one young man is hastened to a premature grave, the moral responsibility will be on the shoulders of those gentlemen who help in passing this measure.

Now, Sir, who are the people who are going to be interned and deported? They have not been convicted of any crime. Their guilt has not been proved in any court of justice. There is not evidence enough to bring them under the security section even. They are only suspected of being connected with the terrorist movement. If for reasons of State you are going to detain them, why deport them also? Are not the jails in Bengal as safe and secure as the jails in other provinces? Is there not enough accommodation in the Bengal jails for these 300 people? In the last Session of the Bengal Legislative Council, 15 lakhs were granted for the accommodation of political prisoners, and surely you can accommodate these 300 detenus there? My own impression is that the Government of India want to crush the spirit of these innocent suspects. They want to make their lot harder, more rigorous than the lot of the Russian revolutionaries who used to be exiled in Siberia. I was reading only recently the autobiography of Trotsky. When Trotsky was exiled in Siberia, he was allowed to live with his wife, could entertain friends and go out bear hunting for recreation. Do the Government of India, while they transfer these men to other provinces, intend to allow them to live with their families and give facilities for recreation outside the jail and allow them to meet and entertain friends? If the answer is in the negative, then the Government of India are open to the charge that their treatment of political prisoners is less humane than that of Russia. I do not want to labour this point. I want to bring one point forward for the serious consideration of the Government of India. Is this the opportune time for bringing in a measure of this kind? His Excellency the Viceroy referred to the dawn of a new era in the constitutional history of India. The air is thick with rumours of political amnesty. Is this the time to bring in a measure which I can best describe as an instrument of torture for the Bengal detenus? Why not circulate the Bill and await developments? I have no illusion with regard to the attitude of the Government. I know when statesmanship dictates a particular course the Government of India will do the contrary. I will appeal to all the elected Members, both Europeans and Indians, on humane considerations to oppose this Bill and support my motion.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I rise to oppose this apparently inoffensive Bill. There are two operative sections to the Bill. One is to give power to the Local Government to have detenus transferred to some other provinces in British India. The other is to suspend the *habeas corpus*. Sir, I have carefully read the Statement of Objects and Reasons. I read it over again and I have not been able to find a single line of reference to the reasons which necessitated such a provision as a supplement to the Bengal Criminal Law Amendment Act of 1930. It is simply mentioned in paragraph 3 that the Bill empowers the Local Government, with the previous sanction of the Governor General in Council, to make an order committing to custody

in a jail outside Bengal any person against whom an order under sub-section (1) of section 2 of the local Act might be made. Failing to find any real statement of the objects and reasons for this apparently inoffensive Bill, I closely listened to the 25 minutes speech of the Honourable the Home Member, and I am surprised that he would not give any reasons for removal of prisoners from one province to another and uttered vague platitudes, such as protecting detenus from demoralising effects, practical necessities and so forth. No definite reasons were assigned for transferring the political prisoners from one province to another. Probably the Government thought that it would be wise to cover the real issue underneath a propaganda against the so-called terrorist movement in Bengal. There has been a confusion of ideas and I think it is no compliment to the intelligence of any one of us, if the Honourable the Home Member thinks that we cannot see through the device and that they want to conceal the real issues behind and want to prejudice the minds of Honourable Members by repeating all that has happened at Chittagong and other places and reciting all those things in connection with the alleged terrorist movement. Sir, the Honourable the Home Member was reading the speeches of the Governor of Bengal and of his esteemed predecessor, for whom every one of us entertains the highest respect, and who when he was with us certainly commanded the confidence of everyone of us, and whose untimely death every one deplored here, but, Sir, the Honourable the Home Member has not given us anything from his speech to show that he ever attempted to have detenus from Bengal transferred to other provinces. Has he done so? If the Honourable the Home Member thinks that by inflaming our passions, by relating all those things in connection with the alleged terrorist movement, about the happenings in Chittagong and other places, he will make us lose sight of the real issue, he is wrong. What does he want us to do? I think he does not pay a compliment to our intelligence if he takes us to be so many children who will lose sight of the real issues by relation of facts which have no bearing to the matter under consideration. What does he really ask for, and what are the reasons he has adduced for, what he asks? The Honourable the Home Member knows perfectly well that he has not given us any reasons for the transfer of the detenus to other provinces, and probably he has none up till now, save and except the vague platitudes which he has uttered about their being a danger to the State and keeping them free from other influences without giving any specific instance whatsoever.

Mr. Gaya Prasad Singh: The jails in Bengal are overcrowded.

Mr. Amar Nath Dutt: I think the jails will be overcrowded in other provinces too in no time when my friend over there and many others will be there. (Laughter.) Sir, things are going on in such a way that this will come and this is inevitable. Nobody ever dreamt that a pious Rishi like Pandit Madan Mohan Malaviya would ever court jail. (Hear, hear.) Certainly he was not an extremist politician; certainly he did not belong to the extreme section of political thought. Then, Sir, as I was submitting before the House, the Home Member does not give us any reason for the transfer of these detenus. I shall show to you, however, and clearly prove to you what is the nature of this Bill. As has been already stated by my friend, Mr. Abdul Matin Chaudhury, these are meant for detenus who have not been convicted in any trial, whether by a special tribunal.

[Mr. Amar Nath Dutt.]

of which my friend over there is so very fond, or by the ordinary tribunal. These people have not been tried; they could not even be brought under any of those sections which have been characterised as an iron hand in a velvet glove, viz., sections 44, 108, and 110 of the Criminal Procedure Code. That being so, they are merely the victims of suspicion, and suspicion derived from what source? Pardon me, Sir, I may be allowed to observe that the source from which you get much of the information is tainted. It requires better and closer scrutiny by more trained legal heads than merely depending upon the village chaukidar, or for the matter of that the police Sub-Inspector. If that be your gospel; if you want to rule India on the report and advice of these police Sub-Inspectors and village chaukidars, whose social position, moral character, education and everything else are certainly not very enviable, well, I think you had better abdicate the self-imposed task of ruling this unhappy land. You ought to have better trained legal heads to scrutinise all the statements that are brought forward, free from the taint of executive officialism, and then and then only you should put them into jail or detain them. Sir, you detain them on mere suspicion, on the report of this class of men. . .

The Honourable Sir James Orerar: I may point out, Sir, that in all these cases the evidence is submitted to two judges under the Act: there is no question of detention merely on the report of police officers.

Mr. Amar Nath Dutt: Not High Court Judges. I remember five or six years ago we demanded that they should be High Court Judges; and then it was said no High Court Judges were willing to undertake such work, but you will allow me that even in that case the materials available to these Judges are the materials which your police Sub-Inspectors supply. However, we are not concerned with that at the present moment. We are concerned with the supplementary provisions you ask for. I have already submitted that you have not given us the real object either in the Statement of Objects and Reasons or elsewhere.

I shall now point out to you the mischievous nature of the provisions of the Bill. It may appear that if a detenu is transferred from one province to another, no harm is done. He is detained there just as he would have been in Bengal. But, Sir, I submit, that these things are done in order to victimise them. Supposing a detenu is transferred from Bengal to the North-West Frontier Province, where the language spoken is Urdu, where the food taken does not suit the people of Bengal, and the extreme climate of which place does not agree with their constitution. These things you will have to consider, and this is by way of punishment for those whom you want to detain, as if only to protect society from their mischievous propaganda, because you suspect that they are probably guilty of such mischievous proclivities. You have no proof, you know that there is no proof of their having been actually concerned in any mischievous activities. However, as long as you think it necessary for reasons of State to detain them, you have the law there, but why seek to transfer them from one province to another? In that case, I have tabled an amendment to clause 2, in which I say that if you want to send a detenu from one province to another, then the place of his detention should be a place of his choice. If you are agreeable, of course, we will have no objection to that. I see the Honourable the Home Member is laughing, but what is a laughing matter to him is death to many. I am

sorry to criticize one of his measures about which he is so keen almost at the end of his career, but I hope he will try to be as sympathetic as his predecessor in office. In that case I think his name will also be remembered with the same affection and respect. He will please realize this. It is not a matter of laughter; it is almost a question of life and death to the people of Bengal, the flower of whose youth is mostly detained in jail. Conceding for argument's sake that you are right in detaining them, please do not kill them, do not seek to deprive Bengal of her true and best sons. You and we and they differ about the procedure only, but you cannot deny that they are a set of people with burning patriotism. Unfortunately, the methods are different. We come here and try to do the little we can; they probably think that this method is not right. So I say do not kill them; do not send them to other provinces where their health will be ruined, where they cannot get company, where it will be a sort of solitary confinement for them. The other day I was informed by an esteemed countryman of ours, who was a former Member of this House, that even Mahatma Gandhi's health was failing and that it was time that the Government should see their way to release him. But that is outside the scope of the present Bill. What I beg to submit for the consideration of the Honourable the Home Member is this. I believe that probably he does not realise all these difficulties, and when I lay all these facts before him, I think he will be the first man to realise that there are real difficulties about transferring the detenus, and if subordinate officials choose to be vindictive over some of these, then they can be removed to Burma, to the North-West Frontier Province, and so on, as a sort of punishment, where the food will not agree, because in Bengal they take one kind of food, in Peshawar another and in Burma a different kind of food and so on. The Bengalis are accustomed to eat fish. In some other province, they take meat, while in Burma, I understand, they take raw meat. (Laughter.) As regards association, even the convicts in those Provinces will not be able to talk, and it will be a sort of solitary confinement to these detenus. The convicts in Burma are not expected to know Bengali so as to be able to talk to their fellow prisoners who come from Bengal.

Then, there is another thing which I beg the Honourable the Home Member to take into consideration, viz., the difficulty which lies in the way of interviews with relations. Sir, if you deport a Bengali to Burma or to Peshawar, his relations, who might be inclined to see him at intervals which the Government may be pleased to fix for them, they will certainly not be able to have as many interviews, if they are sent to Peshawar or to Burma because from the very nature of the distance, it will be very costly. These are the four points, which I once more lay on the attention of the Honourable the Home Member to consider before inflicting another Ordinance like this—I purposely say an Ordinance—on unhappy Bengal. I know that Bengal has been under the heel of officialdom. Bengal has suffered in the past; it is prepared to suffer in the present and in the future also for the salvation of their Motherland. Bengal also is expiating for the sins which were committed on the fields of Plassey. I hope the Honourable the Home Member will see his way to appreciate the difficulties of apartments like this, and I hope that he will at least accept an amendment like the one which I propose to move

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when he comes to the consideration of the clauses. If it is inconvenient in any way to keep them in Bengal, let them be sent outside Bengal to such places which they themselves choose.

Then, Sir, as regards the suspension of the *habeas corpus*, I submit, this is almost our *Magna Charta* and you attempt to take away that. There is no relief against executive measures for those people who are hauled up under the provisions of this Criminal Law Amendment Act. I submit you need not be afraid of this enquiry by a court of justice. As you see, all this evidence will be placed before two Judges already, and it will be placed before another Judge. Why do you suspend the provisions of *habeas corpus*. But, Sir, I am emphatic and more emphatic about the provision of clause 2, for I have already submitted before you the difficulties, and I hope every one of you will kindly consider all these difficulties and will come to the conclusion that it is not an inoffensive measure as it appears to be on the face of it. With these words, I beg to oppose the consideration of this measure.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I take it that so far as one part of the Bill is concerned, it is meant to be an administrative and not a penal measure; or at any rate it professes to be like that. So far as that point is concerned, I submit with some confidence to this House that a measure of this sort, that is which confers power to detain a person in custody without trial should not go beyond the bounds of strict necessity. I submit that this is a perfectly reasonable proposition which will also be acceptable to the Government Bench. If that be a sound proposition, then the next question arises, is there any necessity for transferring detenus from their own Province to another. It has been said by the Honourable Member in charge in a somewhat general, and I am afraid, vague language, that if these Bengal detenus are confined in Bengal jails, there is an apprehension of their establishing contact with persons outside the jail and of other complications of an undesirable character arising. I wish the Honourable Member had explained this a little more fully, but apart from that, I do put it to the House that it would not be desirable on the part of one province to shove on its troubles to the shoulders of another province. If the Bengal detenus are inclined to be troublesome, surely it is the duty of the Bengal Government to keep order. There is not one jail only in Bengal; there are a number of them. Is it not possible for the Government of Bengal to make such arrangements that the detenus while they are confined, will not be able to create further trouble inside the jail? Well, Sir, the House will bear in mind that most of them are young men and in many cases, at least they have been misled by the very fervour of their enthusiasm for their country and surely they ought not to be removed from the wholesome influences of their friends and well-wishers. I take it that in many cases, their friends and guardians and well-wishers do not approve of the course which these young men may have pursued or are suspected to have pursued. In that case by removing them to another province, where they will not be so easily accessible to their well-wishers, you are doing them a grave injustice, doing the province a great injustice. I have always set my face against the arrangements in Indian jails, which shut out all wholesome influences from the prisoners; even the consolation of religion is not accorded to them, while in the rest of the world,

they are overhauling their prison system; they are looking very carefully for means and ways by which prisoners, even habitual criminals, should be treated, treated with a view to ultimate reformation. In Indian jails all wholesome influences, all influences tending towards reformation are absolutely shut out. But in these particular cases, do not the Government think that it would be a great misfortune for these young men if they are cut off from access of their friends, friends who might exercise a better influence? If they are taken to another province and thrown among strangers, that is to say, among men who are all hardened criminals, surely the result would be that they would become confirmed in the course they are suspected to have been following. That is a very serious matter and I do hope that the Government of Bengal will very carefully consider whether it is a right measure to remove such men from their province and from places where they are likely to come under at any rate some influence of the right kind.

Then, Sir, there are other difficulties also which have been alluded to by some of the Honourable speakers, and those are the question of climate, the question of food, and all that.

Then, there is another and a worse difficulty in the way of the Government. I was in the Bengal Council, and I know how exaggerated reports come from distant places where these people are detained—most exaggerated reports. When the matter is put before the Council and Members of Government are asked whether in Mandalay or in some other distant place such and such a prisoner is not suffering from very bad health due to ill-treatment or harsh treatment, the public finds it very difficult to find out what is actually going on. Government put themselves in a position of great difficulty in these cases. It is quite possible, quite easy, for the Local Government to make proper arrangements for these detenus, and if so, they ought not to shirk their responsibility. In the next place they ought not to create a situation in which the public mind will always be suspicious. I know how much the Government of Bengal have suffered in that way. I think the Government of Bengal, if they have asked for such powers, ought to be told that they are acting against their own interests and should not insist upon a measure of this sort. And as I have submitted in the beginning, a measure of this sort ought never to go beyond the limits of the strictest necessity, and no such necessity now exists.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, this is the first occasion in this Session that I open my mouth on such an unpalatable subject, and I feel it my duty to my countrymen, the people of Bengal as well as the landholders and the citizens, that I must express my vote of protest against this unreasonable measure which has been put forward before this House. Sir, the Members of this House are not generally expected to know all the details of these Bills. Many Members in this House are not lawyers and therefore they can legitimately demand the original Bill to be supplied with the supplementary Bill. That has not been done. That is my first charge against the Government, that when putting forward supplementary or amending Bills, they never care to give us the original Bills.

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Secondly, what are the provisions about the arrest of these detenus? We find that any police officer, not below the rank of a Sub-Inspector, can make an arrest. Formerly, elderly ladies were spared in making a search but now these police men without any warrant can raid the house at dead of night and do not spare the ladies even. Sir, I can boldly say that at the outset that I have no sympathy for the criminals who commit crimes and are liable to receive punishment, but I speak only of the detenus against whom no charge is framed. It has been repeatedly said in this House times without number that this law is nothing but a lawless law, and I can assure the Government that so long as they will continue to follow these repressive measures, they will lose the confidence of those who have got a little stake in the country.

Now, Sir, I am going to put before the House the grievances which may generally occur in the case of detenus, if they are transferred from the province. I shall take them one by one, and if any of these points does not appeal to Honourable Members they need not accept it. But if my grounds are reasonable and my arguments cogent, I hope they will bear with me and vote with me in the same lobby. The first is the inconvenience suffered in the way of communication by the detenus and his relatives. Most of the detenus have got families, and if they are transferred to distant places like Burma and Madras, it will be very inconvenient and difficult for their people to go and see them and inquire how they are doing, after spending so much money in railway and steamer fares. It is difficult for a man to speak out his mind to anybody unless he knows different languages. Of course when a man really commits a crime his penalty is deserved; but it is very hard for a man against whom no charge has been framed if he is sent out to a very distant country where he can get very few friends or relatives to speak out his mind to. It is nothing but a solitary imprisonment. That is one point which impels me to speak on this Bill.

The second point is that, even if his friends or relatives manage to go over there somehow to have an interview with him, they fail very often to get it, because the authorities there say that they have no power to grant the interview but they should go and ask the Local Government for it. Several days pass in correspondence and in the end the interview may be denied.

Thirdly, I must say something about the food which is supplied to these detenus. Generally, the Bengali takes one particular kind of food and if he is put in a distant place like Burma it becomes very difficult for him to take food to which he is not accustomed. And then there is also the manner of cooking it. It is easy to understand how a Bengali gentleman enjoys the dishes in the house of a Japanese or Chinese gentleman if he is offered dishes cooked in their style. I shall give one practical instance. When I was coming here to attend this Session of the Assembly, I came by way of Benares. I found a Bengali boy loitering and wandering about and he was trying to get into a third class compartment in order to go to Benares. I then inquired who he was and why he was wandering like that and where he came from and all that. He said he was coming from jail and that he had come to see a friend going to Allahabad, and when I further inquired why he was in jail and all

other particulars he told me frankly that he was sent to Madras Jail as a civil disobedience prisoner and that there the food which was supplied to him was so unpalatable that for four or five days he had to starve, and after repeated applications to the jail Superintendents, he got a kind of rice cooked in such a way that it was almost impossible for him to try a single spoonful of rice. Honourable Members here can easily realise what that means. Even if they go without food for a single day it brings on so much weakness; and they can easily understand what it means to go without food for days together; and generally speaking that is what often happens to these civil disobedience prisoners of the C class. I do not care what amount or kind of labour this class of prisoner has to undergo, but I do certainly attach importance to the food he gets. He ought to get much better food

Dr. A. Suhrawardy: In jail.

Mr. D. K. Lahiri Chaudhury: Of course in jail. Why not in jail? And especially so in the case of these detenus who are being supplied with bad food and against whom no charge can be framed. I think Dr. Suhrawardy will agree with me there.

Dr. A. Suhrawardy: Certainly.

Mr. D. K. Lahiri Chaudhury: I should next like to mention the loss these detenus have to undergo owing to lack of sufficient correspondence. Suppose a man with an estate in Bengal is sent to Burma and there is some litigation pending in connection with his estate; he has to send a vakalatnama from there and do many other things, and it is very difficult to send these in time from such very distant places. The result is that he loses heavily solely because of the distance and of the lack of correspondence.

Another point is this. I can quite realise the position of Government, who say that letters must pass through their hands and all that. But some arrangements must be made to give them better facilities for earlier and more speedy correspondence.

Lastly, I come to the question of the settlement of disputes, and as an illustration I could cite an instance which I hope my Honourable friend in front of me will himself bear witness to when he was in Mandalay jail. It occurred in 1926 when he was there. What was the grievance? What did they want? They simply wanted a place for their worship; and as you know, Sir, every Indian understands, and I think even an Englishman and every man who really believes in the worship of his own deity or God can easily concede the right of every man to worship his God in his own way. This request was not granted and they sent an ultimatum of ten days; but full twenty three days elapsed and no decision was given and then they went on hunger-strike. All that I want to emphasise to the Government say there is a necessity for sending out men to different provinces. May I ask the Honourable the Mover of the Bill as to how many detenus are going to be sent to different provinces? So far as I can gather from the statistics—I do not know how far I am correct and I hope the Honourable the Home Member will enlighten and correct me if I am wrong—there are only four detenus who were sent to Rangoon jail, six were kept in Madras jails, and about a dozen and a half in Burma. If

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it is only for these men that the Honourable Member finds it necessary to promote legislation like this, I can say with confidence and with common sense on my side, that it is not necessary at present at all.

The Honourable Member then said it was absolutely necessary for the Government to put through the measure quickly. But as has been pointed out by my Honourable friend, Mr. Abdul Matin Chaudhury, a good sense is now prevailing abroad and it is hoped that it will bring about peace and harmony in the country; and it is only quite recently that His Excellency the Viceroy, in discussing the features of the present situation, expressed a feeling that real co-operation and harmony and peace will be restored as early as possible. Under these circumstances, I do not understand why the Honourable the Home Member should seek to rush this Bill through so soon without giving any cogent argument in support of it. If, as an Honourable Member who interrupted my friend Mr Abdul Matin Chaudhury in the course of his speech said, the jails are overcrowded with prisoners, I can just tell him one thing.

Mr. Gaya Prasad Singh: I never supported that.

Mr. D. K. Lahiri Chaudhury: Many thanks. I merely want to tell the House this: that in that case there is a jail at Buxa in the Alipore Doorars which is a sufficiently safe place for these detenus if the Government wishes to place them there. Round the jail there, there is a big barrier which is very high, and on the top of that barrier there is barbed wire, which generally carries such a high voltage of current that a mere touch is sufficient to cause death. Surely in a jail like that the Government could place these twelve or thirteen men separately and accommodate them there easily; there is no necessity of sending them to other places if they are too dangerous to be kept in Bengal itself.

In these circumstances, Sir, we on this side of the House, especially Bengalis, cannot see that there is any necessity whatever for rushing through with this Bill. With these observations I oppose the Bill and support the amendment moved by my friend, Mr. Abdul Matin Chaudhury.

Mr. Arthur Moore (Bengal: European): Sir, as several voices from Bengal have already been heard in one sense, those of us who represent a Bengal constituency here would like to put another point of view. The whole of this subject of dealing with a terrorist movement and of detaining people without trial, or with forms of trial where the evidence cannot be produced, is, as we all know, beset with the very greatest difficulties. And it occurred to me just now, when my Honourable and learned friend, Sir Abdur Rahim, was speaking, that he himself provided us with a new illustration of those difficulties. For unless my memory is at fault, and I am entirely open to correction by my Honourable and learned friend,—I think he was a Member of the Bengal Government—I am not even sure that he was not at the time the senior Member

Mr. B. Das (Orissa Division: Non-Muhammadan): He was part of a soulless machine.

Mr. Arthur Moore: That is not quite how I would put it, but I think that my Honourable and learned friend was actually a Member of the Government which introduced the original Ordinance and which introduced the original Bill in 1925, with which we are dealing now.

Mr. S. O. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): That is not before the House. The question is only about the transfer of detenus.

Mr. Arthur Moore: Yes, quite; but it is made necessary by the re-enactment in 1930 of a Bill originally introduced in 1925, and I must say that this morning when I heard my friend say

Mr. S. O. Mitra: You raised the point.

Mr. Arthur Moore: . . . in reference to the Punjab Bill that he had never before heard of emergent legislation for a period of five years that, it did occur to me that my Honourable and learned friend was suffering from a certain lapse of memory.

An Honourable Member: No, from a change of climate.

Mr. Arthur Moore: . . . because he himself was a Member of a Government which introduced this very emergent legislation which he said he had never heard of for a period of five years.

The Honourable Sir Brojendra Mitter (Law Member): I think my Honourable friend was then in charge of Jails.

Mr. Arthur Moore: I think that is one illustration, because I have not the slightest doubt that the urgent reasons which were sufficient to convince my Honourable and learned friend of the necessity for these measures in 1925 have unfortunately not diminished, or shall I put it, though they have diminished in the interval they are again most unfortunately in full operation. The objection to detention without trial we all feel. The Bengal Government have made an effort to mitigate it; they cannot possibly remove it. It is inherent in the nature of the case, as Sir Alexander Muddiman made clear in the speech

Mr. Gaya Prasad Singh: But how has the Bengal Government mitigated it?

Mr. Arthur Moore: That is what I am coming to. The Bengal Government endeavoured to mitigate it, though they could not remove it, by the provision that the evidence should in every case be submitted to two Sessions Judges. Well, Sir, that is, as we all know, a mitigation, but only a mitigation. Granted that, when you are dealing with a terrorist movement, you have to establish this practice of detention, it seems to me that if there are overriding necessities for detaining people outside their own province, provided the detenus are properly treated in regard to accommodation and food, it is not of the same importance as to where exactly they are detained. They are in any event not enjoying their normal liberties, and that is inherent in the case.

Now, Sir, this is a time when I think that we are all anxious at a critical period of the constitutional history of India to do nothing and say nothing that could promote ill feeling, and we have heard from the Honourable the Home Member this morning that for reasons of that nature the Government have decided not at the present moment to proceed with two Bills. In dealing with his Bill, which the Government cannot drop because of their obligations to the Bengal Government, I observed that the Honourable the Home Member refrained from building up his case, that is to say, he did not bring before us in detail the recent terrorist

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outrages which have, I believe, shocked all Members of this House. I feel that a response of some kind on our part would be in place. We have to remember that there is a vast difference between a purely political prisoner and a prisoner who is accused of complicity with a terrorist movement. And, Sir, I would call the attention of the House to the fact that this Bengal Act does definitely apply and apply only to people connected with the terrorist movement. It is not a matter affecting purely political prisoners. I think that this is not a moment at which this House would desire to associate itself in any way with what may be called a sympathetic protest on the terrorist side. Surely we wish emphatically and in every possible way to dissociate ourselves from that movement. I am not suggesting that the House should be asked—because I know that that would not be in any way in accordance with the feelings of Honourable Members opposite—to associate themselves with any form of disapproval of what may be called Satyagraha, or of arrests which have taken place recently in phases of non-violent non-co-operation. But we are dealing here with terrorism, and Governments faced with underground movements are in a very difficult position. I think that if my Honourable and learned friend found it necessary to ask for all these powers in Bengal in 1925, we in the position which exists in January 1981, and in view of events, very very recent and very distressing events, should not refuse those powers to Government when they ask for them.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muham-
4 P.M. madan): Sir, I should like to add only a few words to the debate, and that will mostly be in answer to one observation that fell from my Honourable friends, the Home Member and Mr. Arthur Moore. They seem to have made a great point of the fact that one of the provisions of the Bengal Criminal Law Amendment Act, 1980, is to the effect that the material facts of each case have to be placed before two Judges of the status of Sessions Judges, or Additional Sessions Judges. This makes it necessary for me to recapitulate in as few words as possible some of the salient features of the Bengal Criminal Law Amendment Act; and in doing so, I promise I shall be very brief.

Under section 2 of that Act, it is the Local Government and the Local Government alone which has been vested with the power of committing into custody without trial any person against whom it is satisfied that he has committed an offence mentioned in that section. Under section 9 of the Act, the material facts of the case have to be placed before two Judges who have exercised either the powers of Sessions Judges or of Additional Sessions Judges. The material facts and circumstances that are in the possession of the Local Government have to be placed before the two Judges mentioned therein. But is the finding or report of the Judges binding upon the Local Government? No. In sub-section (2) of section 9, it is stated that, "On receipt of the said report the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just and proper". So, not even the finding of the Judges, based as necessarily it will be on one-sided evidence, is binding upon the Local Government. Therefore, it is executive action throughout that prevails. Sub-section (3) of the same section says that, "Nothing in this section shall entitle any person to attend in person or to appear by pleader in any matter connected with the reference to the said

Judges, and the proceedings and report of the said Judges shall be confidential". I ask, is this a trial, or even the mockery of a trial, that has been given to the detenu? It is seriously urged by my Honourable friends on the other side that they have provided a very good safeguard against any miscarriage of justice. The whole evidence is absolutely one-sided and tainted. It is recorded in the absence of the person most vitally interested. He has no right to appear before the Sessions Judges; he has no right to appear either in person or by pleader. I am not aware if any stage has been provided in the Bengal Criminal Law Amendment Act at which the explanation or the defence of the accused—I mean to say, of the detenu—is to be taken. In these circumstances the man is held guilty of an offence not known to himself. In the first place, the man is sent to jail in his province. Then it is now proposed to intern him, not in his own province, but in a distant place. All the objections to deporting him to a distant place have been mentioned by my Honourable friends who have spoken before me, and it is unnecessary for me to repeat them. My Honourable friends on the other side have held up before us the dangers of the terrorist movement. We all abhor on this side of the House the terrorist movement; but the terrorist movement is not on one side only. The terrorist movement sometimes proceeds from the side of some people who are misguided; and it also proceeds, as at present from the side of the Government, who are imprisoning and shooting down people and making lathi charges all over the country in a lawless endeavour to repress the nationalist movement. This is also a serious danger which must be guarded against. It is no good for the Government to come here and ask us to give them powers to fight the terrorist movement which comes from the side of the people. The Government also must not transgress the limits of the law and set an example to the terrorist activities of some people. With these few words, Sir, I oppose the Bill.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muham-
madan Rural): Sir, it is a matter for supreme satisfaction that a responsible Member formerly associated with the Bengal Government has dissociated himself from the Government of India, for the very simple reason that they are trying to extend the tentacles of what I may call a constitutional form of terrorism. The Act on which this Bill is based is nothing more and nothing less than a form of legalised despotism. Sir, was it not Lord Lytton, the then Governor of Bengal, who publicly stated that he asked the Judges of the High Court to go into those dead documents, for documents which do not see the light of day are dead documents—to go into those dead documents and then give their opinion whether people with whom those documents dealt were criminals or terrorists or not. The High Court Judges of Calcutta refused to go into the dead documents. That is a fact which the Honourable the Home Member or any other Government Member, including our new Leader of the House, cannot deny.

The Honourable Sir James Crear: I have no knowledge whatever of any such refusal having been made.

Mr. O. S. Ranga Iyer: I beg your pardon. I have not at the time before me the proceedings of this House, but I can read to you—and it is on the record of the proceedings of this House—an identical passage which I quoted on a previous occasion when Sir Alexander Muddiman was the Home Member, and that statement could not be contradicted from a speech of Lord Lytton made, if I remember aright, at Ranchi or some

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such place, in which he clearly stated—I am almost quoting his words—that, “If the High Court Judges did not agree to sit in judgment over these cases, it is not our fault. We asked them, but they did not agree.” I would ask the Home Department to furnish the Honourable the Home Member in this particular matter with the facts bearing on the situation, overworked as he is with the reforms question on the one side and with repression on the other. Sir, I say that my statement is absolutely correct and it is on the record of the proceedings of this Assembly. But even if the High Court Judges had agreed—thank goodness! the Judges of the High Court of Calcutta have not agreed and in that way they have not agreed to pollute the fountains of justice—but even if the High Court Judges had agreed, it would have made no difference to us. Supposing two Judges sat in judgment over certain things which they saw in private, do you mean to say that I should accept it, that the Indian public should accept it, that any Englishman would accept it? It is an elementary principle of English jurisprudence that every man who has not been proved to be guilty is innocent. And in this particular case we have these people, whom you call criminals, whom you describe as terrorists, whom you label as anarchists—have any of them been proved to be guilty? Prove they are guilty and send them to the gallows. Guilty men must be imprisoned or destroyed in whatever form your law prescribes their imprisonment or destruction. But I do not for a moment agree that these men whom you have put in prison, whom you put in certain places under some internment kind of Regulation or under these laws, I do not for a moment agree that they are guilty. It is well and good for the European Member from Calcutta to assume that they are “connected with the terrorist movement”, but he is insulting the intelligence of this House when he asserts that because of recent terrorist outrages we are asked to give “a sympathetic protest” by accepting this Bill. I say in this respect the Honourable the European Member from Calcutta has once again illustrated that it is the European community,—about which we read a good deal in Mr. Montagu’s Diary,—(Laughter) which is always worse than the official community, and the fact of the European community being worse than the official community was fully shown by the restraint with which the Home Member spoke and the lack of restraint which characterised the European Member’s speech. He was asking us, “Do you believe in terrorism? You don’t. Then vote with us. You may believe in Gandhism”. Gandhism is not the subject that is being discussed. “If you don’t believe in terrorism, then come into my lobby”. That is what he was saying to-day. Possibly when we go further into this Session of the Assembly, when the tentacles of the Press Bill will come before us, he will deal with Gandhism and then say, “If you believe in Gandhism, please don’t vote with us. If you don’t believe in Gandhism, then vote with us for the Press measure which is meant for the Gandhist Press”. We do not believe in that kind of logic. If we believed in terrorism and in the opposite of constitutionalism, we would not be present in this House. If we believed in the movement for the breaking up of laws either in a violent or non-violent manner, we would not be here. We should be somewhere else and have taken the consequence. It is, I think, utterly insulting for the Member of the European community to come and tell us, “It is a pure question of sympathetic protest against recent outrages in Calcutta”. Who

in this House could have sympathised with those serious outrages in Calcutta? Some Members of this House must have already protested. Some others may not have expressed their protest by not having had the opportunity. But if the Government wanted to have the opinion of this House on the recent outrages in Calcutta, the proper thing for the Government to do would be to bring in a motion before this House and ascertain the views of Members of this House, and not to bring in a measure of this kind, which has nothing whatever to do with the recent outrages in Calcutta. At any rate, on this particular matter we want the Home Member to be explicit, and so long as the Home Member does not hold that opinion, and so long as the Home Member does not call upon us to give an opinion whether we are voting for the recent outrages in Calcutta or against the recent outrages in Calcutta, it is permissible to examine this question in the very narrow form in which it is put and not in the very broadened form in which the European Member put it, and it is because of the broadened form in which he put it before us, that he referred to Sir Abdur Rahim, one of the greatest public men of India and at that time Member of the Bengal Government, and he said, “As you were a Member of the Bengal Government at the time when this measure was passed and as you are now here in this House, how on earth can you go against this measure?” We are not to-day discussing the measure passed by the Government of Bengal when Sir Abdur Rahim was a member of it. If the Government of India want to invite us to discuss that question, we are here quite prepared and quite willing to discuss that question, and I think Sir Abdur Rahim will contribute his wisdom to that discussion in the new light, taking into consideration the totality of the circumstances to-day. The Round Table Conference was not sitting in London when Sir Abdur Rahim gave his consent to the measure for reasons known to him then and which as a responsible man he cannot disclose to the House today. We are talking of a new situation. We are talking of approaching things with sympathy. We are asked to co-operate and we expect that co-operation to be responsive. It is the lack of that responsive co-operation that is responsible, on the part of the Government, for forcing us to do a double wrong to people who have already been wronged once. For, Sir, it is a double wrong to transport Bengalis from Bengal to some other province, and if the Government wanted to know the public opinion in the matter of the outrage of keeping a prisoner belonging to one province in another province, they could easily have read the opinions expressed up and down the country in the Press and on the platform over the keeping of an ex-President of this House in a province to which he did not belong. They put him on a diet which perhaps would have been different had he been kept in his own province and kept him in an atmosphere to which he was most certainly not accustomed. If you want to take away men’s liberties without a trial, as you have agreed to do under this measure, do not take them away from the place to which they belong. Do not put their relatives to the difficulty of travelling long distances in order to have an interview with them. Most of these internees are not very rich people. I know what it is for these poor people to travel long distances in order to have an interview with the internees. You do not deny them interviews. You have not transported them to the Andamans. You say you will take them away from Calcutta to Cape Comorin. Then the relatives of these internees have to travel all the way from Calcutta to Cape

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Comorin, face the discomforts of third class travelling, eat a very different kind of food to that which they are accustomed in what you are pleased to describe as the "Seventh Continent". In this continental country you are transporting them from Calcutta to Cape Comorin or perhaps to Baluchistan.

Dr. A. Suhrawardy: Or from Madras to Kumaon.

Mr. C. S. Ranga Iyer: Or from Madras to the wilderness of Kumaon. If you want to transport a political prisoner from the Presidency of Madras to the wilderness of Kumaon, I would certainly object to it, and even my friend Mr. Muhammad Yakub might object to it. Now, Sir, the question is why should you be so unjust as to inflict a double punishment on a set of people whom you have already punished once. You not only punish them. You punish their relatives. You deprive them of the very privileges you have provided them, including the privilege of interviews. This is nothing short of a scandalous outrage. I am sorry that the Government of India, after the speech that was given to us, on the 17th instant, should have brought this measure forward, which shows that it is a fascinating combination of shyness and slyness. Four hundred years ago, there was a propounder of a philosophy which the Government of India are practising today. His name was Machiavelli.

Mr. President: Order, order. I should like to know the feeling of Honourable Members as regards adjourning the business of the House today. I had expected that we might be able to complete our work today, but I find, having regard to the progress already made, that we will have to meet tomorrow. I should like to know whether it is your desire to go on till 5 o'clock or adjourn now till tomorrow.

(Voices of "Adjourn" from non-official Benches.)

The Honourable Sir George Rainy: As we must in any case meet tomorrow, I suggest that we might adjourn now.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 20th January, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th January, 1931.

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

MEMBER SWORN:

Maulvi Badi-uz-Zaman, M.L.A. (Bhagalpur Division: Muhammadan).

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

Mr. President: Order, order. The House will resume consideration of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, the consideration of which has been moved by the Honourable Sir James Crerar, and of the amendment moved by Mr. Abdul Matin Chaudhury for circulation for the purpose of eliciting opinion.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Mr. President, I am very glad that I have been able to catch your eye, the first thing this morning. I think I owe it to myself, as well as to my constituency, to speak a few words on the Bill which was introduced by my friend, the Honourable the Home Member, yesterday. Several people from my Presidency have spoken on the subject and it seems to me that none of them has really tried to bring to the notice of the House what are the salient features which the Bill contains. Sir, I had had time to go through every word of it and what has been stated in the Statement of Objects and Reasons. I do not think it contains any thing like a bugbear to frighten away sober-minded people, not extremists, but logical and reasonable people who want to see the ordered progress of this wonderful country. I do not blame anybody in this world for holding his own opinion. I might differ from them and if my idea of things and my way of looking at things does not agree with theirs, of course it would be the height of injustice on their part to be uncharitable and say, "You are wrong, we are right", or for me to say, "You are wrong and I am right". On that dispassionate view of the matter, taking that as my theme, I am on my legs now. The Home Member stated that after the recrudescence of terrorist activities in my part of Bengal, the Government of Bengal had to take recourse to the special emergency measure known as the Bengal Criminal Law Amendment Act of 1927, and that Act, Mr. President, as you know, has been revived, not fully, not in all its aspects, but in respect of certain matters only. As a matter of fact, it has been stated in the Bill itself that that very salient and beneficial feature in the measure which allows the accused an appeal before the High Court, and also the similar feature in the measure which we

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passed yesterday with regard to the Punjab Bill, is one of review by the High Court in case of capital punishments is still in the Bill and that was passed by the Bengal Legislative Council last year. Now if indications have any meaning in this world, you will agree, Mr. President, that in these times when one is likely to see some form of autonomy in the provinces—and I am sure from that blessing, Sir, my poor province will not be debarred—to me it would seem that if I were to sit in judgment on the opinions of the Members of the Bengal Legislative Council on that measure, it would be the height of impertinence on my part as a legislator.

Secondly, you will observe that in the body of the Bill, at the time of its passage through that Council, they did not think it necessary that the provisions of clauses 3, 4, 5 and 6, which were left out then, should be inserted, and with regard to the enactment of those clauses, of course, the Local Government have not got the power of making any such laws, and, of course, the Government of Bengal finding the necessity, feeling that a necessity has arisen for the enactment of those clauses in that Bill has approached the Government of India, with the result that an amending Bill has been introduced in this House. Some of my Honourable friends, like my esteemed friend Mr. Abdul Matin Chaudhury, feel that perhaps there is no inordinate hurry for the passage of this Bill here by this House. Well, Sir, I am sure, I am not going to cross swords with him on that score. I am sure that, as an intelligent and rising hope of his people, he will agree with me that, since last April up to now, there have been indications in my part of Bengal which are sufficient even to terrorize a monarch, if there was one in existence, like the Czar of Russia. I am sure I will not be wounding the sentiments of my Bengali friends, if I say that, since April 1930 up to a very recent date last year, there have been many ugly actions of which any Bengali should be ashamed. If my life is not secure, if my property is insecure and I feel that the life and property of people inhabiting our part of the country are insecure and if on the representations of people, the Government of Bengal take recourse to a measure, and if that is passed by the Bengal Legislative Council, for us to sit here in judgment on that and for us to question their intelligence, of course, I think that by that process, we will be paying a very poor compliment to them; for do not we Bengalis feel proud of Sir Surendra Nath Banerjee, the maker of Indian nationalism? Do we not say that we Bengalis are an intellectual race? If measures of this kind are passed by a majority of the Bengal Legislative Council, I do not feel justified myself in going against their wishes.

There is one other matter to which I should refer in this connection. Sir Abdur Rahim, yesterday, was very solicitous for the religious consolation of people living inside the jails. I had the pleasure of knowing Sir Abdur Rahim, while he was an Executive Councillor of the Bengal Government. He had been to my part of the province and perhaps he knows the people there too. I remember when I was the Chairman of the District Local Board of Chittagong, there was a controversy going on in the Bengal Legislative Council with regard to the portfolio of which he was in charge. My Honourable friend Dr. A. Suhrawardy, who is

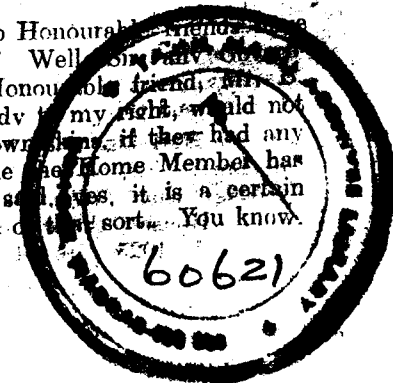
sitting in front of me, will bear me out when I say that when that controversy arose with regard to giving spiritual consolation to people inside the jail, perhaps, as a Member of the Government, he did not see his way to accede to that request. I am very happy indeed to find that Sir Abdur Rahim himself sees the necessity of giving such consolation to people inside the jail now. I can tell you, Sir, from my personal experience, though not as a visitor, that in the Central jail of my town, we have both Muhammadan and Hindu gentlemen to preach before the prisoners, before all classes of prisoners, and I am sure, if their bent of mind is in that direction, they can always take their spiritual inspirations from them.

One other matter has been adverted to by the noble occupant of the Front Bench of the Independent Party, that is, with regard to allowing the detenus the facility of interviews with their own people. Perhaps, he feels that if those facilities are available ready and handy, those gentlemen whose activities have been temporarily suspended will come round and perhaps will behave like good citizens. Well, Sir, I know a little of that arrangement too. I can tell you that in my town one special tribunal is sitting now and there are about three dozen prisoners, all *bhadraloks*, sons of gentlemen, sons of Government officers, and if the environments in which they were brought up and nurtured from their early boyhood were not sufficient to bring into their minds the fear of God, and duty to mankind, I do not know, Sir, if, after they find that their mischief has been found out and that their activities have been stopped for a little while, I do not know if they will listen to any reason. Mind you, Sir, I do not blame them. I have said at the beginning that everybody is entitled to have his own opinion. Thus far, Sir, I have answered one or two points which were made by our friend Sir Abdur Rahim. There were one or two speakers yesterday who complained—perhaps it was my Honourable friend Mr. Abdul Matin Chaudhury himself—who complained that these gentlemen, who are taken into custody under the laws of the land, are entombed and they are made to undergo all sorts of hardships. I have the authority of a very great Indian, I can assure you, Sir, who told me not months ago that gentlemen who have been under this discipline gained weight by several pounds and enjoyed their stay. Otherwise how could they have gained any weight?

Mr. B. Das (Orissa Division: Non-Muhammadan): Who is that great Indian? May I know his name? Will the Honourable Member please tell me the name of that great Indian who said that detenus were enjoying their stay in jails? I am waiting for an answer. Perhaps my Honourable friend has forgotten the name.

Mr. President: You have asked him. He is not bound to give any reply.

Mr. Muhammad Anwar-ul-Azim: One or two Honourable friends asked, "Why, what about the *habeas corpus*?" Well, Sir, I am not a Member, even if it was the Government of my Honourable friend, Mr. Das, or even if it was the Government of anybody to my right, I would not have waited one second in trying to save their own skins if they had any sense of responsibility in them. The Honourable Member has spoken very pertinently before the House and said, yes, it is a certain amount of curtailment of activities of the people of that sort. You know.



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Sir, that if anybody has taken notice of things taking shape in this country, he must have noticed that these gentlemen, who are detained under these emergency measures, do not stay there long, and as soon as they want to get out of it, they can easily do so.

In this connection, Sir, I would like to tell the House that in 1927 when the third Assembly was elected, His Excellency the then Governor of Bengal invited all Members of the Central Legislature from Bengal to a conference with regard to the detention of Mr. Satyendra Chandra Mitra; and His Excellency Lord Lytton plainly told every one of us, including Mr. Goswami who was then a Member of this House, that if Mr. Mitra as a gentleman told Government that he would like to be at home and would not do things which he had been accused of doing, he could come out at any time. So, Sir, the charge of entombing these gentlemen and keeping them in solitary confinement and subjecting them to torture will not hold much water.

Mr. Amar Nath Dutt was very charitable yesterday. He said from his place in the House that Government have not made out any case of recent emergency. Perhaps Mr. Dutt has not forgotten what happened during the last three or four months in Chandpur, Chittagong, Dacca and even in Writers' Buildings itself; and if Mr. Dutt himself were the Governor of Bengal or an Executive Councillor there, I am sure, he would have been the first man to advise the Assembly to get measures of this kind through.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): There was an ex-Executive Councillor from my constituency who opposed this.

Mr. Muhammad Anwar-ul-Azim: I am not here to criticise the ways of the Executive Councillors.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): You are here to approve of them.

Mr. Muhammad Anwar-ul-Azim: I do not question the propriety of double Knights, C.I.E.'s and Nawabs shaping their policy when they come to this House, because that is their own concern. But what I do feel as a very humble citizen and as a very humble member of society, who has got a stake in the country, both as a public man and also as a middle-sized zamindar, is that unless we support the Government in adopting measures which they feel they want on emergencies—and it seems that we are going to have our own Government very soon—we here shall not have very much to say to the outside world with regard to our being a responsible body.

In conclusion, Sir, I will say this, that I am an humble back-bencher in this House, and I should be the last person to wound the susceptibilities of any one; and if my frank speaking has not been liked by any one, I hope he will be charitable, because it is really one of the good qualities of a citizen to have charity towards his neighbours. With these few words I commend this Bill for the consideration of the House.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I wish to remind Honourable Members of this House that this Bill is a revival of a similar Bill which this House threw out in 1925. Clauses 2 and 6 of the Bill of 1925 are sought to be reintroduced in the form of the

present Bill and I have before me the debates of the Legislative Assembly in that year. Honourable Members will find that Members of all shades of opinion, Hindus and Muhammadans, combined in throwing out the Bill by the overwhelming majority of 44. I will give you the exact figures; there were 39 for the Bill and 73 against it, a majority of 44. I am quite sure that, if the motion of the Honourable Member is pressed to a vote, the result will not be far different. But I wish to place before the House a few considerations why Members of all parties should combine to resist this encroachment upon the power of the Legislature. Honourable Members are aware that the 1925 Bill was intended to enlarge the power of the Executive. The present Bill is, as I have said, a revival of clauses 2 and 6 of that Bill. Those who have read the Bengal Criminal Law Amendment Act will find that it gives the Local Government an absolute and unfettered discretion to lay by the heels any person whom they consider to be dangerous and to send him into imprisonment for an indeterminate period. Section 2 says:

"Where in the opinion of the Local Government there are reasonable grounds for believing that he has acted or is about to act in contravention of the provisions of the Indian Arms Act . . . has committed, or is committing, or is about to commit any offence specified in the First Schedule, or has acted or is acting or is about to act with a view to interfere by violence or threats of violence in the administration of justice, then he may be detained . . . etc.:

Provided that such order shall be reviewed by the Local Government at the end of one year."

The result of the whole thing is that the Local Government is the prosecutor, the Local Government is the Judge. There is no intervention of the judiciary to decide whether the man has been rightly detained or has not been rightly detained. As was pointed out by Mr. Gaya Prasad Singh, the matter is no doubt placed before two Judges under section 9, but the Local Government are not bound to accept their report. Therefore there is no check of the judiciary even to that extent against the action of the Executive. Sir, I was reading the other day a book written by the present Lord Chief Justice of England, Lord Hewart, and I find in that book the following passage, which is very pertinent to the discussion on hand. At page 29 he says:

"At various times in periods of political unrest, statutes have been passed enabling persons to be arrested on suspicion of treasonable practices and certain other offences, and detained without bail or trial. Measures of this kind do no doubt to a limited extent suspend temporarily the operation of the Act of 1679 (i.e., the Habeas Corpus Act). But these statutes, though they have been called Habeas Corpus Suspension Acts, have not in any sense suspended the general right of the writ of Habeas Corpus, nor have they legalised any arrest or imprisonment which would not have been otherwise lawful. Hence it is clear that such statutes have nearly always been followed by Acts of Indemnity protecting from liability all persons who acted in pursuance of the Suspension Acts."

To my non-lawyer friends may I point out that under the English constitution in cases of grave national emergency, while Parliament does not pass Habeas Corpus Suspension Acts, after a period of sometimes one year and sometimes more it immediately passes another Act called an Act of Indemnity. And when that Act is passed, every person has got a right to prove that the detention that was made by the executive was not lawful; and before passing that Act of Indemnity, all cases are therefore subjected to review. What have the Legislature done in the present case? Honourable Members will find that, instead of following this practice, they have,

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In section 14 of the Act, given all persons indemnity in advance. Now, the Lord Chief Justice points out that these repressive laws are laws which are in derogation of the ordinary rights of the citizen; in another place he says—and I would like to read to you three sentences:

"The business of the executive is to govern; the only persons fit to govern are experts; the experts in the art of government are the permanent officials who, exhibiting an ancient and too-much neglected virtue, think themselves worthy of great things."

Now, Sir, I submit that the passing of the present Bill would be arming the executive with larger powers than they possess under the Bengal Act, and it is therefore the duty of this House to see whether a case has been made out for arming the executive with this larger power. I wish to submit for the consideration of this House a few facts which are conclusive of the whole question. The first point is that we cannot possibly permit the executive to imprison people without trial. If the executive are in a position to place these people before a court of justice within a reasonable period, there would be no objection to this Bill. But as it is, they wish not merely to take the power to deport Bengalis out of Bengal, but also to suspend indefinitely the Habeas Corpus Act, which corresponds to section 491 of the Code of Criminal Procedure. I therefore submit that the fundamental principle underlying this Bill is vicious; it is opposed to all constitutional practice of civilised countries, and as I have pointed out, quoting the language of the Lord Chief Justice of England, it is a piece of legislation which no civilised Government can tolerate. Sir, that this is not only my view, but the view of the Government themselves, as expressed as far back as 1921 is clear from the unanimous Report of what is known as the Repressive Laws Committee. May I read a short passage from para. 12 of that Report? It reads:

"We recognise the force of these arguments—(the arguments which have been advanced to give the executive larger powers)—, in particular the difficulty of securing evidence or of preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law might in some cases advertise the very evil which the trial is designed to punish; but we consider that in the modern condition of India that risk must be run. It is undesirable that any statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

Mr. G. Morgan (Bengal: European): Which Report is that?

Sir Hari Singh Gour: The Repressive Laws Committee's Report of 1921. Lord Sinha, then the Governor of Bihar and Orissa, sent to the Repressive Laws Committee a minute in which occur the following sentences:

"His Excellency in Council desires again to emphasise the importance of removing from the Statute-book as far as possible all special laws of this character, so that the Government of India under the reformed constitution may proceed with a clean slate."

Sir, that is the opinion of one of the wisest and greatest men that India has produced; and when this question came up in 1925, let me recall the words of another distinguished son of India, the Honourable Mr. Jinnah. This is what he said:

"It is nothing else but a disgrace to any civilised Government to resort to a measure of this character."

Sir, I do not think there can be two opinions upon this question. This is an intensified repressive law, and the executive, if may be, taking advantage of the fact that many Members of this House are new and ignorant of the history of legislation in this House, are trying now once more to place upon the Statute-book a measure which in 1925 was rejected by the majority I have mentioned. I submit that this House should not have the slightest hesitation in rejecting this measure promptly and decisively, as it did in 1925. I wish to point out that no fresh reasons have been given why this measure should receive the consent of this House. It has been stated by the Honourable the Home Member that we want to remove the detenus from what he considered demoralising environments. Sir, those are words which signify nothing to us. If the Honourable Member had come before us and given more specifically the reasons which have impelled the Government to reintroduce this measure after it was once debated and buried by this House only five years ago, we would have been in a position to consider it; but the reasons that he has given are nothing except a *rechauffe* of the reasons which his distinguished predecessor, Sir Alexander Muddiman, gave when introducing the measure before this House.

There is another fact which this House must bear in mind and that fact is this: if you give the executive the larger power which they demand of deporting people outside Bengal, you would necessarily be agreeing to the power of the executive to detain persons without trial. I ask Honourable Members of this House, "Are you in favour of giving the executive the power of imprisoning people without trial?" That is the whole question; and if you are not in favour of it, you cannot be in favour of giving them the larger right of deporting them outside the province where they were arrested.

Sir, I was reading the other day a history of the French Revolution, and I find that in those days they had what they called *lettres de cachet*; they used to give blank warrants, and people used to go and knock at the doors of houses and say, "Look here, you have been maligning the Government. Come along with me", and then transport them to other parts of the country. That this system of arbitrary seizure of the person and deporting him and detaining him for an indeterminate period is a vicious principle is recognised now in the jurisprudence of all countries. And more so, it is recognised in the jurisprudence of the British Commonwealth. In England where the suspension of the Habeas Corpus Act is resorted to only in cases of extreme emergency and where it is immediately followed by an Indemnity Act giving the Legislature the right and the power of examining all cases in which the executive had used their authority, even there the judicial authority, the highest in the country, has condemned this procedure as the negation of the right of citizenship, and I understand, Sir, from the newspapers that this book, the "New Despotism", published by the Lord Chief Justice of England created such a sensation in England that they have appointed a Committee for the purpose of revising all these measures for the purpose of ensuring the liberty of the subject. While they are doing that in England, is this Legislature to take the reverse course of arming the executive with much larger powers, with powers which are absolutely unfettered and unqualified, and which give them the right, without any judicial control, of arresting and detaining persons for reasons which they are not bound to disclose? Sir, Honourable Members are well

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aware of what is intended to be implied in practice from the language of clause 2 about the opinion of the Local Government. The Local Government, Sir, is a figure of speech. The Local Government act upon the advice and, perhaps on the confidential reports, of the police officers, and there is no check by way of cross-examination, and there is no safeguard by way of a judicial or quasi-judicial trial. I understand, Sir, there are over 300 people who are held in detention in Bengal, and if you give the executive power to deport these people outside their province, you would be not only enlarging their powers for deporting them outside Bengal, but ratifying their act and justifying the use of their power of arbitrary seizure of the person and of indeterminate detention. Are you prepared to do it? That is the short question. I have already recalled to you the language of one of the leaders of this House in 1925, and I hope, Sir, that every elected Member in this House will combine to throw out this repugnant measure.

Maulvi Muhammad Yakub: Sir, yesterday when I was listening to the great speech of a distinguished member of the Calcutta Bar, I thought that he alone enjoyed the single distinction of being a past master in making incoherent speeches; but today listening to another speech of another great and distinguished member of the same Bar, I found he was not alone in that art and that there were others too, and on this great distinction achieved by the Calcutta Bar I beg to offer my sincere congratulations to the Advocate General of that Bar.

Sir, I fully share the joint responsibility of the Members of this Assembly to assist Government in taking any measures for the preservation of peace and law and order in this country. I have never shirked my responsibility in lending my support to such measures, even if it were at the loss of cheap popularity with the masses. I also fully realise that in abnormal conditions the State has sometimes to take abnormal measures and to forge arms necessary to meet such abnormal conditions. I am also fully conscious of the fact that now-a-days we are passing through abnormal conditions in India, and that if any measures were really needed to meet the present conditions we should not shirk our responsibility in supporting the Government in passing such measures into law. But, Sir, we must also bear in mind that in forging such measures we should not inflict unnecessary hardship upon those persons who are going to be the victims of such laws. In fact, even a prisoner whose offence has been proved, whose guilt has been established by a Court of law, need not be given unnecessary punishment and should not be subjected to unnecessary hardship, much less in the case of persons whose guilt has not been established in any Court of law and whose liberty is to be restricted only on suspicion. It may be, Sir, that the reports on which his record is framed and the information which is supplied against him may be the result of a *bona fide* mistake on the part of those who are charged with collecting such information or it may be the result of the *mala fide* activities of some officers whose very existence depends only upon procuring and, if they cannot procure it, upon forging information against certain persons. Therefore, Sir, it is most necessary that in supporting such measures we must see that unnecessary hardship is not done to anybody who comes under the ordeal of those measures.

Now, Sir, let us see what is the necessity for the Bill which has been placed before the House today. We are not discussing the question of arming the Government with authority for curtailing the liberties of persons against whom there is some suspicion. I am conscious of the fact that in certain circumstances Government cannot bring before the law courts the evidence which they have in their possession against certain persons. I am also conscious of the fact that in certain cases there may be some evidence which it would not be in the public interest to place before the law courts, and therefore in extraordinary cases Government should be armed with the power of curtailing the liberties of certain persons, but that power they have already got. That measure is already on the Statute-book, and in discussing this Bill we are not reviewing that Act. The only question before the House is whether, in addition to the curtailment of the liberties of such persons, we should also deport them, we should also exile them to strange parts of the country. That is really the question, and we have got to see whether we are justified in passing such a law or not.

Now, Sir, I was really surprised to hear the most solemn and grave speech, of twenty minutes duration, of the Honourable the Home Member in depicting the horrors of communism in this country. I thought that he was presenting before the House some measure which would stop those horrors of communism and eradicate the evil of terrorism. If my Honourable friend, the Home Member, is prepared to give us an undertaking on the floor of this House that by passing this measure he will eradicate all the crime in the country, that by putting this Bill on the Statute-book, all the communism in the country will be stopped, then I am sure that this House will not shirk its duty in lending its support to him. Let him say that; after this Bill is passed, everything has been done to eradicate the evil of communism and that they will not introduce the Press Bill or bring any other repressive measure before the House. If this measure does not go far enough, then I do not find that there is any justification for adding to the injury which we will be doing by curtailing the liberty of the people of this country. To me, Sir, it seems that the measure which is placed before the House is tantamount to a confession on the part of the Government that they are unable to perform their duties and that their officers, who are in charge of keeping the peace in the country, are quite inefficient.

To put it in a nutshell, what does this measure mean? It means that there are 300 detenues in Bengal, that the Government of Bengal are incapable of disconnecting them from the rest of Bengal, and that they cannot prevent secret intercourse between these detenues and the people of the province. This shows the inefficiency of their officers who are in charge of the work. The next thing is that they are unable to provide accommodation for these 300 detenues. Are these two considerations sufficient to bring in such a measure before the House and to deliver a speech of twenty minutes duration, pregnant with such solemnity? If the Government of India are prepared to spend lakhs and lakhs of rupees, for instance, forty lakhs of rupees in building a separate recreation club for the sake of half a dozen railway officers, in a town where already a European club exists, it is surprising that they cannot find money to provide separate accommodation for these 300 detenues in the province to which they belong. If they cannot find efficient officers to perform their

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duties and to stop the sources of connection between these detenus and the people of the province, then they cannot justify their existence in India, on the pretext that they are the guardians of the peace and that the duty of preserving law and order in the country has devolved upon them. These are the only two grounds on which the Government have brought this Bill before the House, and I think that those grounds have got no force and they fall to the ground.

Now, Sir, the rigour and the extraordinary hardship which this Bill would entail upon those persons who would become victims of this malicious measure have already been fully given expression to by the previous speakers, and I need not go into them over again. Some of these hardships, of course, it is in the power of the Government to remove or to mitigate, for instance, to provide these people with the same food which they get in their own province, and things like that; but there are certain hardships over which the human hand has no control, as for instance, climatic conditions. For example, if you deport a man from Madras to Peshawar, what will be his condition in the month of December?

Sir Hari Singh Gour: He will be frozen to death.

Maulvi Muhammad Yakub: Surely. Then there is the difficulty about language. If a man living in Madras is deported to a place in my province, say, Allahabad, suppose he tells the man in the jail that he wants some rice. In Madrassi language they call it "Chour". In Urdu "Chour" means a thief. If the deportee wants rice, I do not know how the jail official in Allahabad is going to help him. These are the difficulties of climate, difficulties of language, difficulties of surroundings, over which the Government, even if they wanted to, have no control, and for these reasons, I think that this Bill should not be supported.

Before I conclude my remarks, I wish to inform the House that my Honourable friend Mr. Anwar-ul-Azim, who alleged that he had personal acquaintance with the ex-Member of the Bengal Executive Council, has made certain allegations against him which are totally false.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Why does he not speak?

Maulvi Muhammad Yakub: When his time comes, he will speak. (An Honourable Member: "He has already spoken.") He spoke before these charges were levelled against him. I am perfectly justified in saying that what has been said about Sir Abdur Rahim, that he opposed giving any religious facilities to prisoners in Bengal, is totally false, and that Sir Abdur Rahim was the first man who showed his sympathy and who allowed facilities for religious observances to the Indian prisoners. If Members of this House make such irresponsible statements on the floor of the House, I think that instead of curtailing the liberties of suspicious persons in Bengal we will have to bring in some measure to curtail the liberty of speech of such irresponsible Members of the House.

With these remarks I oppose the Bill.

Dr. A. Suhrawardy: Sir, although I find myself in agreement with the views expressed by the distinguished legal luminary from Moradabad, I have no desire to imitate his good taste or his good example in paying compliments to the relevancy or coherency of his speech. I do admire his championship of an ex-Member of the Bengal Executive Council who was in charge of the Jail portfolio, but I think that the Honourable Member can take good care of himself and does not stand in need of any help from Moradabad or elsewhere.

Sir, if I rise to intervene in the debate, I do so because with all the goodwill and the desire to support Government and strengthen their hands in fighting the terrorist movement, I find myself unable to lend an unqualified support to the measure before the House. My reasons are quite different from the reasons advanced by my Honourable friends like Sir Hari Singh Gour or Mr. Muhammad Yakub. Apart from the legal and constitutional grounds there are other grounds for opposing the Bill. I have had exceptional opportunities of knowing the practical difficulties in the way of a measure like this, and the harsh and oppressive operation of the law, especially when a person is deported from outside the province. I have read and re-read the Bill, and I find that the salient features of the Bill boil down only to this, that it confers power to deport a person outside Bengal. I am not quite sure whether deportation, or committing a person to custody in any jail outside Bengal, contemplates deportation or committing a person to custody in any jail outside British India. If it had been a case of deportation outside British India, perhaps I might have been in a better position to support the Bill, because, so far as India itself is concerned, India in the year of grace 1931 is quite different from the India of 1911, when the Government of India ran away from Bengal and sought refuge in the dilapidated citadel of the great Moghul. Revolutionary movements might have been confined to Bengal and Bengal alone in 1911. But I do not know where now to find the head and centre of the revolutionary movement. Its tentacles or its net-work have been spread all over India. And where are you going to deport the so-called terrorists and revolutionaries of Bengal? I say so-called, because the persons whom you are going to detain are alleged terrorists and I have no proof, no evidence before me to show that they are terrorists, nor can I be convinced unless they are tried and convicted, that they are terrorists. If you deport them to the Punjab, well, we have had examples of the terrorist outrages in Lahore itself. We have got the Lahore Conspiracy case going on.

What are the reasons for the Government of Bengal or the Government of India asking for power to deport people from Bengal to places outside Bengal. I have not yet been able to find out the reasons. I think Sir James Crerar said in his speech that the reason for deporting people outside Bengal is this, that people outside might get into contact with the detenus inside the jail and that there was an apprehension that some rich detenu might bribe subordinate jail officials. I do not know whether Sir James Crerar actually made use of these words.

The Honourable Sir James Crerar (Home Member): They are not quite what I said.

Dr. A. Suhrawardy: Anyway, I have had considerable experience of Bengal jails as a constant visitor of jails, and I know who are usually jail officials. They are Europeans; there are in some cases Anglo-Indians. They are in the majority. So far as warders are concerned, they are not

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people of Bengal. The majority of them are Sikhs or Punjabis or up-country people. Who are the subordinate jail officials intended? In the name of those ill-paid unfortunate Bengalis, Hindus and Mussalmans, who occupy very subordinate positions as subordinate Assistant Jailors, I repudiate the suggestion that they are more amenable to bribery or corruption than people in other parts of India. Then from the practical point of view, I think that by deporting the Bengal revolutionary or alleged revolutionary or terrorist to any other part of India, you simply act as a propagandist of the revolutionary movement. When Mr. S. C. Mitra was deported to Mandalay, the eyes of the whole world were concentrated on Mandalay, and if I am not mistaken, even in the Burma Legislative Council there were questions and Resolutions about the Bengal detenus in Burma. You remove a man to Lahore jail. He goes on hunger strike and sometimes it may happen that he dies. You afford an opportunity for a big procession from Lahore to Calcutta. What more powerful agency do you want for propaganda or for arousing the indignation of the people and their sympathy towards the alleged terrorist whom you allow the opportunity to die in a place outside his province, where the people, generally speaking, are not at all in sympathy with the terrorist movement. Then there are all sorts of stories of ill-treatment of the prisoners in jails. When such a story gets abroad from a local jail in Bengal, we have immediate means of finding out that it is not true. Not very long ago we had great excitement in Calcutta on the alleged ill-treatment of Mr. Subash Chandra Bose and Mr. Sen Gupta inside the Alipore or the Presidency jail. Sober-minded people had had opportunities of having access to the Honourable Member in charge of jails and of visiting the jail and ascertaining what the truth was. Not long ago, if my memory serves me right, rumour spread in Calcutta that a certain detenu or inmate of a jail was so ill-treated in Benares that he died and that he had gone previously on hunger strike as a result of the ill-treatment. It is alleged in certain quarters that the terrorist outrage in the Writers' Buildings in Calcutta and the murder of Colonel Simpson were somehow connected with this rumour spread from Benares and published in certain newspapers.

The Honourable Sir James Ormer: The Honourable Member knows quite well that it was a totally false rumour.

Dr. A. Suhrawardy: That is exactly my point. It is a totally false rumour. That is a ground for your Press Act, the consideration of which you have postponed in view of the long-expected announcement of the Premier in order to create an atmosphere of goodwill, but you have not the good sense to postpone this measure. The redeeming feature of that unredeemed Act, in the words of my friend Mr. Arthur Moore, the Punjab Act

Mr. Arthur Moore (Bengal: European): On a point of explanation. I never referred to the Punjab Act in that way.

Dr. A. Suhrawardy: I beg your pardon. I adopt the expression, never mind whose words they are. The redeeming feature of that unredeemed Act, the Punjab Act, is not present so far as this measure is concerned. It is quite a different thing to lend support to the Punjab Amending Bill, but this Bill is a highly controversial measure. There is no doubt about that. From the point of view of Government themselves it is not advantageous to hurry through this Bill and to pass it in the teeth of opposition of

the elected majority in this House. You have no doubt got the weight of majority on your side, with your nominated Members and the official bloc. On the eve of the constitutional announcement of the Premier, unless it is going to be a jugglery of words, it is highly improper that this measure should be pushed through, and I oppose this Bill on general grounds. Assuming for argument's sake that there may be nothing wrong in giving the Government of Bengal and the Government of India the power of deporting a person outside Bengal, I am not prepared to assume that in Bengal there are officials who would administer this Bill in a spirit of humanity. Liberalise the whole system. Give me an assurance that the administration of this Bill and the application of power will be humanised and then I may consider whether I should support this Bill or not. If the Government are really anxious to crush the revolutionary movement, they should seriously think whether they should not transfer from Bengal to the Government of India or outside India some of their own officials, whose personal unpopularity is responsible for much of the discontent in Bengal. As regards the question of detention and deportation, I am not quite sure whether it will always be to the advantage of Government. I have been a student of philosophy and of psychology. To a certain extent I know the influence of change of environment and of climate on persons. But it does not necessarily follow that it will be always to the advantage of Government. I see how the gentle and meek lamb from Madras roars like a lion in the wilderness of Kumaon. I also conceive how the strong arm of bureaucracy which deported my friend Mr. S. C. Mitra from Bengal to the Mandalay jail now sits by his side, when transported from Bengal to Behar, as his greatest and strongest champion. Then, Sir, I am reminded of a personal experience of mine, and Sir Abdur Rahim might remember the case. There was a young man, a young poet of the name of Nazr-ul-Islam. He was incarcerated in the Hooghly jail. Rumour spread in Calcutta that he had been on hunger-strike for 35 days and was on the point of death. A meeting was held under the presidency of the late Mr. C. R. Das and he very kindly—I do not know for what reason—conferred upon me the honour of undertaking a journey from Calcutta to Hooghly in order to interview—as I happened to be a jail visitor at the time—this young man and persuade him to give up the folly of persisting in his hunger-strike. Well, I could not very well decline the honour, in spite of the personal and domestic difficulties which I had to contend with, because there was illness in my family. But I myself had to suffer some privation and to undertake a journey from Calcutta to the Hooghly jail to persuade this young man; and I was glad that the result was satisfactory, because he immediately gave up the hunger-strike. But is it always possible for me or any other person, however enthusiastic he may be, to undertake a journey from Calcutta to, say, Mandalay, and persuade a man like Mr. Satyendra Chandra Mitra or any other person, if he adopts the suicidal attitude of going on hunger-strike, as would be possible for us to do if any such man were incarcerated in the Alipore jail? I ask, what facilities do we get; what facilities do the relations and persons incarcerated and transported outside the province get for interview? What facilities would you give me and other Members of the Assembly who would like to visit detenus in jails and satisfy ourselves as to the treatment accorded to them? Am I going to be given a gold pass to travel all over India and to visit the Yeravda jail or the jail in Coimbatore or to go to the North-West Frontier Province or Burma? I cannot afford

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at my own cost, in spite of my enthusiasm, to undertake a journey and then be confronted with all sorts of difficulties when I approach the jailor there. Sir, I am reminded of the fact that, during the three years of incarceration of Mr. Subhas Chandra Bose and Mr. Satyendra Chandra Mitra in the Mandalay jail, when there were 18 detenus there, only one person could visit the Mandalay jail and that was Mr. Sarat Chandra Bose, a flourishing lawyer of the Calcutta Bar, who could only visit his brother, Mr. Subhas Chandra Bose, and that only on the eve of his release when a rumour, perhaps false, spread that he was dying and was suffering from tuberculosis. Well, I said that perhaps the rumour was false, because, unless Subhas Chandra Bose had discovered the remedy of curing himself of consumption, I cannot understand how a gentleman whom my friend, Mr. Amar Nath Dutt, described as having returned to Bengal late in 1927 as a perfect wreck, how on the 3rd of February, 1928, he was a wrecker himself of the Presidency College and many other institutions. (Laughter.) Anyway I have already foreshadowed my reasons for being disinclined to support the Bill. I do not do so, Sir, in any spirit of obstructionism or opposition. Honourable Members will realize that I am doing so with the best of goodwill. I have had practical experience of the difficulties, of the great hardship and of the suffering of the detenus and their relations and friends.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): Sir, coming as I do from Bengal, I feel I cannot record a silent vote on this question. Sir, the debate has travelled over a very wide range, much wider than it need have done. The whole question of the policy underlying the main Act which it is proposed to supplement by the provisions of the present Bill has been opened up. Much as I think that that aspect of the question should have been put aside, when it has been raised, I cannot but join my voice to the protest which has gone up from the floor of this House against the principles of that measure. (Applause.) I make bold to say that any law which authorises arrest and detention without trial for an indefinite period is something of which no civilized administration can feel proud (Hear, hear); but, placed as we are,—and that is the tragedy of the situation—there are some things which we have got to accept as settled facts; and so far as we are concerned here today, the Bengal Criminal Law Amendment Act of 1930 is such a settled fact. I know it is claimed on behalf of the executive that this measure aims at striking at terrorists and terrorism. I am one of those who have no reasons to have any love, not even a sneaking sympathy, for terrorists. In the early days of terrorist agitation in Bengal, Sir, more than 20 years ago, I lost a very dear and near one as the victim of a terrorist outrage. All the same, Sir, detest as I do terrorists and terrorism, I cannot at the same time reconcile myself to any proceeding which seems to me to be nothing but a negation of all law, a challenge to the fundamental rights of citizens, a denial of the right which you give to the meanest criminal of being tried before a judicial tribunal. (Applause.) If I could feel assured, Sir, that by enacting measures like this you could eradicate the evil which you are trying to suppress, I should have accorded my unstinted and whole-hearted support, but I ask, has that object been achieved? Sir, I will not go back into past history. I shall refer only to recent events. I would ask my friends opposite to tell the House if, in spite of such measures as the Bengal

Criminal Law Amendment Act or its temporary substitute, the ordinance, it was possible for the executive to prevent such deplorable outrages as have disgraced the fair name of my province within the last few months. Was it possible for them, by keeping in detention suspected revolutionaries, to prevent the murder of Mr. Lowman, or the murder of Col. Simpson, or to prevent the attempted assassination of Sir Charles Tegart? That is, Sir, why I say that the very object with which such special legislation is enacted has, so far as past experience shows, been not achieved. I know, Sir, that the times are exceptional; exceptional situations call for exceptional remedies, but exceptional remedies have got to be justified by the results. I venture to think, if you examine the facts, you will not be satisfied that the expected results have been obtained. Be that as it may, the Act is there, and it is our business here to see that the fetters are not made more rigorous than they need be.

Sir, turning to the present Bill, I have examined very carefully the Statement of Objects and Reasons. I have listened very carefully to the speech which was made by the Honourable the Home Member yesterday. I am not satisfied that a very convincing case was made out. This Bill, as you must have seen, takes power, first of all, for the Local Government to transfer any detenu from Bengal to some other province, and secondly, it abolishes the writ of *habeas corpus* so far as these persons are concerned. What are the grounds, Sir, on which it is suggested that these persons ought to be transferred out of Bengal in the public interest? Some of the previous speakers, especially my Honourable friend Dr. Suhrawardy, have dealt with the first ground which was brought forward by the Honourable the Home Member. I know there have been occasions recently in Bengal jails of outbreaks of indiscipline, and sometimes of violence, among the inmates. That is a state of things, which none of us, I believe, will approve of, and if any measures were needed for the purpose of securing discipline in jails, I am quite sure that Members of this House would lend their support to such measures. But to say that it is not possible to secure discipline in Bengal, constitutes a libel upon the Bengal administration. What right have you to assume that what the authorities in Bengal cannot do, the authorities of some other province will be able to accomplish? After all, the number of persons so far dealt with under this Act is about 350. The object is to isolate them, to segregate them, to keep them away from other people who might contaminate them or whom they might contaminate. I ask, Sir, is Bengal so small that no accommodation can be provided within its four corners for these 350 people? In Bengal, they have opened special jails for the accommodation of those who have been and are being arrested in shoals from day to day in connection with the civil disobedience movement. Why, then, should not the Bengal Government be able to provide special jails for these detenus? Why should it not be possible for them to hire houses for these men, if necessary, if it is not deemed expedient to keep them in ordinary jails along with other prisoners? Sir, the risks involved in the transfer from Bengal to another province have been referred to by more than one speaker. The difficulties are not imaginary; the grievances are not sentimental. Sir, remember that the persons whom you are dealing with under this enactment are not persons who have been tried and found guilty; they are persons against whom on their own showing, Government find it difficult or inexpedient to enforce even the preventive sections of the Criminal Procedure Code. That being so, it is only just and reasonable that these persons should not be put to

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[Mr. C. C. Biswas.]

any worse treatment than their status and position in life entitle them to. (Hear, hear.) It is enough, Sir, that you deprive them of their liberty, it is enough, Sir, that you restrict their movements, but for Heaven's sake, do not subject them to any unnecessary ill-treatment for nothing. You do not mete out such ill-treatment even to persons who have been tried and convicted. Why, then, should you treat these men in a different way? Sir, I will refer to some of these difficulties once again even at the risk of repetition, and I should be prepared even to suggest for the consideration of the Government that if this measure is placed on the statute-book, it should be there with adequate safeguards to ensure that these prisoners, who will be dealt with thereunder, will not be subjected to more harsh treatment than is absolutely necessary. Take, first, the question of interviews. It has been pointed out how difficult it is for the friends and relatives of these men to obtain interviews which, according to the regulations, they are accorded. As one of the speakers reminded Honourable Members yesterday, there were about twenty people who had been deported to Burma under the enactment of 1925. I think, I can speak without fear of contradiction when I say that, out of these twenty, there was only one in whose case it was possible for his brother to go to Burma and interview the detenu. I refer to Mr. Subhas Chandra Bose. The others had no interviews with their friends and relations during all the period of three years that they were kept in Mandalay. My humble suggestion is that if you have this Bill, then you must provide either in the Bill or by rules under the Bill or by executive instructions, if necessary, that in such cases, travelling allowance should be paid to friends and relations of these persons who may be permitted to go and interview them. Then, Sir, about the difficulties regarding food and the manner of cooking and so forth, a Bengal prisoner taken to another province often finds it difficult to adjust himself to the new variety of food or the new method of cooking he finds there. Therefore, my suggestion is that if you should find it necessary to take away a man from Bengal, you must make it a rule that in every such case, you must send along with him, or along with that batch of Bengali detenus, a Bengali cook, and you must arrange for Bengali food to be provided for them. (Laughter.) I notice some of my Honourable friends seem to take this lightly. It is, however, a matter which vitally affects those prisoners, vitally affects their health, and if there is any other suggestion which can be made by any other Member, I am quite sure the House will be prepared to consider that. But I am placing before you, Sir, some definite and concrete suggestions as they occur to me. Then, Sir, there is the question of the climatic conditions of the place to which it may be considered desirable to remove the man. The whole point, I take it, from the Government point of view is that the man must be removed from Bengal. Removal from Bengal need not imply that the transfer must be to the North-West Frontier or to Mandalay. India is large enough, and there might be other places to which, having regard to the health of the detenu, the transfer would be more suitable. In such cases I suggest that the Government should undertake to have a medical report regarding the prisoner and get medical advice as to the best place where it may be desirable to remove him. At any rate he should have a choice of places to which it may be possible to transfer him without injury to his health. I lay great stress upon that point, because it has been the experience of many of these unfortunate people that as

a result of detention in a climate which did not suit them at all, their health had been permanently impaired.

Then, there is the question of delay in correspondence. I am told that the result of the transfer of these men from Bengal to another province means a double censoring, censoring once in Bengal and once in the other province. If that be so, then, of course, it means unnecessary delay in the transmission of their messages. I think matters should be so arranged that at any rate important and urgent communications may reach these people at the earliest opportunity.

These are questions no doubt of detail. I think the best course would be to thresh them out in Select Committee; and that is why I suggest that if this motion is lost, my Honourable friends opposite should not oppose the motion for reference to a Select Committee, which I find next on the agenda. These are some of the difficulties which I think ought to be adequately provided for, and if even these are not so provided for, you have absolutely no justification for pressing this Bill before the House. But as I said, the fundamental objection remains. The Bill itself is a piece of odious legislation; I mean, the main Act is a piece of odious legislation, and if we can help it, we ought not to do anything on the floor of this House which might make it more odious still.

Mr. B. Das: Sir, I move that the question be now put.

The motion was adopted.

The Honourable Sir James Crerar: Mr. President, I propose at this stage to make some observations in the first instance on some of the more general questions relating to the Bill which have emerged in the course of the debate, and in the second, to address myself briefly and more particularly to the motion for circulation. In my opening remarks I explained to the House that I did not consider it necessary to embark upon any elaborate justification of the general grounds which underlie the local Act and, in so far as the supplementary Bill is relevant, affect the supplementary Bill. I explained that I did not consider it necessary to do so because I thought that there would be universal recognition in the House of the grave state of affairs in Bengal and elsewhere which renders it imperative to arm the Government with special powers. Nor should I have considered it necessary to revert to that question if the remarks of one or two of the speakers who immediately preceded me today had not raised doubts in my mind as to whether after all there were not one or two Honourable Members—I hope not more—who were disposed to challenge the general basis on which the local Act has been enacted. I can hardly imagine myself, Sir, that Honourable Members who have spoken in that sense do seriously intend to raise that question or expect the House to concur with them in their doubts. And for that reason I do not now propose to embark upon a long recital of the melancholy series of outrages which have necessitated this legislation. I must, however, take exception to the remarks made by Sir Hari Singh Gour, in which, he imputed to me and to Government some intention of taking advantage of the ignorance of Honourable Members of this Assembly in promoting this legislation at this stage in a new Assembly. I think, Sir, that was a somewhat misconceived remark, partly because, I imagine, Sir Hari Singh Gour may conceivably overrate his own appreciation of the issues in question and may underrate the knowledge of other Honourable Members who have taken their seats for the first time in this Assembly. I

[Sir James Crerar.]

cannot also help intimating some surprise and some amount of regret that my Honourable friend Maulvi Muhammad Yakub should have suggested that I was guilty of a somewhat unconscionable course of conduct because, in addressing this House on the grave issues which it has been my duty to bring before it, I spoke in tones of solemnity and for no less a period than 25 minutes. With all due deference to my Honourable and learned friend, I must add that, though I may perhaps not exceed the exiguous limits which the Honourable Maulvi regards as proper to a debate of this kind, I shall nevertheless address the House very definitely in tones of solemnity. For the issues are very grave indeed. I will not pursue at any great length the broad grounds of justification of this measure. I will mention only this single fact, that during the course of the last two years, no less than 42 terrorist outrages of an exceptionally grave character have occurred in Bengal. I omit many others which might have been brought within the ambit of the Act then in force, and I refer only to 42 exceptional cases. Since the local Act was enacted, there have been no less than 22 grave crimes in that category, apart, as I say again, from minor offences. They include, Sir, the attempt on the life of Sir Charles Tegart; they include the assassination of Colonel Simpson; they include other cases of which the House is so well aware that I do not think it is necessary for me to repeat them.

Maulvi Muhammad Yakub: We strongly condemn them.

The Honourable Sir James Crerar: I will take this point further that this terrorist movement is not now confined to Bengal. It is a matter of all-India consequence, not only to other provinces, which have received perhaps their first infection from Bengal, but to every single province in India at the present time. Therefore, if I do not elaborate this part of my case further, my reason for not doing so is that I am perfectly well aware that no Honourable Member of this House, who has given his mind seriously to the issues before the House, can deny the existence of that very grave state of affairs.

Now, Sir, I pass further on to the policy underlying the local Act and by consequence to the supplementary Bill. It has been denounced as entirely opposed to all recognised principles of jurisprudence. I will only remind the House of this, and I will ask them to bear it very carefully in mind, that this particular method of dealing with this particular form of crime was not a method hastily or without due consideration devised. It represents the results of the long experience of many years; it was originally framed and it has been supported by a long succession not only of administrators and executive officers but of judicial officers; and in point of practice it has been proved, I think, to the satisfaction of any one who is prepared to face the real facts of the position that this, or something very like this, is the only possible method, the only method which experience has shown to be effective in dealing with so serious a form of crime. The Honourable and learned gentleman opposite read in support of his destructive case some remarks made by a Lord Chief Justice of England. I think I also can adduce on my side of the question words which will carry, I think, great authority in this House. I propose to quote a very few words by that dead but very eminent statesman, Mr. John Morley, who could not be accused of being in any way insensible to the principles of jurisprudence, but who being in a responsible position,

was compelled to recognise the executive considerations which in some instances, to some extent and in some degree, must override pure considerations of jurisprudence. Dealing with the very analogous case of the application of Regulation III, Mr. Morley said as follows:

"Let us face that: there is no trial; there is no charge, there is no fixed limit of time of detention; and in short, it is equivalent no doubt to suspension of *habeas corpus*. The Government of India found in December a movement which was a grave menace to the very foundations of public peace and security. The list of crimes for twelve months was formidable, showing the determined and daring character of the supporters of this movement.

The crimes were not all. Terrorism prevented evidence. The ordinary process of law was no longer adequate and the impression in this community was that the Government could be defied with impunity. We found in the armoury of weapons of Government a law, and applied it. We should have been perfectly unworthy of holding the position we do—I am speaking now of the Government of India and myself—if we had not taken that weapon out of the armoury and used it against the evil-doers.

Sir, Hari Singh Gour: Will the Honourable Member read from page 215 of Vol. II? He says these things savour of the Czar and the Duma.

The Honourable Sir James Crerar: I have quoted a very deliberate and impressive pronouncement made by a statesman whose liberal convictions are very well-known, and it shows how, when a mind of that kind is definitely brought up against hard facts, it is compelled to shed some of its natural prepossessions, possibly prejudices, and if the responsibilities of his office are to be discharged, is compelled to face and to deal with the facts. And indeed, Sir, my main purpose here and now is to ask this Assembly to be willing to face the facts.

The complaint has been made against me that a sufficient case of urgency has not been established. With regard to that I will just say this; the Government of Bengal have represented to us, not once but many times, their grave apprehensions with regard to the situation. There is at present a serious condition of indiscipline in the jails in Bengal; there are serious apprehensions that that state of indiscipline might at any moment result in very serious consequences. The jail staff in Bengal has been very hardly and very sorely strained, and I should like to take this opportunity, with reference to what fell from Dr. Suhrawardy, to say that I cast no imputations whatsoever upon the general body of subordinate officers in the jails in Bengal—I merely intimated that in isolated exceptional cases there were risks of the consequences to which I had referred. Well, that has been very seriously represented to us by the Government of Bengal. They are very well aware of their own situation; they are the best judges of the necessities of the case. At any rate we ought to ponder long and deliberately before we are prepared to overrule the opinion expressed with all the weight of experience and responsibility that lies behind that opinion. I myself am not prepared to do it. The Government of India feel that they will be failing in their own responsibility if they were not prepared to recognise that fact, and I venture to appeal to the House that it is equally their duty to face the facts and to recognise their own responsibility and to support the Government of India and the Local Government in the discharge of their duty of coping with a situation which is dangerous not only to Bengal, but to the whole of India.

My Honourable and learned friend opposite, in the course of his last speech to the House, argued, in regard to these *habeas corpus* powers, that

[Sir James Crerar.]

we had practically granted an indefinite and general suspension of *habeas corpus*. I thought I had dealt with that point sufficiently in my opening speech, but I should like to make it clear now that that really is a most incorrect view of the position. I attempted to explain, and I thought I had explained it with success, that, though I frankly admitted that there was a derogation from the full effect of *habeas corpus*, it was of very limited application—very limited indeed; and it would be entirely incorrect to describe it as an indefinite and general suspension.

Now, Sir, I propose to deal with one aspect of the question which has been referred to by several Honourable Members. That is the question of the hardships likely to be consequent upon the removal of detenus from Bengal. I must premise what I have to say upon that by the general reflection, the justice of which I think the House will in general be prepared to accept, that in the deplorable situation which we have to face, in the public necessity for which some solution has to be found, it is inevitable that some individual hardship must be inflicted; and it is also inherent in the case that those unfortunate persons who have got themselves within the net of this terrorist activity, or have themselves promoted it, are in a position from which we cannot protect them from the consequences of their acts. Nevertheless I do frankly recognise that the provisions of the Bill for removal to other provinces do involve hardships of a special character. I admit that. Our policy in regard to this matter when, under the Act of 1925 a certain number of such transfers had to take place, was to impress upon the Local Governments that so far as possible the conditions of detention in Bengal should be reproduced. Questions of climate, questions of food and other questions which have been raised by Honourable Members are always carefully considered, and every attempt is made to secure that, so far as conditions permit, there is uniformity; that there is, as I say, an endeavour to reproduce in the province of transfer as far as possible the conditions in Bengal, and if this Bill is passed and if occasion arises for the transfer of detenus to other provinces, I am prepared to give an engagement that that aspect of the question will be very carefully borne in mind and that the Local Government concerned will be informed of our views in the matter.

I fear I have already almost reached the somewhat narrow limits which the Honourable and learned Maulvi prescribed for me. But in conclusion I wish to renew to the House the very earnest appeal which I have already made. In the course of the debate yesterday, a question arose regarding the course taken by a provincial Legislature, and I venture to remind Honourable Members here in this Assembly today, that the greater part of the contentious matter which has been raised in debate today was before a local Legislative Council. There is a responsibility resting upon the local Legislative Council not less complete in itself, and in this instance hardly less extensive in its dimensions, than the responsibility which rests upon this House, and the local Legislative Council has dealt with this measure. It was there fully examined. The Members of that Legislative Council did discharge their duty to their constituents, to their province and to India by granting, by an overwhelming majority, to the Local Government the powers which the Local Government sought. I think that the responsibility of the local Legislative Council so discharged is a matter which we also ought to take into serious consideration. Is there or is there not a responsibility resting upon this House? (Several Honourable

Members: "Yes, certainly.") Are there not plain facts which no candid judge can deny, which render necessary the measure which was passed in the local Legislative Council and which I am asking this Assembly to supplement? I say again that these facts cannot be denied

Maulvi Muhammad Yakub: We are not reviewing that.

The Honourable Sir James Crerar: . . . and in discharging our duties we are compelled to face them. I ask this House in all seriousness and all earnestness to recognise that a very great public duty is placed upon us. The local Legislative Council and the Local Government have done their best to discharge their duty

Maulvi Muhammad Yakub: And the Act is on the Statute-book; we do not want to review it or to repeal it.

The Honourable Sir James Crerar: They, I say, have done their best ^{1 P. M.} to discharge their duty, and I venture to appeal to the House to discharge their duty also in this matter.

Several Honourable Members from the Nationalist Benches: Yes, we will.

Mr. President: Motion moved:

"That the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, be taken into consideration".

To which the following amendment has been moved, namely:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th March 1931".

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—64.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Lala Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. A.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Das, Rai Sahib Pandit.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury
Muhammad.
Isra, Chaudhri.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Liladhar Chaudhury, Seth.
Maswood, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur, Mr.
Muhammad.
Mujumdar, Sardar G. N.
Murtuza Sahib Bahadur, Maulvi
Sayyid.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rangachariar, Dewan Bahadur T.
Rao, Mr. M. N.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Kumar G. R.
Sadiq Hasan, Shaikh.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit S. N.
Shah Nawaz, Mian Muhammad.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Suhrawardy, Dr. A.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Uppi Sahib Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.
Yakub, Maulvi Muhammad.
Ziauddin Ahmad, Dr.

NOES—48.

Alexander, Mr. W.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyangar, Mr. V. B.
 Bajpai, Mr. B. S.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Boag, Mr. G. T.
 Chatterjee, The Revd. J. C.
 Crerar, The Honourable Sir James.
 Dalal, Dr. B. D.
 Fazal Haq Piracha, Shaikh.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. B. L.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Ibrahim Ali Khan, Lt. Nawab
 Muhammad.
 Jawahar Singh, Sardar Bahadur
 Sardar.

Khurshed Ahmad Khan, Mr.
 Macmillan, Mr. A. M.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Parsons, Mr. A. A. L.
 Raghbir Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Row, Mr. K. Sanjiva.
 Roy, Mr. K. C.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Mr. H. A.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Tin Tut, Mr.
 Wajayatullah, Khan Bahadur H. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was adopted.

Mr. President: As the motion for circulation has been carried, the amendment for reference to Select Committee cannot now stand.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 21st January, 1931.

APPENDIX.*

Translation of a speech made in Marathi by Mr. N. R. Gunjal, M.L.A., in the Legislative Assembly on the 17th January, 1931.

Mr. N. R. Gunjal. (Bombay Central Division: Non-Muhammadan Rural): The Honourable President and Members, I congratulate very heartily, in my mother tongue, the Honourable Sir Ibrahim Rahimtoola upon his unanimous election to the Chair of the Assembly today. I come from the Maharashtra and he too hails from the same province. It is very gratifying to note that he takes a great pride in his mother tongue. We both worked together for four years in the Bombay Legislative Council, and there he had the honour of decorating the Chair of the President of a province like Bombay. Beside this honour, he held very high posts and did work of great responsibility in several institutions. His views were always fair and impartial and were never tainted with a communal spirit. He has not gone to the Round Table Conference, simply because the discussions at it were confined, mainly to communal questions. With his versatile genius and impartiality a man like him would have found it hard to work at the Round Table Conference. Though he had to decline this offer, yet he has shown willingness, even at this advanced age, to work as the President of this Assembly. For this I congratulate him again. It is quite possible that, in the present Assembly and under the present circumstances, some knotty Hindu-Muslim problems may come up for discussion, but the present President will give no room to nasty principles.

I am confident that he will carry on the duties of the President very ably and with equanimity of mind and with tact. He has grown old in age, ripe in knowledge and has got a lot of practical wisdom. It is my earnest desire that Sir Ibrahim Rahimtoola should get a full measure of success in his present undertaking and that this Assembly may reap the benefit of his experience and knowledge.

On behalf of myself and on behalf of the whole Maharashtra, I congratulate him warmly on this occasion. With these words, I take my seat.

*Vide p. 42 of these Debates.

LEGISLATIVE ASSEMBLY

Wednesday, 21st January, 1931.

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

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. B. Das, Mr. L. V. Heathcote, Mr. K. Ahmed, Mr. Muhammad Anwar-ul-Azim, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraju, Dr. R. D. Dalal, Mr. J. A. Shillidy, and the Deputy President, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

This Bill, Mr. President, might be described to a certain extent as an omnibus Bill, that is to say, it seeks to give legal effect, so far as that may be necessary, to the decisions which the Government of India have arrived at regarding a series of International Labour Conventions and Recommendations. It is not very easy, without being unduly lengthy, to explain in a speech the large number of points that emerge in connection with these Conventions and Recommendations. For that reason, we have tried in the Statement of Objects and Reasons to explain the matter fully and the Statement itself is supplemented by the notes on clauses. I think therefore I may be justified if I deal with the various conventions with which we are concerned somewhat summarily and do not attempt any very lengthy explanation. The first of the Conventions with which I have to deal is the Convention fixing the minimum age for admission of children to employment at sea. When this Convention came before the Legislature some years ago, the suggestion was made—this was in the early days of the International Labour Organisation—that the Government of India should ratify, subject to two reservations. It was very soon discovered, however that the Treaty of Versailles, establishing the International Labour Organisation, did not permit of ratification subject to reservations and that it was necessary to ratify “simpliciter” or not at all. It will not be possible if these two reservations are adhered to, for the Government of India to ratify that particular draft Convention, but we desire to go as far as we can, and by the provisions of the Bill it is proposed to incorporate in the law what the Legislature decided a good many years ago. The first reservation which was made was, in respect of home trade ships of a burden not exceeding 300 tons. These small home trade ships are usually sailing ships engaged in the coasting trade of India, and practically it would not be possible to enforce the Convention in their case. The other reservation was proposed with the object of safeguarding

[Sir George Rainy.]

the present practice whereby *serangs schannies* and other Indian seamen are allowed to take with them on board the ship their young sons or nephews. That system is in fact a sort of system of apprenticeship. It was thought, and I think rightly, that there were no sufficient reasons for bringing that system to an end. I understand that actually apart from the small home trade ships, and apart from these quasi apprentices, very few children indeed are actually employed on Indian ships, and that is why we did not attempt to legislate in the matter sooner. Now, that a natural opportunity has occurred, it was thought right to embody in the law the decision which had been arrived at.

Of the next two draft Conventions to which I have to refer, one fixes the minimum age for the admission of young persons to employment as trimmers or stockers, and the second concerns the compulsory medical examination of children and young persons employed at sea. These two Conventions also were placed before the Legislature a considerable time ago. Up till now, we have been able to enforce them by executive instructions, but here again it was thought right, when we were amending the law as regards such matters, to regularise the position fully by incorporating the necessary provisions in the law.

The next of the draft Conventions which I have to mention is the draft Convention concerning the seamen's Articles of Agreement. That was before this House in the year 1927, and at that time I said that we thought there were three articles of the Convention which would require legislation. The result of a closer examination of the whole subject has been that there is in only one article of the Convention about which it is necessary to legislate. The rest of the Convention we can give effect to under the law as it exists at present. The particular article about which it is proposed to legislate is that which entitles a seaman, on his discharge, to a separate certificate of his conduct and character. At present under section 43 of the Indian Merchant Shipping Act a seaman is entitled to receive a certificate of discharge, and in practice it is customary to enter on what is known as the "Continuous Discharge Certificate" remarks as to his conduct and character. If the Bill is passed into law, it will still be possible for those who prefer it to have that system continued. If, on the other hand, a seaman wishes to have both a certificate of discharge and a separate certificate as to his character and conduct, then he will be entitled to have that separate certificate.

The next of the draft International Conventions which we have to consider is that concerning unemployment indemnity in the case of the loss or foundering of ships. That draft Convention was placed before the Legislature in 1921. It was then recommended that it should not be ratified, but that inquiry should be undertaken to ascertain whether the Indian Merchant Shipping Act should not be amended so as to provide that any Indian seaman, whose service was terminated before the period contemplated in his agreement by reason of the wreck or loss of his ship, should be entitled to his wages until he was repatriated to the port of his departure from India, and secondly, that he should be paid compensation for the loss of his personal effects up to the limit of one month's wages. The result of the inquiries made in pursuance of the

Assembly's Resolution was to satisfy the Government of India that this change in the law should be made, and it finds a place in the Bill now before us.

Finally, there is the Recommendation concerning the general principles for the inspection of the conditions of work of seamen. It was impossible to legislate about this until the inspection of the work of seamen was brought under a single control by the amendment of the Indian Merchant Shipping Act so as to centralize its administration. That has now been done, and the administration of the law is under the direct control of the Central Government. At one time we thought that we could give effect to the Recommendation without any further legislation, but it appears there are two articles in it with which we cannot comply until we have made the changes proposed in this Bill.

I must confess that I had some hesitation in deciding what motion I should bring before the House in connection with this Bill. The choice lay between a motion for circulation and a motion for reference to a Select Committee. On the one hand, some might argue that it was desirable that these changes in the law should be made as early as possible. On the other hand, others might think that in a matter affecting the well-being of seamen it would be desirable that there should be full opportunity for consultation. Eventually I came to the conclusion that it might be possible to obtain the views of Members of this House as to which method would ultimately be the best. As my motion stands, I have not proposed to fix any time-limit within which the Report of the Committee is to be submitted; and under the Standing Orders of this House, the effect of that will be that it will not be open to the Committee to report until after the lapse of three months. What I propose to do is to ask the Committee to meet and consider the Bill and to ascertain what the views of the Members are on the question whether we should proceed with it at once, so as to pass it this Session, or whether we should take the opportunity to circulate the Bill to Local Governments. In the former case, that is to say, if the Committee think we ought to go on with the Bill at once, I would then, with your permission, Sir, at some suitable opportunity move for the fixing of a time-limit, and the Committee would then report within the period which might be fixed. If, on the other hand, the Committee considered it advisable that we should get opinions about the provisions of this Bill, then it would be quite possible to circulate the Bill by executive order and the Bill would not again be brought before the Committee until we had received replies and were in a position to place all the opinions expressed before the Committee. I am anxious in this matter, on the one hand, to give all reasonable opportunities for discussion and on the other hand to make it possible to proceed expeditiously, if that is the wish of Honourable Members. I hope, Sir, that that will show that I am anxious to meet the wishes of the House as far as I can. Sir, I move.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I move that the name of Kumar Gopika Romon Roy be added to the Committee.

The Honourable Sir George Rainy: Sir, I am quite ready to accept the addition.

Mr. President: The question is:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. B. Das, Mr. L. V. Heathcote, Mr. K. Ahmed, Mr. Muhammad Anwar-ul-Azim, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraja, Dr. R. D. Dalal, Mr. J. A. Shillidy, Kumar Gopika Romon Roy and the Deputy President, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE SUPPRESSION OF COUNTERFEITING CURRENCY (INTERNATIONAL CONVENTION) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move that the Bill to give effect to the International Convention for the suppression of counterfeiting currency be taken into consideration. This is a measure of some complication in form, but I think I may say that it is of a non-controversial nature. I should like to inform the House, however, at the outset that as I have seen that there is a motion for reference to a Select Committee on the paper, if the House so desires I shall be perfectly prepared to accept that motion. I, therefore, before ascertaining whether that is the wish of the House, only propose to say a very few words on the subject of the Bill. The object of the Bill is to give effect to the terms of the International Convention for the suppression of counterfeiting currency. The object of the Convention is to ensure co-operation between the signatories of the Convention in stamping out the offence of counterfeiting coin and currency. There are, I think, three points of substance to be considered. In the first place, if we ratify the Convention and alter our legislation accordingly, the counterfeiting of notes will be made an extraditable offence; at present only the counterfeiting of coin is an extraditable offence. That is the first point of substance. Then, the second point of substance is that we should equalise the penalties for counterfeiting foreign coin with the penalties for counterfeiting Indian coin. At present the penalties for counterfeiting foreign coin are somewhat less severe. In the third place, and this is not a matter for legislation, we should undertake to set up an Intelligence Bureau on the lines laid down in the Convention. That would not involve this Government in any expenditure, for the work is to be performed by the Office of the Director of Intelligence Bureau, which is already in existence and quite capable of dealing with this question. Those, I think, are the three points of substance which require consideration. There are a number of minor points which necessitate technical alterations in the present Act, but as I have already said, if, because of the technical complication of this measure, the House should desire that it should be considered in the Select Committee, I am perfectly prepared to accept that motion, and pending an expression of the views of the House on that point, I do not propose to give any further explanation.

Sir, I move.

Mr. President: Sardar Sant Singh.

(The Honourable Member was not in his seat.)

THE SUPPRESSION OF COUNTERFEITING CURRENCY (INTERNATIONAL CONVENTION) BILL.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): There is no particular desire on the part of any Member to move the amendment standing in the name of Sardar Sant Singh.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Can any other Member move the amendment?

Mr. President: With the permission of the President, he can.

Dr. Ziauddin Ahmad: I beg to move that this Bill be referred to a Select Committee.

Mr. President: Amendment moved:

"That the Bill be referred to a Select Committee."

The Honourable Sir George Schuster: I am prepared to accept this motion.

Mr. President: The original motion was:

"That the Bill to give effect to the International Convention for the suppression of counterfeiting currency be taken into consideration."

To which the following amendment has been moved:

"That the Bill be referred to a Select Committee."

The question is that that amendment be adopted.

The amendment was adopted.

THE INDIAN PORTS (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill further to amend the Indian Ports Act, 1908, for a certain purpose, be taken into consideration.

Sir, as I explained when I introduced this Bill, it is intended to clear up a small point of interpretation. The provision of the existing law, section 6 (14) of the Indian Ports Act, 1908, requires that the Local Government shall make rules prohibiting the employment of children at piers, jetties, landing places, wharves, quays, docks, warehouses and sheds when engaged in the handling of goods. The difficulty which has led to this Bill originated, I think, at the time when the Members of the Royal Commission on Labour were at Karachi. It appeared that children were employed there in loading coal in vessels not from the quay but from lighters on the other side of the ship, and the question was then raised whether it was *intra vires* for the Local Government to make rules prohibiting the employment of children in that particular way. The Government of Bombay referred the point to the Government of India, and the reply which we gave them was that, as far as we could see, it was clearly the intention of the law to prohibit the employment of children in that way, and that it was consistent with the wording of the Statute as it stands to hold that the Local Government were in fact empowered to prohibit the employment of children in loading coal not only from the quay side but also from lighters. At the same time we were advised that there was room for doubt, and that it was not quite certain what view the Courts might take if the question ever came before them. It is for this reason that we propose to make this small change in the law so that

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for the future there may be no doubt on the point. As the section stands at present, the prohibition applies to employment at piers, jetties, landing places, wharves, quays, docks, warehouses and sheds. If the Bill is passed, the words "in any port subject to this Act" will be substituted. That will clearly cover the doubtful case with which this Bill originated.

Sir, I move.

Mr. President: The question is:

"That the Bill further to amend the Indian Ports Act, 1908, for a certain purpose be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN PARTNERSHIP BILL.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I beg to move for leave to introduce a Bill to define and amend the law relating to partnership.

Sir, if Honourable Members will kindly turn to the paper which is laid on the table in relation to this Bill, they will find first a copy of the Bill and then one line of Statement of Objects and Reasons, which might seem rather brief except for the fact that it is therein stated that, "The Bill is sufficiently explained in the Report of the Special Committee printed below".

One word, Sir, as to the Special Committee. The Committee was constituted by a Resolution of the Government of India, which is printed as Appendix A to these papers. The Committee was constituted to examine a draft Bill regulating the law relating to partnership, which had been prepared by the Legislative Department under the directions of the Honourable the Law Member. That Committee, which I think might be correctly described as a committee of experts, was composed as follows: the Honourable the Law Member as the Chairman, and Sir Dinshah Mulla (since elevated to the Privy Council), Mr. Alladi Krishnaswami Ayyar, Advocate-General, Madras, and Mr. Arthur Eggar, Government Advocate, Rangoon, as members. The Bill prepared in the Legislative Department was examined by this Committee and the Report of the Committee is appended to this Bill in lieu of the usual Statement of Objects and Reasons. In addition to that Report, Honourable Members will find a very full statement which is placed as Appendix C to this paper, and which constitutes the notes on clauses. I trust that with this information before them, Honourable Members will be able to give the Bill due consideration. At this stage I move for leave to introduce.

The motion was adopted.

Sir Lancelot Graham: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 22nd January, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 22nd January, 1931.

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

MEMBER SWORN:

Mr. James Glasgow Acheson, C.I.E., M.L.A. (Foreign Secretary).

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President: I have to inform Honourable Members that I have received two nominations for the Deputy President, on behalf of Mr. Amar Nath Dutt and Mr. R. K. Shanmukham Chetty. As Mr. Amar Nath Dutt has intimated to me that he has withdrawn his candidature, there remains only Mr. R. K. Shanmukham Chetty whom, under the provisions of Standing Order 5 (3), I declare to be duly elected as Deputy President. (Applause.) By statute, this election requires His Excellency the Governor General's approval, which will be sought and announced to the House in due course.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I desire to make a statement of the probable course of business in the week beginning Monday, the 26th instant. On Monday, motions will be made for leave to introduce the following Bills:

A Bill further to amend the Cantonments Act, 1924;

A Bill further to amend the Indian Territorial Force Act, 1920,

A Bill further to amend the Auxiliary Force Act, 1920;

A Bill to make special provision for the administration of the port of Vizagapatam;

A Bill to amend the Indian Naval Armaments Act, 1928;

A Bill to provide for the fostering and development of the gold thread industry in British India; and

A Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India.

[Sir George Rainy.]

With your permission, Sir, the following motions will be made:

- (1) for the election of Members to sit on the Standing Committee on the Pilgrimage to the Hedjaz;
- (2) for the appointment of a Committee of this House to examine the Report of the Tariff Board on the salt industry in India and make recommendations; and
- (3) for the election of Members to the Standing Committee on Roads.

On Wednesday I shall submit to the House the Resolution, of which I have given notice, recommending the continuation up to the 31st March, 1934, of the increased import duties recently imposed on galvanised iron and steel sheets.

THE SUPPRESSION OF COUNTERFEITING CURRENCY (INTERNATIONAL CONVENTION) BILL.

APPOINTMENT OF SELECT COMMITTEE.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move that the Select Committee to which the Bill to give effect to the International Convention for the suppression of counterfeiting currency was referred, do consist of the following persons, namely: The Honourable Sir George Schuster, Sir Lancelot Graham, Sir Hari Singh Gour, Mr. Muhammad Azhar Ali, Mr. B. R. Puri, Sardar Sant Singh, Mian Muhammad Shah Nawaz, Mr. B. N. Misra, Mr. G. Morgan, the Deputy President and the Mover, with instructions to report by the 4th February, 1931, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 26th January, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 26th January, 1931.

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

MEMBER SWORN:

Sir Hugh Golding Cocke, Kt., M.L.A. (Bombay: European).

QUESTIONS AND ANSWERS.

ADMINISTRATION OF THE INDIAN MUSEUM, CALCUTTA.

1. ***Mr. S. C. Mitra:** (a) Will Government please refer to the answer to my starred question No. 2 (2) (a) in the Legislative Assembly on the 14th July, 1930, stating that the Indian Museum is a "grant-in-aid institution" as distinct from "Government" institution and reconcile the same with the Preamble to Act XXII of 1876 and the statement made by the late Sir Asutosh Mookerjee in the Introduction to the Centenary memorial volume entitled "The Indian Museum: 1814-1914" issued by the Trustees to which I have been referred by the Honourable Member, that "We have now arrived at the stage at which the Museum ceased to be the property of the Asiatic Society of Bengal and was transformed into an *Imperial Institution*" (page 7)?

(b) Has any grant-in-aid institution been built entirely at the cost of Government and its total expenditure for maintenance defrayed by Government from general revenues? If so, what are their names?

(c) What is the difference between a "grant-in-aid" and a "grant for total expenditure"?

(d) Do detailed transactions of a grant-in-aid institution appear in the budget estimates of the Central Government? If so, under what rule?

(e) Will Government please lay on the table the civil estimates of the Central Government for 1914-15, 1915-16 and 1916-17? Do they show whether the Indian Museum had been classed as a "grant-in-aid institution"?

(f) Will Government please state the names of grant-in-aid institutions—not contributing to Government the cost of their establishment—the monthly pay bill of which is audited and paid by the Treasury Officer from the general revenues?

(g) Will Government please state whether any grant made to a grant-in-aid institution from the general revenues by the Central Government becomes transformed into the funds of that institution or remains unaltered as general revenues?

(h) Is any grant-in-aid institution *required by law* to submit to the Governor General in Council an annual report on the administration of that institution? If so, under what rule?

(i) Will Government please state whether the expenditure of a grant-in-aid institution is met from its funds or from the general revenues?

(j) Do Government, beyond giving a grant-in-aid to a grant-in-aid institution, undertake any financial responsibility for the upkeep of that institution? If so, under what rule?

(k) Will Government please say whether the Indian Museum is a Government institution?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Preamble to Act 22 of 1876 refers *inter alia* to the erection, at the expense of the Government of India, of a suitable building in Calcutta for the Indian Museum. The mere fact that the cost of the building is met from Government funds is not enough to make it a Government institution. I see no inconsistency which needs to be reconciled. As regards the passage quoted by the Honourable Member from the Centenary Memorial Volume entitled "The Indian Museum, 1814 to 1914", it would hardly be fair for me to interpret the sense in which the words "Imperial Institution" were used by the author.

(b) Information is not readily available, and I do not think the labour involved in collecting it will be commensurate with the value to be derived from it.

(c) A grant-in-aid does not necessarily imply that the grant is made only to meet a part of the expenditure.

(d) It is not clear what exactly is meant by the word "transactions". I may, however, mention for the information of the Honourable Member that there is no bar to showing in the budget estimates the details of the purposes for which a grant is sanctioned by Government.

(e) Copies of these estimates are placed in the Library of the House. The expenditure on the Zoological and Anthropological Section, Art Section and Archæological Section is all shown under "Central Museum". The budget estimate for the Office of the Trustees appears to have been shown separately for the first time in the estimates of 1917-18.

(f) I am unable to answer this question, as the significance of the words "not contributing to Government the cost of their establishment" is not understood.

(g) and (h). A grant of this nature is at the disposal of the institution to which it is made. It is, however, open to Government to lay down any conditions on which a grant shall be made. In particular, Government may require that an annual report on the working of the institution shall be submitted to them.

(i) and (j). A private institution has to make its own arrangements for meeting its expenditure. A grant may be made by Government either towards the general expenses of the institution or for a particular purpose. It may be fixed in amount, or it may take the form of an undertaking to meet a portion or whole of the expenditure.

(k) No. The Honourable Member's attention is invited to the reply given to part (a) of part 2 of his question No. 2 on the 14th July, 1930.

Mr. B. Das: Do I understand it, Sir, that in the opinion of the Honourable Member the Indian Museum is not a Government institution, and is it not a fact that 99 per cent. of its income is derived from Government aid?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Surely, the assumption that the Honourable Member wishes to make may be correct.

ADMINISTRATION OF THE INDIAN MUSEUM, CALCUTTA.

2. ***Mr. S. C. Mitra:** (a) Will Government please refer to my starred question No. 3 (1) (a) in the Legislative Assembly on the 14th July, 1930, and the answer that 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, and reconcile the same with section 9 (b) of the Indian Museum Act X of 1910 specifying that, "No new office shall be created and no salaries of officers shall be altered without the previous sanction of the Governor General in Council"?

(b) Will Government please refer to part (b) of the answer to my starred question No. 474, dated the 5th March, 1930, in the Legislative Assembly stating that the charge on account of the cost of establishment of the Trustees of the Indian Museum falls on the Government of India and not on the Trustees of the Indian Museum, and reconcile the same with the statement referred to above "provided that they bear full responsibility for the financial consequences of their action"?

(c) Has any dual responsibility been contemplated in the Act X of 1910? If so, under what section?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The answer given on the 14th July, 1930, to the Honourable Member's question No. 3 (1) (a) related to the ministerial establishment employed under the Trustees of the Museum. Such establishment is classed as "servants" and not as "officers" for purposes of section 9 of the Indian Museum Act, X of 1910.

(b) The Government of India make a fixed annual grant to meet the pay of the office establishment of the Trustees and petty expenditure. The Trustees may alter the salary of the incumbent of a ministerial post under them, but Government are not bound on that account to enhance their contribution.

(c) No.

SERVICE IN THE INDIAN MUSEUM, CALCUTTA.

3. ***Mr. S. C. Mitra:** Will Government please refer to my starred question No. 3 (2), dated the 14th July, 1930, in the Assembly and state:—(a) who determined the conditions of service in the Indian Museum, whether the Trustees or the Government of India; (b) whether service, the conditions of which are determined by Government, is Government service; and (c) whether service in the Indian Museum under the Trustees is Government service?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The conditions of service as regards salaries, allowances, pensions and leave are determined by section 13 of the Indian Museum Act X of 1910.

(b) It is impossible to give an answer of general application to this question. The answer will depend upon the circumstances in which Government have fixed or have had a hand in fixing the conditions of service.

(c) No.

SERVICE IN THE INDIAN MUSEUM, CALCUTTA.

4. ***Mr. S. O. Mitra:** Will Government please state whether the late Head Clerk of the Trustees of the Indian Museum was a public servant and whether a clerk of any grant-in-aid institution is a public servant? If so, under what rule? Can a public servant, who is not a Government servant, get his monthly pay paid and audited by the Treasury Officer from the general revenues for work done in a grant-in-aid institution, which does not contribute anything to Government for the cost of its establishment? If so, under what rule?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Under Section 13 of the Indian Museum Act, 1910, he was deemed to be a public servant within the meaning of the Indian Penal Code. He did not draw his pay from general revenues. It is open to Government to prescribe as a condition of a grant-in-aid that the expenditure will be subject to audit in such manner as it considers fit.

CLERICAL ESTABLISHMENT OF THE INDIAN MUSEUM, CALCUTTA.

5. ***Mr. S. O. Mitra:** (a) Will Government please refer to my starred question No. 5 of the 14th July, 1930, in the Assembly and explain the answer that "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 with in that question, and did not imply that the clerk concerned was a "non-gazetted Government servant"?" Will Government please state what the reply referred to above did imply?

(b) Will Government lay on the table the Annual Return of Establishment of the Trustees of the Indian Museum for 1928-29 and show the names of the non-gazetted Government servants omitted from the return of the previous year and the reason therefor?

(c) Do any private employers or any grant-in-aid institutions, who do not contribute to Government the cost of their establishment, submit a detailed annual return of establishment in accordance with article 62 of the Civil Account Code showing their staff as "non-gazetted Government servant"? If so, under what rule?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The reply to parts (e), (f) and (g) of question No. 77 in the Council of State referred to the submission of a detailed statement of the permanent establishment in the office of the Trustees of the Indian Museum and to the omission of the name of the Trustees' clerk from the annual returns for 1928-29. It was not admitted by Government that the clerk was a Government servant. I, however, recognise that this should have been made clear in answer to part (f) of the question.

(b) I shall be glad to show the Honourable Member a copy of the annual return referred to by him. The post of the Trustees' clerk was shown as vacant in this return, as the last incumbent was discharged on the 22nd August, 1927. I should, however, like to make it clear that the clerk was not a Government servant.

(c) I am not clear what the Honourable Member means by the words "who do not contribute to Government the cost of their establishment". The statement prescribed in article 62 of the Civil Account Code is required to be furnished by a private employer or a grant-in-aid institution in respect of the establishment, the claims to pension for which are submitted to an audit officer of Government for verification of services and report. It would be a mistake to show the staff as non-gazetted Government servants.

DISMISSAL OF THE HEAD CLERK OF THE TRUSTEES' OFFICE, INDIAN MUSEUM, CALCUTTA.

6. ***Mr. S. O. Mitra:** (a) What is the difference between discharge and dismissal?

(b) Is discharge a disciplinary measure? Will Government please state whether any charges of inefficiency or misbehaviour were proved against the late Head Clerk of the Indian Museum Trustees' Office? If so, what?

(c) What are the conditions laid down in the Civil Service Regulations for the discharge, as distinct from dismissal, of a public servant, whose conditions of service are governed by the Civil Service Regulations?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Discharge means termination of a person's employment, and is not regarded as a penalty, while dismissal is a disciplinary measure which ordinarily disqualifies a public servant from future employment under Government.

(b) No. The second part does not arise.

(c) Each case has its own peculiar features which have to be taken into consideration in determining whether a servant should be discharged or dismissed. The conditions for the grant of a compensation pension to a Government servant discharged in certain circumstances will be found in section II of chapter XVIII of the Civil Service Regulations.

PAY OF THE HEAD CLERK, TRUSTEES' OFFICE, INDIAN MUSEUM, CALCUTTA.

7. ***Mr. S. O. Mitra:** (a) What was the pay of the late Head Clerk of the Trustees of the Indian Museum shown in the Estimates for Demand for the Central Government for 1926-27 and 1927-28?

(b) Did the Trustees write to the Government of India that they considered the scale of pay of Rs. 120—10—350 for their Head Clerk to be the irreducible minimum and that their prestige would certainly suffer if they were to reduce their clerk's pay?

(c) If so, under what circumstances had the Trustees of the Indian Museum to reduce their clerk's pay, which they considered derogatory to their prestige?

(d) Can the substantive pay of a public servant be reduced without any allegation of inefficiency or misbehaviour? If so, under what article of the Civil Service Regulations?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Estimates and Demands for Grants for expenditure of the Central Government for the years 1926-27 and 1927-28 do not show the details of the pay of the establishment employed in the office of the Trustees of the Indian Museum.

(b) Government are not prepared to disclose the nature of the communications that they received from the Trustees in regard to their Head Clerk's pay.

(c) So far as Government are aware, the decision of the Trustees to withdraw the increase in the clerk's pay was based on financial considerations.

(d) Government cannot regard the very general issue raised in the first part of this question as in any way germane to the case of the late Head Clerk of the Trustees of the Indian Museum, whose position under section 13 of the Indian Museum Act read with the Civil Service Regulations has been exhaustively reviewed in the judgment of the learned Judge who decided the suit brought by the late Head Clerk against the Trustees.

PAY OF THE HEAD CLERK, TRUSTEES' OFFICE, INDIAN MUSEUM, CALCUTTA.

8. ***Mr. S. C. Mitra:** (a) Will Government please state whether the holder of a post, the pay of which is changed, has the option of retaining his old pay in accordance with article 158 of the Civil Service Regulations?

(b) Did the Head Clerk of the Trustees of the Indian Museum exercise the option of retaining his old scale of pay of Rs. 120—10—350 when the pay of the office was altered to Rs. 75—5—175 by the Trustees of the Indian Museum?

(c) Is it a fact that the Head Clerk was debarred by the Trustees from the privilege of exercising the option of retaining his old scale of pay of Rs. 120—10—350? If so, why?

(d) Will Government please state the names of the members of the Board of Trustees of the Indian Museum in 1927 when their Head Clerk was discharged?

(e) Will Government please refer to the answer to part (c) of my starred question No. 5 in the Assembly on the 14th July, 1930, and lay on the table the letter of the clerk refusing to retire on compensatory pension referred to in the answer?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Under article 158, Civil Service Regulations, the incumbent of an appointment, the pay of which is changed, may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old pay, or until he vacates his appointment.

(b) and (c). Article 158, Civil Service Regulations, does not apply in cases where an appointment is abolished within the meaning of Chapter XVIII of those Regulations. It was after the Head Clerk had declined the compensation offered by the Trustees in terms of that chapter that he was discharged.

(d) A complete list of the names is contained in the Annual Report of the Trustees of the Indian Museum for the year 1927-28, a copy of which is available in the Library of the House.

(e) I am sorry I am unable to comply with the Honourable Member's request. The clerk was not a Government servant and if the letter referred to in this part of the question exists, it must be in the office of the authority under whom he was employed.

Mr. B. Das: With reference to the reply given by the Honourable Member to part (d) of the question, will the Honourable Member kindly read the question and then reply? The question was, which of the members of the Board of Trustees of the Museum took part in and voted for the dismissal of the Head Clerk; and Mr. Mitra did not want merely a list of members of the Board of Trustees.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: If the Honourable Member had wanted to see the proceedings of the Board of Trustees, then he ought to have framed his question accordingly.

Mr. B. Das: The question implies that Mr. Mitra wanted the names of the Board of Trustees who voted for the dismissal of the Head Clerk.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am sure the House will realise that the questions are so detailed and are so many that there is hardly any room for implications of question also to be answered.

Mr. S. C. Mitra: Am I not entitled to expect the Honourable Member to read the question before he answers it?

ADMINISTRATION OF THE INDIAN MUSEUM, CALCUTTA.

9. ***Mr. S. C. Mitra:** Will Government please state:

(a) If it is a fact that the Trustees of the Indian Museum submitted for sanction of the Government of India in May 1925 a statement for reappropriating a sum of Rs. 600 from the head 'contingencies' to meet the increased expenditure involved in the adoption of the revised scale of pay for their Head Clerk for the financial year 1925-26?

(b) Whether the Government of India accorded their sanction thereto?

(c) Whether it was then pointed out to the Trustees of the Indian Museum that they were competent to reappropriate from one head to another within the sanctioned grant and the sanction of the Government of India was therefore not necessary?

(d) Under what section of the Act X of 1910 are the Trustees empowered to sanction reappropriation from one head to another within the sanctioned budgeted grant?

(e) Whether the answer given to my starred question No. 2 (3) (d) in the Assembly dated the 14th July, 1930, that the Trustees are empowered to reappropriate from one head to another within the sanctioned grant is correct?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Yes.

(c) No.

(d) The matter is not regulated by Act X of 1910.

(e) Yes.

CONTRIBUTION TO PENSIONS BY THE TRUSTEES OF THE INDIAN MUSEUM, CALCUTTA.

10. ***Mr. S. C. Mitra:** Will Government please state whether Colonel Alcock held an appointment under the Trustees of the Indian Museum as Superintendent of the Natural History Section? If so, for how many years? When was he pensioned off and how much pension is he getting? Have the Trustees contributed anything towards the cost of his pension for service under them in the Indian Museum?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Lieutenant-Colonel Alcock was appointed as Officer-in-charge of the Natural History Section of the Indian Museum in May, 1893. He also held the post of Superintendent of the Indian Museum, from which he retired on pension in 1907. Information as regards the amount of pension drawn by him at present is not readily available. The Trustees made no contribution towards the cost of Colonel Alcock's pension.

Mr. S. C. Mitra: Will the Honourable Member explain how, if the Indian Museum is not a Government institution, Lieutenant-Colonel Alcock's pension could be paid from the Government funds?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am sure that a reference to the judgment alluded to in a previous part of one of my numerous answers to one of the Honourable Member's questions, if carefully perused, will help towards answering that question.

Mr. S. C. Mitra: Does my Honourable friend require every Member to read the judgments of all courts, whereas is he not entitled to know from the Honourable Member what the position is from the Government point of view?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am not quite sure on that point.

Mr. B. Das: May I enquire from the Honourable the Finance Member whether officers that serve in a private institution like the Indian Museum can draw their whole pension from the Government?

The Honourable Sir George Schuster: I must have notice of that question.

PENSION OF THE ESTABLISHMENT OF THE INDIAN MUSEUM, CALCUTTA.

11. ***Mr. S. C. Mitra:** (a) Is it a fact that in 1930, 55 years after the Museum was established, at the suggestion of the Government of India, a fund was created for meeting the cost of pension of the establishment of the Trustees of the Indian Museum?

(b) Will Government please state whether the charge of establishment of the Trustees of the Indian Museum, which falls on the Government of India, excludes the cost of pension? If so, under what rule?

(c) Will Government please state the names of the non-gazetted and gazetted establishment of the Trustees of the Indian Museum, Zoological and Anthropological Section, who were transferred to the Zoological Survey of India in 1916 when the Trustees' office was separated with their respective posts in the Zoological Survey of India?

(d) Will Government please lay on the table the service book of the Correspondence Clerk of the Zoological Survey of India and state the entries made in his service book in 1916 and 1917?

(e) Will Government please refer to the answer to my starred question No. 3 (5) (a) in the Assembly on the 14th July, 1930, stating that the Head Clerk of the Trustees of the Indian Museum held no substantive and permanent appointment in a Government Department before his services were transferred to the office of the Trustees of the Indian Museum and say whether the answer is correct?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) So far as the Government of India are aware, the proposal to establish such a fund is still under consideration.

(b) The Trustees of the Indian Museum receive from the Government of India a fixed grant, which is utilised for meeting the cost of establishment and petty expenditure. In fixing this grant, the expenditure to be incurred in the grant of pensions was not taken into account.

(c) A statement showing the names of officers and of other members of the establishment who were employed in the Zoological and Anthropological Section of the Indian Museum but who were subsequently transferred to the Zoological Survey of India, is placed on the table.

(d) I regret I am unable to comply with the request of the Honourable Member, as the service book of an employee is regarded as a confidential document.

(e) I am sorry the answer was not correct.

Officers in the Zoological and Anthropological Section of the Indian Museum transferred to the Zoological Survey of India in 1916.

Names.	Designation in Zoological Survey of India.
1. Dr. N. Annandale	Director.
2. Dr. S. W. Kemp	Superintendent.
3. Dr. B. L. Chowdhury	Assistant Superintendent.
4. Dr. F. H. Gravely	Assistant Superintendent.

Establishment in the Zoological and Anthropological Section of the Indian Museum [transferred to the Zoological Survey of India in 1916.]

Names.	Designation in Zoological Survey of India.
1. C. O. Bateman	Librarian and Publication Clerk.
2. J. B. Richardson	Entomological Assistant.
3. R. A. Hodgart	Zoological Collector.
4. E. C. Dormieux	Gallery Assistant.
5. J. W. Counter	Gallery Assistant.
6. J. N. Bagchi	Head Clerk and Accountant.
7. B. C. Batabyal	Correspondence Clerk.
8. Atiur Rahman	Registration Clerk.
9. M. M. Dutt	Gallery Assistant.
10. Nowbut Ram	Compositor.
11. Abdul Sobhan	Second Compositor.
12. A. C. Chawdhury	Artist.
13. D. N. Bagchi	Artist.
14. A. Martin	Head Taxidermist.
15. Abdur Rahim	Assistant Taxidermist.
16. Abdul Jalil	Taxidermist.
17. Phaku Ram	Insect Setter.
18. Ram Luggan	Insect Setter.
19. Hari Har	Collection Tender.
20. Sukhi Chand	Collection Tender.
21. Gopi	Collection Tender.
22. Phaguni	Collection Tender.

Mr. S. C. Mitra: Part (e) of the question. Does the Honourable Member mean to say that the answer given by the Government was not correct?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That is what I have stated.

Mr. S. C. Mitra: You said that the answer was not correct?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Quite.

REINSTATEMENT OF THE HEAD CLERK OF THE TRUSTEES' OFFICE,
INDIAN MUSEUM, CALCUTTA.

12. ***Mr. S. C. Mitra:** Will Government please state (a) whether the late Head Clerk of the Trustees' Office, Indian Museum, after his transfer drew his pay as Head Clerk of the Trustees' Office from the general revenues or from the fund of the Trustees? (b) Whether his pay was audited and paid by the Pay and Accounts Officer, Miscellaneous Central Departments, Calcutta, from the specific grant made by the Government of India for the purpose? (c) whether he ceased to be on Government service as Head Clerk of the Trustees' Office, while drawing his pay from the general revenues? If so, why and under what rule? (d) whether Government are prepared to consider his memorial for reinstatement?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) From the funds at the disposal of the Trustees.

(b) His pay, like that of the rest of the staff, was drawn by pay bills presented to the Pay and Accounts Officer, Miscellaneous Departments, Calcutta, against a portion of the Government grant which was allowed by the Trustees to remain with that officer.

(c) As Head Clerk of the Trustees' Office he was not a Government servant and did not draw his pay from the general revenues.

(d) A petition has been received from him and is under the consideration of Government.

RATE OF INTEREST OF THE RECENT GOVERNMENT OF INDIA STERLING
LOANS.

13. ***Dr. Ziauddin Ahmad:** (a) What are the amounts of loans which the Government of India raised in London in the year 1930 and at what rates of interest?

(b) Under whose advice were these loans issued? Was the question of raising loans in England discussed by the Executive Council? What was its decision?

(c) Who fixed the rates of interest of these loans? What are the reasons for fixing such a high rate of interest as six per cent.?

(d) Was any attempt made to raise the amount in India? What attempts were made and with what results?

(e) What are the prices of $5\frac{1}{2}$ per cent. (1933) and 6 per cent. (1933-35) loans, which the Government raised in London?

(f) Do Government propose in future to consult the Assembly before raising a loan outside India?

(g) What was the price of $5\frac{1}{2}$ per cent. 1932 loan at the time, the Government of India offered 6 per cent.?

(h) What is the amount of loss to Indian tax-payers on account of the increase in the rate of interest from $5\frac{1}{2}$ to 6 per cent.?

The Honourable Sir George Schuster: (a) The following loans were raised in London in 1930:

- (i) 6 per cent. 1932-33 Bonds for £6,000,000 issued at 99.
- (ii) 6 per cent. 1933-35 Bonds for £7,000,000 issued at 99.
- (iii) 6 per cent. 1935-37 Bonds for £12,000,000 issued at par.

(b) The loans were issued by the Secretary of State after consultation with the Government of India.

(c) The rates of interest were fixed by the Secretary of State after consultation with the Government of India. The rate of interest at which a sterling loan is floated has to be regulated by India's credit on the London market. Unfortunately Indian credit has been affected by political uncertainties.

(d) In July last Government offered for subscription in India 6 per cent. 1933-36 bonds at par and placed no limit on the amount of subscriptions they would accept. The total amount subscribed was 29.71 lakhs. The public in India, therefore, had ample opportunity to subscribe to a rupee loan issued on approximately the same terms as the recent sterling loans and the response was not sufficiently large to provide necessary funds without additional borrowing outside India.

(e) The prices of the $5\frac{1}{2}$ per cent. 1932, and the 6 per cent. 1933-35 sterling loans on the 31st December, 1930, were £100 $\frac{1}{2}$ and £102 $\frac{1}{2}$ respectively giving redemption yields of 4.723 and 5.367 per cent.

(f) This would not be practicable. As in other countries, the executive must settle the details of Government borrowings.

(g) The price of the $5\frac{1}{2}$ per cent. 1932 sterling loan, at the time when the first of the above loans was issued, was £98 $\frac{1}{2}$; that is to say, the redemption yield having regard to the fact that the loan was due to be paid off on January 1, 1932 was 6.174 per cent.

(h) The Honourable Member can calculate what $\frac{1}{2}$ per cent. means on the amounts raised, but I cannot admit that this represents a loss or that any arrangement was made which was not justified by the conditions.

Mr. B. Das: May I inquire if the Congress statement about the repudiation of loans had any effect over external loans in the London market?

The Honourable Sir George Schuster: That is a subject on which I have frequently expressed an opinion in this House. I am afraid there is no doubt that that statement had an effect on the credit of the Government of India in London. I purposely did not allude to it in my answer. I used the more general term that the position of Indian credit was affected by political uncertainties.

Mr. B. Das: Was it not a fact that the London loan was subscribed almost immediately after it was floated in the London market?

The Honourable Sir George Schuster: It is a fact that the London loan was taken up at once and I am very glad to say that it was a fact.

PRICE OF THE BURMAH OIL COMPANY'S PETROL.

14. *Dr. Ziauddin Ahmad: (a) What is the cost of production of petrol per gallon in the Burmah Oil Company?

(b) What is the price of B. O. C. petrol per gallon (i) in Rangoon, (ii) in London, (iii) in New York?

(c) At what price do Government purchase the (B. O. C.) petrol?

(d) Who regulates the prices of petrol?

(e) What is the export duty on petrol?

(f) What is the import duty on petrol? On what principle is the import duty levied?

The Honourable Sir George Rainy: (a) The Government have no information.

(b) Prices of B. O. C. petrol in Rangoon, inclusive of the excise duty of six annas per gallon, are fourteen annas per gallon ex-pump and fifteen annas per gallon ex-tin. B. O. C. petrol is not marketed in London or New York.

(c) The prices at which Government purchase petrol vary with the localities in which supplies are required and the method of packing. The following are the prices at which the Indian Stores Department purchases at present:

(i) F. O. R. at suppliers' installation in Rangoon, fourteen annas and six pies per Imperial gallon in returnable 2 gallon cans.

(ii) F. O. R. at suppliers' installation, Bombay, Calcutta and Madras or delivered free at these places, one rupee and one anna per Imperial gallon in returnable 2 gallon cans or in returnable 40/50 gallon casks.

(iii) F. O. R. at suppliers' installation, Bombay, Calcutta and Madras in buyer's containers or in bulk, fifteen annas per Imperial gallon.

(iv) For deliveries made at Karachi, six pies per Imperial gallon is charged over and above the prices mentioned in (ii) and (iii) above.

(d) The oil companies.

(e) Nil.

(f) The import duty on petrol is six annas per Imperial gallon and is levied for revenue purposes. Of this duty two annas is credited to a special fund from which disbursements are made for expenditure on road development.

Dr. Ziauddin Ahmad: When the B. O. C. and other companies send their balance sheets to Government, is it not possible for Government to calculate the cost per gallon of petrol?

The Honourable Sir George Rainy: I am afraid not. I have had a good deal of experience at one time or another of the calculation of costs, and certainly from published accounts or balance sheets you could not arrive at an accurate figure. Also, I understand that in the case of petroleum products, while it might not be difficult to find out what the average cost of all product was, it is extremely difficult to say how the costs should be allocated, so as to determine the cost of a particular product.

DIVIDEND PAID BY THE BURMAH OIL COMPANY IN 1930.

15. *Dr. Ziauddin Ahmad: What is the amount of dividend which the Burmah Oil Company paid last year?

The Honourable Sir George Rainy: According to the reports of the twenty-eighth annual meeting of the Company, for which I would refer the Honourable Member to the commercial and financial newspapers, the dividend paid was 30 per cent.

Dr. Ziauddin Ahmad: Is it not a very high dividend?

The Honourable Sir George Rainy: I think the Honourable Member is in as good a position as myself to answer that question.

PROPORTION OF SHARES IN THE BURMAH OIL COMPANY OWNED BY INDIANS.

16. *Dr. Ziauddin Ahmad: What was the proportion of shares owned by *bona fide* (not domiciled) Indians to the total capital of the Burmah Oil Company—

(i) at the time of paying last dividend?

(ii) at the time the company was first started?

The Honourable Sir George Rainy: The Government of India have no information.

RESTORATION OF THE STIPENDS OF MEMBERS OF THE CARNATIC FAMILY.

17. *Maulvi Sayyid Murtuza Sahab Bahadur: (a) Will Government be pleased to state whether they have given effect to the Resolution passed by the Assembly in January, 1930, recommending the restoration of the stipends of the members of the Carnatic Family, who took part in the Khilafat movement, with retrospective effect?

(b) If no effect has yet been given, will they kindly state the reason therefor?

(c) Will Government kindly place on the table of the House the correspondence that has passed between the Government of India and the Government of Madras on this subject?

Mr. J. G. Acheson: (a) and (b). The Resolution passed by the House in January, 1930, relates to the case of two Carnatic stipendiaries, viz., Messrs. Muhammad Abdul Ahad Sahib and Muhammad Abdul Latif Farookhi. Orders have been issued to give effect to it so far as the case of Muhammad Abdul Ahad Sahib is concerned. The case of Mr. Farookhi is under correspondence with the Madras Government and Mr. Farookhi and it is hoped will be settled before long.

(c) It is not in the public interest to place on the table of the House the correspondence that has passed between the Government of India and the Government of Madras, on the subject.

Mr. S. O. Mitra: This question was before the Government at the beginning of the last Simla Session. How long will Government take to arrive at a decision in regard to Mr. Farookhi?

Mr. J. G. Acheson: My personal acquaintance with this case is necessarily very short and I am not in a position to answer that question.

Mr. B. Das: The Honourable Member's predecessor, the gentleman for whom the Honourable Member is acting, assured this House that Government would take action immediately and restore the pensions.

Mr. J. G. Acheson: It is a fact that the permanent Foreign Secretary accepted the Resolution on behalf of Government and I know he is taking a great personal interest in attaining the object of the Resolution.

RESTORATION OF THE STIPENDS OF MEMBERS OF THE CARNATIC FAMILY.

18. ***Maulvi Muhammad Shafee Daoodi:** With reference to the reply to the supplementary question of Mr. M. K. Acharya to my starred question No. 64, asked in the Assembly on the 14th July, 1930, will Government be pleased to state if they are now prepared to give effect to the Resolution passed by the Assembly in January, 1930, regarding the restoration of stipends, with retrospective effect, to members of the Carnatic family who took part in the Khilafat movement?

Mr. J. G. Acheson: I would refer the Honourable Member to my reply to a question on the same subject by the Honourable Maulvi Sayyid Murtuza Saheb Bahadur.

ABOLITION OF THE CREW SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

19. ***Dr. Ziauddin Ahmad:** (a) Have Government decided whether the crew system in the East Indian Railway is to be abolished?

(b) If so, will the men now working in the crew department be discharged from their service? Are Government contemplating to appoint them as station ticket collectors, relieving clerks, travelling ticket collectors and guards in preference to outsiders?

(c) Are Government contemplating to introduce any new system for checking tickets in place of the present crew system? If so, what is the new system? Has it been tried on the East Indian Railway or in any other Government line?

(d) What are the reasons which led Government to conclude that the crew system failed?

(e) Do Government propose to appoint a special officer to look after the interests of crewmen, and to secure parallel posts for them in the same or other sections of the East Indian Railway?

Mr. A. A. L. Parsons: (a) A final decision has not yet been made.

(b) If a change in the system of checking passengers' tickets is decided on, it is proposed to employ under the new system such of the existing crew staff as it is decided to retain. The East Indian Railway Administration will no doubt employ members of the existing crew staff in preference to outsiders.

(c) The present proposal, in the event of the crew system being abolished, is to have passengers' tickets checked by Travelling Ticket Examiners of whom one or two would be posted to each train. This system is at present employed on those Divisions of the East Indian Railway where

the crew system has not been introduced and on the majority of Railways, although it is not usual to have a Travelling Ticket Examiner on each train.

(d) The principal reason that has led to a reconsideration of the crew system is the difficulty that has been experienced in preventing passengers without tickets from entraining.

(e) Government have received no information indicating that the appointment of a special officer for this purpose is called for.

Dr. Ziauddin Ahmad: Will Government please lay on the table the Report and all the papers connected with the inquiry into the question of the abolition of the crew system?

Mr. A. A. L. Parsons: I am afraid I must have notice of that question, Sir.

DECLINE IN EXPORTS FROM INDIA.

20. ***Dr. Ziauddin Ahmad:** (i) What was the amount of export—

(a) From April to September, 1929,

(b) From April to September, 1930?

(ii) What is the loss in income-tax on account of the decrease in export trade?

The Honourable Sir George Schuster: (i) (a) Rs. 160.46 crores.

(b) Rs. 125.13 crores.

(ii) There is no means of estimating the reduction in income-tax due to the fall in the value of exports during 1930. In any case profits made on exports during 1930 could only be assessed for income-tax in the year 1931-32.

PURCHASE BY GOVERNMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

21. ***Dr. Ziauddin Ahmad:** (a) What steps have Government taken since the last Session of the Assembly for the purchase of the Bengal and North-Western Railway?

(b) What is the price of its share?

The Honourable Sir George Rainy: (a) Government have been in communication with the Secretary of State and the Governments of the United Provinces and Bihar and Orissa on the subject, and I propose to move during the present Session for the appointment of a Committee of Members of the Assembly to examine the matter in all its aspects.

(b) The ordinary stock of the Company was quoted about the middle of December at 273½.

RAILWAY PROJECTS UNDER CONSIDERATION.

22. ***Dr. Ziauddin Ahmad:** What are the schemes, involving a capital expenditure of Rs. 50,000 or more, which are before the Railway Board for consideration?

Mr. A. A. L. Parsons: I presume the Honourable Member wishes to know the schemes costing over Rs. 50,000 which the Railway Board propose should be taken up in 1931-32, I lay a statement of such schemes

on the table. There are, of course, other schemes under examination, though there is little prospect of their early inception, and I should explain that schemes costing under one lakh do not ordinarily come to the Railway Board.

SCHEMES COSTING OVER RS. 50,000 IN 1931-32.

Assam-Bengal Railway.

	Anticipated cost.
	Rs.
	Lakhs.
(1) Electrification—Badarpur.	1.01
(2) Regrading Lumding—Manipur Road	2.25

Bengal and North-Western Railway.

(3) Remodelling goods yard, Samastipur	4.29
(4) Improving accommodation in old type staff quarters	2.50

Bengal-Nagpur Railway.

(5) Doubling line Kharagpur-Bhadrak (Only two sections of this doubling estimated to cost 13.50 lakhs is proposed for early inception)	163.73
(6) Crossing stations between Akaltara-Naila, Champa-Baraduar, Baraduar-Sakti and Jamga-Dahgora, Bhatapara-Nipania. Bhatapara-Hatibandh, Dilbai-Drug. Drug-Muripur, Muripur-Rajnandgaon, Silyari-Mandhar	10.00
(7) Tender Shop at Kharagpur	7.49
(8) Conversion of mill wright shop into Locomotive shop stores (building and equipment) at Kharagpur	2.71
(9) Development of Bokaro Joint Colliery	1.78

Bombay, Baroda and Central India Railway.

(10) Bandikui remodelling M. G. yard	2.30
(11) Renewal of girders on the Narbadda Bridge	40.36
(12) Strengthening bridges Kalakund Khandwa	12.00
(13) Strengthening Ravine Viaduct	1.61
(14) Strengthening Rutlam-Mhow Bridges	4.50

Burma Railways.

(15) Providing additional reception lines and extension to loop lines at certain stations from Pyinmana to Thazi, Yemethin District	2.50
(16) Re-roofing Tool Room, New Electric Shops and New Office for production staff offices	1.25
(17) Replacement of machinery for Locomotive Work-shops	0.93
(18) Flat and approach girders for crossing rolling stock (Martban Moulmein South)	1.70

Eastern Bengal Railway.

	Anticipated cost.
	Rs.
	Lakhs.
(19) Fulchhari—Permanent acquisition of land	2.32
(20) Kanchrapara improved water supply	1.00
(21) Naihati extra marshalling facilities in lieu of proposed Belgurriah yard	5.00
(22) Kanchrapara new hospital	1.00
(23) Renewal of weak masonry bridges	1.40
(24) Renewal of small spans	0.60

East Indian Railway.

(25) Lucknow Division—Junction arrangements required of the Lucknow-Sultanpur-Zaferabad Railway	2.00
(26) Water supply 12" rising made from Monghyr to Jamalpur	2.69
(27) Dinapur Division—Drinking water supply at Moghalsarai station and colony	2.00
(28) Howrah Division—Dankuni—Provision of up and down passing sidings and raised platforms	1.26
(29) Moradabad Division—Provision of hospital and dispensary for European and Indian staff with nurses' quarters	2.09
(30) Asansol Division—Improved water supply at Asansol	1.00
(31) Moradabad Division—Improving drainage in the Colony	1.30
(32) Rebuilding weak masonry bridges	1.25
(33) Strengthening Barakar bridge down track	2.80
(34) Renewal of foot-over bridges at Luckeeserrai, Buktarpur, Mokameh, Dinapore, Buxar and Arrah	1.50
(35) Machinery plant and equipment for mechanical work-shops	5.10
(36) Mechanical plant on divisions	2.80
(37) Colliery equipment	0.63

Great Indian Peninsula Railway.

(38) Itarsi Agra Relaying	31.33
(39) Pucca Drains—Bhusaval Nagpur	5.68
(40) Strengthening and renewal of girders of Betwa and Betwa Nala Bridge	5.22
(41) Strengthening and renewal of girders of Keotan Bridge	3.10
(42) Strengthening and renewal of girders of Bina Bridge	4.73

Madras and Southern Mahratta Railway.

(43) Tondiarpet Oil Depot Siding	1.16
(44) Watering arrangements at Ongole	1.24
(45) Ticket checking arrangements at Bangalore city	1.20
(46) Additional Machinery at Hubli.	2.35

North-Western Railway (Commercial).

(47) New Bay and 80-ton cranes in Boiler Shop, Moghalpura.	2.45
(48) Renewing and strengthening of girders on the Delhi Ambala Kalka section	8.22

North-Western Railway (Strategic).	Anticipated
	cost. Rs. Lakhs.
(49) Renewing and strengthening weak girders spans between Sibi and Kolpur	3.00
<i>Rohilkund and Kumaon Railway (Lucknow-Bareilly Section).</i>	
(50) Interlocking main line stations	2.10
<i>South Indian Railway.</i>	
(51) Remodelling Dindigul Junction	2.93
(52) Additional accommodation at Kumbakonam	2.00
(53) Podanur Mettupalaiyam section girder renewals	0.53
(54) Katpadi Branch—strengthening bridges, Cheyar, Palar and overbridges, M. & S. M. Railway	4.54

CONSTRUCTION OF A RAILWAY FROM BANSDIH ROAD TO MANIYAR GHAT.

23. ***Dr. Ziauddin Ahmad:** (a) Was it ever proposed to build a branch line from Bansdih Road to Maniyar Ghat in Bengal and North-Western Railway?

(b) What opinions did the District Board of Ballia and the Collector of Ballia express on the necessity of constructing this line?

(c) Is it not a fact that the proposed line was intended to pass through the following towns:

- (i) Maniyar, which is a big trading centre and a big Mela is held here called Ektijia;
- (ii) Nankagam, famous for its shrine where thousands of people assemble every year;
- (iii) Sikandarpur, which is one of the greatest trading centres and it exports oil seeds, perfumery and sugar;
- (iv) Nawanganar?

(d) What was the length of the proposed line and what was the estimated cost?

(e) What are the reasons for not commencing the construction work?

(f) Are Government prepared to consider the proposal again?

Mr. A. A. L. Parsons: (a) A survey was made in 1907-08 for a line from Bansdih Road to Maniyar Ghat.

(b) Government are not aware of the opinions expressed at that time by the District Board and the Collector of Ballia.

(c) The surveyed line terminated at Maniyar, but a reconnaissance was also made in the direction of Sikandarpur and Nawanganar and on to Bilthara Road. Government are not aware of the existence of the town of—I am sorry I am not aware of its exact pronunciation—Nankagam which is not shown in the survey of India maps or mentioned in the local gazetteer.

(d) The line surveyed was 14½ miles long and the estimated cost in 1908 was Rs. 5,82,460.

(e) The traffic prospects of the line did not appear sufficiently good to justify the cost of construction.

(f) Considering that the cost of construction would be at least 25 per cent. higher than in 1908 and the traffic prospects today would be even less favourable owing to the road motor competition which would be experienced, Government are not prepared to consider the proposal again.

EFFECT OF THE BOYCOTT MOVEMENT ON A DELHI FIRM.

24. ***Mr. B. Das:** (a) Has the attention of Government been drawn to the following news published in the *Pioneer* of 22nd November as a message from its special representative at Delhi?

“That boycott and its advocacy can prove a two-edged weapon has been the experience of one well-known Delhi firm which relies for the great proportion of its business upon European custom. It became known that members of the firm, while accepting English money, were actively associated with anti-British propaganda and its dissemination. The news was circulated with the suggestion that custom might advantageously be withdrawn, and from evidence available, the effect appears to have been salutary.”

(b) Will Government be pleased to state the name of the Delhi firm referred to?

(c) What are the charges against members of this firm, and what evidence do Government themselves possess against this firm?

(d) Will Government be pleased to state to what extent Government officials took part in the circulation of the news that European custom might advantageously be withdrawn from this firm?

(e) Will Government be pleased to place the connected papers on the table?

The Honourable Sir James Crerar: (a) I have seen the message in question.

(b), (c), (d), and (e). I do not think I can add for the Honourable Member's information to the contents of the message itself.

Diwan Bahadur T. Rangachariar: Do Government consider this form of boycott worthy of adoption?

The Honourable Sir James Crerar: I can only say this that if a firm is found to be engaged in activities hostile to the Government, it does not seem to me to be an unjustifiable proposition that Government should not lend it their financial support.

Diwan Bahadur T. Rangachariar: Would Government justify social pressure in cases of that sort?

The Honourable Sir James Crerar: No, Sir. I do not justify social pressure in any circumstances.

Mr. B. Das: May I inquire, Sir, if officials of the Criminal Investigation Department have not communicated to the Honourable Member the names of the firms that are so banned, and also a list of the Government British officials who have agreed in the boycott of that particular motor firm and are carrying it out?

The Honourable Sir James Crerar: I do not think any advantage would be gained, Sir, by my naming any names here.

Mr. B. Das: That is a matter of opinion.

RECENT LOANS RAISED BY THE GOVERNMENT OF INDIA.

25. ***Mr. B. Das:** (a) Will Government be pleased to state the amount of debt incurred by them till December, 1930, from 1st April, 1930?

(b) How much of this debt was anticipated in the last budget speech of the Honourable the Finance Member and how much was unanticipated?

(c) How much of the loan incurred up to date has been utilised to meet—

- (i) anticipated capital charges;
- (ii) capital charges not foreseen;
- (iii) deficit revenue of the Central Government;
- (iv) deficit revenue of the Provincial Governments;
- (v) other productive debts; and
- (vi) other non-productive debts?

(d) If any fund from new loans has been allotted under items (c) (v) and (c) (vi), will Government be pleased to state the nature of such expenditure and the necessity of their provision by public debt? Will Government be pleased to give details of expenditure on each of these items?

The Honourable Sir George Schuster: A revised estimate of the debt position will be placed before the House when I present the Budget for 1931-32.

Mr. B. Das: May I suggest, Sir, to the Honourable Member that the purport of my question was the amount of debt incurred by my Honourable friend from 1st April, 1930, till 31st December, 1930, and the amounts advanced to the Provincial Governments and also spent by the Central Government on productive and non-productive heads?

The Honourable Sir George Schuster: Sir, the purport of my answer was to suggest that when I present my Budget for 1931-32 I shall be in a position to give this House fairly accurate information on the various questions asked by my Honourable friend. If I were to attempt to answer the questions now, I should have to give very insufficient answers and a very incomplete statement. I suggest, Sir, that it is to the interest of the House that they should wait for a matter of four weeks when I shall be able to put the position as a whole in my Budget Statement.

LOSS OF REVENUE DUE TO TRADE DEPRESSION.

26. ***Mr. B. Das:** Will Government be pleased to state if they anticipate any loss of revenue owing to general trade depression? If so, what is the total amount of such loss (1) up to date, (2) anticipated total loss during the year 1930-31?

The Honourable Sir George Schuster: Government do anticipate a serious loss of revenue owing, amongst other factors, to the general trade depression. The position will be discussed at length in my budget speech. Meanwhile, I am afraid, I must ask the Honourable Member to be content with the information available in the published returns.

COMMITTEE APPOINTED RE SEPARATION OF RAILWAY AND GENERAL FINANCE.

27. ***Mr. B. Das:** (a) Will Government be pleased to state whether the Committee of both the Houses appointed to revise the Convention over separation of Railway Finance from General Finance reached any final decision about the future management of Indian Railways?

(b) How many sittings did this Committee hold in 1929-30 and 1930-31?

(c) Is it a fact that there was a deadlock over the preliminary discussion as to procedure to be adopted in the Committee's future deliberations?

(d) Is it a fact that after that deadlock between non-officials and officials in that Committee, Government never called any more meetings of the members?

(e) Will Government be pleased to place on the table a brief resumé of the work done in the various sittings of that Committee?

(f) Will Government be pleased to inform the House of the causes that delay decision over this revision?

(g) Will Government be pleased to state if on their own part they are anxious to arrive at a decision over the convention before the next Railway Budget will be presented to the House?

The Honourable Sir George Rainy: (a) No.

(b) Two meetings of the full Committee and one of the Sub-Committee appointed by the Committee to examine in detail certain special questions were held in 1929.

(c) and (d). No.

(e) I place on the table of the House the minutes of the meetings of the Committee and the Sub-Committee.

(f) I would invite the Honourable Member's attention to the explanation on this point which I gave in a speech on the 22nd February last during the course of the discussion on the Railway Budget.

(g) Government consider it most desirable that a decision should be arrived at on the questions which the Committee was considering before the new constitution comes into force. But they do not think they can be settled satisfactorily except in relation to the constitutional changes.

Review of the separation of Railway from General Finances.

The following motion was adopted by the Legislative Assembly on 21st September, 1928, regarding the election of a Committee to review the Separation of Railway Finances from General Finances:—

"That this House do proceed to elect in such manner as may be prescribed by the Honourable the President sixteen members to serve with the Honourable Finance Member as a committee to review the separation of railway finances from the general finances of the country in accordance with the Resolution adopted by the Legislative Assembly on the 20th September, 1924."

In pursuance of the above, the following sixteen members were elected members of the Committee:—

1. The Honourable Sir George Rainy.
2. Mr. A. A. L. Parsons.
3. Col. J. D. Crawford.
4. Sir Purshotamdas Thakurdas.

5. Mr. M. S. Aney.
6. Mr. Jamnadas M. Mehta.
7. Mr. G. D. Birla.
8. Mr. R. K. Shanmukham Chetty.
9. Mr. A. H. Ghuznavi.
10. Maulvi Abdul Matin Chaudhury.
11. Haji Chaudhury Muhammad Ismail Khan.
12. Maulvi Syed Murtuza Sahib Bahadur.
13. Mr. Amar Nath Dutt.
14. Rai Bahadur Tarit Bhusan Roy.
15. Kumar Ganganand Sinha.
16. Mr. Muhammad Anwar-ul-Azim.

MINUTES OF MEETINGS.

First meeting—17th February, 1929.

The first meeting of the Committee to review the separation of Railway Finances from the General finances of the country was held on Sunday, the 17th of February, 1929, in Room No. 50 of the Council House. The following Members were present :—

1. Sir George Rainy.
2. Sir George Schuster.
3. Mr. A. A. L. Parsons.
4. Mr. M. S. Aney.
5. Mr. G. D. Birla.
6. Maulvi Abdul Matin Chaudhury.
7. Mr. R. K. Shanmukham Chetty.
8. Mr. Amar Nath Dutt.
9. Mr. A. H. Ghuznavi.
10. Haji Chaudhury Muhammad Ismail Khan.
11. Mr. Jamnadas M. Mehta.
12. Maulvi Syed Murtuza Sahib Bahadur.
13. Rai Bahadur Tarit Bhusan Roy.
14. Kumar Ganganand Sinha.
15. Sir Purshotamdas Thakurdas.

Sir George Rainy was elected Chairman of the Committee.

In opening the proceedings Sir George Rainy expressed his regret that it had not been found possible to obtain the presence of all members in time for a meeting before the beginning of the session, since during the session it was very difficult to find unoccupied days. He explained that the present meeting had been called in order that the Committee might settle their procedure, and that the Government members might have the advantage of hearing the views of other members of the Committee. Neither he nor Sir George Schuster had come with any pre-conceived ideas; they both wanted to know first what the points were which other members of the Committee thought should be examined. Certain members of the Committee had already indicated various subjects as requiring examination, and possibly other members would now be able to put forward additions to the list.

2. The suggestions already received were then read out. Mr. Aney proposed that in addition a statement showing the economies realised as compared with those anticipated by schemes placed before the Standing Finance Committee for Railways during the last few years should be prepared. Mr. Chetty thought that it might be useful to have the percentage of administration charges, operation charges, etc., to the total expenditure on Indian railways compared with similar figures for railways in the United Kingdom and the United States of America; but Mr. Parsons pointed out that it would be difficult to get a reliable basis for such a comparison, since it was unlikely

that charges booked under these heads were the same in all countries. Mr. Jamnadas Mehta considered that as a general guide the total operating ratio might be found useful for comparative purposes. It was finally decided that the notes already received should be circulated to all other members of the Committee as quickly as possible, and written suggestions invited from members by the 28th of February.

3. On the motion of Mr. Jamnadas Mehta it was decided to appoint a Sub-Committee consisting of :

Sir George Rainy.
Sir George Schuster.
Sir Purshotamdas Thakurdas.

Mr. A. H. Ghuznavi.
Mr. M. S. Aney.
Colonel J. D. Crawford, and

Mr. Jamnadas Mehta.

The terms of reference to the Sub-Committee were then considered. Mr. Jamnadas Mehta suggested that the Sub-Committee should be asked to examine the operation of the Convention and to make suggestions for such changes or alterations in it as they considered necessary after this examination. Sir George Rainy suggested that it was principally the financial basis of the Convention which the Sub-Committee should examine, and on which it should make recommendations, and that possibly it might be better to leave other points to be dealt with by the main Committee. Sir George Schuster thought that in addition to examining and making recommendations on the financial aspects of the Convention, the Sub-Committee might usefully prepare a list of subjects which they thought should be examined by the main Committee.

Mr. Chetty expressed the opinion that it was for the main Committee first to settle what points should be referred to the Sub-Committee; and it was finally decided that, if possible, a meeting of the Sub-Committee should be held before the next meeting of the full Committee, and that the Sub-Committee should, after considering any suggestions received from members, themselves put forward proposals for the terms of reference, and suggest a time-table for the business of the sub and main Committees.

Second meeting—29th March, 1929.

The second meeting of the Committee to review the separation of Railway from General finances was held on Friday, the 29th March, 1929, in Room No. 12 of the Council House. The following Members were present :

Sir George Rainy.
Sir George Schuster.
Mr. Jamnadas M. Mehta.

Mr. Amar Nath Dutt.
Colonel J. D. Crawford.
Kumar Ganganand Sinha.

2. The Committee approved of the draft terms of reference placed before them by the Sub-Committee with the addition of the following clause :

"18. Whether any recommendations made by the Sub-Committee would necessitate any amendments to the Indian Railways Act or any other Act of the Legislature, and, if so, what."

3. It was considered essential that the meetings of the Sub-Committee and of the Committee should be convened early enough to enable a report to be presented to the Assembly in the next session, and it was decided that meetings should be called sometime in the latter half of June, 1929; the intention was that ten days should be allotted for discussions both in the Sub-Committee and in the Committee, and that the meetings of the Sub-Committee should start three or four days earlier in order that it may be able to lay its recommendations before the full Committee. It was resolved that all papers circulated to Members of the Sub-Committee should be circulated at the same time to Members of the Committee who would thus be kept fully informed of the matters under discussion.

Terms of reference.

To examine and make recommendations on the following subjects:

1. Whether the present provision for depreciation is adequate and whether any alteration is necessary in the basis of the appropriations made thereto under the present rules of the Fund after investigation into the following, among other questions:

- (a) Whether the present assumption as to the life of assets is correct.
- (b) Whether the Depreciation Fund should provide for the full replacement cost of an asset or the original cost thereof.
- (c) Whether any special provision is required to be made for arrears of depreciation or for the writing down or writing off of capital.

2. Whether it is desirable to establish a fund to be made up by appropriations from surplus revenue to cover expenditure on betterment and minor capital improvements.

3. What should be the correct method of calculating interest on the capital advanced by the Government of India to the Railways.

4. Whether Railway revenues should be required to provide in addition to interest and depreciation an annual allocation from revenues for redemption of the whole or a part of the capital advanced by the Government to the Railways.

5. Whether in addition to the above payments Railways should make a contribution to general revenues, and, if so, on what basis the contribution should be fixed.

6. How the actual surplus accruing in any year, after provision has been made for interest, depreciation, etc., should be distributed, and in particular whether any, and, if so, what share should be allotted to:

- (a) the Reserve Fund;
- (b) General Revenues;
- (c) the welfare of employees; and
- (d) non-recurring expenditure on increased amenities for the travelling public.

7. For what purposes the Reserve Fund should be held, and what should be its maximum limit.

8. What policy should be followed when Government are satisfied that there has been a permanent increase in the net earnings of the railways, and in particular to what extent the recurring surplus should be devoted to:

- (a) the reduction of rates and fares;
- (b) the improvement of the conditions of service of Railway employees; and
- (c) the provision of increased amenities for the travelling public.

9. Whether strategic railways should be treated separately, and, if so, how.

10. How the balances of the Depreciation and Reserve Funds should be invested; if left with the Government of India as part of the general ways and means balances, what rate of interest should be allowed thereon, and whether such interest as is payable should be added to the reserve themselves or taken as items of general railway revenue.

11. Whether any alteration is desirable in the form of the Railway budget presented to the Legislature or in the time of presentation.

12. Whether a change is desirable in the constitution, functions, or procedure of the Standing Finance Committee for Railways or the Central Advisory Council.

13. What changes, if any, are desirable in the powers exercised by Agents of Railways.

14. Whether there should be prepared by the Railway Board annually a balance sheet for each railway and a consolidated balance sheet for all Indian State-owned railways.

15. What should be the constitution and functions of the Rates Advisory Committee, or of any other body that may be set up for the control of rates and fares.

16. Whether it is desirable that the services of a Railway expert or experts should be obtained from abroad to examine any, and, if so, what aspects of the Indian Railway Administration.

17. What progress has been made in giving effect to the recommendations, apart from the Convention, in the Resolution of the Legislative Assembly of the 20th September, 1924, and what further steps, if any, in that direction are desirable and feasible.

18. Whether any recommendations made by the Sub-Committee would necessitate any amendments to the Indian Railways Act or any other Act of the Legislature, and, if so, what."

Letters containing suggestions received from Members of the Committee appointed to Review the separation of Railway from General Finances.

DEMI-OFFICIAL LETTER FROM MR. JAMNADAS M. MEHTA, DATED THE 14TH DECEMBER 1928.

I thank you for your letter of the 1st instant intimating the date of the first meeting of the Separation of Railway Finance Convention Revision Committee.

My views are—

- (1) That the Committee should be allowed to elect its own chairman.
- (2) That the contribution to the General finances from Railways should not be more than one per cent. on the capital at charge.
- (3) That the Railway Reserves must not be more than an amount equal to two years' contribution on the capital at charge. Any surplus must go towards the reduction of rates and fares and increase of amenities.
- (4) That the depreciation reserve rules should be revised so as to bear less heavily on revenue.
- (5) That members of the Railway Finance Committee should be allowed to raise any question of finance or policy *sui moto*.
- (6) That the minutes of the proceedings of the Railway Finance Committee should be so recorded that Members of the Assembly might be able to follow the trend of discussion and the main *pros.* and *cons.* of the issue.
- (7) That the Agents' powers must be curtailed in some respects of which I shall write hereafter.

DEMI-OFFICIAL LETTER FROM MR. G. D. BIRLA, DATED THE 14TH DECEMBER 1928.

With reference to your letter No. 4773-F., dated the 1st December 1928, the following are some of the points which I am likely to raise at the meetings of the Committee appointed to review the separation of Railway finance from the General finance of the country:—

1. The amount of contribution to General finance and the desirability or otherwise of the existing provision in the convention relating to strategic railways.
2. Purchase of stores.
3. Indianisation.
4. Policy with regard to the size, etc., of the Reserve Fund.
5. Rates and Fares.
6. Central Advisory Council—how far it has served the purpose for which it was formed.
7. The utility or otherwise of the Rates Advisory Committee.

I can think of nothing specific at the moment which requires the collection and tabulation of statistics, but I feel the members will like to have notes or memoranda dealing at some length with important topics like those mentioned above. It is a vast field which the Committee will have to survey and to enable it to discharge its duties in a truly satisfactory manner, it is essential that information on the various aspects of railway administration should be made available for it in a handy form. The members have received a set of papers containing the minutes placed before the Committee of 1925 that examined the question and they are thankful for it. This however is only a part of the material which will be required for an elucidation of the problem to be investigated. What I suggest therefore is the preparation by the Board of a set of papers explaining the *status quo* and showing the improvements

brought about all along the line in response to suggestions in the Legislature. The Board might go a little further and provide for the use of the members of the Committee a comparative study of some of the important aspects of Indian railway management, showing where it stands as judged by foreign standards and how far its modernization has gone.

I note that the first meeting of the Committee will be held at Delhi on the 21st January. I hope that the programme will be so framed as to lead to no clash of dates with the meetings of the Legislature. The members should have ample time to deal with the questions which are likely to arise, and this they cannot have if they have to divide it between the meetings of the Committee and of the Assembly or the Council of State.

DEMI-OFFICIAL LETTER FROM KUMAR GANGANAND SINHA, DATED THE 21ST JANUARY 1929.

With reference to your letter No. 4773-F., dated the 1st December 1928, I beg to say that I would like to have detailed information in regard to the following particulars in connection with the separation of Railway Finance from the General Finance:—

1. Railway Reserve accumulating from year to year.
2. Details of the amenities offered to the travelling public since the separation.
3. Reduction of freights and fares.
4. Improvement of the rolling stocks and locomotives.
5. Progress in regard to the Indianisation of superior services.
6. How far State Railway stores have been purchased from indigenous Indian firms.

Thanking you in anticipation.

DEMI-OFFICIAL LETTER FROM MR. JAMNADAS M. MEHTA, DATED THE 26TH FEBRUARY 1929.

In reply to your D. O. No. 4773-F., I am making the following suggestions:—

- (1) That one copy of the Standard Revenues Act (1921) for Railways in England be made available to every member of the Committee.
- (2) That the American practice in regard to the Depreciation and Reserve funds may, if possible, be made available to the members.
- (3) That statistics may be supplied to members as to the amount of interest paid from 1st April 1922 till 31st March 1929—
 - (a) for the construction of new lines before they are opened for traffic;
 - (b) for the schemes of rehabilitation and improvements until they are completed.
- (4) That a balance sheet of each railway and consolidated balance sheet of all the railways should be hereafter prepared and supplied to the Assembly.
- (5) That the form in which the Budget papers are presented should be re-considered.
- (6) That a memorandum should be supplied stating what particular powers, both financial and administrative, had been delegated to the Agents since 1921.
- (7) That a similar memorandum regarding the delegation of powers from the Secretary of State and the Government of India to the Railway Board and of the powers which the Secretary of State and the Government of India still retain in their hands.
- (8) That a statement of the steps that have been so far taken for arranging the Railway Budget in September instead of in February each year should be circulated.
- (9) That a statement of such railway industries as have been established since 1st April 1922 may be supplied to each member.

DEMI-OFFICIAL LETTER FROM SIR PURSHOTAMDAS THAKURDAS, DATED THE 26TH FEBRUARY 1929.

With reference to your D. O. No. 4773-F., dated the 18th instant, I think it desirable for the Committee to have a report from a qualified expert on the adequacy or otherwise of the Railway Depreciation Fund and generally on the progress made in the

efficiency of Indian Railways, since say, the Inchcape Committee reported, i.e., since 1st April 1923. As a Member of the Inchcape Committee, I should, in ordinary course, not refer to the Report of that Committee, but it is unanimously agreed that the Report on the Railway Expenditure as made by that Committee, is very valuable. I particularly draw the attention of the Committee to paragraphs 15, 16, 17, 23, 24, 25, 28, 29 and the general remarks covering paragraphs 33 to 37. I would also refer the Committee to conclusion No. 5 of the Committee as recorded on page 81 of their Report.

In order to be able to get a reliable lead on these various questions, I would suggest that the Government of India bring out an expert in Railway matters, of the position of General Manager of one of the Railways in England, to review the progress made in the efficiency of Indian Railways since April 1923. Mr. Milne, who was brought out by Lord Inchcape to assist the Committee, rendered such invaluable assistance in the preparation of the Report on Railway Expenditure, that I feel that the expenditure incurred in making similar advice available to the Committee will not only not be wasted, but will pay itself several times over. I would like to make it clear that I am for a really first-class railway expert being brought out and none else. I am aware that what I am suggesting may delay the consideration of the question of depreciation, but I fail to understand how the Committee can proceed with the question of adequate depreciation for Indian Railways without a report of the nature that I have indicated above.

DEMI-OFFICIAL LETTER FROM MESSRS. TARIT BHUSHAN ROY AND AMAR NATH DUTTA, DATED THE 7TH MARCH 1929.

With reference to your D. O. No. 4773-F., dated the 1st December 1928, we beg to state that we desire to raise the following points for consideration of the Committee which has been appointed for dealing with the question of separation of Railway Finance from General Revenues:—

- (1) The principle on which contribution should be made to the general finance and the nature and extent thereof.
- (2) The principle regulating the Reserve Fund and the Depreciation Fund.
- (3) The gradual reduction of freights and fares and the provision of increased amenities to the travelling public.
- (4) Improvement of coaching stock and adoption of measures for securing efficient and up-to-date transportation methods and quicker movement of the rolling stock.
- (5) Particulars relating to the purchase of stores.
- (6) The advantage or necessity of the Rates Advisory Committee.
- (7) Economy without impairing efficiency.
- (8) Transference of Strategic Railways from General Railway finance.
- (9) Time for presentation of Railway Budget.
- (10) Statement showing the actual receipts (both pre-war and post-war) from passenger traffic of different classes.

We should like to know the possibilities of electricity and oil fuel as a commercial proposition in the movement of rolling stock in India. We regret we do not appreciate the necessity of the formation of a sub-committee which can hardly be of service unless the whole committee is daily consulted and they have the opportunity of daily meeting the sub-committee. So it is necessary that the members of the full committee should also be present at the place where the sub-committee sits, to make suggestions as occasion arises. Having regard to the importance of the matters under consideration we think it is eminently desirable that they should be considered by the full committee at meetings to be called and arranged for early in May or June next at Simla.

A meeting of the Sub-Committee appointed by the Committee elected by the Assembly to review the Separation Convention was held in Bombay on Sunday the 30th June. All the Members of the Sub-Committee, except Colonel Crawford, who was out of India, attended. The following Members were present:—

1. The Honourable Sir GEORGE RAINY, *Chairman*.
2. The Honourable Sir GEORGE SCHUSTER.
3. Sir PURSHOTAMDAS THAKURDAS.

4. Mr. A. H. GHAZNAVI.

5. Mr. M. S. ANEY.

6. Mr. JAMNADAS MEHTA.

2. The Chairman explained that Government had not prepared any definite proposals to lay before the Sub-Committee. When the separation proposals were placed before the Assembly in 1924, the initiative was taken by Government; but the present Committee had been appointed in response to a feeling in the Assembly that the existing arrangements might with advantage be revised, and Government therefore desired to ascertain the provisional views of the Members of the Sub-Committee in a general way at this preliminary meeting. Sir George Schuster pointed out that one of the most important questions that they had to consider was whether the Railway position was really as prosperous as it looked, or whether the system of accounting at present in force showed the results better than they really were. He doubted whether enough money was being set aside at present for depreciation or for minor capital improvements or for betterments, and pointed out that there was no provision for the amortisation by the Railways of the capital invested in them, though Government set aside annually a definite sum of money for amortising the whole of their debt including that incurred for Railways. Referring to the proposals made by Sir Arthur Dickinson in connection with the depreciation fund, he said that while there was room for difference of opinion as to the lives that should be assumed for the different classes of assets, which was a matter for experts to decide, the suggestion made by Sir Arthur Dickinson that revenue should bear the total replacement cost and not merely the original cost was a very sound one. It was estimated, however, that it would cost at present about 2 crores more from revenue per year. Another proposal which was worthy of consideration was the one made in General Hammond's letter to him that a sum of about 1/10th per cent. of the capital at charge should be set aside every year from revenue for betterments which did not directly earn revenue or reduce expenditure. He also favoured the suggestion that the limit of expenditure on minor capital improvements below which the cost should be charged to revenue should be raised to Rs. 10,000 from Rs. 2,000. This was estimated to cost about 30 lakhs a year at present.

After discussion, the Sub-Committee came to the conclusion that it would be desirable for the Chairman and Sir George Schuster to place their preliminary views before them for consideration. They also desired at the same time to have a statement showing what the effect of these proposals would have been on the Railway contribution to general revenues if they had been in force during the last few years.

3. The question was then discussed whether in view of the fact that the Statutory Commission would probably deal in the course of their general report with the constitutional position of Railways, it was worth while to go on with the present investigation. The general sense of the Committee was that the Statutory Commission were unlikely to make a detailed recommendation regarding Railways, and that the investigation they were engaged on should be continued.

4. The next question discussed was a suggestion made by Sir Purshotamdas Thakurdas that an expert should be obtained to report on the adequacy or otherwise of the Railway depreciation fund, and generally on the progress made in the efficiency of Indian Railways since 1923. The Chairman undertook to obtain the views of the Railway Board on the proposal and to place them before the Sub-Committee at their next meeting.

Mr. B. Das: Do I understand that Government do not desire to call a meeting of this Committee in this Session of the Assembly?

The Honourable Sir George Rainy: I am afraid, Sir, the Committee is no longer in existence.

Mr. B. Das: Do I take it that the Government have no intention of asking this House and the other House to appoint a similar Committee once again?

The Honourable Sir George Rainy: I do not think, Sir, that the precise procedure to be followed in connection with the further investigation of this question can be settled in advance of the method of procedure that may be agreed upon for the investigation of all the numerous questions which have to be examined in connection with the new constitution.

FRANCHISE OF INDIANS IN CEYLON.

28. ***Mr. B. Das:** (a) Will Government be pleased to state at what stage of negotiation they are now with the Secretary of State for India about equality of franchise of Indians in Ceylon?

(b) Will Government be pleased to make a statement as to how the problem stands?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). In pursuance of the Resolution adopted on the 11th February, 1980, in this House the Government of India made further representations to the Secretary of State on the question of Indian franchise under the new constitution in Ceylon. His Majesty's Government gave full consideration to the views of the Government of India and their decision was contained in the Despatch of the Secretary of State for the Colonies No. 911, dated the 13th June, 1980, addressed to His Excellency the Governor of Ceylon. That Despatch was published in India immediately on its receipt, and a copy has been placed in the Library of the House. It will be observed that His Majesty's Government decided not to include in the Order-in-Council the provision that an applicant for a certificate of permanent settlement should be required explicitly to renounce any claim to special protection by any Government other than that of Ceylon. It was also made clear in the Despatch that there was no intention of repealing or amending to the detriment of Indians any of the laws of Ceylon affecting their position or privileges, or of abrogating or lessening the powers and functions of the Agent of the Government of India.

Mr. B. Das: Do I take it that the Government are satisfied with the position that has been stated by the Honourable Member?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I shall be glad to hear if the House is satisfied.

Mr. B. Das: The House will express its opinion when the occasion arises. May I enquire if the Government of India are satisfied with the position as was stated by the Honourable Member?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Government of India do not feel called upon to take any further action.

Mr. K. Ahmed: Are the Government of India aware that the Indians who have been living in Ceylon for the past several years cannot expect equality of treatment as regards franchise because there is a clause put in in the new Act, which is coming into force next May or June, that Indians having a mind to return to India will not get the franchise?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am not aware of such a contingency.

Mr. K. Ahmed: Are the Government of India aware that Indians, both Hindus and Muslims, held meetings repeatedly and sent copies of resolutions to the Government of India? (Hear, hear.)

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: On which subject, Sir?

Mr. K. Ahmed: On the subject that the Indians have their right of franchise, that is to say, equality of footing in the matter of establishing

their claim under the new reforms, which they are not getting. As a matter of fact equality of their right in the franchise is now being reduced under the new reforms.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am quite satisfied, Sir, that in the matter of equality of franchise between Indians and Ceylonese there is no difference.

Mr. K. Ahmed: I say that the Government representatives preparing the list of voters and the judges who decide, as the revising officers, are liable to construe—since their salaries are paid by the Ceylonese Government—that Indians are likely to go back to India and therefore there need not be equality of franchise.

Maulvi Muhammad Yakub: Is this a supplementary question to the question which was just answered by the Honourable Member?

Mr. K. Ahmed: Yes, Sir, (Laughter) if you will exercise your right judgment.

Maulvi Muhammad Yakub: Is it right for an Honourable Member to answer a point of order addressed to the Chair and which the Chair has to decide?

Mr. President: Dr. Ziauddin Ahmad.

Maulvi Muhammad Yakub: What about my point of order?

Mr. K. Ahmed: There is no point of order.

Dr. Ziauddin Ahmad: Sir, the Honourable Member has said that he had no information about any attempt made by the Government of Ceylon of the nature just mentioned by my Honourable friend, Mr. K. Ahmed. I may just say one thing more about it, that is, that this House . . .

Mr. President: The Honourable Member can only ask a supplementary question. He cannot make a statement.

Dr. Ziauddin Ahmad: The post of a Deputy Secretary on a very high salary has been sanctioned for this purpose. Was it not the duty of that officer to find out all the facts?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am not able to follow the Honourable Member's question.

Mr. President: Will the Honourable Member put a specific question?

Dr. Ziauddin Ahmad: The House sanctioned a special officer, called the Deputy Secretary for this purpose and specially to deal with emigration. Was it not his duty to enquire as to what was going on about Indians in Ceylon?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Of course, it is and that duty is being discharged fully.

Mr. K. Ahmed: Is it not a fact that last year a deputation waited on the Honourable Member or his predecessor? Is it not a fact that that deputation came here and spent some time and exchanged their views with the Members of this Legislature? Of course a majority of the Members of the House are new (Laughter), but I happen to be one of the old Members who knows about this.

Mr. President: The Honourable Member will put a specific question, arising out of the facts disclosed in the answer to the question.

Mr. K. Ahmed: Are the Government aware that last year or so, representatives of Hindu and Muslim Indians living in Ceylon came and approached the Honourable Member's Department—either his predecessor or himself—and exchanged views with regard to this difficulty which they were anticipating in the coming reforms and what have the Government done in that regard?

Mr. Arthur Moore: Is it not a fact, Sir, that Mr. K. Ahmed is basing his questions on a state of affairs which has passed and that the difficulty to which he refers was removed by the representations made by the Government of India last year?

Mr. President: It is the privilege of the Honourable Member in charge to give that reply. (Laughter.)

Mr. Arthur Moore: May I state, Sir, that I am asking the Honourable Member whether that is a fact?

Mr. K. Ahmed: Is the Honourable Member raising any point of order, Sir?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Sir, my reading of the reply must have been very indistinct indeed if the question that is now being put is to be answered over again, and therefore with your permission, I will read my reply again. May I do so, Sir?

Mr. President: Yes; do please.

(The Honourable Member, Khan Bahadur Mian Sir Fazl-i-Husain, re-read the answer to question No. 28) and added:

If the Honourable Members, if I may be permitted to add to my answer, take their minds off from what happened before February, 1930, they will realise that the wishes of this House were carried out by my predecessor and by the office, and the views of this House conveyed to the authorities with the result that has been mentioned in my reply.

Sir Hari Singh Gour: May I enquire of the Honourable Member whether the Indian residents in Ceylon are satisfied with the decision reached by His Majesty's Government on the representations of the Government of India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That, Sir, cannot be answered either in the affirmative or in the negative, as it is, the Honourable Members will no doubt realise, so very difficult, without a referendum, to find out whether the opinion one way or the other preponderating.

TRADE COMMISSIONERS AT MILAN, HAMBURG AND NEW YORK.

29. ***Mr. B. Das:** Will Government be pleased to state if the Trade Commissioners' offices at Milan, Hamburg and New York have commenced their operations? Who are the Trade Commissioners at these places? How many of these belong to the Indian Civil Service and how many to the Indian commercial circle?

The Honourable Sir George Rainy: No offices have yet been opened, but Mr. S. N. Gupta, I.C.S., at present Deputy Indian Trade Commissioner in London, has been selected to be Indian Trade Commissioner at Hamburg, and will assume charge of his new office this year. Steps are also being taken to make a selection this year for the post of Trade Commissioner at Milan through the Public Service Commission, the selection for this post being made from persons not in the service of Government.

RECRUITMENT OF TRADE COMMISSIONERS.

30. ***Mr. B. Das:** Will Government be pleased to state the *modus operandi* they have adopted or they intend to adopt for recruitment of Indian commercial men as trade commissioners?

The Honourable Sir George Rainy: Appointments of non-officials will be made on the advice of the Public Service Commission. As I have stated in reply to the Honourable Member's previous question, this procedure has been adopted in selecting an officer for the post of Trade Commissioner at Milan.

APPOINTMENT OF TRADE COMMISSIONERS IN TURKEY, AFRICA AND JAPAN.

31. ***Mr. B. Das:** Will Government be pleased to state if they have reached decisions regarding opening of trade commissioners' offices in Turkey, Africa and Japan? Do they expect to open these offices during the year 1981-82?

The Honourable Sir George Rainy: The recently sanctioned scheme for the appointment of Trade Commissioners abroad, does not provide for such appointments in Turkey and Japan. It includes the appointment of three Trade Commissioners in Africa, but none of these offices is expected to be opened during 1981-82.

Mr. B. Das: May I inquire if it is not a fact that before the Standing Finance Committee the Government of India brought up a proposal for the appointment of six Trade Commissioners, and what is the cause of this long delay in the last three appointments?

The Honourable Sir George Rainy: The original programme put before the Standing Committee was at the rate of two appointments a year. We then tried, in accordance with the wish expressed by the Standing Finance Committee, to expedite matters by proceeding with a third appointment this year. But the reason why we have been unable to do so, as the House will realise, is simply financial stringency on account of which very desirable items of expenditure are unavoidably postponed.

RETRENCHMENT OFFICER'S INQUIRIES.

32. ***Mr. B. Das:** (a) Will Government be pleased to state if Mr. Jukes has completed his enquiry on retrenchment of expenditure on the civil budget? What is the total amount of saving they anticipate if Mr. Jukes' recommendations are given effect to?

(b) Will Government be pleased to state if they intend to appoint the same officer or another officer to investigate if there are possibilities of retrenchment on the heads of (a) Army, (b) Railways?

The Honourable Sir George Schuster: (a) Mr. Jukes' enquiry into the growth of Central civil expenditure was interrupted owing to his having had to act as Finance Secretary and Finance Member since September. An interim report was issued during the Simla Session, and I hope to be able to present his full Report about the time of the budget debate. I would refer the Honourable Member to what I said about the purpose of Mr. Jukes' investigation in the course of last year's budget debate. I hope to deal fully with the whole subject in my next budget speech.

(b) Different considerations apply to the expenditure on the Army and the Railways. I think the Honourable Member will have full opportunity for raising these questions and for eliciting a reply in the course of the budget debate.

Diwan Bahadur T. Rangachariar: May I inquire if Mr. Jukes' Report will be made available to the Members of this House?

The Honourable Sir George Schuster: Certainly, Sir.

REPRESENTATIVES SELECTED FOR THE ROUND TABLE CONFERENCE.

†33. ***Rajah Sir Vasudeva Rajah:** (a) Were the representatives to the Round Table Conference selected by the Government of India or on the recommendation of the Government of India?

(b) Will Government be pleased to state who are the gentlemen nominated to represent the Zamindars and Talukdars and their interests in the Round Table Conference?

(c) Has any representative of the ryotwari landholders, who form part of the landholders constituency in Madras, been nominated to the Round Table Conference? If so, who? If not, will Government be pleased to state why that important interest has not been represented?

REPRESENTATION OF RYOTWARI LANDHOLDERS IN THE LEGISLATURES.

34. ***Rajah Sir Vasudeva Rajah:** (a) Has the ryotwari landholders interest been represented in any province in India other than Madras? If so, will Government be pleased to state who the representatives are and whether they have the necessary qualifications to represent those interests in the Provincial or Central Legislature?

(b) Are Government aware that the interests of the ryotwari landholders and those of Zamindari landholders are different?

The Honourable Sir George Rainy: With your permission, Sir, I propose to reply to questions Nos. 33 and 34 by the Honourable Member together. The delegates to the Round Table Conference were not selected by the Government of India or on the recommendation of the Government of India. The Honourable Member will no doubt appreciate the fact that the delegation had necessarily to be limited and that representation individually of each of the numerous interests involved was consequently not possible. In the majority of cases persons were invited who might be representative of as many interests as possible and the delegates who might be held more particularly to represent one interest, represent in many cases other interests also.

Diwan Bahadur T. Rangachariar: May I ask whether the claims of landholders as such were considered in selecting the delegation?

* For answer to this question, see answer to starred question No. 34.

The Honourable Sir George Rainy: As I have said, the selections were not made by the Government of India or on their recommendation, but certainly it is my belief that the representation of landholders was considered.

Diwan Bahadur T. Rangachariar: Then the question is whether the claims of the ryotwari landholders, who form by far the largest number, were considered?

The Honourable Sir George Rainy: I am afraid I cannot answer questions in detail about this because this is not a primary responsibility of the Governor General in Council.

Maulvi Muhammad Yakub: By whom were the selections made?

The Honourable Sir George Rainy: By His Majesty's Government.

Mr. C. S. Ranga Iyer: Will Government be pleased to see that in future discussions when the issues arising out of the Round Table Conference are considered the claims for representation of the ryotwari interest are considered?

The Honourable Sir George Rainy: I think I must remind the House that the whole question is in charge of His Majesty's Government. But I think I can say this that, if the Government of India were of opinion that any interests were so inadequately represented that some change ought to be made, they would certainly make representations.

Mr. K. Ahmed: May I safely take it that the Government of India were consulted in the selection of members of the Round Table Conference and they gave their views and made recommendations for selecting particular men?

The Honourable Sir George Rainy: As I said in reply to the question, it is not so.

Mr. B. Das: May I inquire if it is not a fact that the list of delegates to the Round Table Conference that was published in the Press contained the names of 70 per cent. of the landholding classes?

The Honourable Sir George Rainy: I am afraid I cannot answer that without notice.

LAND REVENUE LEGISLATION.

35. ***Rajah Sir Vasudeva Rajah:** (a) With reference to the answer given by Government on the 23rd September, 1929, to Mr. Rangaswami Ayyangar's question in the Assembly regarding land revenue legislation, have the Government of India published the Resolution regarding land revenue legislation which they promised to issue on that occasion? If not, what is the reason for the delay and when will it be issued?

(b) What steps are Government taking to see that the recommendations of the Joint Parliamentary Committee in 1919 regarding land revenue legislation are given effect to in Madras?

The Honourable Khan Bahadur Mian Sir Fazi-i-Husain: (a) The answer to the first part of the question is in the negative. After further careful consideration, the Government of India came to the conclusion that, in

view of the approaching publication of the Statutory Commission's Report, no advantage was likely to result from the issue of a Resolution, the practical utility of which would, in all probability, be short-lived.

(b) In view of impending constitutional changes, Government do not consider that any action in the direction suggested by the Honourable Member's question is at present called for.

Mr. K. P. Thampan: Pending such legislation, will Government be pleased to issue orders to the Madras Government to keep in abeyance all new settlement proposals?

(No answer was given.)

SEPARATION OF BURMA FROM INDIA.

36. ***Mr. C. S. Ranga Iyer:** (a) *Appropos* the Indo-Burmese separation question, will Government be pleased to state if any communications have passed between them and His Majesty's Government?

(b) If so, will Government be pleased to lay the same on the table?

(c) Have Government considered the question of the advisability of circulating the said question of separation of Burma from India to responsible public bodies in both countries, and if not, why not?

(d) Do Government propose to take a referendum in Burma as to whether she wants separation from India on the understanding of her being converted into a Crown Colony or on the understanding of her enjoying Dominion Status in the terms of the Parliamentary announcement of August 1917?

(e) Has any communication passed between the Burman Government and the Government of India on the said subject, and if so, are Government prepared to lay the same on the table?

(f) Is it proposed that Burma should make any contribution to India for defence purposes?

(g) Is it proposed that the Viceroy after separation is to be known as the Governor General of India and Burma?

(h) If the answer to part (g) is "no", will Burma make her own separate arrangements with His Majesty's Government?

(i) Will a Committee of enquiry be appointed consisting of two of the Indian Members (non-official) of the Central Legislature and two of the Burman Members of the Burma Provincial Council besides officials to report on the minorities question?

(j) Will a statutory guarantee be given to Indians settled in Burma—or employed in Burma for a period of five years or more—of special protection of their interests in Burma and special representation in the Burma Legislature and services and if not, why not?

(k) Will Government be pleased to state whether the declaration of His Excellency the Governor General on October 31, 1929, on Dominion Status as embodied in the late Mr. Edwin Montagu's announcement of August 1917 applies to Burma also, and whether it would continue to apply after the separation of Burma from India? Will a provision to that effect be embodied in the statute relating to Burma, and are Government prepared to convey to His Majesty's Government that such a statutory provision should be embodied in the preamble of the new Burma constitution?

(l) Will Government be pleased to state whether a referendum will be taken—or Indian opinion in Burma consulted by some means other than a referendum—regarding the question of special protection for Indian minorities and interests in Burma? If not, why not?

The Honourable Sir George Rainy: (a), (b) and (c). The views of the Government of India on the separation of Burma are contained in the published despatch on proposals for constitutional reforms. Communications on incidental matters and on matters of information have passed between the Governments concerned, but none on the broad issue other than those already published.

(c) (d) and (k). I would refer the Honourable Member to the reply given by the Secretary of State in answer to a question on the subject in the House of Commons on the 20th January, 1931, which has been reported in the Press. His Majesty's Government have decided to proceed with the separation of Burma and desire it to be understood that the prospects of constitutional advance held out to Burma as a part of British India will not be prejudiced by this decision, and that the constitutional objective after separation will remain the progressive realization of responsible Government in Burma as an integral part of the Empire. The Government of India have nothing to add to this statement.

(f) to (j) and (l). These are particular points, on some of which the general views of the Government of India have been clearly stated in the despatch. I would refer the Honourable Member to the Premier's statement in the final plenary session of the Indian Round Table Conference on the 19th January, 1931, to the effect that Government would make the necessary enquiries as to the conditions upon which separation was to take place. The Government of India have at present nothing to add to that statement.

Mr. K. Ahmed: Are the Government of India aware that since the Third Burmese War in the year 1886—if I am not wrong—the revenues of India have been squandered in order to make an addition to their territories, and Burma being added, do Government propose now for the benefit of India to give Indian interests the first charge on Burma and do they not consider that the people of India have the right to be consulted before the separation and Government have not done so?

Mr. President: Will the Honourable Member put a specific supplementary question?

Mr. K. Ahmed: In view of the fact that the Government of India have spent money in the last Burmese War, from the Indian exchequer, is it not the right of the people of India and their representatives that they should have been consulted first before the separation of Burma was decided upon?

The Honourable Sir George Rainy: I may point out that the question was considered at the Round Table Conference in which a large number of Indians were present, and I hope it is not the Honourable Member's suggestion that they were not representatives of India.

Mr. President: Order, order.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT AND PAY OF CLERKS IN THE DIVISIONAL ACCOUNTS OFFICES OF THE NORTH WESTERN RAILWAY.

1. **Mr. S. C. Shahani:** (a) Is it a fact that temporary clerks have been appointed after the 1st April, 1929, in the Divisional Accounts Offices of the North Western Railway without passing the competitive recruitment examination?

(b) Is it a fact that the initial pay of such clerks was originally fixed at the uniform rate of Rs. 40 a month without consideration of their various academic qualifications?

(c) Is it a fact that Government have recently sanctioned higher rates of initial pay to these clerks according to their university qualifications?

(d) Is it a fact that Government have directed that these clerks should be given the benefit of the new rates of salary with effect from the date of their appointment?

(e) Are Government aware that these clerks have not been given new salary from the date of their appointment but from some other fixed date?

(f) Will Government be pleased to state the reasons for such procedure?

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

(d) to (f). The orders apply to recruits appointed after the date of issue; the question of extending them to similar staff appointed before that date is at present under consideration.

ALLOWANCES OF CLERKS IN RAILWAY DIVISIONAL ACCOUNTS OFFICES AT KARACHI AND QUETTA.

2. **Mr. S. C. Shahani:** (a) Is it a fact that some clerks in the Divisional Accounts Offices of the North Western Railway at Karachi and Quetta have not been getting compensatory allowance since April 1929?

(b) Is it a fact that all the clerks under Divisional Superintendents of the North Western Railway at Karachi and Quetta are enjoying the same allowance without any distinction among them and irrespective of the date of their appointment?

(c) Will Government be pleased to state the reasons for the anomaly in Divisional Accounts offices where some clerks are in receipt of the allowance and some are not?

(d) Do Government intend to sanction the said allowance for the clerks in question at Divisional Accounts Offices?

(e) If so, whether with retrospective effect?

(f) If not with retrospective effect, the reasons therefor?

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

(b) Yes, except clerks locally engaged in Quetta after 31st December, 1927.

(c) Clerks taken over from the old Audit Department have been allowed, as a personal concession, to retain their old scales of pay and also the compensatory allowances. New recruits, i.e., those appointed after 1st April, 1929, on the other hand, draw flat rates of pay, applicable to all stations at which they are liable to serve, without any compensatory

allowances. These flat rates have been worked out after taking into account the cost of living at the various stations at which these clerks are likely to be posted.

(d) No.

(e) and (f). Do not arise

IMPORTS AND EXPORTS OF WHEAT.

3. **Kunwar Raghubir Singh:** (a) Will Government be pleased to state how much wheat was imported in the year 1929-30?

(b) How much wheat was exported during the year 1929?

(c) Will Government please state whether any wheat was imported by Government agency or private firms in that year?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) 357,036 tons.

(b) The exports of wheat during the calendar year 1929 amounted to 14,204 tons.

(c) The imports of wheat in 1929 on private account amounted to 709,859 tons. There were no imports on Government account.

REPORTS OF LOCAL GOVERNMENTS ON COMMUNAL TENSION.

4. **Kunwar Raghubir Singh:** Will Government be pleased to lay on the table the reports of the Local Governments on communal tension since the last session of the Legislature?

The Honourable Sir James Orerar: The Government of India have not called for nor obtained any special reports on the subject of communal tension from Local Governments since the last Session.

ELECTION EXPENSES AND FORFEITURE OF SECURITIES.

5. **Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to state the names of the Assembly candidates of the last general election who lost their securities and could not secure the required number of votes?

(b) Will Government kindly lay on the table the following information in connection with the last general election of the Assembly?

Name of the Candidate.	Name of the constituency.	The amount of the election expenses which they lodged before the Returning Officer.
		Total of Rs.

Sir Lancelot Graham: (a) The information is being collected and will be supplied to the Honourable Member in due course.

(b) A statement will be prepared and laid on the table.

GRANT OF COMPENSATORY ALLOWANCE TO CERTAIN CLERKS IN DIVISIONAL ACCOUNTS OFFICES IN KARACHI AND QUETTA.

6. **Mr. S. C. Shahani:** (a) Will Government be pleased to state:

(i) whether it is a fact that after the separation of the Divisional Audit and Accounts Offices of the North Western Railway, clerks appointed before the 1st April, 1929, at Divisional Accounts Offices at Karachi and Quetta have been allowed to retain the compensatory allowance in addition to their revised scale of pay:

(ii) whether it is a fact that this allowance is withheld only from the new clerks who were appointed at these offices after the 1st April, 1929: and

(iii) whether it is a fact that all the clerks of the rest of the Divisions of the North Western Railway, appointed before the 1st April, 1929, who are transferred to these offices to displace the new clerks or otherwise, are being allowed to draw this allowance?

(b) Will Government be pleased to state the reasons for this invidious distinction between the clerks made on the score of their date of appointment simply?

(c) Do Government know that the number of the new clerks at these offices is very small?

(d) If so, are Government aware that the additional cost of granting this allowance will be quite insignificant?

Mr. A. A. L. Parsons: (a) (i), (ii) and (iii). Yes.

(b) The new scales of pay introduced from 1st April, 1929, on the separation of Audit from Accounts on the North Western Railway, do not provide for any compensatory allowance, because they have been worked out with reference to the average cost of living at the various places to which the clerks are likely to be posted from time to time. The staff in service on 1st April, 1929, were allowed, as a purely personal concession, to retain the allowances which they were previously drawing.

(c) and (d). I am not aware of the exact numbers and am ascertaining them for the Honourable Member. But as will be seen from answer to (b), it is not considered that there are sufficient grounds for granting the allowances to new clerks.

GRANT OF COMPENSATORY ALLOWANCE TO CERTAIN CLERKS IN DIVISIONAL ACCOUNTS OFFICES IN KARACHI AND QUETTA.

7. **Mr. S. C. Shahani:** Will Government be pleased to state:

(a) whether it is a fact that after the separation of the Divisional Audit and Accounts Offices in the North Western Railway, the same revised scale of pay was fixed for all the new clerks in all the Divisional Accounts offices without taking into consideration the cost of living at various places?

(b) Is it a fact that the cost of living at Karachi and Quetta is much higher than that at other places on the North Western Railway?

(c) Is it a fact that in view of this consideration the old clerks in the Divisional Accounts Offices at these places were allowed to retain the compensatory allowance?

- (d) If this allowance for the new clerks in these offices be not sanctioned, will the scale of their pay be revised so as to bring their pay approximately to the level of the aggregate salary of their old colleagues, according to their qualifications and length of service? If so, will this be done with retrospective effect?

Mr. A. A. L. Parsons: (a) No. The revised scale of pay was fixed with due regard to the average cost of living at the various stations to which the clerks are likely to be posted from time to time.

(b) Government understand that the cost of living at Karachi and Quetta is somewhat higher than at other Divisional Headquarters on the North Western Railway.

(c) The former staff were allowed to retain the allowances which they had been enjoying for some time before, as a personal concession.

(d) The answer to the first part is in the negative; the second part does not arise.

GRANT OF COMPENSATORY ALLOWANCE TO CERTAIN CLERKS IN DIVISIONAL ACCOUNTS OFFICES IN KARACHI AND QUETTA.

8. **Mr. S. C. Shahani:** Will Government be pleased to state:

(a) whether it is a fact that after the separation of the Divisional Audit and Accounts offices in the North Western Railway all the new clerks have not been locally appointed at Divisional Accounts offices at Karachi and Quetta;

(b) whether it is a fact that the undertaking was given before the separation, that the new clerks would be appointed locally at all the Divisional Accounts offices;

(c) whether it is a fact that some of the new clerks appointed at the Divisional Accounts office, Karachi, locally after separation, have been displaced by old clerks transferred from other Divisions;

(d) whether it is a fact that the new clerks who will be permanent in these offices are those who have passed the recruitment examination;

(e) whether it is a fact that even these clerks get no benefit of compensatory allowance; and

(f) whether it is a fact that initial pay of such clerks is the same Rs. 40 a month as that of the temporary or substitute matriculate clerks who are not in receipt of compensatory allowance?

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

(b) No such undertaking was given, but efforts are being made at present to recruit the staff locally as far as possible.

(c) I am making enquiries on this point and will let the Honourable Member have a reply as soon as possible.

(d), (e) and (f). Yes.

CASES UNDER CERTAIN RECENT ORDINANCES.

9. **Sardar Sant Singh:** Will Government be pleased to state the total number of cases in which action was taken under Ordinances Nos. II and VII of 1930, the number of newspapers seized, the number of printing

presses forfeited, the number of securities demanded and the number and total amount of securities forfeited? How many presses managed by Europeans have been affected by the Ordinances?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member in due course.

CASES UNDER CERTAIN RECENT ORDINANCES.

10. **Sardar Sant Singh:** Will Government be pleased to state the number of persons arrested and tried or merely tried under Ordinances Nos. I, III, V, VI and VIII of 1930, the number convicted by the trial court, the number let off by the appellate court or court of revision, the number of persons sentenced to death, or whipping, the number executed and the number awaiting execution?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member in due course.

PROPERTIES TAKEN POSSESSION OF UNDER ORDINANCE NO. IX OF 1930.

11. **Sardar Sant Singh:** Will Government be pleased to state the number of places notified and taken possession of under Ordinance No. IX of 1930 in the various provinces giving the number for each province separately?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member in due course.

NUMBER OF ARRESTS AND CONVICTIONS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

12. **Sardar Sant Singh:** Will Government be pleased to state the total number of arrests made in each province since the 1st March, 1930, in connection with the civil disobedience movement, the number convicted and the number at present undergoing sentence? Will Government be pleased to state further how many of the persons convicted were placed in A, B and C Class respectively?

The Honourable Sir James Crerar: I have no information regarding the number of arrests. The number of persons sentenced to imprisonment in connection with the civil disobedience movement up to the end of December 1930 and the number undergoing imprisonment at the end of December is as follows:

	No. sentenced to imprisonment.	No. undergoing imprisonment.
Madras	3,998	2,119
Bombay	9,732	3,803
Bengal	11,463	2,973
United Provinces	7,606	4,555
Punjab	3,561	1,349
Burma	NIL	NIL
Bihar and Orissa	10,899	4,980
Central Provinces	3,861	2,139
Assam	1,089	291
North-West Frontier Province	761	337
Coorg	6	4 (on 30-11-30)
Delhi	1,073	953
	54,049	23,503

2. Information is being collected regarding the classification of prisoners undergoing sentence on the 30th November and will be supplied to the Honourable Member in due course.

CRIMES COMMITTED BY REVOLUTIONARIES.

13. **Sardar Sant Singh:** (a) Will Government be pleased to state the number of anarchist crimes committed or attempted by the revolutionaries during the year 1930?

(b) Will Government be pleased to state the total number of arrests made in each province in the year 1930 of the persons connected with revolutionary crime, the number tried, the number detained without any trial and the number convicted by the trial court and the number acquitted by the appellate court, the number sentenced to death or transportation for life and the number actually executed?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member on receipt.

USE OF FORCE IN DISPERSING UNLAWFUL ASSEMBLIES.

14. **Sardar Sant Singh:** Will Government be pleased to state the number of times the police or military authorities had to use force in dispersing unlawful assemblies in each province during the year 1930? How many persons were injured in each province? Was any medical aid arranged for by the Government for the injured before force was used? How many of the injured persons died in consequence of injuries received during those operations? In how many instances medical aid offered by non-official agencies after the infliction of injuries, was not allowed?

The Honourable Sir James Crerar: I presume the Honourable Member is referring to dispersals by firing.

I lay on the table a statement of casualties among the public due to firing collected up to the end of July 1930. I have called for similar information from Local Governments in respect of the period between 1st August and 30th November last and will communicate it to the Honourable Member in due course.

I have no information on the other points to which the question refers, but I am trying to ascertain the occasions of dispersal by gun-fire when medical aid was provided.

STATEMENT.

Casualties during the month of April, 1930.

Provinces.	Casualties among the public.	
	Killed.	Wounded.
Madras— Madras City, April 27th	2	6 (one died subsequently).
Bombay Victoria Terminus, 4th April (Railway strike).	..	7 (one died subsequently).

Provinces.	Casualties among the public.	
	Killed.	Wounded.
Bhusaval, 6th April (Railway strike)	1*	2*
Kurla, 6th April (Railway strike)	..	1
Karachi, 16th April	1	6 (one of whom died subsequently).
Bengal— Calcutta, 1st April	7	59
Calcutta, 15th April	..	3*
24 Parganas, 24th April	1	3
Chittagong 18th, 19th and 22nd April	10 (terrorists).	2 (terrorists) (both died subsequently).
Noakhali (Feni), 23rd April	..	..
Chittagong, 24th April	1 (terrorist).	..
N.W. F. Province (Peshawar), 23rd April	30 (approx.).	33 (approx.).
<i>May, 1930.</i>		
Madras, May, 1930	..	2
Bombay—	..	..
Sholapur, 7th May	12	28
Sholapur, 8th May	..	1
Wadala Salt Pans, 24th May	5	67
Bhendi Bazar, 26th and 27th May	..	..
Bengal—	..	5
Howrah, 6th May	3	1
Chittagong, 7th May	insurgents and 1 other.	insurgent 1 (who died subsequently) and 5 others (two of whom died subsequently).
Mymensingh, 14th May	1	Between 30 to 40.
Midnapur—Gopinathpur, 20th May	..	..

*These casualties were result of accident.

Provinces.	Casualties among the public.	
	Killed.	Wounded.
Bengal— <i>contd.</i>		
Dacca, 25th and 27th May (communal riot)	2	1
Lillooah, 29th May, E. I. Railway	..	5
Midnapur (Pratapdighi), 31st May	2	2
United Provinces—		
Lucknow, May 26th	1	about 42 (2 died subsequently).
Punjab—		
Kalu, Jhelum District, May 18th	1	1
Burma—		
Rangoon, last week of May	5	37
N.-W. F. P.	17	37
Delhi, 6th May.	4	40
Madras	3	18
Bagmari (Midnapur)	2	3
Chechuahat (Midnapur), 6th June, 1930	..	11
Narendia (Midnapur), 6th June, 1930	..	19
Fakirhat (Midnapur), 10th June, 1930.	..	1 (died subsequently).
Kherai (Midnapur), 11th June, 1930	..	21
Ramnagar (Bakarganj)	..	1
N.-W. F. P.	3	..
Madras	2	9
Khersai (Midnapur), 2nd July, 1930	..	1
Keshorganj (Mymensingh)	..	11
Saran (Etah), 11th July, 1930	5	19
Amunagar Sarai (Meerut)	1	..
Jubbulpore, 19th July, 1930	..	6

FALL IN THE PRICE OF STAPLE FOODS.

15. **Sardar Sant Singh:** Are Government aware that the price of the staple food of India has fallen considerably during the last few months? What remedies have Government adopted to combat this fall in the prices?

Have the remedies already adopted proved adequate to check this fall? Are Government prepared to adopt any further remedies? If so, when?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The answer is in the affirmative. No action by Government could prevent this fall, since the price of commodities such as wheat and cotton, which are exported from India in considerable quantities, must be governed by world prices. Government have, however, reduced the railway freight on wheat to Karachi in order to facilitate the export of the existing surplus, which is estimated at a million tons. The effect of this step is not yet evident. Government will continue to watch the position carefully.

IMPORT OF WHEAT AND GUR INTO INDIA.

16. **Sardar Sant Singh:** (a) Is it a fact that wheat and gur (raw sugar) have been imported into India during the year 1930, and if so, in what quantities and from what countries? How has this import affected the prices in the Indian market?

(b) Is it a fact that Government have been receiving representations from public meetings and public men to stop the import of these cereals? Is it a fact that the Punjab Government have been making constant representations to the Government of India in this respect? What steps have Government taken to stop this import?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The imports of foreign wheat into India mainly from Australia during the current fiscal year and up to December 27th amounted to 92,134 tons as compared with 249,449 tons for the same period in the previous fiscal year. These imports have been more than counterbalanced by exports of wheat amounting to 192,606 tons and exports of wheat flour up to November, 1930, amounting to 30,227 tons.

There are no separate statistics for the import of gur, but the imports of all kinds of low grade sugar, i.e., of sugar below 8 Dutch standard, in 1930, amounted to 5,758 tons up to November 30th, of which 5,126 tons were imported during the current fiscal year.

Government do not consider that these imports, which are exceedingly small compared with the total Indian production, have had any effect on the internal prices of wheat and gur.

(b) Yes. As already stated, they do not consider that the imports have affected internal prices of wheat which are dominated by world prices and by the existence of a large exportable surplus. The question of the protection of the Indian sugar industry is at present under examination by the Tariff Board.

FIRING ON THE SIS GANJ GURDWARA AT DELHI.

17. **Sardar Sant Singh:** Will Government be pleased to state the circumstances that led to the firing at the Sis Ganj Gurdwara Sahib at Delhi? Is it a fact that this firing has considerably shocked the feelings of the Sikh community? Have the Government of India received any representations from the Sikh community on this subject? What demands have been made? How have Government met those demands? Has the attitude of the Government satisfied the Sikh community? If not, are Government prepared to adopt some reasonable method to conciliate the wounded feelings of the Sikh Community? Are Government aware that the

Shiromani Gurdwara Parbindhak Committee, Amritsar, is thinking of having recourse to some direct action to compel the hands of Government to right the wrong? Are Government prepared to agree to some measure which may go to satisfy the demands of the Shiromani Gurdwara Parbindhak Committee?

The Honourable Sir James Crerar: I am supplying to the Honourable Member the information he desires.

NON-REPRESENTATION OF ORISSA AT THE ROUND TABLE CONFERENCE.

18. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the reason or reasons for which no member of the Oriya community or any body from the province of Orissa was taken to represent the interests of that province at the Round Table Conference; and
- (b) the reason or reasons for which no other Hindu member representing any other interests but the landowning was taken to represent Bihar and Orissa at the Round Table Conference?

The Honourable Sir George Rainy: (a) and (b). The Honourable Member is no doubt aware that the delegates to the Round Table Conference were invited by His Majesty's Government. The selection of the delegates is therefore not primarily the concern of the Governor General in Council. As I have previously said in reply to another question, the number of delegates had necessarily to be limited and in the majority of cases persons were invited who might be representative of as many interests as possible and the delegates who might be held more particularly to represent one interest, represent in many cases other interests also.

SAFEGUARDING OF THE INTERESTS OF INDIAN SETTLERS IN THE TRANSVAAL.

19. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the provisions of the Transvaal Asiatic Land Alienation Act;
- (b) since when the Government of India have become aware of that measure;
- (c) the steps the Government of India have adopted to safeguard the interests of the Indian settlers in the Transvaal so far as that particular measure is concerned; and
- (d) the details of the correspondence, if any, that has passed between the Government of India and the Transvaal Government on the subject?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Honourable Member is presumably referring to the Transvaal Asiatic Tenure (Amendment) Bill. A copy of the Bill has been placed in the Library of the House.

(b) A summary of the provisions of the Bill was first telegraphed to the Government of India by their Agent in May, 1930.

(c) The Government of India took immediate steps to move the Government of the Union of South Africa to allow adequate time for careful examination of the provisions of the Bill. As a result of their representation, it was decided to postpone further consideration of the Bill until the following Session of the Union Parliament. The matter is still engaging the earnest attention of the Government of India.

(d) No official correspondence on the subject has passed between the two Governments.

RECRUITS FOR THE INDIAN ARMY.

20. **Mr. Bhuput Sing:** Are Government aware of the speech made by one General Barrows at the East India Association, in London, in October last, to the effect that recruits to the Indian Army were generally made from bazar and dockyard coolies, riff-raffs and other non-descript population and that they abandon the service as soon as their want is removed?

If the answer is in the affirmative:

- (a) is it not a fact that the said military officer was once attached to an Indian regiment?
- (b) is it not a fact that the said General is still receiving a pension from the Indian exchequer?
- (c) is it really a fact what the said General has stated?

Mr. G. M. Young: Government are in possession of the full text of General Barrow's lecture. No statement of the kind suggested was made about the Indian Army. The Honourable Member probably has in mind a statement referring to one battalion of the Indian Territorial Force, which the lecturer had inspected during the tenure of his last command, and in the ranks of which he said, there were to be found—"Only waifs and strays from the docks and bazaars, and indigent wayfarers who joined up for the sake of the food, pay and clothing, and who after a single training departed to return no more".

The second part of the question does not arise.

LEAVE GRANTED TO SIR NORMAN BOLTON, CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

21. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the period for which Sir Norman Bolton, the late Chief Commissioner of the North-West Frontier Province, has taken leave;
- (b) the nature of the leave availed of by him;
- (c) the reference to the *London Gazette* or the *Times* in which the leave of that Officer has been published?

Mr. J. G. Acheson: (a) and (b). The leave granted to Sir Norman Bolton consisted of leave on average pay for 1 month and 16 days combined with leave on half average pay for 6 months and 14 days with effect from 1st May, 1930. This leave was subsequently extended by three months on half average pay.

(c) Government of India notifications of this nature are not published in the *London Gazette*, nor so far as Government are aware was this notification published in the *London Times*.

TERMINATION OF THE AGREEMENT WITH THE BENGAL AND NORTH-WESTERN RAILWAY.

22. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the year in which the existing agreement of the Government with the Bengal and North-Western Railway will terminate;

- (b) the arrangements that are being made by Government with that end in view; and
- (c) if any correspondence on the subject has of late passed between the Government and the Railway Company;
- (d) If the answer is in the affirmative the nature and details of that correspondence?

Mr. A. A. L. Parsons: (a) The agreement will terminate by efflux of time on the 31st December, 1981, but the Government have the option of determining it at the end of 1982.

(b) The question whether the contract should be determined on the earlier date is under consideration.

(c) No.

(d) Does not arise.

REVENUES REALISED IN THE PROVINCES.

23. Mr. Bhuput Sing: Will Government be pleased to state the revenues realised in 1929-30 and that expected in the present financial year in:

(a) Bengal, (b) Bombay, (c) Madras, (d) the Punjab, (e) the United Provinces, (f) Bihar and Orissa and (g) the Central Provinces respectively?

The Honourable Sir George Schuster: I take it that the Honourable Member wishes to have figures relating to provincial revenues. The revenues actually realised in 1929-30 and anticipated in the budget estimates for the current year are as follows:

(In lakhs of Rupees.)

Province.	Actuals, 1929-30.	Budget, 1930-31.
Bengal	11,36	10,97
Bombay	15,92	15,74
Madras	18,09	17,97
Punjab	11,27	11,82
United Provinces	12,99	12,84
Bihar and Orissa	5,95	5,85
Central Provinces	5,28	5,56

The revised estimates for the current year will not be available for some time yet, while I may say that it is clear that the Budget Estimates cannot be fully realised, I am not in a position to give any figures, and I am afraid the Honourable Member must wait for accurate information until the new Budgets in each province are introduced.

GOVERNMENT BULLETIN TO COMBAT THE CIVIL DISOBEDIENCE MOVEMENT.

24. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) Since when the idea of starting a bulletin to openly combat the civil disobedience movement has attracted the attention of the Government;
- (b) The expenditure expected to be incurred on that head in each of the major provinces?
- (c) How long Government proposes to continue that sort of propaganda?
- (d) The names of the Publicity Officers in the major provinces and their qualifications therefor?

The Honourable Sir James Orerar: (a) During the past nine months some Local Governments have been issuing periodical bulletins to combat misrepresentations in furtherance of the civil disobedience movement.

(b) The information is not in the possession of the Government of India.

(c) The matter is one for the decision of Local Governments, who will no doubt be influenced by the extent to which activities in pursuance of the civil disobedience movement render such action necessary.

(d) The appointment of such officers is entirely within the discretion of Local Governments, and the Government of India are not in a position to furnish the information required.

INQUIRY TO BE UNDERTAKEN BY SIR ARTHUR SALTER.

25. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the special reasons for which Sir Arthur Salter, Director of the League of Nations, Economic Section, has been invited by the Government of India;
- (b) who else from Europe or India, but Sir Arthur, has also been invited for the purpose for which that gentleman has been invited;
- (c) whether India will have to bear the travelling and other expenses of Sir Arthur?

The Honourable Sir George Rainy: (a) and (c). The attention of the Honourable Member is invited to the Press communiqué issued by the Government of India on the 30th December, 1930, a copy of which has been placed in the Library.

(b) No one.

CLASSIFICATION OF BUDDHISTS, ETC., FOR THE CENSUS.

26. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether it is a fact that the Commissioner of Census in India has circularised the Provincial Superintendents to direct the Enumerators not to classify the Buddhists, Jains, Brahmins, Sikhs and Arya-Samajists as Hindus, although these people may themselves desire to be so classified;

- (b) if the answer is in the affirmative, the reason or reasons for which such a direction has been given;
- (c) whether Government are aware that the judicial decisions made by the Indian High Courts have unanimously declared the Jains, Brahmos, Sikhs and Arya-Samajists as Hindus;
- (d) if the answer is in the affirmative, the particular reasons for which Government make a departure from the conclusions laid down by the High Courts in the present Census?

The Honourable Sir James Orerar: (a) Instructions, as on previous occasions, were issued that the answer which each person gives about his religion must be accepted and entered by enumerators in column 4 of the general Schedule, but that Buddhists, Jains, Sikhs, Arya Samajists and Brahmos should not be entered as "Hindus" in this Schedule, with a view to secure accurate figures of the sub-totals of these sects. Table XXI (Religion) makes Aryas and Brahmos sub-heads of a general head "Hindu" and there was therefore no question of their exclusion from the Hindu total. As, however, some apprehension was felt, these instructions have been since revised so as to ensure that Brahmos, Aryas, Buddhists and Jains, if they desire, may add the term "Hindu" to the description of their religion given in column 4 of the general Schedule.

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

DISCRIMINATION AGAINST THE STUDENTS OF THE BENARES ENGINEERING COLLEGE.

27. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the causes for which the Bahadurabad Hydro-Electric Management, in Saharanpur, in the United Provinces, did not grant permission this year to the final year degree students of the Benares Engineering College to undergo a course of training in the said institution as University improvers;
- (b) the reasons for which the Jamalpur and Lilloah Workshops are invariably shut out to that class of students;
- (c) whether students from other places are not allowed to undergo training as apprentices in those workshops;
- (d) whether the Chief Electrical Engineer at Jamalpur and the Deputy Mechanical Engineer at Lilloah are not invited to examine the degree students of the Benares Engineering College?

Mr. A. A. L. Parsons: (a) The information has been called for from the Local Government and a reply will be furnished to the Honourable Member on receipt.

(b) The rules for recruitment on State-managed railways of apprentice mechanics are in the Library of the House. They give no preference to students of particular Colleges or Universities, and if applications are received from students of the Benares Engineering College they are considered on their merits along with others.

(c) Students in other Colleges are eligible under the rules for appointment as apprentice mechanics.

(d) If the Honourable Member would let me know to what examination he refers, I will send him an answer to his question.

THE BANK RATE, REVERSE COUNCILS AND DEFLATION OF CURRENCY.

28. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the reason or reasons for which the Imperial Bank rate was raised from 5 to 6 per cent. on the 25th November, 1930;
- (b) the amount of the Reverse Councils which the Government disposed of just before that date;
- (c) to what extent the currency was contracted at that time;
- (d) the total deflation of currency during the present financial year?

The Honourable Sir George Schuster: (a) The fixing of the Bank rate is actually the responsibility of the Imperial Bank, and it is not their practice to give explanation of their action. Their policy in these matters is naturally considered in close relation with the policy of the Government as currency authority. For an explanation of this, I would refer the Honourable Member to my answer to part (b) (ii) of starred question No. 107 of Seth Haji Abdulla Haroon in this Session.

(b) The Bank rate was raised from 5 to 6 per cent. on the 20th November, 1930. Between the 17th and the 19th November, the amount of sterling sold by Government was £517,500.

(c) The amount of contraction effected in the week ending the 22nd November, 1930, was Rs. 5.88 lakhs.

(d) The decrease in the amount of the note issue between the 1st April, 1930, and the 31st December, 1930, was Rs. 15.89 lakhs. During the same period, the return of silver rupees to Government from the public amounted to Rs. 15.65 lakhs, but it is not possible to say how many of these rupees were in active circulation.

FACILITIES FOR INDIAN TRADERS IN JAPAN

29. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether there are British Consulates in the important cities in Japan;
- (b) whether there is also a large community of Indian traders in those places;
- (c) the approximate number of persons in that community;
- (d) whether the British Consuls have instructions to afford any facilities to the Indian traders;
- (e) whether British Banks there offer any banking or shipping facilities to the Indian traders?

The Honourable Sir George Rainy: (a) Yes.

(b) and (c). The latest published statistics to which Government have access give the number of British Indian residents in Japan as 244 in 1926 and 271 in 1927. Government are unable to say how many of these were traders.

(d) British Consuls have instructions to afford assistance to all British subjects so far as they may be able to give it.

(e) Government have no reason to doubt that the British banks in Japan offer the ordinary facilities to all their clients.

CO-OPERATION BETWEEN INDIA AND THE INTELLECTUAL COMMITTEE OF THE LEAGUE OF NATIONS.

30. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) since when the Government of India have had under their consideration the desirability for establishing intellectual co-operation between India and the International Committee of the League of Nations;
- (b) what had led the Government to precipitate the fulfilment of their consideration into immediate action this year;
- (c) the name of the Educational Commissioner who is to act as correspondent with the Secretariat of the Intellectual Committee of the League;
- (d) the peculiar or special qualifications which the new Educational Commissioner possesses for the task he is called upon to perform;
- (e) the name of the service to which he is appointed, the period of his appointment and the nature of his emoluments; and
- (f) the names of other members of the League who have thus sought to establish such intellectual co-operation between their country and the International Committee of the League?

The Honourable Khan Bahadur Mian Sir Fazi-I-Husain: (a) and (b). The question of establishing relations between India and the organisation of the League of Nations for Intellectual Co-operation has been under the consideration of the Government of India since 1924. It was decided last year that, for the present, the most suitable arrangement would be to appoint the Educational Commissioner with the Government of India as Correspondent with the Secretariat of the International Committee of the League.

(c), (d) and (e). Mr. R. Littlehailes, M.A., C.I.E., the present Educational Commissioner with the Government of India, will act as Correspondent with the Secretariat of the International Committee in addition to his other duties and without any additional remuneration.

(f) Australia, Austria, Belgium, Bolivia, Bulgaria, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Netherlands, Norway, Poland, Portugal, Rumania, Salvador, South Africa, Spain, Sweden, Switzerland and Yugoslavia.

CONVENTION RE EMPLOYMENT OF WOMEN AT NIGHT.

31. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether they have of late received any communication from the International Labour Office regarding the revision of the Washington Convention about the employment of women during night;
- (b) the details of such communication; and
- (c) the view that the Government propose to take in the matter?

Mr. J. A. Shildy: (a) Yes.

(b) The letter, which is dated the 18th August, 1930, forwarded to the Government of India for their observations a draft report on the working of the Convention.

(c) At its meeting to be held this month, the Governing Body of the International Labour Office will, after taking into account the replies of the Governments, adopt the final report, and will define exactly the question or questions which it decides to place on the agenda of the next Conference in pursuance of the proposed revision of the Convention. The Government of India will finally decide on their attitude as soon as the proposals of the Governing Body are communicated to them.

LACK OF WIRE FENCING NEAR, AND FACILITIES FOR PASSENGERS AT, AZIMGANJ CITY STATION.

32. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the reason or reasons for which the permanent track is not protected by wire-fencing on either side between a mile outside Azimganj and Barharwa on the Bandel-Barharwa section of the East Indian Railway;
- (b) how many feet below the permanent track is the platform situated in Azimganj City Station;
- (c) whether there exists a waiting-hall for third class passengers also at the Azimganj City Station; and
- (d) the number of first and second class passengers that entrain and detrain normally at the Azimganj City Station annually?

Mr. A. A. L. Parsons: I am making enquiries and a reply will be sent to the Honourable Member when the information has been collected.

INCOME AND CLASSIFICATION OF AZIMGANJ CITY STATION.

33. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the income derived from Azimganj City Station annually for coaching and goods traffic; and
- (b) as regards normal income the class of station in which Azimganj Station will fall?

Mr. A. A. L. Parsons: (a) For the financial year 1928-29, the earnings of Azimganj City Station were Rs. 83,785.

(b) Stations are not classified according to their income.

DISCRIMINATION IN THE ISSUE OF RAILWAY PLATFORM TICKETS.

34. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether all manner of persons without distinction of creed, caste and colour are required to take platform tickets for admission into the platforms where the platform-ticket-system is in vogue; and
- (b) what class of persons are usually exempt from the operations of that rule?

Mr. A. A. L. Parsons: (a) The rule on all railways is that at stations where platform tickets are issued all persons without distinction of creed, caste or colour, who are not passengers, must have platform tickets to obtain admission to station platforms.

(b) The only exception to this rule is that an officer or non-commissioned officer in charge of small parties of men who have to be despatched by rail may be allowed on the platform without being required to purchase a platform ticket.

WITHHOLDING OF FINANCIAL AID TO THE BENARES UNIVERSITY.

35. Mr. Bhuput Sing: Will Government be pleased to state:

(a) the reason or reasons which have led Government to withhold financial aid to the Benares University during the present year;

(b) whether the grant is not in the nature of a statutory grant from the Imperial revenues;

(c) whether Government are not under an obligation to provide funds for the up-keep and maintenance of that institution; and

(d) what other University is being thus treated in the matter of its financial aid from the Imperial Government this year?

The Honourable Khan Bahadur Mian Sir Fazi-i-Husain: (a) The payment of the grants-in-aid to the Benares Hindu University was deferred pending the receipt of certain information which was called for regarding the financial and general administration of the University.

(b) and (c). Not exactly. The Honourable Member is perhaps under some misapprehension.

(d) Does not arise.

RAILWAY MAGISTRATES.

36. Mr. Bhuput Sing: Will Government be pleased to state:

(a) whether there are such appointments as "Railway Magistrates" on the East Indian Railway system;

(b) the place or places where there are such magistracies;

(c) the special reason or reasons for which such magistracies are instituted in that place or those places;

(d) whether the incumbents are in receipt of any kind of pay or remuneration and privileges or concessions;

(e) the nature of duties which the incumbents have got to perform; and

(f) any other place or places on any other railway system in India where such Railway Magistracies are in existence?

Mr. A. A. L. Parsons: (a) and (b). At three stations served by the East Indian Railway, namely Allahabad, Moradabad and Bareilly, special Magistrates have been appointed for the purpose of dealing with railway cases.

(c) and (e). The Agent of the East Indian Railway reports that the special Magistrate at Allahabad was originally deputed to prevent molestation of pilgrim by Pandas and touts. His duties have since been extended and he tries cases of thefts, trespass, etc., occurring on railway premises, also cases under sections 112, 113 and 132 of the Indian Railways Act, 1890. It is believed that the same duties are performed by the special Magistrates at Moradabad and Bareilly.

(d) The incumbents receive no pay, remuneration, privileges or concessions from the Railway, except that the special Magistrate at Allahabad is given a railway pass to enable him to carry out his enquiries into railway cases.

(f) This information is being obtained and will be communicated to the Honourable Member.

EXHIBITION OF POSTERS BY THE BRITISH EMPIRE ASSOCIATION.

37. Mr. Bhuput Sing: Will Government be pleased to state:

(a) whether they are aware of the existence of an Association which goes by the name of the British Empire Association;

(b) the names of some of the conspicuous persons who compose that Association;

(c) whether that Association is now engaged in publishing posters on a large scale and exhibiting them on the streets of Calcutta with a view to caricature the non-co-operation movement;

(d) whether they are prepared to call for some of those posters and place them on the Library table;

(e) who provide funds for that Association;

(f) whether high-placed executive officers of the Government are not actively identified with the propaganda started by that Association; and

(g) whether that Association is not the same as the *British Empire Party* referred to incidentally by the *Manchester Guardian* in criticising the inopportune speech of Mr. Churchill about India in December last?

The Honourable Sir James Orerar: (a) Yes.

(b), (c), (e), (f) and (g). The information asked for is not in the possession of the Government of India.

(d) The Association is a private body and Government have no authority to call for the posters, even if they considered it desirable to do so.

LACK OF A BOOKING CLERK AT BUKHTIARPUR JUNCTION STATION.

38. Mr. M. Maswood: (a) Are Government aware that the travelling public of Bukhtiarpur Junction is being greatly inconvenienced for the want of a booking clerk at the railway station?

(b) Is it a fact that representations were made to that effect to the proper authorities as far back as the year 1928?

(c) Is it a fact that in spite of the fact that the Railway Board, the Agent, the Chief Operating Superintendent, and the Divisional Superintendent of the East Indian Railway were approached, yet nothing was done in the matter till the 4th September, 1930, when the whole matter was abruptly dropped?

(d) Will Government be pleased to place on the table a copy of the letter No. Com.-1402/28, dated the 4th September, 1930, from the Divisional Superintendent, East Indian Railway, Dinapore?

(e) Is it a fact that certain assertions of the Agent, East Indian Railway, as regards dealing with the grievances of the public were placed before the members of the Advisory Council for Railways in September, 1928, at Simla, for their information?

(f) If the answers to (a), (b), (c), (d) and (e) be in the affirmative, do Government propose to take any action in the matter?

Mr. A. A. L. Parsons: (a) The Agent of the East Indian Railway reports that there have been occasional complaints regarding the inconvenience in booking arrangements at Bukhtiarpur, but that it is not correct that the inconvenience is great.

(b) Yes.

(c) Additional booking clerks have not been appointed at present for financial reasons. With the heavy drop in railway earnings, the Administration consider such appointments not to be justified.

(d) I am having a copy of the letter referred to sent to the Honourable Member.

(e) Yes.

(f) For the reasons given in my reply to part (c) of the question it is not proposed to take any action in this matter at present. It will no doubt be considered by the Agent of the East Indian Railway when there is an improvement in railway earnings.

NEW RULES AT THE IMPERIAL LIBRARY, CALCUTTA.

39. Mr. Bhuput Sing: Will Government be pleased to state:

(a) whether the Librarian of the Imperial Library, Calcutta, has issued orders to the effect that seasonal or daily cards of admission, should henceforth be issued only to those who are either introduced by some Gazetted Officer or by somebody known to the Library staff;

(b) whether it has also been required that the cards of admission should be shown to the durwan at the entrance and then to the officer in charge and every time when any requisition for a book is made;

(c) whether the new rules have been introduced at the instance of the Educational Commissioner;

(d) whether it is proposed to make the library a copyright library;

(e) whether there is any other library in India or abroad where such a set of rules as newly introduced there is in operation?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No.

(b) Yes.

(c) No.

(d) The question is under consideration.

(e) The rules of the Imperial Library follow generally the lines of those of the British Museum Library.

CURRENCY STATISTICS.

40. Mr. Bhuput Sing: With reference to the Official Currency Statistics for the week ending the 15th December, 1930, will Government be pleased to state:

(a) whether the amount of silver coins shown therein is the token or actual bullion value of the coin in reserve; and

(b) whether the amount of silver shown therein is the bullion or token value of the metal?

The Honourable Sir George Schuster: (a) Token value.

(b) The silver bullion now held in the reserve was obtained by melting down silver coin and is valued at the rate of one rupee for 165 grains troy of fine silver under clause (a) of sub-section 8 of section 18 of the Indian Paper Currency Act, 1923, as amended by the Indian Paper Currency (Amendment) Act, 1923.

THE GOLD STANDARD RESERVE.

41. Mr. Bhuput Sing: Will Government be pleased to state:

(a) when forty millions pounds sterling was reached in the Gold Standard Reserve;

(b) how much of the Gold Standard Reserve is invested in India and how much of it abroad; and

(c) how the interest accruing on the investment of the Gold Reserve is accounted for?

The Honourable Sir George Schuster: (a) In 1920-21.

(b) On the 31st December, 1930, the Reserve was held in the following forms:

	£
Cash at short notice in London	4,728
Gold in India	401,106
Gold in London	2,152,334
Investments in London	37,441,832

(c) The Honourable Member is referred to paragraph 23 of my speech introducing the Budget for 1930-31.

INTEREST ON SECURITIES HELD IN THE CURRENCY RESERVE.

42. Mr. Bhuput Sing: Will Government be pleased to state how the interest obtained on securities held in reserve in the Currency is accounted for year by year?

The Honourable Sir George Schuster: The interest on securities held in the Paper Currency Reserve was earmarked for the reduction of created securities in the Reserve by the Paper Currency Amendment Act, XLV of 1920. This provision has, however, been temporarily suspended by successive Indian Finance Acts since 1922 and the interest has been credited to revenue under the head XXVII Currency.

GOVERNMENT WORK EXECUTED IN GOVERNMENT AND PRIVATE PRESSES.

43. Mr. Bhuput Singh: Will Government be pleased to state:

- the amount (in rupees) of Government work that was executed in Government Presses in 1929-30; and
- the amount of such work that was done through private presses?

Mr. J. A. Shillidy: The Government of India regret that they cannot undertake to collect all the information desired by the Honourable Member, as it would involve an amount of time and labour disproportionate to the result. But the following information is readily available:

- The amount of work done in the Government of India Presses at Delhi, Calcutta, Simla and Aligarh, for Central Departments, is approximately Rs. 42,10,000.
- The amount of work produced in the Provincial Government Presses for Central Departments is approximately Rs. 1,61,248. This figure does not include the cost of work produced in Provincial Presses on behalf of such Departments as pay for their work direct to Provincial Governments and not through the Central Stationery and Printing Department.

GOVERNMENT PUBLICITY WORK HANDLED BY PRIVATE PRESSES.

44. Mr. Bhuput Singh: Will Government be pleased to state:

- the amount (in rupees) of Government publicity work that was executed by Government establishments; and
- the amount of such work handled by private agencies?

The Honourable Sir James Orerar: The information is being collected and will be supplied to the Honourable Member in due course.

INAUGURATION OF NEW DELHI.

45. Mr. Bhuput Singh: Will Government be pleased to state:

- the approximate cost estimated to be incurred in the forthcoming formal inauguration of New Delhi;
- since when the project of the inauguration has been in the inception of the Government of India;
- the details of the inauguration ceremonies; and
- the purpose or purposes that are calculated to be achieved by the functions?

Mr. J. A. Shillidy: (a), (b), (c) and (d). The project of the formal inauguration of New Delhi took shape in the course of 1929. The original intention had been to examine the possibility of conducting celebrations

on the lines of previous durbars. This intention however was abandoned on the ground of expense, and it was decided to confine the public celebrations to the ceremony of commemoration on the completion of the Memorial Arch, the unveiling of the four Dominion Columns and a Peoples' Fête in the Fort. A provision of approximately 2½ lakhs for this reduced programme was approved by the Standing Finance Committee and finds a place in the Budget for this year. In addition, the contractors of New Delhi have contributed very largely to the expenses connected with the Peoples' Fête.

REPRESENTATION OF RYOTWARI LANDED INTERESTS AT THE ROUND TABLE CONFERENCE.

46. Dewan Bahadur T. Rangachariar: Will Government be pleased to state what steps have been taken by them to have an adequate representation of the ryotwari landed interests at the Round Table Conference now being held in London to settle the future constitution of the Indian Government?

The Honourable Sir George Rainy: The delegates to the Round Table Conference were invited by His Majesty's Government. Their selection is therefore not primarily the concern of the Governor General in Council. The Honourable Member will no doubt realise that the number of delegates had necessarily to be limited, and in the majority of cases persons were invited who might be representative of as many interests as possible and the delegates who might be held more particularly to represent one interest, represent in many cases other interests also.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS ABROAD.

47. Dewan Bahadur T. Rangachariar: Will Government be pleased to state whether they have concluded their consideration of the question of the appointment of Indian Trade Commissioners abroad, and, if so, whether they will be pleased to lay on the table a statement of the principles, policy and programme that are going to be adopted by them in the matter?

The Honourable Sir George Rainy: Full details of the approved scheme are set forth in the proceedings of the meeting of the Standing Finance Committee held on the 16th January, 1930 (Volume IX, No. 13). As soon as budget provision had been made for the scheme, the Government of India took steps to carry it into effect. Mr. S. N. Gupta, I.C.S., at present Deputy Indian Trade Commissioner, London, was selected to be the first Indian Trade Commissioner at Hamburg and will assume charge of his new office this year. Steps are also being taken to make a selection this year for the post of Indian Trade Commissioner at Milan through the Public Service Commission, the selection for this post being made from persons not in the service of Government. Further progress with the scheme, which it had been hoped to accelerate in accordance with the views expressed by the Standing Finance Committee, has been prevented by the financial stringency and must await the provision of further funds.

ABOLITION OF THE SIND AND BALUCHISTAN POSTAL CIRCLE.

48. Mr. S. O. Shahani: (a) Do Government know that the Sind and Baluchistan Circle of the Postal Department existed formerly also?
(b) Will Government be pleased to state why it was abolished?

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(c) Do Government know that after abolition of the Circle Sind and Karachi were attached to Bombay Circle and Quetta and Baluchistan to Lahore Circle?

(d) Will Government be pleased to state whether there were any protests from the public or the staff with regard to the abolition of the Circle?

(e) Will Government be pleased to state whether there were any difficulties experienced in the management of post offices of the Province of Sind and Baluchistan by their respective Circle Officers after the abolition of the Sind and Baluchistan Circle? If the work of the post offices in Sind and Baluchistan was being managed satisfactorily, will Government be pleased to state why the same Circle, viz., Sind and Baluchistan, was given a second birth?

(f) By re-creating this Circle, will Government be pleased to state what was the saving that was made in the offices of the Postmaster-General, Bombay, and the Postmaster-General, Lahore, and what is the expenditure that is being incurred yearly on the maintenance of this Circle after its formation?

(g) Is it a fact that the then Postmaster-General, Bombay, was not in favour of the recreation of the Circle?

(h) Will Government be pleased to lay on the table of the House copies of correspondence exchanged between the Postmaster-General, Bombay and the Director-General, in the matter?

Mr. J. A. Shillidy: (a) Yes, up to 1907.

(b) There was no necessity for the separate control over a small and at the time comparatively unimportant isolated Circle.

(c) Yes.

(d) So far as can be ascertained, there were no protests.

(e) Yes, difficulties were experienced in the case of the Bombay Circle. No information is available in regard to the Punjab and North-West Frontier Circle.

The latter part of the question does not arise.

(f) The approximate figures under establishment charges are as follows:

	Yearly average saving.
	Rs.
(1) Bombay Circle Office	17,500
(2) Punjab and North West Frontier Circle	3,400
(3) Annual expenditure on maintenance of Sind and Baluchistan Circle after its formation	69,200

(g) The fact is not as stated by the Honourable Member. The opinions expressed by the Postmaster-General, Bombay, were that a Minor Circle for Sind and Baluchistan would be an advantage.

(h) No. Government are not prepared to publish departmental correspondence.

ABOLITION OF THE SIND AND BALUCHISTAN POSTAL CIRCLE.

49. Mr. S. C. Shahani: (a) Do Government know that the postal officials are discontented with the administration of the Sind and Baluchistan Circle *vide Indian Post* for the month of July 1930 and the issues of the *Postal Awakening* for the month of August, 1930, and that they want themselves to be attached to the Circle to which they were attached formerly, viz., Bombay Circle?

(b) Do Government know that the Postmaster, Karachi, is a stationary First Class Postmaster vested with the first class powers and is competent to deal with public complaints and mail arrangements by himself?

(c) Will Government please state whether financial stringency and discontent were the cause for the abolition of the Sind and Baluchistan Circle formerly, and whether the same causes exist now also? If so, do Government propose to take any practical action?

Mr. J. A. Shillidy: (a) Government are not aware of any such discontent, nor could the reasons given by the Honourable Member be regarded as of any weight in reaching a decision on this question.

(b) Yes.

(c) The circumstances were not as stated by the Honourable Member. In this connection the Honourable Member's attention is invited to part (h) of my reply to his unstarred question No. 48 put in this House to-day.

The latter part of the question does not arise.

CONSTITUTION OF NEW POSTAL DIVISIONS IN SIND AND BALUCHISTAN.

50. Mr. S. C. Shahani: (a) Are Government aware that till the 30th September 1925, two postal divisions of Sind in Sind and Baluchistan Circle stood constituted as Indus Right Bank and Persian Gulf Division and Indus Left Bank Division but from the 1st October 1925, this constitution of the divisions was broken up and the two divisions, viz., Lower Sind and Persian Gulf Division and Upper Sind Division were formed?

(b) Will Government be pleased to state whether there was any grievance from the staff against the constitution of the divisions that stood prior to the 1st October 1925?

(c) Will Government be pleased to state whether, while breaking up the old constitution of the divisions, the wishes of the staff were ascertained?

(d) Are Government aware that Mr. Crawford, the then Deputy Postmaster-General, Sind and Baluchistan Circle had, after a sifting enquiry and obtaining opinion of the Divisional Officers, rejected the proposal for reconstituting the divisions when placed before him?

(e) Are Government aware that, as soon as Mr. Crawford left charge of the Circle and Mr. Birlingham succeeded him, he gave effect to this proposal within two months of his arrival?

(f) Will Government be pleased to state why the same proposal once rejected was again put up before the new Circle officer, who put it up, and what were the new grounds that led to the effect being given to this proposal?

(g) Is it a fact that the officials of the Lower Sind and Persian Gulf Division sent their representations against the new constitution of the divisions but the same were not forwarded by the Circle officer to the Director General, Posts and Telegraphs, Delhi?

(h) Are Government aware that the officials of the Lower Sind and Persian Gulf Division were dissatisfied against this procedure of the Circle officer and sent a second representation to the Director General but it was also withheld by the Circle officer?

(i) Are Government prepared to call for the representations of the petitioners withheld by the Circle Officer?

Mr. J. A. Shillidy: (a) Yes.

(b) No such representation was ever received from the staff.

(c) No. The change was made for administrative reasons. The staff are not consulted in such matters.

(d) No.

(e) Yes.

(f) Does not arise in view of the answer to item (d).

(g) Yes.

(h) Yes.

(i) No. Duplicates of both these representations were received and considered by the Director-General.

CONSTITUTION OF NEW POSTAL DIVISIONS IN SIND AND BALUCHISTAN.

51. Mr. S. C. Shahani: (a) Are Government aware that the educational facilities in the Lower Sind and Persian Gulf Division are much less than those in the Upper Sind Division?

(b) Are Government aware that, outside the respective Head Offices in both the Divisions, there are only two high schools in the Lower Sind and Persian Gulf Division against ten in Upper Sind Division?

(c) Are Government aware that the approximate road journey, excluding Gulf offices, which an official of the Lower Sind Division is liable to travel over, is four hundred miles—the distance of the farthest post office, *viz.*, Nagar Parkar from the Railway station at Gadra Road being one hundred and two miles, whereas in the Upper Sind Division the road journey is practically nil?

(d) Are Government aware that the Lar tracts of Karachi and Hyderabad Districts in the Lower Sind Division are noted for malaria?

(e) Are Government aware that the Lar tract of Karachi district has also no railway facilities?

(f) Are Government aware that the desert tract of Thar and Parkar district in the Lower Sind Division is devoid of any railway facilities, and on account of innumerable steep sand mounds, the road journey is also very difficult?

(g) Are Government aware that the tracts shown in parts (d), (e) and (f) form a major part of the Lower Sind Division?

(h) Will Government be pleased to state whether any tract, as pointed out in parts (d), (e) and (f), forms a part of the Upper Sind Division? If so, to what extent in comparison with the Lower Sind Division?

Mr. J. A. Shillidy: (a) Education is a transferred provincial subject, and the Honourable Member will be able to obtain information in regard to educational facilities from the Local Government.

(b) to (h). I regret I am not able to answer the various questions asked by the Honourable Member without knowing their exact purport. If the Honourable Member will be good enough to explain his meaning to me, I shall assist him to the best of my ability.

CONSTITUTION OF NEW POSTAL DIVISIONS IN SIND AND BALUCHISTAN.

52. Mr. S. C. Shahani: (a) Are Government aware that, before the constitution of the present divisions, the Lar tract of the Karachi District and the Gulf were in one division, and the Lar tract of the Hyderabad district and desert tract of the Thar and Parkar district were in the other division, *i.e.*, Indus Right Bank and Persian Gulf Division and Indus Left Bank Division, respectively?

(b) Are Government aware that the Circle officer has fixed a rotatory period in the Lar tract of the Karachi district on account of its unhealthiness?

(c) Are Government aware that the rotatory period is restricted to the officials of the Lower Sind Division and it will be the officials of that division only who will have to face the trouble?

(d) Are Government aware that the Circle officer, in his letter No. E.R. 17, dated 2nd April, 1929, to the Director General, has said that the petitioners by asking for reversion of the constitution of the present division to the old arrangement that stood prior to the 1st October, 1925, do not mean to serve in their own province? If so, will Government be pleased to state if as requested by the petitioners, the constitution of the divisions is made as it stood before the 1st October 1925, the two divisions will be in the province of Sind and the officials of the Lower Sind will also be in the same province?

(e) Do Government propose to take action by reverting to the old arrangement of the divisions that stood prior to the 1st October, 1925?

Mr. J. A. Shillidy: (a) Yes.

(b) Yes.

(c) Yes.

(d) As regards the first part of the question, Government understand that the Director of Posts and Telegraphs, Karachi, reported that the petitioners were not content with serving in their own province, but were endeavouring to restrict their transfers to the immediate neighbourhood of their homes. The reply to the second part of the question is in the affirmative.

(e) Government do not propose to disturb the present arrangement.

LOCATION OF THE HEADQUARTERS OF THE SUPERINTENDENT, RAILWAY MAIL SERVICE, SIND AND BALUCHISTAN.

53. Mr. S. C. Shahani: (a) With reference to starred question number 671 of the 19th March, 1930, why has the headquarters of the Superintendent, Railway Mail Service, Sind and Baluchistan Circle, been fixed at Karachi, which is at the extreme end of the Circle, in face of clear rulings in the Posts and Telegraphs Manual, Volumes V and VIII, that the headquarters of the Superintendent must be at a central place in the Division?

(b) Is it a fact that on account of the headquarters being stationed at Karachi, the Superintendent, Railway Mail Service, is being granted House Rent of about Rs. 60 per month, the house rent being much higher than at Sukkur, which is the central place of his Division?

(c) Is it a fact that the office of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division, was removed from the office of the Director of Posts and Telegraphs, Sind and Baluchistan Circle to make room for the office of the Superintendent, Railway Mail Service? If so, what is the amount of rent being paid for the new office of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division?

(d) Is it a fact that recently the headquarters of some of the Railway Mail Service sorters has been shifted to Karachi? If so, what was the additional expenditure incurred on account of their travelling allowance, increment of pay under F. R. 22, and compensatory allowance to selection grade officials, which is payable only at Karachi?

(e) Since how long have the headquarters of the Superintendent, Railway Mail Service, been located at Karachi and during that period how many inspections of sections, mail offices and record offices have been made by the Superintendent himself and how many by the Headquarters Inspector?

(f) Is it a fact that on account of the headquarters of the Superintendent, Railway Mail Service, being stationed at the extremity of the Division, the amount of travelling allowance granted to the Superintendent, the Headquarters Inspector and the sorters will be more than it would be at the central place (Sukkur)? If not, how?

(g) Is it a fact that the building of the office of the Superintendent of Post Offices, Upper Sind Division, Sukkur, is so big that the Superintendent has also his quarters in the premises? If so, could not the office of the Superintendent, Railway Mail Service, be shifted to Sukkur without having to pay any additional house rent?

Mr. H. A. Sams: (a) The Honourable Member's attention is invited to the replies given by me to parts (a) and (b) of the starred question referred to.

(b) A house-rent of Rs. 46 a month is granted to the Superintendent, Railway Mail Service, at Karachi. Government have no information as to the comparative rates of house-rent at Karachi and Sukkur.

(c) With reference to the first part of the question, the attention of the Honourable Member is invited to the reply given by me to part (c) of Mr. Lalchand Navalrai's starred question No. 671 in the Legislative Assembly on the 19th March, 1930. As regards the second part, the rent paid is Rs. 75.

(d) The answer to the first part is in the affirmative. As regards the second part, the information is being collected and will be communicated to the Honourable Member in due course.

(e) Since April, 1929, since then the Superintendent has carried out 12 and the Headquarters Inspector 30 inspections.

(f) In the case of the Superintendent, there will be a small increase. The Headquarters Inspector travels on a free pass and the sorters travel in the Mail Van, hence the question of travelling allowance does not arise in their case.

(g) Yes, and the Superintendent pays house-rent for the portion of the building occupied by him as his residential quarters. As regards the second part, the attention of the Honourable Member is invited to my reply to part (d) of Mr. Lalchand Navalrai's starred question No. 671 in this House on the 19th March, 1930.

APPOINTMENT OF TWO ASSISTANT DIRECTORS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

54. Mr. S. O. Shahani: (a) Is it a fact that in the Sind and Baluchistan Postal Circle (which is a minor circle) the Director has got one Assistant Director on the Postal side and the other on the Railway Mail Service side? If so, cannot one Assistant Director do both these duties, and is each of them getting Rs. 100 special allowance for this duty?

(b) When the Railway Mail Service work was being transferred to the Director of Posts and Telegraphs, Sind and Baluchistan Circle, was it then contemplated to give him an Assistant for the Railway Mail Service work? If not, why has the necessity arisen now, and what is the additional expenditure on that account?

(c) Is it a fact that the same officer is working as Assistant Director as well as Superintendent, Railway Mail Service?

Mr. H. A. Sams: (a) No. There is only one Assistant Director in the Sind and Baluchistan Circle; he is in receipt of a special pay of Rs. 100. The latter part of the question does not arise.

(b) The Honourable Member is referred to my replies to parts (d) and (e) of Mr. Lalchand Navalrai's starred question No. 670 in this House on the 19th March, 1930.

(c) Does not arise in view of my replies to parts (a) and (b).

ERECTION OF A MOSQUE IN THE PREMISES OF THE KARACHI GENERAL POST OFFICE.

55. Mr. S. O. Shahani: (a) Is it a fact that a mosque (place for Mahomedans to offer prayer) has been erected in the premises of the Karachi General Post Office? If so, when was it built, whether it was built at Government expense or otherwise? If at Government expense, who sanctioned the expenditure? Is the D. P. T., Karachi, empowered to sanction the expenditure? If not, and if he has sanctioned it, what action is proposed to be taken in this matter?

(b) Is it a fact that there are some orders of the Bombay Government or the Government of India not to construct such mosques in the premises of such offices? If so, who is responsible for this? Do Government propose to take any action in this matter?

Mr. J. A. Shillidy: (a) The facts are not altogether as stated. A platform for prayers had been built by the Muslim staff at their own expense in the Karachi Post Office compound. When this platform was demolished in connection with the erection of quarters for menials, a new platform was built at Government expense by way of compensation. Subsequently in 1929-30 a roof was sanctioned by the Director of Posts and Telegraphs, Sind and Baluchistan, under his own powers of sanction.

(b) Information is being obtained and will be communicated to the Honourable Member in due course.

DISMISSAL OF POSTAL OFFICIALS IN SIND AND BALUCHISTAN.

56. **Mr. S. O. Shahani:** (a) Will Government be pleased to state the total number of dismissals of officials of all cadres since the formation of the Sind and Baluchistan Circle for the second time?

(b) How many appeals were made to the Director of Posts and Telegraphs, Sind and Baluchistan Circle, Karachi, and with what result?

(c) How many appeals were made to the Director-General of Posts and Telegraphs against the decision of the Director and with what result?

(d) What was the total amount of allowances paid to the dismissed officials on re-instatement?

(e) Is it a fact or not that the amount thus paid was a clear loss to Government?

(f) If the reply to part (e) be in the affirmative, what action do Government propose to take to avoid wrongful dismissals and the resultant loss of revenues?

Mr. J. A. Shillidy: (a) to (e). The information is being collected and will be communicated to the Honourable Member in due course.

(f) Reply will depend on the information collected.

LOCATION OF THE HEADQUARTERS OF THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISIONS.

57. **Mr. S. O. Shahani:** (a) Is it a fact or not that the Superintendent of Post Offices, Lower Sind and Persian Gulf Division, Karachi, has got his headquarters at Karachi?

(b) How many second class Head Offices has he in his Division and what are their names?

(c) Is it a fact or not that according to Post and Telegraph Manual, Vols. V and VIII, the headquarters of the Divisional Superintendent are to be located in a central place in the Division and preferably where a second class Head Office is located?

(d) Has the attention of Government been drawn to the articles appearing in local papers of Karachi, viz.: *Daily Gazette* and *Sind Observer*, dated the 26th August 1930 and 24th December 1930 in support of changing the headquarters of the Superintendent to Hyderabad (Sind)?

(e) Will Government be pleased to state what action, if any they propose to take in the matter?

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

(b) One. Hyderabad (Sind).

(c) Yes, the headquarters are required to be at an important central station in the Division where there is a head office.

(d) Government have seen two letters in the *Sind Observer*, but the *Daily Gazette* of the dates mentioned does not mention the matter.

(e) I have fully considered the question recently and have decided to make no change at present in the location of the headquarters of this Superintendent.

REFUSAL TO GRANT INTERVIEWS BY THE DIRECTOR OF POSTS AND TELEGRAPHS, KARACHI.

58. **Mr. S. O. Shahani:** (a) Is it a fact or not that the Director of Posts and Telegraphs, Karachi, toured in the month of November 1930?

(b) Is it a fact that he also visited Hyderabad (Sind)? If so, for how long did he stay there?

(c) Did the Manager, Co-operative Societies, Hyderabad (Sind), apply for an interview with the Director?

(d) Was the Manager, Co-operative Society, granted an interview? If not, why not?

(e) Are Government aware that the Director refused to grant an interview to the Manager, Co-operative Society, Hyderabad (Sind), on the plea of his being very busy then?

(f) If the reply to part (e) be in the affirmative, do Government intend taking any steps to ensure to the public the grant of interview by the Director?

(g) Is it a fact or not that the Director also refused to grant an interview to certain officials of the Lower Sind and Persian Gulf Division at Hyderabad (Sind) on similar grounds?

(h) Will Government be pleased to give the names of the postal officials who applied for interview and who were refused?

(i) Will Government be pleased to lay on table a copy of the procedure observed in cases of interviews by the postal officials with the Director or the Circle Officer either at his headquarters or while on tour?

Mr. J. A. Shillidy: (a) Yes.

(b) Yes; 2½ days.

(c) Yes.

(d) and (e). No. The letter of the Manager, Co-operative Society, asking for an interview reached the Director of Posts and Telegraphs on the 22nd November, 1930. The Director had already settled his day's programme and informed the Manager that he was leaving for Karachi very early next morning, that he expected to return to Hyderabad about the end of December, and that he would let the Manager know the date in due course. When the Director of Posts and Telegraphs came to Hyderabad in December, he wrote to the Manager and interviewed him on the 30th December, 1930.

(f) Does not arise. I would however add that, while Government expect their officers to be as accessible as possible to members of the public, they must decline to limit their discretion by the imposition of any hard and fast rule.

(g) No.

(h) Does not arise.

(i) No procedure is prescribed.

APPOINTMENT OF A HEADQUARTER INSPECTOR IN THE RAILWAY MAIL SERVICE, KARACHI DIVISION.

59. **Mr. S. C. Shahani:** (a) Is it a fact or not that one Headquarter Inspector is attached to the Office of the Superintendent, Railway Mail Service, Karachi Division, Karachi?

(b) Will Government be pleased to state what are his functions?

(c) Are Government aware that this appointment was originally sanctioned for six months only?

(d) Are Government aware that while recommending the permanency of this appointment, the Director of Posts and Telegraphs, Karachi, is said to have written that since air-mail work was being performed by the Superintendent, Railway Mail Service, this appointment should be sanctioned permanently?

(e) Are Government aware that the air-mail work has since been transferred to the Postmaster, Karachi? If so, will Government be pleased to state why the post of Headquarter Inspector, Railway Mail Service, still continues?

(f) Are Government aware that the volume of work of the Headquarter Inspector Railway Mail Service (in the Sind and Baluchistan minor Circle) is much less than that of the Headquarter Inspectors in other major circles?

(g) Do Government propose to still continue this post? If so, why?

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

(b) To assist the Superintendent in the general control of the Division, and to carry out investigations and inquiries.

(c) Yes.

(d) No. The Director did not justify his proposal by any reference to the work which has now been given to the Postmaster in connection with the air mail.

(e) The answer to the first part of the question is in the affirmative. As regards the second part, the retention of the appointment is justified for the performance of the duties referred to in the answer to part (b) above.

(f) No.

(g) Yes, for the reasons given in reply to part (e) above.

APPOINTMENT OF A TOWN INSPECTOR OF POST OFFICES IN HYDERABAD SIND.

60. **Mr. S. C. Shahani:** (a) Are Government aware that the post of Town Inspector in the Hyderabad Sind Head Office is a time-scale one?

(b) Are Government aware that this appointment carries an allowance of Rs. 40 per mensem excluding pay?

(c) Are Government aware that there is no fixed principle in filling up this appointment?

(d) Is it a fact or not that a most junior official in the Hyderabad (Sind) Head Office was appointed as Town Inspector since two years?

(e) Are Government aware that hitherto the post of Town Inspector was being filled according to seniority? If so, will Government be pleased to state why they have departed from this procedure?

(f) Are Government aware that there have been many complaints from the public, against the present Town Inspector? If so, do Government propose to take any action in the matter?

Mr. J. A. Shillidy: (a) to (e). Government have no information, nor do they propose to call for it as any officer feeling himself aggrieved by any particular appointment has his remedy by way of appeal, and it need hardly be said that any appeal will be considered carefully on its merits.

(f) Only two complaints were received against the present Town Inspector, which on enquiry were found to be groundless. The second part of the question does not arise.

SHORT NOTICE QUESTION AND ANSWER.

CONSULTATION OF INDIAN OPINION ON THE NEW CONSTITUTION.

Sir Hari Singh Gour: (a) With reference to the Prime Minister's speech at the Round Table Conference, as reported in the Press, will 12 Noon. Government be pleased to state what steps they propose to take to consult Indian opinion on the subject of the new constitution?

(b) Are Government prepared to consider the desirability of liberating Mahatma Gandhi, Pandit Jawahar Lal Nehru and other leaders of the Congress movement to enable them to give dispassionate consideration to the proposed constitution?

(c) What steps do Government propose to take to consult the Central and Local Legislatures on the subject?

(d) Will Government be pleased to see that the White Paper about to be published in England, embodying the provisional conclusions of the Conference, is translated into the Indian vernaculars and made available to the public?

(e) Will Government give this House an early opportunity to examine the proposals of the Conference before the close of its Delhi Session?

The Honourable Sir George Rainy (Leader of the House): (a) My Honourable friend has no doubt observed in the Prime Minister's announcement the expression of the intention of His Majesty's Government to continue discussions and maintain personal contacts, and also to consider without delay plans whereby Indian opinion may be consulted and co-operation may be continued. His Majesty's Government have not yet communicated their contemplated plans to the Government of India, who are therefore not at present in a position to describe the steps which it will be necessary for them to take. If the Honourable Member has any suggestions to make, I need hardly say that I shall be very grateful if he will place me in possession of them.

(b) I lay on the table a copy of the statement published yesterday by His Excellency the Governor General on behalf of the Government of India.

(c) I shall be in a better position to deal with this question when the Government of India have received and been able to consider the plans which His Majesty's Government have in view.

(d) The White Paper to which my Honourable friend refers will presumably be a Command Paper, for the reproduction of which the approval of His Majesty's Government will be necessary. I do not, however, anticipate that there will be any difficulty on this point. The Government of India are fully sensible of the importance of giving wide publicity to the provisional conclusions of the Conference, and will certainly consider my Honourable friend's suggestion.

(e) An early opportunity for discussion is likely to arise on the Resolution which stands second on the agenda for the meeting on the 29th instant. Should further opportunity for discussion be generally desired, the Government will of course do their best to meet the wishes of the House.

Statement by H. E. the Governor General re Release of the Members of the Working Committee of the All-India Congress Committee.

"In order to provide opportunity for consideration of the statement made by the Prime Minister on the 19th of January, my Government, in consultation with Local Governments, have thought it right that the members of the Working Committee of the All-India Congress should enjoy full liberty of discussion between themselves and with those who have acted as members of the Committee since the 1st of January, 1930. In accordance with this decision and with this object, and, in order that there may be no legal bar to any meeting they may wish to hold, the notifications declaring the Committee to be an unlawful association under the Criminal Law Amendment Act will be withdrawn by all Local Governments, and action will be taken for the release of Mr. Gandhi and others who are now members of the Committee, or who have acted as such since the 1st of January, 1930.

My Government will impose no conditions on these releases, because we feel that the best hope of the restoration of peaceful conditions lies in the discussions being conducted by those concerned under terms of unconditional liberty. Our action has been taken in pursuance of a sincere desire to assist the creation of such peaceable conditions, as would enable Government to implement the undertaking given by the Prime Minister that, if civil quiet were proclaimed and assured, Government would not be backward in response.

I am content to trust those who will be affected by our decision to act in the same spirit as inspires it, and I am confident that they will recognise the importance of securing for these grave issues calm and dispassionate examination."

Sir Hari Singh Gour: Sir, with reference to the Resolution on the 29th of this month, will the Government be in a position to supply the Members with at least a summary of the White Paper issued on Saturday in the House of Commons?

The Honourable Sir George Rainy: I do not think so, Sir; and I can quite understand that the House might wish to have an opportunity for discussion after the full proceedings of the Conference have been brought before them. I only alluded to the Resolution on the 29th because it does provide an opportunity for some discussion on the subject.

Mr. B. Das: With reference to the reply to part (b) of the question, will Government be pleased to consider whether a general amnesty to all non-violent political prisoners will not restore the proper atmosphere for discussion of the Premier's declaration and the Viceroy's statement?

The Honourable Sir George Rainy: I do not think that arises out of the answer I gave.

ELECTION OF THE DEPUTY PRESIDENT.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

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

(The Assembly received the Message standing.)

"In pursuance of the provisions of sub-section (2) 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 Mr. R. K. Shanmukham Chetty as Deputy President of the said Assembly.

NEW DELHI;
The 23rd January, 1931.

(Signed) IRWIN,
Viceroy and Governor General."
(Applause.)

Mr. R. K. Shanmukham Chetty: Sir, with your permission, I would just like to thank my Honourable colleagues for the honour they have conferred upon me in electing me as the Deputy President of this House, and I may assure them, Sir, that it will be my constant endeavour to prove myself worthy of the trust they have placed in me. (Applause.)

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I had sent an amendment to the Resolution which has been moved by the Honourable Member. But in view of the fact that there is an apprehension that the moving of that amendment may give rise to communal discussion which is far from the object with which I sent in that amendment, I wish to withdraw it.

Mr. President: Motion by leave withdrawn.

Honourable Members: It is not moved.

Mr. President: It is not moved; it is withdrawn.

Mr. A. Das: May I make a suggestion that the five Muslim Members, who are to be elected, might be those who have themselves performed the Haj?

Khan Bahadur Haji Wajihuddin: Instead of five, there might be seven Members.

Mr. President: Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Since then an amendment is moved to add two names.

Mr. President: Order, order. That was a suggestion and that suggestion cannot be translated into a motion or an amendment.

The question I have to put is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

The motion was adopted.

ELECTION OF A COMMITTEE TO CONSIDER PROPOSALS ON THE SALT INDUSTRY.

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

"That this Assembly do proceed to the election in such manner, as may be approved by the Honourable the President, of a Committee consisting of 10 Members of the Assembly to which shall be added two Members of the Assembly to be nominated by the Governor General for the purpose of considering the proposals contained in the Report of the Indian Tariff Board on the Salt Industry in India and making such recommendations in regard to them as they may think fit. One of the Members so nominated shall be the Chairman of the Committee."

Sir, as this is a matter of some public importance, I think it is right that I should give this House some explanation of the reasons which led me to make this proposal in its present form. I do not think it will be necessary, and I hope it will not be necessary, to have any lengthy discussion on the subject this morning. But I am anxious that Honourable Members should appreciate the issues that are involved, and I hope, after they have appreciated them, they will be able to agree to this proposal. In the first place, as regards the constitution of the Committee, we have included a proposal that two Members should be nominated by the Governor General. I wish just to explain the reasons for that. We wish the Committee, as far as possible, to be an unofficial committee, but as my own time is likely to be extremely fully occupied during the next few weeks, I thought it desirable that I should have one member who might serve as an understudy for myself; that is the reason why we have suggested that there should be two nominated members. I think the House will agree that ten unofficial members is a suitable number for a committee of this kind.

Then, Sir, as regards the nature of the business which we wish this Committee to consider: the Report of the Tariff Board on the salt industry has now been before the country since September, and I daresay a good many of my Honourable friends have read it. On the other hand, possibly some have not, and I should like to remind Honourable Members of some of the main issues. The Government of India, in their original Resolution of the 25th July, 1929, called upon the Tariff Board to report

whether, having regard to all relevant considerations, it is desirable in the national interests that steps should be taken to encourage the production of salt in India, suitable for consumption in those markets which are at present wholly supplied from abroad, and if so what measures they recommend. The Board were asked to take into account the relations between the Government of India and Aden, and the conditions of the existing salt industry in the latter place, and to make such special recommendations, if any, affecting the treatment of salt produced there as may seem to them to be appropriate.

In their Report, which was published on the 12th September, the Tariff Board came to the conclusion that it is possible to produce in India—and in that term they definitely decided to include Aden since Aden is actually part of the Indian Empire and three out of the four works there are Indian concerns and the industry is liable to Indian taxation—they decided that India, including Aden, could produce the quantity of salt of the required quality necessary to make India independent of foreign salt. The point at issue really is the salt required for the supply of the Bengal market. There is annually imported into Calcutta about 500,000 tons of fine white crushed salt: of that about 180,000 tons comes from Aden, and the balance of 320,000 tons would, if India is to be made self-supporting, have to be found from Indian sources, including of course the increase of the Aden production. The Board are of opinion that that additional 320,000 tons could be supplied partly by increasing the Aden production and partly by supplies from Karachi and Okha, and partly also by increasing the quantities of salt produced at certain northern Indian sources of production. The Board considered the encouragement of an increased supply of sea-borne salt would be to the national interest to some extent, but not to such an extent as to justify placing any considerable burden on the consumer for the purpose. And, here I should like the House to appreciate exactly what is involved in this question. It is a matter, as I have said, in which the public take considerable interest. On the other hand I think it is important to realise that what is involved is, at least on economic grounds, not of enormous economic importance.

"To produce 500,000 tons of salt . . ."

I am quoting from the Tariff Board's Report—

" . . . not more than 4,000 men would be required, engaged mainly in manual labour. Machinery is used in salt manufacture on a small scale and there is little scope for the higher type of employment. The additional employment afforded by the establishment of the industry is therefore extremely limited. As regards profits, the capital expenditure of the Indo-Aden works has been stated to be Rs. 17 lakhs for an output of 70,000 tons. The capital required for an output of 500,000 tons would not exceed Rs. 120 lakhs, and allowing a profit of 10 per cent, the amount remaining in the hands of manufacturers would be approximately Rs. 12 lakhs. Taking the price of fine white crushed salt at Rs. 8 per ton ex-works, the total amount of money retained in the country by the substitution of Indian for foreign salt would amount to about Rs. 40 lakhs. The whole of this advantage, however, will not accrue by the substitution of sea-borne salt from India proper for foreign salt, if it is decided that there can be no discrimination between Aden and other Indian sea-borne salt. For it must be assumed that Aden will retain at least her present import of 180,000 tons. If the balance of 320,000 tons were supplied by Karachi and Okha, it would mean employment of less than 3,000 additional men, while the additional amount of money retained in the country in the form of wages and profits would be about Rs. 26 lakhs. Thus although the national interests are to some extent served by the encouragement of the production of salt at Karachi and Okha, the advantages are not so marked as to justify the country in undertaking any drastic action or imposing any considerable burden on the consumer. This is particularly the case inasmuch as the production of salt at Okha or Karachi would afford no guarantee against a shortage of white salt in Bengal such as occurred during the war."

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The Tariff Board then go on to say:

"From the economic point of view there is no case for protection in the proper sense of the term so far as Indian sea-borne salt is concerned. The salt works at Aden have for many years faced foreign competition unaided, and since we have found that these works form part of the Indian industry, no claim for protection of the industry as a whole can be substantiated. Further, even if the works at Aden are excluded from consideration and salt manufacture at Karachi and Okha is regarded as a nascent industry, assistance on strictly economic grounds cannot be justified. These works on the whole possess no advantage over works situated on the Red Sea Coast in respect of natural facilities for the production of salt, including freight, and in consequence no economies may ultimately be expected in the cost of salt to the consumer in Bengal such as would justify a case for protection on ordinary economic grounds. Moreover it has not been proved to our satisfaction that they could ever face competition unaided save in respect of a small proportion of the possible output."

I think these paragraphs state very clearly what making India self-supporting in the way of salt would mean economically to India, and they also state very clearly the limitations and the limited advantages which would accrue from anything done to increase the sea-borne supply of salt from Indian sources to Calcutta. On the other hand, the Board then go on to deal with the development of the supply of rail-borne salt, that is to say, salt which could be produced at sources of production like Khewra and Pachbadra, and might be brought down to Calcutta by rail. For that sort of development the Board consider that there are much greater and much stronger arguments. For such development would secure a guarantee against shortage in time of war; it would secure additional traffic for the railways; it would secure a reduction in the price of salt as a result of the increased production, chiefly at Khewra; and it would produce some additional business for Indian steel, iron and wagon companies. In the national interests, therefore, there is much more to be said for making an effort to develop these internal sources of supply. The Board then go on to consider the chief difficulties in developing an Indian industry and they find that the chief obstacle in the way of that has lain in the enormous fluctuations in the price of salt in the Calcutta market.

They, therefore, hold that stabilisation of prices is the first necessity. They consider that stabilisation of prices is impossible as long as the import trade remains in private hands, for at one time rings are able to raise prices to exorbitant heights, but another time unrestrained competition means that salt is brought into Calcutta at prices which must be less than the cost of production. These fluctuations, apart from other considerations, render direct protective measures on ordinary lines inapplicable, and that is one of the reasons why the Board come to the conclusion that ordinary protection could be of no value in this case.

Now, the actual scheme which they have recommended in all these circumstances is as follows. They recommend that Government should assume control of imports; that Government should provide India with second grade sea-borne salt at a price which represents, according to their calculations, a fair selling price. They put that price at Rs. 68-11-0 per hundred maunds *ex-ship*, which the Government would sell at Rs. 66 per hundred maunds. They make certain recommendations for extra prices for first grade salt. They consider that, if the production were greatly expanded at Khewra and crushing machinery installed and railway rates of one pie per maund per mile from Khewra to Calcutta were introduced,

it would be possible to put Khewra salt into Calcutta at competitive prices, and that Khewra salt, if assured of what they consider a fair selling price, could be produced at a profit. They consider, in recommending this scheme, that foreign salt will be required for many years to come, because it will take some time to develop the Indian supplies. For so long as foreign salt is required, the central purchasing organisation which is controlling the market of salt, according to the Board's proposals, would have to buy that foreign salt at the lowest price at which it could be procured and which could be sold at the standard prices *ex-ship*. The difference between the buying and selling prices is supposed to meet the cost of the machinery of control but if on this foreign salt the Government were to make a further profit that profit would have to be funded for the purpose of recouping losses should the price of foreign salt rise above the Government standard price. That is to say, Government or the Central Control Board would buy Indian produced salt (and India, as I have already stated, includes Aden) at a price of Rs. 68-11-0 per hundred maunds, and would sell it at Rs. 66. It would buy the balance of foreign salt that is required at whatever price it could be got, and if it made a profit, the Central Control Board would refund that profit to cover future losses if it had to pay more than the standard price of Rs. 68-11-0. Then if it incurred a loss, that loss could be met out of any funded profits that had been previously earned; if there were no funded profits, the Government would have to bear the loss. I shall refer to that point again in summing up the arguments for and against the Board's scheme. For the moment I propose to go on and complete my account of the Board's scheme.

The Board do not consider that the control of imported salt ought to be exercised by a Government Department. They think that a Government Department is not a suitable organization for carrying on a business of that kind, and I must say that, to that extent, I entirely agree with the Board. They contemplate the ultimate formation of a Public Utility Company, or a similar body for the purpose, with permanent Government representation on the Board of Directors, operating as a Marketing Board and fixing prices on strict commercial principles. They say that to set up this Marketing Board and to introduce this complete scheme for control would take considerable time, and meanwhile they foresaw that immediate action might be necessary. There are various reasons why time should be taken in setting up the Marketing Board. In the first place, as it is quite clear, a great deal of elaborate machinery will have to be devised. In the second place, there is a practical question to be considered. The Board have assumed from their own provisional investigation that the production from the Indian internal sources, Khewra principally, and possibly also Pachbadra, can be very largely increased but they had not time themselves to investigate that question in all its technical details, and they have recommended, as a first step, the Government should undertake a further and much more technical inquiry into the possibilities of expanding those sources of production. That inquiry we launched at the earliest possible moment. We thought that the inquiry should be entrusted to a small and business-like body and that it should be mainly in the hands of a man of business experience, of public position in India, whose name would command confidence with the Indian public. For that purpose we approached Sir Chunilal Mehta and asked him if he would take on this inquiry. I am very glad to say

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that he was able to accept it, and since the autumn Sir Chunilal Mehta and Mr. C. H. Pitt, who is one of the best practical Salt Engineers available in Government service, have been engaged in making this inquiry. We hope to have their Report in a few weeks' time, and one of the points which I expect would occur to Honourable Members when I am moving this motion for the appointment of a Committee, is that until the Committee, have that Report before them, it will be very hard for them to make final recommendations. That is a very good point, and it is quite clear that they cannot make final recommendations until they have that Report. There is, however, a great deal of preliminary work to be done, and I think that it is advisable that the Committee should get to work as quickly as possible and we hope that in two or three weeks' time Sir Chunilal Mehta's Report will be available for their consideration.

Before I start to give my general résumé of the arguments for and against these proposals and of the difficult consideration that are involved, I would like to say something on the urgency of the matter. The Board anticipated that, before it was possible to introduce this scheme, there might be a fall in the price of imported salt which would be extremely embarrassing to the Indian producers that were just coming into existence. Their anticipations in that respect have been more than realised. There has in the last few months been a remarkable slump in the price of imported salt at Calcutta, and whereas the Board fixed the fair selling price at Rs. 68 per hundred maunds, the actual price now is not much more than Rs. 40 per hundred maunds. As a result of that, the producers who have just begun their business at Karachi and the new company at Okha and some of the smaller companies at Aden find themselves in considerable difficulty, and they have addressed an urgent appeal to the Government to take emergency action to protect their position. I myself was met on my arrival at Bombay on the 12th December by a deputation representing these companies, urging upon the Government that they should take immediate emergency action. We studied the matter with great care as quickly as we could, but we came to the conclusion that there was no action which we could properly take without referring the matter to the Legislature.

The deputation suggested various forms of action. They asked for a differential import duty to be imposed upon foreign salt, or if that could not be done, that a rebate of four annas per maund should be allowed on their production. They suggested that, if we could accept neither of these courses, the Government should at once start purchasing their salt at what the Board recommended as a fair selling price. But I think it will be obvious to Honourable Members that none of those steps could be taken without reference to this Assembly. If it is a question of imposing an additional import duty, that requires legislative action; if it is a question of giving a rebate on the excise, that, as a matter of fact, requires no legislative action, but it is a matter fundamentally affecting the financial position of the Government which, in present circumstances, we could not possibly undertake without consulting this House. Then, again, if it had been a question of Government stepping in and buying up this salt that would have meant expenditure of public funds on a new service, which could not be undertaken, at least without reference to the Standing Finance Committee. Therefore, our hands were tied, and even if we had

desired to do so, there was nothing which we could have done without bringing the matter before the Assembly. We have now taken the earliest possible moment to bring the matter before the Assembly, but for reasons which I shall explain more fully in a few sentences, we think that emergency action should not be taken until the case has been very thoroughly investigated. Investigation of that kind cannot be suitably undertaken in debate in the Assembly, and I venture to think that, if we can have a small Committee of Members who understand the situation and who are interested in the questions involved, that will be by far the best way of getting all the issues thoroughly studied and a right decision in the public interests arrived at.

There is, as I have said, a good deal to be said on both sides about this issue. In the first place, if it proved practicable, it would render India independent of foreign salt, and this, I have no doubt, is in itself a consummation that many Indians would desire to see. On the other hand, I would ask this House to remember that the economic results, as I have already pointed out, are not of very great importance. In the second place, it would, if the Board are correct in their appreciation of the position, secure to consumers in Bengal a regular price; they would be immune in future from the wide fluctuations in prices which have hitherto characterised the general salt market. On the other hand, as against that, the Bengal consumer, if that proposition were put to him to-day, would say, "A bird in the hand is worth two in the bush. At present, our salt is costing us on a basis of Rs. 40 per 100 maunds. If you introduce this scheme, you will at once put up the price to Rs. 66 per 100 maunds. And what guarantee have we that that is going to be of any real benefit to us in the future?" It is going to mean an immediate loss to the whole of the Bengal consumers of something like 20 or 30 lakhs of rupees. I think that the Bengal point of view is one which deserves most serious consideration, and I hope that we shall have some Bengal representatives on the Committee. We must consider the interests of the Bengal consumer, and we must also consider that, apart from increasing the price, the Government could not possibly be justified in proceeding with a scheme the object of which was to force on the Bengal consumers a quality of salt which they do not want. Therefore, Bengal is entitled to be assured, first of all, that they will not in the long run be penalised as regards the price, and secondly, that these measures will not have the effect of forcing them to consume a quality of salt inferior to that which they want. Apart from this, a scheme of this kind obviously involves very far-reaching innovations. That it involves interference with the ordinary course of trade is plain: it would also mean a departure from the present Government policy of selling salt at cost price at Government sources and of allowing the inhabitants of tracts nearer to those sources to enjoy the advantages of their proximity, for one of the Board's proposals is that prices should be equalised all over India regardless of proximity of the place to the source of production. This, of course, might be regarded as an advantage by some of those affected but it would be a disadvantage to others according to the circumstances in which they live.

I think that on general lines I have said enough to indicate to this House the issues that are involved. I wish, as far as possible, in presenting the case, to preserve an impartial attitude. I wish to say no more than is sufficient to indicate to the House that considerable practical difficulties are involved. I hope, therefore, that the House will agree with

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me that the Government have taken the right course in taking the Legislature into their confidence on the issues and in refraining from taking a decision one way or the other until the representatives of the public, as we see them before us here have had an opportunity of considering the matter in all its bearings.

Sir, I move.

Mr. B. Das (Orissa Division: Non-Muhammadan): I rise to support the motion moved by my Honourable friend the Finance Member. When I came to this House to-day, I did not expect such a long speech (*An Honourable Member*: "And luminous speech.")—long and luminous and wise speech to which I shall allude later—from the Finance Member presenting the views of the various interests affected by the question, nor was I prepared myself to speak to-day on the subject.

Before I go into the main subject, I welcome the decision of the Government in that they have brought forward a Report of the Indian Tariff Board for consideration by a Committee of this House. It is a very welcome change, and I hope that my Honourable friend, Sir George Rainy, who has just left the House, will also follow that example. Whenever he gets a Report of the Tariff Board, instead of taking a quick decision on the subject or coming with definite proposals before this House, the Department of Commerce should take up the same attitude that the Honourable the Finance Member has taken, and ask a Committee of this House to go into the Report and arrive at the greatest measure of agreement on its recommendations. Now, Sir, I feel very grateful to the Honourable the Finance Member that his Department has not come to any decision over the recommendations of the Tariff Board on salt and that it will be guided by the Report of Sir Chunilal Mehta's Committee and by the Committee of this House. I welcome that, but I listened to his speech with mixed pleasure. A month or so ago when I received the Report on the Salt Industry by the Tariff Board I had the same feeling. When this question was debated before, Members of the Assembly—some of them are here now and some are not present on the floor of this House to-day—pressed on the Government an inquiry by the Tariff Board as to how far India could be made self-supporting in the matter of salt. As regards the salt industry, we wanted that salt should be manufactured as it was manufactured in the days of the East India Company all over the sea coast of India. It seems to-day, as has happened before on the floor of this House, that the Bombay capitalists have won. The Bombay capitalists who have got very large firms in Aden, Okha and Karachi want protection. These capitalists have got large manufacturing industries on a modern scientific basis and they want some protection, and they have got into favour with the Government of India as usual. Not that I say that my friend the Finance Member has said anything showing great favour to these manufacturing concerns, but his speech made me think that he is more inclined towards the protection of these large manufacturers than the millions of salt producers on the sea coast in Madras, Orissa and Bengal. I am not in the least concerned with the Aden, Okha or Karachi salt works. As far as I have read this Report cursorily, I am not convinced that they need any protection, but I think the provinces of Madras, Orissa and Bengal

can produce their own salt and supply their own local areas without getting salt from Cheshire or from Karachi or Aden and even they can supply interior provinces. Of course the Committee is going to sit and that aspect will be looked into in detail. I would refer those Honourable Members, who would like to get a full view of what was being done on the Madras coast and Orissa coast and in Bengal in the good old days of the East India Company and which was stopped by an ukase from London in 1863, to the speeches which my friend Mr. K. C. Neogy and myself have made on certain occasions on the floor of this House and I would refer them also to the speeches of Mr. Duraiswami Aiyangar. They will be found in the Library, in the Assembly Debates. I would also ask those who are interested in salt manufacture and also to know how it was destroyed in Orissa, to read my written evidence which was published in Volume I of the evidence before the Tariff Board on Salt and there they will find how the cruel and negligent policy of the then Government of Bengal killed that trade in Orissa. I am not concerned with the profit of the capitalists. Whether it is protection to the cotton mills or protection to the steel industry, it is only a few that enjoy the benefit. The Government may say that labour also enjoys a certain benefit, but everybody knows, and my friend, Mr. Kabir-ud-Din Ahmed, who is a member of the Indian Labour Commission, will come to my rescue when I say this, that labour gets only sweated wages and that it does not get anything much. What is the use of giving protection to these large concerns in Karachi, Okha and Aden? The number of workmen employed in these works is limited to hundreds. At one place in the Report, the Board have mentioned that the Bengal market could be supplied by the Madras process, but they have had no time to go into the details of the sources that can supply the Bengal market. On the East coast they recommend that, before Government come to any decision, they ought to avail themselves of opportunities for investigating the sources of salt supply that are at present available or are possible on the East coast. I was talking only yesterday to my friend, Mr. Govinda Reddy, who is himself a salt producer, and who has a salt pan of 75 acres from which he manufactures salt to the extent of 40,000 maunds per annum. If 40,000 maunds of salt can be produced with a farm of 75 acres, I think that system can again be revived on the coasts of Orissa, Midnapore and Chittagong, where the system used to exist in the days of the East India Company, and which was squeezed out of its existence by the administrative policy of the Bengal Government. It has been contended, the Honourable the Finance Member's predecessor said it, that the East coast rivers are discharging too much water into the Bay of Bengal and so the water of the Bay of Bengal has become less saline, but the East coast used to produce salt a hundred years ago. That point has been contested on the floor of this House and I still contest it. India is a country where the wages of labour are not, and cannot be, as high as is prevalent in England. There is no occupation for millions of people on the coasts in summer time. If these agricultural populations find an occupation for four to six months in the year by manufacturing salt, I think that would be a very welcome change. My Honourable friend is in charge of the Finance Department and he knows that the economic condition of India is very distressing and he has invited a gentleman, Sir Arthur Salter, from the League of Nations to give him advice as to how to form an

[Mr. B. Das.]

Economic Board in India. If that be so, I think that every avenue for improving the economic condition of these people should be explored. I have very often expressed it on the floor of this House, and I again say it, that in Orissa in 1863 the Government of Bengal stopped the manufacture of salt and soon after that great disastrous famine of 1865-1866 destroyed half the population of the coastal districts of Orissa. If salt manufacture had not been stopped this disaster would not have happened in Orissa.

Now, Sir, I welcome this Committee on which there will be the Finance Member and other Members of this Assembly. They ought to see whether they can make India self-supporting by the establishment of large manufacturing industries, which will receive a certain system of protection and bounty from Government, or whether they will permit the coastal people to manufacture salt, which they were able to manufacture in the days of the East India Company, and the question is whether the Government, as long as they have got the present system of duties, cannot adopt an effective system of duties and protection by which they can maintain their excise duties and yet coastal people can make salt all over. Sir, we are not blind to the demand of millions of people in the country that the salt duty ought to be abolished and that people should be able to manufacture salt without any prevention from Government. Well that is a point which, though I have got a good deal of sympathy with the people who hold that view, I cannot support at present because owing to financial difficulties the Government must be carried on. (Hear, hear.) Whether it is the Government of my Honourable friend, Sir George Schuster, or whether it is the Government drawn from those who are at present sitting in or abstaining from this House, Government must be carried on (Hear, hear), and at present I am not in a position to advise the Government completely to abolish a tax which brings them six crores of rupees. Yet I think the members of the Committee and the Government of India should bear in mind that the time is coming when the future Government in India should take steps to abolish the salt duty. If that be so, any system of protection that this Committee should recommend should not be only meant for the Bombay capitalists so that their bank balances may grow and the Honourable the Finance Member may get a little extra money from the income-taxes; but we have to see that the masses do benefit; and the coastal regions of India are so large, especially those of Madras, Orissa and Bengal, that these people can get a subsidiary income without any detriment to the Government revenue if the Government be only prepared to allow them 2 annas or 4 annas as protection or as a bounty. In fact I think in one place the Tariff Board have recommended a system of bounties; but any bounty that will go only to the big manufacturers I fear I shall strongly oppose, and I say this House would stultify itself if it always supports capitalists and capitalist interests and never looks to the interests of the masses.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I thank the Honourable the Finance Member for taking immediate steps in carrying out the recommendations of the Tariff Board on the salt industry, a question so important to this country, and I also join my friend, Mr. B. Das, in thanking him for giving us the opportunity

to discuss the Report. A few weeks ago I approached the Government and asked them whether they could give us an opportunity to discuss the Tariff Report in connection with the hides cess. I am still waiting for the reply and I hope with my friend, Mr. B. Das, that the Honourable Sir George Rainy will see his way to give us an opportunity to discuss that Report, and follow the good precedent initiated by Sir George Schuster. Sir, the Honourable the Finance Member has given some figures regarding the import of salt into this country. I put these figures in rupees. He gave his figures in tons. We import every year Rs. 175 lakhs worth of salt from other countries out of which Rs. 148 lakhs worth are consumed by Bengal. The supply of salt consumed by Bengal is the important problem for us. The first question that we have to consider is whether we can produce in this country the amount of salt which we import from outside. Now this question is answered by the Salt Committee and they say:

"We find therefore that salt of a quality suitable for consumption in the Bengal market can be manufactured by solar evaporation in any part of India where a brine supply is available either from the sea or from subsoil sources."

Now they have given the verdict that the amount of salt necessary for consumption in this country can be produced in this country. I, Sir, go one step further and say that all the salt required for consumption in Bengal can be produced in Bengal, and I entirely support the remarks made by my predecessor. In support of my remarks I will just quote the evidence recorded about a century ago before a Select Committee of the House of Lords. The Honourable Andrew Ramsay, an employee of the East Indian Company, in his evidence before the 1830 Select Committee of the House of Lords, showed that there was a lot to be said in its favour. The first question put by the Select Committee was, "What is the quality of the salt; is it refined?" He said, "No, it is not refined; it only undergoes one boiling". That is about the Bengal salt. The second question was, "Is it to be compared to the salt eaten in this country?" His reply was, "I think it is very far superior". The next question was, "In what respects?" The reply was, "It is not so bitter as the English salt". The next question was, "Are the crystals large?" The reply was, "It is very fine; it is not in crystals at all". Now this was the evidence given about Bengal salt a century ago. If, then, Bengal could produce the salt necessary for her consumption a century ago, I see no reason why the province should not go ahead and begin to produce again the salt which the people require today. Of course, I do not want to go into the history of salt manufacture during the last century, but it is plain enough that steps were taken from time to time by the Government of Bengal in the interests of the manufacturers at home. Now at one time the proportion of the salt imported from England into India was 85 per cent. in favour of England; that is, out of the total amount imported, England contributed 85 per cent., but during the last 50 years, other countries have come into the field and England is now importing only 15 per cent.; Spain, Germany and other countries are now importing more salt into India than the United Kingdom. Therefore, it is very important that we should take immediate steps to produce now the salt necessary for our consumption in this country, and not only this, but we should go one step further and try to export salt to other countries which don't possess natural resources for producing salt. Now the argument was -

[Dr. Ziauddin Ahmad.]

brought forward some years ago that Bengal wanted a special type of salt which could not be produced there. Now this argument was prominently in the mind of the persons who carried on the recent investigation, and presumably in the interests of capitalists in Bombay. They say that Bengal wanted salt of a particular type which could not be produced except in a particular manner and in particular localities. I say Bengal wants salt, Bengal wants good salt and Bengal wants cheap salt; and as regards the shade of the colour, I think that is immaterial, as long as salt is cheap and is not poisonous, I think Bengal would be always willing to purchase it.

Sir Hari Singh Gour: They want white salt.

Dr. Ziauddin Ahmad: As regards the question of whiteness, it is very difficult to define because there are so many shades of whiteness and it is very difficult to lay down the shade of whiteness that Bengal desires.

Mr. K. Ahmed: Try to get a refinery.

Dr. Ziauddin Ahmad: Bengal used to produce a large quantity of salt by the crude Molunghee process, and if the same process may be revived and started again then there is no reason why they should not be able to produce the amount of salt which they require. The Government of India recently instituted an Enquiry Committee. We are thankful for this enquiry, but at the same time, it is not desirable to spend large sums of money on this Enquiry Committee. A salt expert was engaged on a salary, which we can hardly believe to be true; he was engaged on a salary much greater than the salary of a High Court Judge. The salt expert was engaged on a salary of Rs. 5,000 a month to find out what particular quality of salt would be necessary for the benefit of Bengal. Now had this money been given in the shape of bounty to small firms and to those persons who carry on cottage industries in Bengal, then it would have been more usefully employed and probably the industry in Bengal would soon be able to stand on its own legs.

Sir, the province of Sind, we know, is a very neglected province; even in matters of salt manufacture it is neglected. We find that a great injustice has been done to the province of Sind. In 1847, Lieutenant Burke said that there was a very good salt bed on the left bank of the Indus, which was 20 miles long and 15 miles wide, but no special step was ever taken by the Government of India to get salt from this source or to tap this particular place where salt could easily be produced. Sir, the Salt Enquiry Committee has also drawn our attention to the abundance in the supply of salt in Northern India. In the division of Agra, we have got a large number of places where salt could be produced from *Reh*. In *Reh*, we find several things mixed up; Nitrates are mixed up with various forms of chlorides and at one time this was a very prosperous industry in the United Provinces. But on account of the policy of the Government of India in monopolising salt manufacture, the trade has practically disappeared. If only the Government would leave us alone and would encourage private individuals to carry on their indigenous industries as they had been carrying on about thirty years ago, the whole difficulty would disappear. We do not want many enquiries, we do not

want many committees, but we simply want the people to be left alone so that they may carry on the manufacture of salt in the way in which they had been carrying on from generation to generation during the last 3,000 years.

Sir, the next point to which I should like to draw the attention of the House is the recommendation, for the creation of this Marketing Board, made by the Tariff Board. I am glad that the Honourable the Finance Member did not approve of Government control of this Board, but I am very much afraid that if a commercial Board of this kind is established, it will monopolise the sale of salt in the same way as the petrol guild is regulating the sale of petrol. The prices will be put up by this Marketing Board and all the poor consumers will practically suffer. The example of the monopoly of petrol which is before us should serve as a guide for us and we should not take any further risks and should not create any Board of the type recommended by the Indian Tariff Board. Sir, the one thing in which the Government can really help the salt industry in this country is this. The Government may give facilities for carrying salt from one place to another place. If the railway authorities would come forward and cheapen the freights for carrying salt from one place to another, then this industry will very much revive. The Tariff Board mentioned that several railway companies, such as the B. B. and C. I., the G. I. P. and the E. I., were willing to reduce their freights to 1 pie per mile only between two particular places, that is from Khewra to Calcutta, but if this can be further reduced, which I think it is possible for them to do, then, it will be a great help for this industry. There are two points which I should like to mention and perhaps the Railway Board may see their way to reduce their freight still further. The one is that they send their coal from Dhanbad to various parts of India and many wagons return empty to the colliery from their places of destination. Now, if these wagons may be utilised to bring salt, the Railway without any loss will be able to cheapen their rates still further. The second point is this. The railway authorities also have repeatedly said that in traffic there are seasons of slackness. If special reduced rates are adopted during the seasons of slackness, then it is quite possible that producers may be able to convey the salt during this season to places where salt is consumed. With these few remarks, I beg to support the appointment of a committee.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, now-a-days, the trend of thought has advanced in such a way that we always think of scientific methods, machines and engines. But we forget that hand-made engines are nothing in comparison with the natural engines that we have got. On the Orissa coast, particularly, I am aware that throughout the coast, salt was manufactured to such an extent that a great historian, Mr. Sterling, stated that, in the year 1822, the revenue from salt was 18 lakhs of rupees, and the time has come now when we do not get even one pice worth of salt from our own sea or from the Lake Chilka. These were the natural sources from which we were getting salt and the rich people then were only those who had industries in salt, or what they called *nimak*. They were the only people who were doing it. Then science had not advanced so much as it has today. This must be said to the discredit of the East India Company. Though the coast of Orissa was only conquered in 1803 and there was then perhaps no proper

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control, salt was manufactured to such a large extent, that Orissa not only supplied its own needs, but supplied the needs of the Central Provinces, Bihar and other provinces too. Then, what happened? With the advent of scientific arrangements, probably certain officials were put in there where salt was manufactured, or in places like the Chilka Lake. The officer who was sent there, instead of helping the proper manufacture of salt, instead of assisting the process, as one would have naturally expected him to do, instead of devising ways and means for increasing the production, instead of that, he managed to send a report to the effect that there was no good production of salt there; that it was not a proper place for the manufacture of salt, and so on, with the result that salt manufacture was stopped there. In those days there were no machines. Nothing but the sun—the great natural engine—was used in the manufacture of salt. Salt water used to enter the fields or the salt pans and the sun used to dry up the water and salt would settle on those very fields, and in this way salt was easily manufactured. By this process, they supplied salt to all the provinces, and the revenue from salt was something like 22 lakhs of rupees. From this you can very well imagine how much money could be earned by the people, and how much employment it gave to the coolies engaged in the process of manufacture of salt. With the stopping of the manufacture of salt, the people lost their employment. There was also a Resolution in the Bihar and Orissa Council about this. The Government said that science was a great boon, but the people think that it is such a boon that it kills all our enterprise, all our industries and manual labour. The Government think that salt must be scientifically produced and so they will not consent to revive our old method of manufacturing salt. The Government think that they must have big machines and large sums of money to manufacture salt and without this equipment they could not manufacture salt. Perhaps they then requested the Tata Company, who were managing their steel concern. They did not agree, and perhaps as no rich man or millionaire came forward, it was not done. But it can be very easily done by any individual or any villager if salt is permitted to be manufactured on the Orissa coast. But the scientific method of manufacturing salt, as is done in the case of Liverpool or Madras salt, requires great capital and also a great many machines. You want to encourage these scientific methods but not these natural methods. You want only artificial methods. That is why the salt industry has been killed in Orissa, and also I believe in many other places. The natural method has been killed perhaps on account of the commercial spirit and commercial jealousy and not by allowing the natives of the soil to manufacture salt. But salt can be manufactured very easily, as was proved by the salt *satyagrahis* last year, who showed how it could be manufactured without any detriment to the Government revenue and without any cost to the people.

Sir, as a Committee is going to be appointed, I hope they will thoroughly examine not only the scientific method of manufacturing salt with the aid of machinery, but the natural method as well, whether on the sea coast or in the salt mines at Sambhar, where salt can be naturally manufactured. They should also consider whether the stringent rules against salt manufacture should not be abolished. It will also be of benefit to the Government because they will realise some duties and it will also be beneficial to the people.

Sir, I thank the Honourable the Finance Member for bringing this up for consideration and I hope the Committee will have both the methods in view.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, I want to speak a few words on this motion because the speech of my Honourable friend Mr. Das might create some misunderstanding in this House. I come from a province which my Honourable friends say wants some sort of protection. I want to tell my friend Mr. Das that Karachi only recently started this industry.

Mr. B. Das: I know it.

Seth Haji Abdoola Haroon: And when they started this industry, the Calcutta market rate was between Rs. 60 and Rs. 75 per hundred maunds. Immediately the Karachi merchants began to transport their salt to Calcutta, these Red Sea port concerns found that Karachi could compete with them easily and therefore they started to reduce their prices. From 1915 they began to make lots of money from the Calcutta market. I think, before the war, the Calcutta price was between Rs. 60 and Rs. 65, and during the war they raised it to Rs. 175. I have not got the figures but they did make lots of money. They have plenty of reserves at present and therefore they commenced to bring more salt into the Calcutta market and tried to compete with Karachi—not compete properly, but they tried with their reserve funds to ruin Karachi. Therefore the industry requires some sort of protection because these Red Sea ports are sending today large quantities of salt to Calcutta and will not allow Karachi to sell. Therefore the Karachi merchants requested Government to pay attention to it and give them proper protection, because we are Indian and the Red Sea ports are not Indian. For this reason I support the motion of the Honourable the Finance Member.

Mr. President: Does the Honourable Member wish to reply?

The Honourable Sir George Schuster: No, Sir. I have nothing more to say in reply.

Mr. President: The question is:

"That this Assembly do proceed to the election in such manner, as may be approved by the Honourable the President, of a Committee consisting of 10 Members of the Assembly to which shall be added two Members of the Assembly to be nominated by the Governor General for the purpose of considering the proposals contained in the Report of the Indian Tariff Board on the Salt Industry in India and making such recommendations in regard to them as they may think fit. One of the Members so nominated shall be the Chairman of the Committee."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON ROADS.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department): Sir, I move:

"That this Assembly do proceed to the election for the rest of the financial year 1930-31, in such method as may be approved by the Honourable the President, of six Members to serve on a Standing Committee on Roads which will be appointed by the Governor General in Council and the constitution and functions of which shall be as defined in the Resolution on Road Development adopted by the Assembly on the 4th February, 1930."

The need for the election of this Committee arises, Sir, from the election of the new Legislative Assembly.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move for leave to introduce a Bill further to amend the Cantonments Act, 1924, for certain purposes.

The motion was adopted.

Mr. G. M. Young: Sir, I introduce the Bill.

THE INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): I move for leave to introduce a Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.

The motion was adopted.

Mr. G. M. Young: Sir, I introduce the Bill.

THE AUXILIARY FORCE (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move for leave to introduce a Bill further to amend the Auxiliary Force Act, 1920, for a certain purpose.

The motion was adopted.

Mr. G. M. Young: Sir, I introduce the Bill.

THE VIZAGAPATAM PORT BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to make special provision for the administration of the port of Vizagapatam.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move for leave to introduce a Bill to give effect in British India to the Treaty for the Limitation and Reduction of Naval Armament.

The motion was adopted.

Mr. G. M. Young: Sir, I introduce the Bill.

THE GOLD THREAD INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to provide for the fostering and development of the gold thread industry in British India.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

THE STEEL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I introduce the Bill.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ, THE SALT INDUSTRY COMMITTEE, AND THE STANDING COMMITTEE ON ROADS.

Mr. President: I may inform Members that nominations for the purpose of election of Members to the Standing Committee on Pilgrimage to the Hedjaz will be received in the Assembly office up to 12 noon on

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Tuesday the 27th January, while nominations for the Salt Industry Committee and the Standing Committee on Roads will be received up to 12 noon on Thursday the 29th January, 1931. The election for the Standing Committee on Pilgrimage to the Hedjaz will be held in this Chamber on Wednesday the 28th January, while the elections for the Salt Industry Committee and the Standing Committee on Roads will take place on Monday the 2nd February, 1931. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 27th January, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 27th January, 1931.

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

QUESTIONS AND ANSWERS.

NON-GRANT OF A HOLIDAY FOR THE GENERAL ELECTION TO EMPLOYEES OF THE SURVEY OF INDIA AT DEHRA DUN AND MUSSOORIE.

37. ***Kunwar Hajee Ismail Ali Khan:** (a) Is it a fact that there was a general holiday in the United Provinces on 26th and 27th September 1930, for general elections?

(b) If the answer to part (a) is in the affirmative, will Government kindly inform the Assembly, why it was not observed by the Survey of India in Dehra Dun and Mussoorie on 26th September 1930, when the Muhammadan election took place, and why the Muhammadan employees of the Survey of India were deprived from recording their votes in the general election?

(c) If the answer to part (a) is in the negative, will Government be pleased to state why the instructions were not issued to the Survey of India to observe the holiday with the other United Provinces Government Departments?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The 26th and 27th September, 1930, were declared as public holidays by the Government of the United Provinces.

(b) and (c). The offices of the Survey of India are under the Central Government and do not necessarily observe the holidays sanctioned by the Governments of the provinces in which those offices are situated. The offices of the Geodetic Branch, Survey of India, Dehra Dun, were, however, closed and every facility was allowed for voting. The offices of the Survey of India at Mussoorie were closed on the 27th September. They are in close proximity to the Municipal Office, which was the polling centre, and as polling began from 7 a.m., every employee had ample opportunity of recording his vote on the way to office even on the 26th September.

ASSAULT AND ARREST OF MEMBERS OF A JATHA FROM THE GURUKUL KANGRI UNIVERSITY.

38. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that about the first week of August last, a Jatha from Gurukul Kangri University with about 150 volunteers, while proceeding to Roorkee was intercepted by the Military, and assaulted with lathis, under orders of a Subadar-Major, in course of which about 120 persons received injuries, and volunteers including some ladies were also arrested, but all were subsequently released?

(b) Under what law or authority did the Military act in this matter; and if they were in the wrong, what steps, if any, have been taken?

The Honourable Sir James Crerar: I have called for the facts from the Local Government and will give the Honourable Member the information in due course.

CLOSING OF A DISPENSARY FOR THE TREATMENT OF CONGRESS VOLUNTEERS AT CHARSADDA.

39. ***Mr. Gaya Prasad Singh:** Is it a fact that in Charsadda (N. W. Frontier Province) a dispensary was started by Dr. Khan Saheb, brother of Khan Saheb Abdul Guffar Khan, to render medical assistance to injured volunteers and other persons, but on or about the 5th August, 1930, the Assistant Commissioner with the Superintendent of Police, arrived at the dispensary and served a notice under Sec. 144, Criminal Procedure Code, to close the dispensary, with the result that the injured volunteers who were in it had to be transferred to the Civil Hospital, from where they were turned out the next day?

Will Government kindly lay on the table a copy of the order under section 144, Criminal Procedure Code, and also state why was all this done?

The Honourable Sir James Orerar: It is a fact that a building for the ostensible purpose of a temporary dispensary for picketers was opened at Charsadda by certain persons who sympathised with their activities. There is already a Local Fund dispensary close to Charsadda town, and as there was a likelihood that the new dispensary was intended to be used as a focus for further anti-Government demonstrations, and there was clearly no necessity for two dispensaries in the same locality, an order was issued under section 144, Criminal Procedure Code, for the closure of the temporary dispensary. Such closure was however rendered unnecessary by the fact that the organisers agreed to send their friends to the ordinary hospital. When the alleged sufferers were examined by the Chief Medical Officer, it transpired that three persons only had sustained injuries sufficiently serious to justify their retention as in-patients. The remainder were therefore discharged.

A copy of the order under section 144, Criminal Procedure Code, is laid on the table. The circumstances under which it was considered necessary to issue the order are as explained.

Copy of order under section 144, Criminal Procedure Code.

Whereas, information has been received that a timber yard or "Chapper" belonging to Mian Ashraf and Mian Akbar Shah of Prang close to Charsadda village is being used ostensibly as a dispensary for the purpose of treating persons for injuries received while picketting the liquor shop in the Charsadda Bazaar;

and whereas the continued existence of this dispensary will have the effect of encouraging other persons to disobey the Law by picketting the liquor shop, and is therefore likely to cause a disturbance of the public tranquillity;

and whereas, ample medical facilities provided by Government already exist in Charsadda at which free treatment can be readily obtained by any person who may at any time or for any cause be injured;

and whereas, a state of unrest prevails in Charsadda Sub-Division at the present time, owing to the illegal activities of those persons who are prompting the picketting of the liquor shop in Charsadda;

Therefore, I, Captain G. L. Mallam, Sub-Divisional Magistrate, Charsadda, hereby direct that the said timber yard or "Chapper" belonging to Mian Ashraf and Mian Akbar Shah, shall not be used either by those persons or by any other members of the public as a dispensary or hospital for the said purpose, for a period of two months from the date of this order.

(Sd.) G. L. MALLAM, Captain,
Sub-Divisional Magistrate.

CHARSADDA,
The 5th August, 1930.

EVACUATION OF VILLAGES AROUND PESHAWAR.

40. ***Mr. Gaya Prasad Singh:** Is it a fact that all villages within a radius of about 6 miles round Peshawar have been ordered to be evacuated by the villagers under martial law? If so, why; and has compensation been paid to the villagers; and if so, how much? Where have such villagers been settled?

Mr. J. G. Acheson: No such order has been issued, Sir. The latter part of the question, therefore, does not arise.

NUMBER OF PERSONS DEALT WITH UNDER THE PREVENTION OF INTIMIDATION ORDINANCE.

41. ***Mr. Gaya Prasad Singh:** Will Government kindly state province by province the total number of persons dealt with under the Prevention of Intimidation Ordinance, 1930?

The Honourable Sir James Orerar: I have only approximate figures of the number convicted under the Ordinance.

I lay a statement on the table.

STATEMENT.

Province.	Approximate number of persons convicted under the Prevention of Intimidation Ordinance, 1930, V of 1930.	Date up to which figures have been collected.
1	2	3
Madras	Nil.	..
Bombay	2,750	18th November 1930.
Bengal	4,640	20th November 1930.
United Provinces	2,719	16th November 1930.
Punjab	1,191	17th November 1930.
Burma	Nil.	..
Bihar and Orissa	6,682	31st October 1930.
Central Provinces	296	1st November 1930.
Assam	800	17th November 1930.
North-West Frontier Province	135	31st October 1930.
Delhi	262	19th November 1930.
Coorg	Nil.	..
Total	19,475	

DATE OF ARREST AND DETENTION OF LALA SHANKER LAL AND MAULANA ABDULLA.

42. ***Mr. Gaya Prasad Singh:** Will Government kindly state the date on which Lala Shanker Lal, President, Delhi Congress Committee, and Maulana Abdulla, Congress "Dictator", Delhi, were arrested in August, 1930, and on what date were they first produced before any Magistrate? And where were they kept between the date of their arrest and their first production before a Magistrate?

The Honourable Sir James Orerar: Maulvi Abdulla and Lala Shanker Lal were arrested on the 21st and 23rd August last respectively. The former was produced before a Magistrate on the 23rd August and the latter on the 24th August. They were meanwhile kept in the judicial lock-up.

ARREST OF GULAM MOHAMMAD AND ABDUL WARRIS.

43. ***Mr. Gaya Prasad Singh:** Is it a fact that Gulam Mahomed Muhajir alias Aziz, who had proceeded to Kabul during the Hijrat movement, and his companion Abdul Warris, who returned from Russia, after about 10 years, and were engaged in business connected with the firm named Eastern Trading House and Mohamad Brothers, in Amritsar, were arrested and interned under orders of the Government of India in August last? If so, under what charge, and what is the evidence in support of the charge, if any? And why were they not prosecuted under the ordinary law?

The Honourable Sir James Orerar: Gulam Mahomed Aziz and Abdul Warris have been placed under restraint under Regulation III. Government were fully satisfied, on grounds which it would not be in the public interest to divulge, that they were involved in communist and revolutionary activities of a very dangerous character.

WITHHOLDING OF A PORTION OF THE GRANT MADE TO THE BENARES HINDU UNIVERSITY.

44. ***Mr. Gaya Prasad Singh:** Is it a fact that out of the 15 lakhs of rupees which was sanctioned for grant to the Benares Hindu University, Rs. 5 lakhs were paid as the first instalment, but the second instalment of Rs. 5 lakhs which should have been paid in May last has not yet been paid; but a C. I. D. Officer was deputed to enquire into its affairs? Has the second instalment been yet paid to the University? Can a copy of the report of the C. I. D. or any other officer deputed be placed on the table; and will Government kindly make a statement on this subject?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: A non-recurring grant of Rs. 15 lakhs, payable in three instalments, viz., Rs. 3 lakhs in 1929-30, and Rs. 6 lakhs in each of the years 1930-31 and 1931-32, was sanctioned in 1929, for the Benares Hindu University. The first instalment was paid in September, 1929. The payment of the second instalment was deferred pending the receipt of certain information which was called for regarding the financial and general administration of the University. Government have no information that a C. I. D. officer has been deputed to enquire into the affairs of the University, and consequently have no such reports to place on the table. Government have

been as anxious as the Honourable Member to see the University flourish and serve the best educational interests of the great community for which it was founded.

The information called for has been received and, considered. The first instalment of the annual recurring grant to the University will be paid now, and the second instalment in March next. The second instalment of the non-recurring grant will be paid as soon as the University authorities have satisfied Government that the stipulation in regard to reduction of indebtedness, which was laid down when the grant was sanctioned, has been complied with.

Dr. Ziauddin Ahmad: Will the Honourable Member be pleased to mention the points on which he wants the Benares University to satisfy the Government?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have mentioned it—stipulation in regard to the reduction of indebtedness.

WIRELESS TELEPHONE SERVICE BETWEEN INDIA AND ENGLAND.

45. ***Mr. Gaya Prasad Singh:** Has any wireless 'phone service been opened between India and England? If so, since when? Is it a private company, or State-owned? Has it cost any money to the Indian revenues; if so, how much?

Mr. J. A. Shillidy: The answer to the first part of the question is in the negative. The other parts do not therefore arise.

WITHHOLDING OF TELEGRAMS INQUIRING ABOUT THE HEALTH OF PANDIT MOTILAL NEHRU.

46. ***Mr. Gaya Prasad Singh:** Is it a fact that telegrams enquiring about the health of Pandit Motilal Nehru in September last, were intercepted, and not allowed to be delivered at Anand Bhawan, Allahabad? If so, how many of such telegrams were withheld, and why? Has money been refunded to those who sent the telegrams?

Mr. J. A. Shillidy: Yes, three such telegrams were stopped in the month of September, 1930, under proper authority. The charges recovered on the telegrams were not refunded to the senders.

LISTENING IN TO TELEPHONE MESSAGES TO AND FROM THE CONGRESS OFFICE.

47. ***Mr. Gaya Prasad Singh:** Is it a fact that some officers or other persons have been, or were, deputed to the Delhi Telephone Exchange Office to listen to all talks that take place on the 'phone between the Congress office, the *Hindustan Times*, the *Arjun* and the *Tej* offices, and certain Congressmen? If so, under what law, and why?

The Honourable Sir James Orerar: For reasons which I think the Honourable Member will appreciate, I am unable to give any information as to the occasions on which the police may, for detective purposes, have listened in. I am not aware of any provision of law which renders such action illegal.

LIST OF DELEGATES TO THE ROUND TABLE CONFERENCE.

48. *Mr. Gaya Prasad Singh: Will Government kindly place on the table a statement showing the names (and provinces) of those who actually attended the Round Table Conference in London; and also a list of those, who declined the invitation? What is the approximate expenditure incurred up to date on this Conference?

The Honourable Sir George Rainy: I place on the table a list of delegates for British India who attended the Round Table Conference, but I am unable to give the Honourable Member any information as regards the second part of his question. The expenditure incurred in India in connection with the Round Table Conference is approximately Rs. 1,96,796-6, but no information is at present available as to the expenditure incurred in England as the charges will be finally adjusted in the Home Accounts.

List of British India Delegates.

Names.	Addresses in India.
1. His Highness the Aga Khan, G.C.S.I., G.C.I.E., G.C.V.O.	Bombay.
2. Sir C. P. Ramaswami Aiyar, K.C.I.E.	Madras.
3. Maulana Muhammad Ali*	Delhi.
4. Dr. Bhim Rao Ramji Ambedkar	Bombay.
5. U Aung Thin, K.S.M.	Mandalay.
6. U Ba Pe	Rangoon.
7. Srijiut Chandradhar Barooah	Jorhat.
8. Mr. J. N. Basu	Calcutta.
9. Sir Shah Nawaz Khan Ghulam Murtaza Khan Bhutto, C.I.E., O.B.E.	Larkana.
10. Sir Hubert Carr	Calcutta.
11. Mr. C. Y. Chintamani	Allahabad.
12. Captain Nawab Sir Muhammad Ahmad Said Khan of Chhitari, K.C.I.E., M.B.E.	Lucknow.
13. Maharajadhiraja Kameshwar Prasad Singh of Darbhanga	Darbhanga.
14. Captain Raja Sher Muhammad Khan of Domeli	Jhelum.
15. Mr. A. K. Fazl-ul-Haq	Calcutta.
16. Mr. M. M. Ohn Ghine.	Rangoon.
17. Mr. A. H. Ghuznavi	Calcutta.
18. Lt.-Col. H. A. J. Gidney, I.M.S. (ret'd.).	Calcutta.
19. Sir O. de Glanville, C.I.E., O.B.E.	Rangoon.
20. Khan Bahadur Hafiz Hidayat Husain.	Cawnpore.
21. Mr. Bhaskarrao Vithojirao Jadhav	Bombay.
22. Mr. M. R. Jayakar	Bombay.
23. Sir Cowasji Jehangir (Junior), K.C.I.E., O.B.E.	Bombay.
24. Mr. M. A. Jinnah	Bombay.
25. Mr. T. F. Gavin Jones.	Cawnpore.
26. Mr. N. M. Joshi, C.I.E.	Bombay.
27. Dr. Narendra Nath Law	Calcutta.
28. Sir Bhupendra Nath Mitra, K.C.S.I., K.C.I.E., C.B.E.	Poona.

* Died—4th January, 1931.

List of British India Delegates—contd.

Names.	Addresses in India.
29. Sir Provash Chandra Mitter, Kt., C.I.E.	Calcutta.
30. Mr. H. P. Mody	Bombay.
31. Dr. B. S. Moonje	Nagpur.
32. Diwan Bahadur Ramaswami Mudaliyar Avargal	Madras.
33. Nawab Sir Abdul Qaiyum Khan, K.C.I.E.	Peshawar.
34. Diwan Bahadur Raja Narendra Nath	Lahore.
35. Rao Bahadur A. T. Pannirselvam	Tanjore.
36. Raja Sri Sri Krishna Chandra [Gajapati Narayana Deo, Raja of Parlakimedi]	Parlakimedi, Ganjam Dist.
37. Rao Bahadur Sir Annepu Parasuramdas Patro Garu, Kt.	Madras.
38. Mr. K. T. Paul, O.B.E.	Salem.
39. Sir Ghulam Hussain Hidayatullah, Kt.	Bombay.
40. Diwan Bahadur M. Rama Chandra Rao	Ellore, West Godavari District.
41. Mr. B. Shiva Rao	Madras.
42. Sir Saiyid Sultan Ahmed	Patna.
43. Sir Tej Bahadur Sapru, K.C.S.I.	Allahabad.
44. Sir Muhammad Shafi, K.C.S.I., C.I.E.	Lahore.
45. Sardar Sampuran Singh	Lyallpur.
46. Right Hon'ble Srinivasa Sastri, C.H.	Madras.
47. Sir Chimanlal Setalvad, K.C.I.E.	Bombay.
48. Rai Bahadur Kunwar Bisheshwar Dayal Seth	Biswan, District Sitapur.
49. Sir Pheroze C. Sethna, O.B.E.	Bombay.
50. Dr. Shafa'at Ahmad Khan	Allahabad.
51. Mrs. Shah Nawaz	Lahore.
52. M. R. Ry. Rao Bahadur Srinivasan Avargal	Poonamalle Cantonment, Chingleput District.
53. Mrs. Subbarayan	Madras.
54. Mr. Shripad Balwant Tambe	Nagpur.
55. Sardar Sahib Sardar Ujjal Singh	Mian Channu, District Multan.
56. Sir C. E. Wood	Madras.
57. Chaudhri Zafrullah Khan	Lahore.

CIRCULAR re APPLICATION OF THE SARDA MARRIAGE ACT.

49. *Mr. Gaya Prasad Singh: Have Government issued any circular to the Local Governments, regarding the application of the Sarda Marriage Act? If so, what is its purport, and can a copy be laid on the table?

The Honourable Sir James Orerar: The answer to the first part of the question is in the affirmative. The purport of the communication was that the Act, on coming into operation, should be administered with due care and discretion. The communication was confidential and I regret that I am unable to lay it on the table.

VALUE OF PROPERTIES TAKEN POSSESSION OF UNDER THE UNLAWFUL ASSOCIATION ORDINANCE.

50. *Mr. Gaya Prasad Singh: Will Government kindly place on the table a statement showing separately for different provinces, an approximate value of moveable and immovable properties taken possession of by Government, under the Unlawful Association Ordinance, 1930, and the way of the disposal of such properties?

The Honourable Sir James Orerar: The information is being collected and will be supplied to the Honourable Member in due course.

DETENTION AT THE ALLAHABAD POST OFFICE OF PACKETS OF THE *Bhavishya*.

51. *Mr. Gaya Prasad Singh: Is it a fact that about 22,000 copies of the first issue of the *Bhavishya*, a Hindi weekly of Allahabad were detained in the Allahabad Post Office, on or about the 3rd October, 1930; but the packets were released on or about the 14th October, for despatch? If so, why, and under whose orders were they detained, and subsequently released? Do Government propose to inquire into this matter, and take steps to prevent a recurrence of such interference?

Mr. J. A. Shikidy: The Postmaster, Allahabad, acted under section 27 B (1) of the Indian Post Office Act, but as notice has been given on behalf of the Editor, Printer and Publisher of the *Bhavishya* of his intention to file a suit in the event of Government declining to pay a stated sum as damages, Government regret that they are unable to give any further information in regard to a matter which may very shortly come under adjudication by a court of law.

INCREASE OF THE PAY OF RAILWAY SUBORDINATES.

52. *Mr. C. S. Ranga Iyer: (a) Will Government be pleased to state if they are aware of the discontent among the subordinate employees in the Indian railways regarding the insufficiency of their pay?

(b) Are Government prepared to consider the advisability of a general increase of the scale of pay of the railway subordinate employees?

The Honourable Sir George Rainy: (a) Government have been aware for some time past that there has been, on particular railways, discontent in regard to the rates of pay of the lowest paid establishments. During the last two years the question of improving the scales of pay of these classes of establishments has been systematically examined and revised rates have been introduced on certain railways. As regards the rest of the subordinate establishments, representations have been received from, or on behalf of, individual classes of subordinate employees, but Government are not aware of any general discontent among them regarding the insufficiency of their pay.

The reduction in the cost of living brought about by the serious fall in prices must in fact have benefited all classes of subordinate establishments.

(b) Government are not prepared to consider a general increase in the pay of the subordinate railway employees. It is proposed, however, to make an investigation into the suitability of the existing rates with a view to making such revision as may be desirable and feasible.

Mr. C. S. Ranga Iyer: Will Government be pleased to consider the desirability of appointing a Commission of Inquiry to go into the grievances of the subordinate employees on the Indian Railways?

The Honourable Sir George Rainy: No, Sir; I do not think that any case for a Committee of Inquiry has been made out. The Railway Board during the last two years have been examining not only questions of pay but all the questions which have been represented by the Railwaymen's Federation, and a procedure has been established by which half-yearly meetings are held, when all these subjects are discussed between the deputation from the Federation and the Members of the Railway Board. I think that procedure is working well, and I do not think that we should make any more rapid progress by a Committee of Inquiry.

REPRESENTATIONS MADE BY STRIKERS ON THE GREAT INDIAN PENINSULA RAILWAY.

53. *Mr. C. S. Ranga Iyer: Will Government be pleased to state (a) whether any representations have been made to them on behalf of the Great Indian Peninsula Railway strikers, (b) the nature and terms of the said representations, and (c) the result of those representations?

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

(b) and (c). A copy of Railway Board's letter No. 269-L., dated 24th December, 1930, which states the representations made by the All-India Railwaymen's Federation, and the action taken by the Railway Board, has been placed in the Library of the House, and I am sending a copy to the Honourable Member.

RAILWAY STATION FACILITIES AT Bijnor.

54. *Mr. C. S. Ranga Iyer: (a) Has the attention of Government been drawn to the following observations of His Excellency Sir George Lambert, the Governor of the United Provinces, at Bijnor as reported in the *Leader*, dated December, 18th (page 18):

"(Railway) Station facilities will come when the line begins to pay its way"?

(b) Will Government be pleased to state whether the United Provinces Government have made any representations to the Government of India regarding the lack of station facilities at Bijnor?

(c) Are Government aware that during the Ganges mela, thousands of pilgrims go to the Bijnor District every year?

(d) Are Government aware that in Gunj (District Bijnor) are the famous pilgrim centres such as "Vidur Kuti" mentioned in *Mahabharata*?

(e) Do Government propose to take steps to give sufficient publicity to the fact that District Bijnor contains such important pilgrim centres and sacred places like *Vidur Kuti*, *Tapo Van*, etc.?

(f) Have Government considered the question of improving railway station facilities in Bijnor as early as practicable?

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

(b) No.

(c) Yes.

(d) Yes.

(e) Steps will be taken by the East Indian Railway Administration to advertise such sacred places in the Bijnor District as are not purely of local interest.

(f) The question of providing additional facilities will be considered as funds become available.

NUMBER OF PERSONS CONVICTED FOR POLITICAL OFFENCES.

55. ***Mr. C. S. Ranga Iyer:** (a) Has the attention of Government been drawn to Reuter's telegram dated London, November 3rd, 1930, *apropos* the Secretary of State for India having "circulated figures showing that the number of persons convicted of offences not involving violence committed in connexion with political movements who were in jails in India totalled twenty-three thousand one hundred and thirty-six" and that the date of the returns varied from province to province, but it was generally about the end of August?

(b) Will Government be pleased to state the total number of persons convicted of offences not involving violence up to the present date?

(c) Will Government be pleased to state the total number of Political prisoners "convicted of offences involving violence" till today?

(d) Will Government be further pleased to state the total number of prisoners released after their having tendered apologies or given undertakings not to take part in political movements?

The Honourable Sir James Orerar: (a) Yes.

(b) and (d). Two statements are laid on the table. The first of these relates to figures of persons convicted of offences in connection with the civil disobedience movement whether involving violence or not.

(c) I am not sure to what class of prisoners the Honourable Member is referring. If he desires figures of persons convicted of offences in furtherance of the terrorist movement, I will send him the information as soon as it has been collected.

Statement showing the number of persons sentenced to imprisonment from 6th April 1930 to 31st December 1930 (as reported by Local Governments) for offences connected with the Civil Disobedience Movement.

Madras	3,998
Bombay	9,732
Bengal	11,468
United Provinces	7,806
Punjab	3,561
Burma	
Bihar and Orissa	10,899
Central Provinces	3,861
Assam	1,089
North-West Frontier Province	761
Coorg	6
Delhi	1,073
	54,049

QUESTIONS AND ANSWERS.

Statement showing number of persons (convicted or under trial) released on giving apology up to the end of December, 1930.

Madras	1,304
Bombay	409
Bengal	3,033*
United Provinces	2,299
Punjab	961
Burma	
Bihar and Orissa	1,612
Central Provinces	828
Assam	138
North-West Frontier Province	438
Coorg	
Delhi	181
	11,263

* The figures are up to 21st December 1930.

DECLINE OF BRITISH TRADE WITH INDIA.

56. ***Mr. C. S. Ranga Iyer:** (a) Has the attention of Government been drawn to the statement of the Secretary of State in the House of Commons on November 3rd, 1930, that the figures of British trade with India showed that the exports to India in July, August and September, 1930, for commodities representing 70 per cent. of the total trade amounted to £2,720,000, £2,027,000 and £1,491,000 respectively, compared with £4,611,000, £4,714,000 and £3,728,000 in the corresponding months of 1929?

(b) Will Government be pleased to give the comparative figures for the subsequent period, namely, for October, November and December?

(c) Will Government be pleased to state whether they have explored the causes of this decline?

(d) If the answer to part (c) is "Yes", what is the result of the exploration?

(e) If the answer to part (c) is in the negative, will Government be pleased to state whether they intend to appoint a committee of enquiry? If not, why not?

The Honourable Sir George Rainy: (a) Yes.

(b) Figures strictly comparable with those given by the Secretary of State cannot be supplied, but a statement is laid on the table showing comparative figures of the total trade between India and the United Kingdom during July to November of this and last year. Figures for December, 1930, are not yet available.

(c) Yes.

(d) The decline in India's trade with the United Kingdom, as with other foreign markets, is attributable generally to the existing world trade depression, the heavy and universal slump in prices of commodities and the disturbed political conditions in India.

(e) Does not arise.

Statements showing the trade between India and the United Kingdom.

Months.	Imports into India.		Exports from India.	
	1930.	1929.	1930.	1929.
	(000)	(000)	(000)	(000)
July	Rs. 5,22,07 or £3,916	Rs. 8,03,72 or £6,028	Rs. 6,08,16 or £4,561	Rs. 5,35,82 or £4,019
August	Rs. 5,30,70 or £3,980	Rs. 8,46,63 or £6,350	Rs. 5,08,77 or £3,816	Rs. 7,58,00 or £5,685
September	Rs. 3,93,63 or £2,952	Rs. 8,22,28 or £6,167	Rs. 5,05,88 or £3,795	Rs. 6,43,06 or £4,823
October	Rs. 4,37,77 or £3,283	Rs. 8,09,97 or £6,075	Rs. 4,98,78 or £3,741	Rs. 7,80,22 or £5,852
November	Rs. 4,05,82 or £3,044	Rs. 8,82,30 or £6,617	Rs. 4,50,02 or £3,375	Rs. 7,61,46 or £5,711

THE INDIAN PROBLEM IN KENYA.

57. *Mr. C. S. Ranga Iyer: (a) Has the attention of Government been drawn to the statement of the Secretary of State for India (November 8rd, 1930), in the House of Commons that he was communicating with the Government of India with regard to the presentation of its views, to the Joint Committee of Parliament, relating to the Indian problem in Kenya?

(b) Have Government communicated their views to the Secretary of State? If "yes", will Government be pleased to communicate them to this House?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Yes. As regards the second part, I trust the Honourable Member will excuse me if I cannot comply with his wishes.

Mr. B. Das: Will the Honourable Member give us some idea what stage the position of the Indians in Kenya is at present?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Does the Honourable Member wish that information with reference to the constitutional question or with reference to their position other than constitutional?

Mr. B. Das: There is only one question, and that is the position of equality of status of Indians in Kenya.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The White Paper was published. That Paper still holds the field. The matter is now in the hands of the Joint Committee which is sitting. In that Committee evidence is being taken, and we have instructed our representative to be ready to give evidence there when called upon to do so.

GRANT OF PENSIONS TO POSTAL PORTERS AND RUNNERS.

58. *Mr. C. S. Ranga Iyer: Will Government be pleased to state if their attention has been drawn to the resolution unanimously adopted at the Ninth Session of the United Provinces Provincial Postal and R. M. S. Conference held at Allahabad in October, 1930, urging upon the Government the granting of pensions of half-pay to the porters and runners of the Postal and R. M. S. Service and if so, whether they propose to grant them the same and if not, why not?

Mr. J. A. Shillidy: Yes, the resolution refers to all inferior servants of the Post Office and Railway Mail Service. The pensionary conditions of inferior servants of the Posts and Telegraphs Department are under examination by Government.

INAUGURATION OF AN INDIAN STATE AIR MAIL SERVICE.

59. *Mr. C. S. Ranga Iyer: Will Government be pleased to make a statement regarding the inauguration of the Indian State Air Mail Service and matters connected therewith with reference to:

(a) the delay to inaugurate the said service and the causes for the same; and

(b) what the expenses will be in connexion with the purchase of machines, building of aerodromes and the provision of other equipments?

Mr. J. A. Shillidy: (a) The delay in the inauguration of the Indian State Air Service has been due to a change of policy in regard to the type of aircraft to be used.

(b) The construction of aerodromes on the route to be operated by the Indian State Air Service has already been completed. The amount to be provided in the coming Budget is still under discussion, and I must ask the Honourable Member to wait for figures until the Demands for Grants are prepared.

REFUSAL OF PERMISSION TO IMPERIAL AIRWAYS TO RUN AN AIR SERVICE IN INDIA.

60. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

(a) if it is a fact that they refused to grant the Imperial Airways permission to run an air service in the country and if "yes", why?

(b) if their attention has been drawn to questions in Parliament criticising the refusal?

(c) if any correspondence has passed between the Government of India and His Majesty's Government?

(d) if the answer to part (c) be in the affirmative, to place the said correspondence on the table? If not, why not?

Mr. J. A. Shillidy: (a) No.

(b) Does not arise.

(c) Yes.

(d) It is considered that it would not be in the public interest to place the correspondence on the table.

MACHINES USED FOR THE INDIAN AIR MAIL SERVICE.

61. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:
- if they have abandoned their original preference for small-sized machines in connexion with the Indian Air Mails and if "yes" why?
 - if it is a fact that they had first preferred the use of small machines?
 - whether their confining the Indian State Air Mail Service to India only would not have necessitated the use of the larger machines?
 - whether it is a fact that their undertaking to transport the trans-Indian service was responsible for the decision to use the bigger machine?

Mr. J. A. Shillidy: (a), (b), (c) and (d). The original intention of the Government of India was to utilise aircraft of small carrying capacity for the Indian State Air Service and to undertake the carriage of mails only. They have, however, now decided to employ aircraft of greater capacity which will carry passengers, goods and mails in connection with the service from England to India.

DELAY IN INAUGURATION OF THE INDIAN AIR MAIL SERVICE.

62. *Mr. C. S. Ranga Iyer: (a) Will Government be pleased to state if they are aware of the disappointment in England and India caused by the delay to inaugurate the Indian State Air Mail Service?
- (b) When will the said service be actually inaugurated?

Mr. J. A. Shillidy: (a) and (b). Representations from various bodies in India urging the inauguration of the Indian State Air Service have been received from time to time. Government are in full sympathy with these representations and hope that, if the necessary funds can be made available, the service will be inaugurated before the end of the next financial year.

Dr. Ziauddin Ahmad: Are the Government providing some funds in the current Budget for this purpose?

Mr. J. A. Shillidy: I think I have already said there were funds provided in the Budget, but the policy was changed. I explained that in answer to a previous question by Mr. Ranga Iyer.

FORMATION OF A SEPARATE ORISSA PROVINCE.

63. *Mr. B. N. Misra: (a) Are Government aware that both the Governments of Bihar and Orissa and Madras have suspended construction and other works in Orissa and Ganjam and cannot solve several other questions in their Provinces pending the question of the formation of a separate Province for Oriya-speaking tracts?

(b) Will Government be pleased to state the earliest date by which they propose to appoint the Boundary Commission for the said purpose?

(c) With reference to the reply given by Government to my starred question No. 138, in the last Simla session of the Assembly on the 15th July, 1930, regarding the formation of the Orissa Province, will Government

now be pleased to state the scope and nature of the inquiry to be made by the Boundary Commission or Committee for making a separate Province for Orissa and outlying Oriya-speaking tracts?

The Honourable Sir George Rainy: (a) Government have no information on the subject.

(b) and (c). In paragraph 21 of their despatch the Government of India emphasized the need for the appointment of a boundary Commission at the earliest possible date, and for an expeditious solution of the problem. We have not yet received the decision of His Majesty's Government on this proposal and are therefore unable to give a categorical answer to the question.

INCLUSION OF THE VIZAGAPATAM AGENCY IN THE PROPOSED ORISSA PROVINCE.

64. *Mr. B. N. Misra: (a) Are Government aware of the proceedings of the public meeting of the Oriyas in the Utkal Samaj Hall, Vizagapatam, on the 7th December, 1930, (i) deprecating the finding of the Sub-Committee of the Simon Commission in not considering the question of including the Vizagapatam Agency (Jeypore) in the formation of the Orissa Province; and (ii) requesting the Government to entrust the case of Vizagapatam Agency to the proposed Boundary Commission for the Oriya-speaking tracts?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state whether they intend to refer the case of the Vizagapatam Agency or Jeypore Oriyas to the Boundary Commission?

(c) Are Government aware that there are several other outlying Oriya-speaking Tracts adjacent to Orissa proper besides what has been shown in the map attached to Vol. II of the Simon Commission's Report?

(d) Will all such questions, including the question of Khonds and Savaras in those areas who have no written script and who are being civilised and are receiving education through the medium of the Oriya language in Oriya schools, be referred to the Boundary Commission?

The Honourable Sir George Rainy: (a) The answer is in the affirmative.

(b) and (d). I would refer the Honourable Member to the reply I have given to question No. 63.

(c) As far as Government are aware, the map is accurate within its limits, but it only purports to be a skeleton map.

EXTRA BOUNTY PAID ON THE RAILS MADE BY THE TATA IRON AND STEEL COMPANY.

65. *Mr. B. Das: (a) Will Government be pleased to state the reasons that led them to allow Rs. 20 per ton extra as bounty on Tata rails?

(b) What is the extra money paid thus on Tata rails:

(i) till the end of December, 1930; and

(ii) that Government anticipate to pay till the end of March, 1931?

The Honourable Sir George Rainy: (a) The attention of the Honourable Member is invited to the Commerce Department Resolution No. 260-T. (124), dated the 1st December 1930, which was published in the Gazette of India dated the 6th December, 1930.

(b) Instructions for the additional payment of Rs. 20 per ton were issued to the Railways only on the 9th January. The extra payment till the end of March, 1931, is estimated at Rs. 17½ lakhs.

TONNAGE OF INDIAN AND FOREIGN RAILS PURCHASED IN INDIA.

66. *Mr. B. Das: (a) Will Government be pleased to state the tonnage of rails, with prices paid, purchased during the years 1927-28, 1928-29, 1929-30 and 1930-31 (up to December 1930):

- (i) of Indian manufacture,
- (ii) of foreign manufacture?

(b) Do the above figures include rails purchased by Company-managed railways? If not, will Government be pleased to give figures of tonnage with prices for those railways for the above-mentioned years?

Mr. A. A. L. Parsons: (a) On the information at present in the possession of the Railway Board, the figures for which the Honourable Member asks are as follows:

(i) That is, of Indian manufacture in 1927-28	182,608 tons at Rs. 110 a ton,
1928-29	59,548 " " Rs. 110 " "
1929-30	108,071 " " Rs. 110, and 8,688 at Rs. 120 a ton.
1930-31	92,170 tons at Rs. 130 a ton.
(ii) That is, of foreign manufacture in 1927-28	811 tons; the price is not known.
1928-29	10,000 tons; 7,000 tons.

were supplied at a rate of Rs. 134-4-0 landed in India. The price of the balance, which was for the Burma Railways, is not known.

In 1929-30 754 tons; the price is not known.

In 1930-31 801 tons; the price is not known.

If the Honourable Member wishes, I will ascertain for him the prices at which the small quantities of foreign rails purchased in 1927-28, 1929-30 and 1930-31 and the balance of purchases in 1928-29 were obtained.

(b) These figures include rails purchased by Company-managed railways. I should explain that the purchases of rails of foreign manufacture in 1928-29 were authorised owing to a strike in the works of the Tata Iron and Steel Company, and those of the rails in 1929-30 and 1930-31 because they were of a non-standard section not rolled by the Tata Iron and Steel Company.

2. I have given the Honourable Member the information that can be derived from the records in the Railway Board's office, because I expect he wishes to have it as quickly as possible, but it may not be absolutely exact with regard to purchases of rails of foreign manufacture in the earlier years. Enquiries have been made from Railway Administrations on this point and I will let the Honourable Member know if they result in any change in the figures.

EXTRA BOUNTY PAID ON RAILS MADE BY THE TATA IRON AND STEEL COMPANY.

67. *Mr. B. Das: (a) Will Government be pleased to state if the Tata Iron and Steel Co. approached them for the further grant of protection to Tata rails before the Government decided to sanction the extra bounty of Rs. 20 per ton?

(b) Were Government approached also in the matter of reference to the Tariff Board for further protection of the Tata rails?

(c) Will Government be pleased to lay on the table all correspondence that passed between the Tata Iron and Steel Co. and themselves on the subject?

The Honourable Sir George Rainy: (a) Messrs. Tata Sons, Limited, requested the Government of India to place with the Tata Iron and Steel Company additional orders for rails for delivery during the current year and to agree to a revision of the existing contract for rails in such a way as to increase the contract price.

(b) No.

(c) The correspondence is laid on the table.

Serial No. 1.—LETTER FROM MESSRS. TATA SONS, LIMITED, AGENTS, THE TATA IRON AND STEEL COMPANY, LIMITED, No. G-1092/30, DATED THE 12TH/14TH AUGUST 1930.

We wish to lay before you the following statement of the position of the Tata Iron and Steel Company arising from the shortage of orders for rails and to request your careful consideration of the important issues involved.

2. In their Report dated the 14th December 1926 the Tariff Board estimated that the Steel Company would, during the seven years, 1st April 1927 to 31st March 1934, receive orders for rails to an extent averaging, 195,000 tons per year. This was so much the largest item of the production estimated that the whole scheme for protection hinged very largely on the orders for rails. As against the above estimate, the orders which have been placed with the Steel Company for rails have been as follows:

	Tons.
1927-28	183,267
1928-29	131,203
1929-30	120,679
1930-31	88,498

The above figures include all orders received for first class rails from all railways, engineering firms, etc., in India and no deduction has been made for rails which in 1928-29 we agreed might be removed from our original order as a result of the labour troubles at Jamshedpur.

3. It will be seen that the orders fall so far short of the estimate of the Tariff Board as very seriously to affect the adequacy of the scheme of protection. You will probably agree that there is no reason to believe that the orders to be placed during the remaining three years of the protection scheme will bring the average for the seven years even reasonably near the estimated average of 195,000 tons. We wish to call special attention (a) to the statement towards the end of paragraph 109 of the Tariff Board's Report that "a reduction in the orders of rails by some 40,000 or 50,000 tons would raise the cost of production by several rupees", and (b) to the opinion expressed by the Railway Board in their letter of 25th September 1926 to the Tariff Board (page 2 of Volume V of Report of Statutory Enquiry, 1926) that "it would not be unreasonable for the Tariff Board to assume for their purposes that about 200,000 tons of rails will be required by Railways in India annually during the next five years". While we realise that the above opinion was qualified by reservations, the departure from the expectations based on it by the Tariff Board and the Steel Company has been so great as to create an entirely new position.

4. It was within the knowledge of the Tariff Board, when they made their recommendations, that we should not, at any rate during the first few years of the scheme, be in a position to make good any shortage in rail manufacture by rolling other material. This arises from the nature of our equipment and although we hope that from about the middle of next year we may be in a position to roll larger quantities of structural sections on our rail mill, we shall still continue to be seriously handicapped unless we receive orders for nearly 200,000 tons of rails. No increase of production during the remaining period of protection will of itself be able to make good the serious failure of the first four years.

5. In these circumstances we regret that we are compelled to request the Railway Department:

- A { (a) to place with us immediately additional orders for rails for delivery during the year ending 31st March, 1931, and to arrange that the orders for 1931-32 shall be not less than 200,000 tons; and
- B { (b) to agree to a revision of the seven years contract for rails dated the 16th October, 1928.

We deal with these two points in more detail below.

6. The manufacture of all the rails for which we have up to the present received orders for the year 1930-31 will be finished during next month. It will be impossible, during the remainder of the year, to roll any substantial quantity of other sections on this mill. It will further be impossible for the Company to occupy this mill fully on the manufacture of rails for stock to be supplied against the orders for 1931-32, as we have not the physical capacity for stocking six months' normal output of rails. Such a procedure would in any event involve us in a heavy burden by locking up much capital and would only accentuate the difficulty during 1931-32 if the orders for that year did not exceed 200,000 tons. We, therefore, request that orders be given to the Steel Company, at a very early date, for the supply of at least an additional 50,000 tons of rails during the current year and, later in the year, for not less than 200,000 tons for supply during 1931-32.

7. The essential terms of the present rail contract were laid down at a time and in circumstances which left us with no practical alternative but to accept them in the hope that our expectation of receiving orders for about 200,000 tons a year would be fulfilled, at any rate, to a reasonable extent. All our requests for flexibility in the important terms of the contract which might have benefited us were declined and we trust that, in view of the figures given above, you will agree that we have shown our willingness to adhere to the contract as long as was possible by deferring any application for its modification until the present time. We think that in view of the low demand for rails in the past and of the uncertainty of the future demand the Railway Board should agree that the prices payable for the rails should vary with the quantity ordered. So far as we are able to ascertain, the price of imported rails landed at an Indian port would, in normal conditions, be about Rs. 130 per ton. We think it reasonable that this price should be paid for rails ordered from the Steel Company if the total orders received by the Company in one year do not exceed 120,000 tons. In the ascertainment of the quantity ordered from the Steel Company we should include all first class rails ordered by railways other than those who are parties to our contract with the Railways. We should be prepared to accept the contract price of Rs. 110 per ton if our total orders exceeded 180,000 tons, and we suggest that, for intermediate quantities, the prices should be as indicated in the table below:

Total orders booked in one year.

	Price per ton.
Exceeding 180,000 tons	110
Exceeding 160,000 but not exceeding 180,000 tons	115
Exceeding 140,000 but not exceeding 160,000 tons	120
Exceeding 120,000 but not exceeding 140,000 tons	125
Not exceeding 120,000 tons	130

- C { 8. You will realize that the shortage of rail orders has also involved a shortage of orders for fishplates. As the quantities concerned are so much smaller, we do not propose to burden this letter with the figures, but you will realise that even a small falling off in the Company's earnings is of importance in the present circumstances. The Railways have also failed to come up to the Tariff Board's expectation in the matter of orders for steel sleepers which the Tariff Board anticipated would average 15,000 tons during the seven years, 1927-1934. Although we have approached all the Railways on the matter, the orders which we have been able to obtain have been as follows:

	Tons.
1927-28	5,000
1928-29	Nil.
1929-30	8,180
1930-31	Nil.

The result is that although we are in a position to make 20,000 tons of sleepers per year, our sleeper plant is now out of operation; nor are we in a position, in the present state of the market, to roll into other products the steel which we could convert into sleepers if orders were forthcoming.

9. We wish to emphasize the gravity of the position in which the Steel Company finds itself as a result of the breakdown of the scheme of protection. This breakdown is not confined to the items mentioned above. The present import prices of some of the other kinds of steel are substantially below those on which the import duties were based. In addition, the proportion of our steel which we have had to sell as non-standard steel, instead of as standard steel, is higher than was assumed by the Tariff Board, and, further, the fall in demand during the last year or two in some of the up-country markets has seriously reduced the Company's advantage below the figures which, so far as we can ascertain, were assumed by the Tariff Board.

10. In the course of the enquiry we asked the Tariff Board to make adequate allowance for the risk, which we considered might be serious, of labour troubles consequent upon an attempt to achieve the reduction in the number of workmen at Jamshedpur which was pressed upon us by the Board. It is within your knowledge that the fears which we expressed proved to be only too well founded and we need not elaborate the statement that the failure of the Tariff Board to make any allowance for this contingency has added very seriously to the Steel Company's difficulties.

11. As a result of the inadequacy of the scheme of protection in the directions indicated above, not only has our present position become most serious but also we have not, during the last three years, been able, nor do we see any near prospect of being able, to make that provision for future development by way of adequate improvement of our plant at Jamshedpur, on which all hopes of ultimately dispensing with protection rest. We have not been able to finance the New Development Programme to the extent which we anticipated and which was desirable for the future stability and the prosperity of the industry, nor do we see any early prospect of resuming our programme on an adequate scale so long as the results fall so far short of those which the Tariff Board, Government and the Legislature agreed were necessary for proper progress.

12. The failure, in actual practice, of the protection scheme to make adequate provision for the development of the Steel Company's plant has been accompanied by its even more conspicuous failure to provide for such a return on the capital invested in the Company as the shareholders are entitled to expect and as the scheme was intended to yield. The result is that the shareholders have to continue carrying an undue burden, in the form of unremunerative capital, in order to keep this industry alive and that the credit of the Company is weakened. And, what is of no less importance in the national interest, no progress has been made in the direction of encouraging the growth of the industry by the establishment of additional steel works in India. The inadequacy of protection since its inception in 1924 is best illustrated by the following figures of the total depreciation which the Company has been able to set aside and the dividends which it has been able to pay, compared with those aimed at by the 1924-27 schemes and by that now current.

	Depreciation.		Dividends.	
	Calculated by Tariff Board.	Actually set aside.	Calculated by Tariff Board.	Actually paid.
	Rs.	Rs.	Rs.	lakhs.
1924-27	281	199	255	76.9
1927-29	156	95	170	56.5
Total for five years	437	294	425	133.4

The dividends "calculated by the Tariff Board" are taken at 8 per cent. on the Company's actual capital of approximately Rs. 10½ crores in preference, ordinary and deferred shares. It will be seen that the short fall in distribution of dividends has been very much greater than that in the allotment of depreciation, but that even if no dividends whatever had been paid for the five years and the money had been allotted to depreciation, the Company would not have been able to provide the amount for depreciation which was suggested in the Tariff Board Reports.

13. Unless, therefore, Government finds itself able to give us immediate relief in the directions indicated in the earlier part of this letter, we fear that we shall have no alternative but immediately to request Government to grant additional protection either generally or by the exercise of the powers granted to the Governor General in Council in Clause 2 of Act No. III of 1927. We may indeed, in any event, find ourselves compelled to make such an application, but realising the undesirability of any avoidable disturbance of trade conditions we wish first to utilize every other method of improving our position with the object of keeping to a minimum any additions to the protective import duties for which we may have to apply.

14. In view of the importance and urgency of our request, we shall esteem it a favour if you will kindly grant us an opportunity of discussing the matter verbally with you at an early date. We shall be glad to be informed by telegram of a date which will be convenient to you.

Serial No. 1.—LETTER TO MESSRS. TATA SONS, LIMITED, BOMBAY, NO. 260-T.(122), DATED THE 17TH SEPTEMBER 1930.

I am directed to refer to your letter No. G-1092/30, dated the 12th August 1930 [in File No. 260-T.(122)] in which you represent that the orders placed with the Tata Iron and Steel Co., Ltd., for rails have for the last three years and for the current year fallen considerably short of the average quantity of 195,000 tons estimated by the Tariff Board in formulating the scheme of protection embodied in its Report regarding the Continuance of Protection to the Steel Industry, dated the 14th December 1926. In view of this shortage of orders for rails and its effect on the working of the Company you request that additional orders for rails may be placed with the Company for delivery during the current year, that orders for not less than 200,000 tons of rails may be given for the year 1931-32 and that the contract for the supply of rails, dated the 16th October 1926, may be revised.

2. In reply I am to say that the Government of India have carefully considered your application and have discussed the matter in all its bearings with representatives of the Board of Directors of the Tata Iron and Steel Company, Ltd., on three occasions, namely, the 24th August and the 7th and 9th September. The Government of India have learnt that in their report for the year 1929-30 the Directors of the Company proposed to allot a sum of Rs. 50 lakhs to depreciation and to pay a dividend on the Second Preference Shares of the Company amounting to Rs. 23,40,000 and odd, but they understand that your Directors will be willing to accept as a condition, if they receive an additional payment of Rs. 20 per ton on the quantity of rails ordered under the contract for the year 1930-31, that no dividend shall be paid on the Second Preference Shares of the Company for the year 1929-30, and that of the sum of Rs. 23,40,000 and odd referred to above, the sum of Rs. 23 lakhs shall be added to the allotment for depreciation, making a total allotment for depreciation of Rs. 73 lakhs, and that the balance of Rs. 40,000 and odd shall be added to the balance carried forward.

3. I am now to communicate to you the decision of the Government of India on your application. The Government of India will make to the Tata Iron and Steel Company an additional payment of Rs. 20 on each ton of rails ordered from the Company under the contract for the year 1930-31 over and above the existing contract price of Rs. 110 per ton, making a total price per ton, of Rs. 130. This payment will be made subject to the following conditions and stipulations:

(i) The arrangement set forth above is of a purely provisional character and is applicable solely to the current year's orders for rails.

(ii) As regards the orders to be placed for rails against the requirements of future years, while the Government of India are prepared to recognise that some revision of the contract made with the Company for the supply of rails is equitable, they are not committed to the addition of Rs. 20 per ton to the existing contract price of Rs. 110 per ton, except as a maximum, nor to the application of the sliding scale of prices put

forward in paragraph 7 of your letter under reply, nor of any other scale of prices. Further, any proposal for the revision of the contract for the supply of rails for years subsequent to the year 1930-31 will be placed before the Indian Legislature, and before the Government can do this they will require to make a closer examination of certain aspects of the position.

(iii) The Directors shall allot for depreciation out of profits of the Company for the year 1929-30 a sum of not less than Rs. 72 lakhs and shall pay no dividend in respect of that year other than a dividend on the First Preference Shares of the Company.

(iv) The Directors shall engage that no Agents' commission shall be paid on so much of the Company's receipts as are derived from the additional payment of Rs. 20 per ton for rails.

(v) Payment of the additional sum of Rs. 20 per ton for rails ordered during the current year will be paid only after receipt by the Government of India of evidence that conditions Nos. (iii) and (iv) have been satisfied.

4. Finally, I am to explain that, while the only express condition now made as regards payment of Second Preference dividends is limited to dividends in respect of 1929-30, the essential principle underlying this stipulation is that receipts from any payment above the contract price for rails should not be used either directly or indirectly to pay dividends on securities ranking after the First Preference Shares until full provision for depreciation has been made. The Government of India would consider it necessary to include a definite condition to this effect in any more permanent arrangement, if made.

Serial No. 2.—LETTER FROM MESSRS. TATA SONS, LIMITED, NO. G-1344/30, DATED THE 3RD OCTOBER 1930.

Your letter No. 260-T.(122) of the 17th September on the subject of the granting of an additional price for rails supplied by the Steel Company has been laid before the Board of Directors, who wish to express their appreciation of the assistance Government have been good enough to give.

2. We have the honour to enclose herewith a copy of the Report and Accounts of the Steel Company for the year 1929-30 [C. Tar. October 1930, F-168-T.(9)], which were placed before and adopted by an Ordinary General Meeting of the Company held on the 30th September and 1st October 1930. You will see that, as required by Government, a sum of Rs. 73 lacs was allotted to depreciation out of profits and that condition (iii) of paragraph 3 of your letter has been satisfied.

3. Government's condition (iv) has also been taken into consideration and has been complied with by the following Resolution of the Board of Directors of the Steel Company at a meeting held on the 30th September:

"Resolved that no commission shall be paid to the Agents on so much of the Company's receipts for the year 1930-31 as are derived from the additional payment of Rs. 20 per ton for rails; and that the Agents be authorized to send a copy of this Resolution to the Secretary to the Government of India in the Commerce Department in connection with his letter No. 260-T. (122) of the 17th September 1930 addressed to the Agents."

4. We now request you kindly to inform us of the procedure which Government wish to be followed in connection with the submission of bills for the additional Rs. 20 per ton of rails.

5. Reference is made in paragraph 3 (ii) of your letter to "a closer examination of certain aspects of the position" which Government will require to make before a decision affecting future years is reached. We shall be glad to co-operate in this examination if you consider it necessary, and we await your suggestions about procedure.

6. The Board of Directors note that Government would consider it necessary to include in any more permanent arrangement a definite condition providing for the allocation of full depreciation before payment of any dividends on securities ranking after the First Preference shares. The Board are of opinion that the primary consideration called for is whether the scheme of protection of the Steel Industry sanctioned by the Legislature on the recommendation of Government has worked in practice as anticipated and whether it should not be revised in the light of experience gained. The question of amount of depreciation can only form one part of such consideration.

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LEGISLATIVE ASSEMBLY.

[27TH JAN. 1931.]

Serial No. 3.—LETTER FROM MESSRS. TATA SONS, LIMITED, BOMBAY, No. G-1473/30, DATED THE 28TH OCTOBER 1930.

We have the honour to revert to the correspondence regarding additional price for the rails ordered by the Government of India from the Steel Company during the current year, resting with Government communication No. 260-T. (122), dated the 6th October 1930.

Attention is invited to paragraph 3 of Government's letter No. 260-T. (122), dated the 17th September communicating to us their decision on our application. That paragraph states:

"... The Government of India will make to the Tata Iron and Steel Company an additional payment of Rs. 20 on each ton of rails ordered from the Company under the contract for the year 1930-31, over and above the existing contract price of Rs. 110 per ton, making a total price per ton of Rs. 130".

This additional price of Rs. 20 per ton, according to the foregoing paragraph, applies to rails ordered by Government under their contract existing with the Steel Company. That contract is in respect of rails 50 lb. and above upto 100 lbs. per yard section. Government however have also ordered 115 lb. section rails to the extent of 11,814 tons at Rs. 120 per ton. While submitting our application for the increase in the price of contract rails, we have thought that any decision which Government might come to in the matter of a grant of additional payment in respect of rails ordered under contract would also apply to rails of 115 lb. section ordered by them. We trust therefore that Government will be good enough to extend the grant of additional Rs. 20 per ton to rails of 115 lb. section ordered for 1930-31.

Serial No. 4.—LETTER FROM THE DEPUTY DIRECTOR, RAILWAY BOARD, TO MESSRS. TATA IRON AND STEEL COMPANY, BOMBAY, No. 3460-S./XV., DATED THE 27TH NOVEMBER 1930.

In reply to your letter No. G-1473/30, dated the 28th October 1930, to the Joint Secretary to the Government of India, Commerce Department, New Delhi, I am directed to say that the Government of India agree (subject to the fulfilment of the conditions and stipulations attaching to the extra payment for rails ordered under the contract of the 16th October 1928) to an additional payment of Rs. 10 per ton in respect of the 115 lb. section rails, ordered during the year 1930-31, making the total price Rs. 130 per ton.

REDUCTION OF COSTS AND INDIANISATION OF THE STAFF OF THE TATA IRON AND STEEL COMPANY.

69. *Mr. B. Das: (a) Will Government be pleased to state whether they have exercised any control over the Tata Iron and Steel Co. since 1926 when a system of protection of rails for seven years was sanctioned regarding:

- (i) reduction of capitalisation cost of the undertaking;
- (ii) reduction of top heavy establishment charges;
- (iii) speedy Indianisation of the technical staff at Jamshedpur?

(b) Are Government aware that Messrs. Tata Iron and Steel Co., Ltd., have made no progress over Indianisation of the Company since 1926?

The Honourable Sir George Rainy: (a) and (i). The answer is in the negative.

REDUCTION OF COSTS AND INDIANISATION OF THE STAFF OF THE TATA IRON AND STEEL COMPANY.

69. *Mr. B. Das: (a) What steps have Government taken so far to enforce reduction of the cost of production of steel by the Tata Iron and Steel Company?

(b) Do Government contemplate to refer to the Tariff Board to include in their present inquiry the causes of heavy cost of production at the Tata Iron and Steel Works?

(c) Has the attention of Government been drawn to the following clause of agreement between Messrs. E. D. Sassoon and Co., millowners of Bombay, and consumers of their produce:

"That recruitment of staff will be restricted to Indians except for special reasons"?

(d) Will Government be pleased to state if the Tata Iron and Steel Co. seeking further protection are prepared to give a similar guarantee to Government?

The Honourable Sir George Rainy: (a) I am not aware of any steps that Government can take in the matter. It is no doubt understood by the Company that the continuance of protection to the steel industry after the expiry of the statutory period of seven years depends on whether genuine efforts have been made by them to secure a reduction of cost to the extent which the Tariff Board considered feasible.

(b) No enquiry relating to steel is at present being made by the Tariff Board, nor is any such enquiry to be made in the immediate future. I would, however, draw the Honourable Member's attention to paragraphs 20-24 of the Tariff Board's recent report on Additional protection for Galvanized Sheets, which was published on the 30th December 1930, and a copy of which has been supplied to the Honourable Member.

(c) The Government of India have no information apart from what has appeared in the newspapers.

(d) I think it has always been the policy of the Tata Iron and Steel Company to employ Indians to the greatest extent possible.

Mr. B. Das: In view of the fact that the average cost of production of Tata steel has gone down in the year 1929-30 to much less than what was calculated by the Tariff Board in its Report of 1926, may I ask whether it justifies the Tatas receiving any further protection? I refer the Honourable Member to the latest Report of the Tariff Board, page 14, where a table has been given from which it will be noticed that there has everywhere been a more substantial reduction than was anticipated in 1926 by the expert Tariff Board.

The Honourable Sir George Rainy: If the Honourable Member is referring to the Tariff Board's Report on galvanised sheets, I think that it will be more convenient to deal with the matter in the debate to-morrow on my Resolution which stands on the paper. It is rather a large subject to reply to on a supplementary question.

FINANCIAL INQUIRY BY SIR ARTHUR SALTER.

70. *Mr. B. Das: (a) Will Government be pleased to state if it is true that a representative of the League of Nations—Sir Arthur Salter—will shortly visit India to inquire into the finances of the Government of India?

(b) Did the Government of India ask the League of Nations for the visit of that officer or is it an independent inquiry to be held under the auspices of the League of Nations?

(c) What will be the total expenses incurred for the visit of this gentleman and how much of the same will be borne by India?

(d) Will Government be pleased to state the terms of reference of the expert inquiry by this gentleman that have been made by the Government of India or the League of Nations?

(e) Will Government be pleased to lay on the table all correspondence on the deputation of Sir Arthur Salter to India between the Government of India and the League of Nations?

(f) To what extent are the Secretary of State for India and the British Government parties to this inquiry by Sir Arthur Salter?

(g) Is it a fact that the gentleman happens to be an expert on currency? Will Sir Arthur Salter also inquire into the fixity of ratio of exchange?

The Honourable Sir George Rainy: (a) to (d) and (f). The attention of the Honourable Member is invited to the Press communiqué issued by the Government of India on the 30th December, 1930, a copy of which has been placed in the Library.

(e) No correspondence took place between the Government of India and the League of Nations. The Government of India requested the Secretary of State for India to make the enquiry mentioned in the Press communiqué from the League of Nations, and a copy of the correspondence between the Secretary of State and the Secretary General of the League of Nations is laid on the table.

(g) Sir Arthur Salter no doubt includes knowledge of currency matters in his qualifications, but he will make no enquiry of the kind mentioned by the Honourable Member.

Copy of letter, dated the 21st November, 1930, from the Secretary of State for India, to the Secretary General, League of Nations, Geneva.

The Government of India have for some time been studying plans for the creation of some organisation for the study of economic questions, including both the continuous interpretation of current developments and the consideration of plans designed to achieve particular purposes. In this connection they have given attention to organisations which have recently been established in other countries and particularly to the work which has been done by the League of Nations. The Government of India are of opinion that the special experience acquired by Sir Arthur Salter as Director of the Economic and Finance Sections of the League might be most valuable to them and are anxious to have an opportunity for consulting him. I am therefore to enquire whether it would be possible for the League to assist them in this matter by arranging for Sir Arthur Salter to pay a short visit to India this winter.

Copy of letter No. 10A/24177/24177, dated the 27th November, 1930, from the Secretary General, League of Nations, to the Secretary of State for India.

I have the honour to acknowledge the receipt of your letter of November, 21st, in which you ask me whether it would be possible for the Director of the Economic and Financial Section to pay a short visit to India this winter, in order to advise the Government of India in regard particularly to the work which has been done by the League of Nations in organising the study of economic questions.

In reply, I am glad to be able to inform you that it will be possible to arrange for Sir Arthur Salter to pay the visit suggested, leaving for India towards the end of December. I am asking him to take this opportunity of discussing the development of India's collaboration in the work of the Technical Organisations of the League.

I am communicating your letter and the present reply to the Council of the League of Nations for its information.

Copy of letter No. E. & O. 9158/30, dated the 4th December, 1930, from Mr. M. C. Setton, to the Secretary General, League of Nations.

I am directed by the Secretary of State for India to acknowledge the receipt of your letter dated the 27th November, 10A/24177/24177, in which you intimate that it will be possible to arrange for Sir Arthur Salter to visit India this winter in connection with the work done by the League of Nations in organising the study of economic questions.

Mr. Benn desires me to convey to you an expression of his appreciation of your assistance in this matter.

Mr. B. Das: Are Government aware that, before the Government of India decided to issue their Press communiqué, various statements had appeared in the London Press and also in the Journal of the League of Nations about Sir Arthur Salter's mission to India?

The Honourable Sir George Rainy: I am aware that unfounded rumours did appear in the Press.

Mr. B. Das: May I know what were the reasons why the Government of India delayed issue of their communiqué so late, while the *Morning Post*, the *London Times* and other papers had already come out with different versions from what has been given afterwards in the Government of India communiqué?

The Honourable Sir George Rainy: The main reason why the communiqué could not be issued earlier was that it was very difficult to issue one until the Government had the actual correspondence before them, which had passed between the Secretary of State and the League of Nations.

Dr. Ziauddin Ahmad: Will the exchange ratio also be one of the subjects of enquiry by him?

The Honourable Sir George Rainy: No, Sir, certainly not.

REPORT OF THE CENTRAL BANKING INQUIRY COMMITTEE.

71. ***Mr. B. Das:** (a) Will Government be pleased to state when they expect to publish the report of the Central Banking Inquiry Committee?

(b) Do they expect to introduce legislation in the current session of the Assembly regarding the establishment of a State Reserve Bank?

The Honourable Sir George Schuster: (a) I hope that the Report of the Committee will be completed by the end of April, but I cannot at present give any definite indication as to the date of its publication.

(b) No.

Mr. B. Das: Is it a fact that certain experts have come from abroad to give advice to the Banking Enquiry Committee?

The Honourable Sir George Schuster: The Honourable Member, I think, is quite aware of all the details concerning the plan for this enquiry, which have been frequently announced in the Press and discussed in this House. There are now six foreign experts in the country, who at the present moment are in actual consultation with the Central Banking

Enquiry Committee, and it is hoped that the experience and advice of those foreign experts will be of value to the Central Banking Enquiry Committee in making their final report.

Mr. B. Das: Will these foreign experts function in the same way as the Central Committee did in reference to the Simon Commission, or will they render the necessary advice to the Central Banking Enquiry Committee and help them to arrive at a common agreement?

The Honourable Sir George Schuster: The intention and the desire is that the foreign experts should work in close co-operation with the Central Banking Enquiry Committee and that there should be a common and agreed report. The exact procedure for recording the foreign experts' views is actually now under discussion. There is no disagreement between the Central Banking Enquiry Committee and the foreign experts, or between the Central Banking Enquiry Committee and myself as representing the Government of India, on that subject. I cannot inform the Honourable Member exactly what form the record of the views of the foreign experts will take. It is simply a question of practical convenience. One of the foreign experts actually has to leave India on the 5th February, and it may be necessary to obtain some written record, so as to incorporate his particular ideas, before he goes. But the general intention is that the foreign experts, as I have said, should work in close co-operation with the Central Banking Enquiry Committee, and I have every hope that there will be no difference of opinion between the two bodies.

Mr. Arthur Moore: May I ask the Honourable Member whether, in view of the expressions of opinion at the Round Table Conference that the establishment of a Central Reserve Bank was a condition precedent to any constitutional advance, he is in a position to tell this House approximately when the Government of India would be able to introduce legislation on that subject?

The Honourable Sir George Schuster: I cannot give the Honourable Member any exact answer to that question. The inauguration of a Central Bank for India is in my opinion one of the most important steps now before the country. It is not merely a question of legislation. There are practical issues involved also. It would, for example, be useless to attempt to set up a Central Bank unless that Bank had adequate reserves to maintain its position and the provision of adequate reserves is a practical measure which requires a good deal of careful thought and a great deal of practical action. I can only say this—that, as far as I am concerned, as representing the Government of India, I think that we should immediately turn our attention to the establishment of a Central Bank. I hope that in the course of the discussions which will now take place for working out practical means for the introduction of a new constitution for India, the measures for establishing a Reserve Bank will take an important and early place, and the Government will do all in their power to assist the early formation of a Central Bank for India.

Maulvi Muhammad Yakub: Will the Honourable Member tell the House why the foreign experts were invited; by whom they were invited, and who bears their expenses?

The Honourable Sir George Schuster: The plan for the Central Banking Committee has, I am sure my Honourable friend will agree, been fully discussed at all stages by this Assembly. It was always made clear that foreign experts would be associated with the Central Committee in making their final recommendation. I gave this Assembly full information of the whole plan at all its stages. Before any steps were taken, I consulted leaders of various parties in this Assembly or the representatives of various parties nominated by their leaders, and I also had meetings with representatives of the Council of State. Everything that has been done has been done, I think, with full agreement from all parties in this House. The cost of the foreign experts will be part of the cost of the Central Banking Inquiry for which estimates have already been before this House and for which money has been provided in the current Budget. The cost of having these foreign experts out will not be great because in practically all cases these gentlemen, although they are very busy and important people, have agreed to come free of all cost except their own expenses.

INDIANISATION OF THE STAFF OF THE IMPERIAL BANK OF INDIA.

72. ***Mr. B. Das:** (a) Will Government be pleased to state whether they have extended the period of their agreement with the Imperial Bank of India, Ltd., and if so, for what period?

(b) In view of this extension of agreement with the Imperial Bank, will Government be pleased to state if they intend to exercise closer control on the Indianisation of the staff of the Imperial Bank?

(c) With reference to the speech of the Hon'ble Sir George Schuster on the policy of Indianisation and control of Government over the Bank on the 21st January, 1930, will Government be pleased to state the steps they have taken since that statement was made to ensure adequate Indianisation and better control of the Imperial Bank?

The Honourable Sir George Schuster: (a) Under clause 16 of the agreement with the Imperial Bank, the agreement may be determined after 10 years from the 27th January, 1921, by twelve months' notice in writing by either party. As Government have neither given nor received such notice the agreement continues in force.

(b) and (c). In the debate referred to by the Honourable Member, I stated that, in the opinion of the Government, the Imperial Bank was advancing in the direction of the Indianisation of its staff and that the measures that have been already adopted were proving effective in attaining the object which the Honourable Member had in view at that time. As to the measures taken, I forwarded the report of the debate to the Managing Governors and have discussed the matter with them since. I am satisfied that they fully appreciate public opinion on this point and are doing their best to give effect to it.

• STATUS OF INDIANS IN THE DOMINIONS.

73. ***Mr. B. Das:** (a) Will Government be pleased to state if the Indian Delegation at the Imperial Conference in London raised the question of enfranchisement of Indian residents in (i) Australia, (ii) South Africa, (iii) Canada (British Columbia)?

(b) What is the present position of Indians in each of these countries and at what stage of negotiation are the Government of India at present, regarding equal status in these Dominions?

(c) Will Government be pleased to lay on the table all relevant correspondence with Australia on the subject since the Rt. Hon'ble Mr. Sastri raised that question in 1921 at that year's Imperial Conference?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) This was not one of the subjects discussed at the last Imperial Conference.

(b) The position is as follows. In Australia, so far as the Commonwealth franchise is concerned, the disability under which natives of India suffered was removed by legislation in 1925. As regards State franchise, Indians are not disqualified on racial grounds in the States of New South Wales, Victoria, South Australia and Tasmania. It is only in Western Australia and Queensland that they cannot be enrolled as electors. In Canada, Indian residents do not suffer from any disability in eight out of the nine provinces which comprise the Dominion. It is only in British Columbia that Indian residents, in common with Chinese and Japanese, are debarred from having their names registered on any list of voters. This disability in respect of the provincial franchise has also the effect of depriving them of the Federal franchise.

In South Africa, under section 36 of the Union of South Africa Act, 1910, only those persons are entitled to vote for the election of Members of the House of Assembly who possess such qualifications as existed for parliamentary voters in the several colonies at the establishment of the Union. This provision applies to Indians also. Under the law of the Cape Province, no distinction is made as regards race or colour. In the other provinces the franchise is confined to Europeans, except that in Natal there is a small number of native and Indian voters who were enrolled prior to the passing of Natal Act, 8 of 1896, which had the effect of limiting the franchise in that province to Europeans.

No negotiations are in progress in regard to South Africa. As regards Canada and Australia, the question was discussed informally with the Prime Ministers of these Dominions recently in London.

(c) The Government of India have had no direct correspondence on the subject with the authorities in Australia.

Sir Hari Singh Gour: Did the Indian Government instruct their representative at the Imperial Conference to raise this question at that Conference and, if so, with what effect?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: There were no instructions given on the subject.

Sir Hari Singh Gour: Do I understand that when the Government of India send up a representative to the Imperial Conference, he is not given any instructions upon the outstanding questions that call for the decision of the Government of India and in which the people of India are interested?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have no doubt the Government of India realise fully the importance of the subjects in which we Indians are all keenly interested, but the formation of the agenda is not always in the hands of any particular country, invited to the Conference.

Mr. B. Das: Have the Government realised the very difficult situation in South Africa and has the Honourable Member received a copy of the Resolutions of the Indian Congress that was held very recently in South Africa and are the Government alive to the situation for which Mr. C. F. Andrews has recently visited South Africa?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Yes.

Mr. B. Das: Is the situation hopeful in the opinion of the Honourable Member?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: It is extremely difficult to say, Sir. (Laughter.)

TREATMENT OF LEPROSY.

74. ***Mr. B. Das:** (a) Will Government be pleased to state the progress regarding the treatment and cure of leprosy, recently made by Dr. Muir attached to the Tropical School of Medicine, Calcutta?

(b) What is the total contribution towards this investigation from the Indian Medical Research Fund per annum since Dr. Muir took up the research work?

(c) Does the League of Nations contribute in money or otherwise towards investigation of a permanent cure for leprosy?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The progress which has recently been made by Dr. Muir in the treatment of leprosy consists in:

- (1) the discovery of improved methods of testing a patient's resistance to leprosy, by special blood tests;
- (2) the discovery that patients who suffer from both leprosy and pyorrhœa can be treated for leprosy with greater success when the pyorrhœa has been cured;
- (3) the discovery that the special drugs which are used for the cure of leprosy are more effective when they are injected into the diseased parts of the skin.

(b) The annual contributions by the Indian Research Fund Association towards Dr. Muir's research work on leprosy have varied from year to year, but the total contributions made by that body during the years 1920-21 to 1929-30 amounted to Rs. 1,71,989.

(c) The League of Nations has recently established an International Commission for the purpose of promoting and co-ordinating the work of investigation into leprosy.

Mr. B. Das: May I know if Dr. Muir was deputed by the British Leprosy Association or by the League of Nations?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have not quite followed the Honourable Member.

Mr. B. Das: Under what body does Dr. Muir work at present in India? Was he not deputed by the British Leprosy Association to India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am afraid I must ask for notice of that question.

ERADICATION OF LEPROSY FROM INDIA.

75. ***Mr. B. Das:** (a) Is it a fact that the method of treatment of leprosy by outdoor clinics, as has been introduced by Dr. Muir in various provinces, has introduced a very cheap and popular system of treatment of leprosy?

(b) Do the Government of India make any contribution towards stamping out leprosy by this process of outdoor clinics to various provinces from the Indian Medical Research Fund?

(c) What are the total numbers of lepers in India at present?

(d) What steps do the Government of India propose to take for the eradication and control of leprosy in India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The system of treatment introduced by Sir Leonard Rogers and Dr. Muir is cheap, effective and popular, and is being widely adopted.

(b) The answer is in the negative. The administration of the funds of the Research Fund Association is vested in the Governing Body and is not controlled by the Government of India. The funds of the Association are devoted to the investigation of disease. The practical application of the results of the research work it finances in such ways as the establishment of out-door clinics is a matter for Provincial Governments.

(c) No precise information is available as to the number of lepers in India. Only 1,02,513 persons were returned as lepers at the Census of 1921, but in the opinion of medical experts, the true figure at present is about 7,00,000.

(d) The eradication and control of leprosy are primarily the concern of Local Governments, but much is already being done by the Indian Research Fund Association, to which the Government of India make a large annual grant, to throw further light on the causes of this disease, in co-operation with the British Empire Leprosy Relief Association and the Mission to Lepers. For an account of the work which is being done I would refer the Honourable Member to the annual reports of the Association.

The Revd. J. C. Chatterjee: With reference to the answer given to part (d) of the last question, will the Honourable Member kindly tell me if there is any enactment to prevent the entry of lepers into an inhabited town and their mixing with the rest of the population?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Not that I am aware of.

The Revd. J. C. Chatterjee: Will Government be prepared to undertake some method of registration of lepers in order to segregate them and to prevent the spread of this disease in the country?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The matter is one, so far as I can see, of a peculiarly provincial nature and in the domain of local self-government. I shall invite the attention of Local Governments to the Honourable Member's question and my reply thereto.

Mr. B. Das: Is it not a fact that the latest medical research shows that leprosy in the first stage, that is, for a period of seven years, and in the third stage, that is, a period of seven years after the first stage, is not dangerous, so that lepers in those two stages are not infectious and need not be segregated?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I shall be very glad to give an answer to that question after I have consulted my experts.

Mr. S. G. Jog: Are separate arrangements in railway compartments provided for the travel of lepers?

Mr. B. Das: Why? They are our brothers.

Mr. A. A. L. Parsons: No, Sir. At present there are no separate arrangements.

THE DRUGS INQUIRY COMMITTEE.

76. ***Mr. B. Das:** (a) Will Government be pleased to state the reasons that led them to appoint a Drugs Inquiry Committee?

(b) Were they advised to have such an inquiry by the League of Nations?

(c) What is the personnel of this committee?

(d) In what way do indigenous systems of treatment, namely, Kaviraji and Unani find representation in that Committee?

(e) Is it the purpose of the Committee to inquire into the properties and ingredients of indigenous Indian medicines?

(f) If the reply to part (e) be in the affirmative, will Government be pleased to state which of the gentlemen of the Drugs Inquiry Committee have experience of indigenous medicines and their curative properties?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a), (c) and (e). The Honourable Member's attention is invited to the Government of India, Department of Education, Health and Lands Resolution No. 1637, dated the 11th August, 1930, which was published in part I of the Gazette of India, dated the 16th August, 1930. A copy of this Resolution has been placed in the Library of the House.

(b) No.

(d) The Committee is not enquiring into indigenous system of treatment.

(f) The personnel of the Committee includes Lieutenant-Colonel Chopra and Father Caius, both of whom have been conducting extensive researches into the properties of indigenous drugs for several years past.

NUMBERS OF MEMBERS OF VARIOUS COMMUNITIES IN THE INDIAN STORES DEPARTMENT, KARACHI.

77. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state the total number of officers of all grades and clerks working at the Inspection Section and Purchase Section of the Karachi Indian Stores Department?

(b) How many of them are Hindus, how many Muslims and how many of other communities?

Mr. J. A. Shillidy: (a) and (b). A statement is laid on the table giving in detail the information asked for by the Honourable Member.

Karachi Purchase Circle.

	Hindus.	Muslims.	Other communities.	Total.
Officers	2	..	..	2
Clerks	17	3	1	21

Karachi Inspection Circle.

	Hindus.	Muslims.	Other communities.	Total.
Officers	..	..	2	2
Clerks	13	5	3	21

NAMES OF MERCHANTS OF KARACHI ON THE LIST OF THE INDIAN STORES DEPARTMENT.

78. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state the names of merchants of Karachi who were on the list of the Indian Stores Department before Mr. Thadhani was transferred to Karachi, and the names of the merchants on the list in June, 1930?

(b) What were the reasons for deduction and additions between the two lists as per part (a) above?

(c) Is it a fact that the names of some merchants in Karachi who hold large stocks have been removed from the list, and if so, why?

(d) Is it a fact that some of these large stockists made repeated applications for the inclusion of their names on the list but without success? If 'yes', who were they, and on what grounds were their applications rejected?

(e) Are all the inquiries sent to every person on the list?

(f) Is it a fact that some petty dealers who hold very little or no stock are on the list?

Mr. J. A. Shillidy: (a), (b), (c) and (d). Government regret their inability to publish the names of firms on the list of approved contractors to the Indian Stores Department, or to discuss on the floor of the House the merits and demerits of individual firms whose names have been removed from the list in the past. I should like to mention, however, for the Honourable Member's information that the total number of firms in

Karachi on the approved list in March, 1926, before Mr. Thadhani's posting to Karachi was 41, and the number on the same list in June, 1930, was 91. I should also like to mention that all work connected with the registration of firms on the approved list is centralized in the Chief Controller's own office, and that Mr. Thadhani has no authority either to add to the list or to remove names from that list.

(e) No. Enquiries valued over Rs. 5,000 are advertised except when demands are urgent or when they relate to proprietary articles; enquiries valued between Rs. 500 and Rs. 5,000 are sent to all the firms registered for that particular class of material; enquiries valued under Rs. 500 are sent to a limited number of approved firms.

(f) The reply is in the negative.

Dr. Ziauddin Ahmad: Are the reasons for not publishing the names of a private or of a public nature?

Mr. J. A. Shillidy: I did not quite understand the question.

Dr. Ziauddin Ahmad: The Honourable Member said that he did not think it desirable to give the names of the firms. I ask whether the reasons for not giving the names are of a private or of a public nature.

Mr. J. A. Shillidy: I think it would be contrary to the public interest to give names or publish or discuss here on the floor of the House the merits or demerits of individual firms whose names are removed from the list.

NEED OF LAVATORIES ON THE DARJEELING HIMALAYAN RAILWAY TRAINS.

79. *Mr. Gaya Prasad Singh: Is it a fact that there are no lavatories provided in carriages of the Darjeeling-Himalayan Railway trains, and that the trains take 4 or 5 hours in their journey between Siliguri and Darjeeling? Why latrines are not provided? Do Government propose to take necessary steps to have this source of inconvenience removed?

Mr. A. A. L. Parsons: My information is that, out of 110 carriages, 14 are supplied with lavatories. The passenger trains take between four and five hours to complete the journey from Siliguri and Darjeeling. This distance is only about 50 miles, and I presume it is for this reason and because the trains stop about every 12 miles that more lavatories are not provided. I will, however, send a copy of the Honourable Member's question and of this reply to the Managing Agents of the Company.

THE NEW INDIA STERLING LOAN.

80. *Mr. Gaya Prasad Singh: (a) Will Government kindly state whether the Secretary of State for India consulted the Government of India, regarding the floatation of the new sterling loan in London in October, 1930, its need, and the terms on which it was to be floated; and whether the Executive Council was given an opportunity of discussing this matter and formally recording their opinion?

(b) Why was this loan floated; and how has it been utilized?

The Honourable Sir George Schuster: (a) I would refer the Honourable Member to the reply given to Dr. Ziauddin Ahmad's question on the same subject on 26th January, 1931.

(b) The loan was floated in order to provide funds for disbursements in London. It has been utilised for repayment of £6 million India Bills due in December, 1930, for capital expenditure on railways and for general purposes.

THE ROYAL MILITARY COLLEGE, DEHRA DUN.

81. *Mr. Gaya Prasad Singh: (a) Is it a fact that the post of Commandant in the Royal Military College, Dehra Dun, has been abolished? If so, since when; and why?

(b) Is it a fact that riding and shooting are not taught in that College? How many horses and rifles are kept there; and is cadet's efficiency in riding and shooting embodied in his certificate given every session? What is the amount of approximate monthly expenditure on this account?

(c) Is it a fact that cadets of the Royal Military College, Dehra Dun, have to appear at the Diploma examinations at which the total number of examinees hardly exceeds fifty? Why are they not allowed to appear at the public examinations, as the Senior Cambridge, or the school examinations instead?

(d) Is it a fact that only two students of the Military College, out of twelve, have been selected at the Army examination held in Delhi last June, for admission into Sandhurst, Woolwich and Croydon?

(e) Will Government kindly state the total number of applications received for admission, the number admitted, and the number rejected, during the last two years separately? How many of those admitted came from the Indian States?

Mr. G. M. Young: (a) The post was abolished in March, 1930. Experience of the working of the College during its first few years showed that a Commandant was no longer necessary in addition to a Principal.

(b) Riding is not taught in the College and no horses are kept. Senior cadets practise shooting on miniature ranges. 10 short rifles are provided and each cadet is allowed about 50 rounds of ammunition per year. The cost is about Rs. 12 a month. No remarks on a cadet's efficiency in shooting are made in his terminal reports.

(c) The Diploma exists for the benefit of those boys who fail to enter the Army. It fits in with the curriculum of the College, and has been accepted generally by leading Universities of India as equivalent to the Matriculation or School Leaving Certificate examination. There is nothing to prevent students of the College from appearing for matriculation or at similar public examinations, but the curriculum is not designed for these.

(d) Yes.

(e) 26 applications for admission to the College were received in 1929, and 82 in 1930. 21 boys, including 6 from Indian States, were admitted in 1929, and 23, of whom 9 were from Indian States, in 1930.

Dr. Ziauddin Ahmad: The syllabus and the courses of studies in this College do not include any military subjects. May I ask why do Government call it a military college? Secondly why should it not be transferred from the Military Department to the Education Department?

Mr. G. M. Young: I am afraid I can hardly deal with a question of policy of that magnitude in answer to a supplementary question. The reason why it is called a military college, is that it prepares students for entry into the Army.

The Revd. J. C. Chatterjee: Who conducts the Diploma examination in the Royal Military College?

Mr. G. M. Young: I am afraid I cannot, say offhand what authority conducts the examination.

Dr. Ziauddin Ahmad: What is the percentage of students who went to Sandhurst from this Military College?

Mr. G. M. Young: There is no fixed percentage; it depends upon how many are successful at the entrance examination.

Dr. Ziauddin Ahmad: How many are successful at the entrance examination?

Mr. G. M. Young: I must ask for notice of that question.

DEFAACEMENT OF SPURIOUS COINS COLLECTED BY BOOKING CLERKS.

82. *Mr. Gaya Prasad Singh: (a) Are Government aware that, when remittances are sent by Booking Clerks at stations on the Bombay, Baroda and Central India Railway, the authorities concerned of that Railway Company cut the rupees which they regard as suspicious or not genuine, and re-turn them to the stations concerned, with the result that the Booking Clerks have to make good the loss out of their pay every month?

(b) Under what law or rule is the Railway Company authorized to cut, or otherwise deface silver coins; and who is the railway authority which decides whether a particular coin is genuine or not?

(c) Are Government aware that this practice operates as a hardship upon the Booking Clerks; and is it a fact that such practice does not obtain on many other railways?

(d) Do Government propose to enquire whether it is possible to introduce any other method, which while safeguarding the financial interests of the Railway Company, may not operate as a hardship upon the railway staff concerned?

Mr. A. A. L. Parsons: I am obtaining the information required and will let the Honourable Member have it in due course.

POLITICAL ACTIVITY BY ANGLO-INDIAN AND EUROPEAN RAILWAY SERVANTS.

83. *Mr. Gaya Prasad Singh: (a) Is it a fact that the rules of the newly started Anglo-Indian and European Railway Labour Union of India include the provision of a "political fund", which is to be applied, among other things, "towards the holding of political meetings of any kind; or the distribution of any literature, or political document of any kind"?

(b) Do Government propose to enquire into this, and to state whether employees on State Railways can be permitted to create such a fund, or take part in any political activity?

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

(b) State Railway employees are subject to the Government Servants' Conduct Rules. Government do not propose to enquire specially into this case, but the revision of the rules is under consideration.

RACIAL DISCRIMINATION IN WAITING ROOMS ON THE GREAT INDIAN PENINSULA RAILWAY.

84. *Mr. Gaya Prasad Singh: Are Government aware that at Bhopal station (Great Indian Peninsula Railway) there are separate waiting rooms for "First and Second class European gentlemen", "First and Second class Indian gentlemen", "First and Second class European ladies", and "First and Second class Ladies" (the latter presumably meaning Indian ladies), with better type of bathroom and furniture in those intended for the Europeans? Do the Europeans pay more than the Indians; if not, why this racial discrimination, and do Government propose to take necessary steps to do away with it at an early date?

Mr. A. A. L. Parsons: I have asked the Agent of the Great Indian Peninsula Railway for a report, and will communicate with the Honourable Member as soon as it is received.

METHODS EMPLOYED IN THE COLLECTION OF LAND REVENUE IN THE BORSAD AND BARDOLI TALUKAS.

85. *Mr. Gaya Prasad Singh: Has there been any correspondence between the Government of India and the Bombay Government, regarding the agricultural situation in Borsad and Bardoli Talukas, and the methods employed in the collection of land revenue? If so, have the Bombay Government pointed out that among the methods employed is, "giving a man 50 stripes", or "kicking off of cooking utensils when the aged mother of ex-President of the Assembly was cooking in her kitchen" as instances mentioned in the letter of the Indian Merchants' Chamber, Bombay, to the Bombay Government? Under what law have such steps been taken for the realization of revenue?

The Honourable Sir James Orerar: The Government of India are aware of the procedure laid down by the Government of Bombay for the recovery of land revenue in areas in which its payment is being refused. I need hardly say that the procedure does not include the methods which the Honourable Member mentions. In regard to the allegations contained in the letter of the Indian Merchants' Chamber to the Government of Bombay, dated the 14th of November, 1930, I invite the attention of the Honourable Member to the reply of the Bombay Government, dated the 27th of November, 1930, which has appeared in the Press. As regards the two incidents mentioned, the Government of India have been informed that the local officers are not aware of any case to justify the first allegation. As regards the second allegation, the only foundation for it appears to be the fact that, in order to recover a fine of Rs. 150 from Mr. Kashibai J. Patel, who had been convicted of offences under Ordinances V and VI, some utensils were attached at his house, but there is no truth in the story that, in the course of the attachment, any cooking utensils were kicked or knocked over when Mr. Patel's mother was cooking.

Mr. Gaya Prasad Singh: May I ask what methods were employed by the Bombay Government to find out the truth of the allegations mentioned in my question?

The Honourable Sir James Orerar: I think if the Honourable Member wants further details, I must refer him to the letter of the Bombay Government which deals very comprehensively with a whole series of allegations.

CLASSIFICATION FOR THE CENSUS OF BUDDHISTS, ETC., AS NON-HINDUS.

86. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Commissioner of Census in India has issued orders in compliance with which provincial officers have issued supplementary instructions to their subordinates to the effect that Buddhists, Jains, Sikhs, Arya Samajists, Brahmos and others should not be entered as Hindus, even if they so desire? Will Government kindly lay on the table the orders issued by the Commissioner of Census, and the instructions issued to the supervisors, and other subordinates in this connection?

(b) Wherein do these orders and instructions differ from those issued on occasions of previous census; and have these been issued on the present occasion to lessen the numerical strength of the Hindus for political purposes?

The Honourable Sir James Orerar: (a) Instructions, as on previous occasions, were issued that the answer which each person gives about his religion must be accepted and entered by enumerators in column 4 of the general Schedule, but that Buddhists, Jains, Sikhs, Arya Samajists and Brahmos should not be entered as "Hindu" in this Schedule, with a view to secure more accurate figures of the sub-totals of these sects. Table XXI (Religion) makes Aryas and Brahmos sub-heads of a general head "Hindu" and there was therefore no question of their exclusion from the Hindu total. As, however, some apprehension was felt, these instructions have been since revised so as to ensure that Brahmos, Aryas, Buddhists and Jains, if they desire, may add the term "Hindu" to the description of their religion given in column 4 of the general Schedule. The general instructions are contained in the Home Department Resolution and Notification Nos. F-45/7/30-Public and F-45/2/29 of the 7th June, 1930, and 31st July, 1930, respectively, and the Imperial code of census procedure. A copy of the supplementary instructions issued on the subject has been placed in the Library.

(b) The answer to the first part is contained in the answer given to part (a).

The answer to the second part is in the negative.

Sir Hari Singh Gour: Is the Honourable Member aware that the Census Commissioner has issued instructions to the effect that, in the case of Sikhs and Jains, they would be treated as Hindus if they desired that they should be classed as Hindus, but that in that case they would not be classed under the heads, Sikhs and Jains, the two categories of Hindus and Sikhs and Jains being mutually exclusive? May I ask the Honourable Member whether it is not advisable that, in the case of Sikhs and Jains who wish to have the total of their own community and are still willing to be classed as Hindus, they should be classed both as Hindus and under the sub-head of Sikhs and Jains?

The Honourable Sir James Orerar: The general principle of the instructions is, as I pointed out, that any answer given by any person on the question of his religion must be accepted by the enumerator and recorded.

Sir Hari Singh Gour: That is not the question I put. The question I put was slightly different. The question is, if a Sikh goes to the enumerator and says he is a Sikh and also a Hindu, would he be classed both under the head Sikh and under the head Hindu? Whereas the instructions are that if he is once counted as a Sikh, he would be excluded from the category of Hindu and vice versa.

The Honourable Sir James Crerar: The Honourable Member will understand that these questions of census procedure are somewhat intricate and technical. I should be obliged if he would give me notice of the question.

Dr. Ziauddin Ahmad: I do not understand why a particular person can simultaneously be classified as a Sikh and a second time as a Hindu? He will be counted twice.

Sir Hari Singh Gour: No. no. I am only referring to the grand total.

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAH COMMITTEE.

87. **Mr. K. P. Thampan** (on behalf of Dewan Bahadur T. Rangachariar): (a) Will Government be pleased to state whether they have concluded the consideration of the recommendations of the Indian Cinematograph Committee for encouraging production, distribution and exhibition of films in this country contained in Chapter IV of that Report?

(b) If so, will Government be pleased to state in detail the steps taken by them under each head to the recommendations as summarised by them in Chapter IX?

(c) Will Government be pleased to state what steps, if any, have been taken by them to give effect to the recommendations contained in Chapter V of the Report as regards educational and public utility films?

The Honourable Sir James Crerar: (a), (b) and (c). As the Honourable Member is probably aware the recommendations referred to have been dealt with not by one but by several Departments of the Government of India. I am collecting the information and hope to send him a full reply on all points shortly.

I think, Sir, that also covers question No. 88.

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAH COMMITTEE.

+88. **Mr. K. P. Thampan** (on behalf of Dewan Bahadur T. Rangachariar): Will Government be pleased to state whether they have concluded the consideration of the recommendations of the Indian Cinematograph Committee as regards modification suggested in Chapter VII of their Report as regards censorship and control including those relating to reorganisation of the machinery for censorship?

LAND REVENUE ADMINISTRATION IN MADRAS.

89. **Mr. K. P. Thampan** (on behalf of Dewan Bahadur T. Rangachariar): (a) Will Government be pleased to state what are the difficulties which stand in the way of the recommendations of the Joint Parliamentary Committee on Land Revenue Administration being carried out in Madras and also to explain why the attempts to carry out the recommendations have not proved successful as stated by the Honourable Member for Education, Health and Lands in the Council of State on the 9th July, 1980—vide the reply to question No. 42?

(b) Will Government be pleased to lay on the table their correspondence with the Government of Madras on the question of land revenue legislation after the recommendations of the Joint Parliamentary Committee were made?

For answer to this question, see answer to question No. 87.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The efforts of the Government of Madras to translate into action the recommendations of the Joint Parliamentary Committee have not so far proved successful owing to the fact that the local Legislative Council has declared itself against any legislation incorporating the main principles on which settlements and re-settlements of land revenue have been and are being conducted in the ryotwari districts of the Presidency unless it gives the Council the power to sanction or reject the rates of assessment proposed in each scheme of settlement or re-settlement. Government have been unable to agree to the grant of such powers to the Legislative Council and, in these circumstances, no progress with legislation has so far been possible.

(b) I regret that I am unable to comply with the Honourable Member's request.

Raja Bahadur G. Krishnamachariar: Will the Government be pleased to say as to why they were not agreeable to what the Madras Legislative Council wanted?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Because they did not consider it right to do so.

Raja Bahadur G. Krishnamachariar: Are the Government aware that the pitch of assessment is also included as one of the subjects which should be included in this proposed Land Revenue Bill?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Yes, Sir.

Mr. President: Order, order. The question time is now over.

THE INDIAN CATTLE PROTECTION BILL.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): Sir, I beg to move for leave to introduce a Bill to prohibit the export trade of Cattle Meat.

Depletion of our cattle stock is daily going on all around us in multifarious ways, although it is quite evident that cattle constitute the wealth of our agriculturist classes. In a country like ours the value of cattle cannot be over-emphasised. Coupled with its depletion, there is a steady decline of its breed. As a result of these two causes, the number of cattle is day by day getting inadequate for the manifold needs of the country. On the one hand the insufficiency is affecting our agricultural operations, while on the other hand the health and vitality of the nation suffer abnormally from the same cause. It need hardly be impressed upon the House that to send out of the country meat of such a valuable live-stock, without let or hindrance, means nothing but disaster to the whole population. I confess we cannot check the indiscriminate waste that is inevitable within the country itself at present without special legislation, but surely for the sake of our most vital interests, it behoves us to introduce some sort of legislation as can stop the unrestricted export of meat from our country.

Sir, I move.

The motion was adopted.

Mr. Bhuput Sing: Sir, I introduce the Bill.

THE INDIAN CATTLE EXPORT PROHIBITION BILL.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): Sir, I beg to move for leave to introduce a Bill to prohibit the export of Indian Cattle.

I do not think, Sir, that I need emphasise what an important part our cattle play in our existence. Our agricultural operations cannot proceed without them; our infants and invalids cannot exist without them; we who are strict vegetarians must derive our main nutrition from them; the health and vitality of the whole nation directly and indirectly depend upon them. In view of these facts to suffer an export trade of our cattle stock without any sort of restriction means nothing but national deterioration and destruction. Of course if there is surplus, we can dispose of that stock. But what we actually find and feel convinces us that, instead of a surplus, there is a steady shortage of cattle life everywhere. Under these circumstances it is nothing but meet and proper that we should forthwith restrict the free and unhampered export of our Indian cattle.

Sir, I move.

The motion was adopted.

Mr. Bhuput Sing: Sir, I introduce the Bill.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926.

From the Statement of Objects and Reasons it will be clear to the Honourable Members why I have ventured to sponsor this Bill. My main purpose in asking the leave of the House is to get an opportunity of doing something towards the development of an independent Indian Bar.

Sir, I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill further to amend the Special Marriage Act, 1872.

Honourable Members will find in the Statement of Objects and Reasons all that I intend to say in connection with this motion.

Sir, I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill to abolish the punishment of death for offences under the Indian Penal Code.

The object is given in the Statement of Objects and Reasons, and I do not wish to add anything at this stage.

Sir, I move.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, I introduce the Bill.

THE HINDU MARRIAGES DISSOLUTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion.

The Statement of Objects and Reasons appended to the Bill is my sufficient justification for asking for leave.

Sir, I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

This is with reference to an amendment of section 144 of the Code. The Statement of Objects and Reasons briefly gives the object for which I seek to introduce this Bill.

Sir, I move.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, I introduce the Bill.

THE INDIAN TELEGRAPH (AMENDMENT) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885.

Sir, I move.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 28th January, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 28th January, 1931.

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

MEMBER SWORN:

Mr. Jamal Muhammad Saib, M.L.A. (Madras: Indian Commerce).

QUESTIONS AND ANSWERS.

ECONOMIC CONDITION OF THE MASSES.

90. *Mr. K. P. Thampan (on behalf of Diwan Bahadur T. Rangachariar): Have Government any proposals under their consideration for enquiring into the economic condition of the masses, especially of the agricultural and peasant proprietors class; if not, do Government propose to undertake such an enquiry at an early date?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: No, Sir, in view of the fact that an enquiry into the economic condition of the agricultural classes has recently been made by the Royal Commission on Agriculture and that the Royal Commission on Labour is at present holding an enquiry into the existing conditions of labour in industrial undertakings.

NUMBER OF UNEMPLOYED IN BRITISH INDIA.

91. *Mr. K. P. Thampan (on behalf of Diwan Bahadur T. Rangachariar): Have Government any information as to the number of people who are unemployed in British India, and if not, do they propose to give directions to the Census department to ascertain and collect information on this subject also?

The Honourable Sir James Orerar: Government have no precise information as to the number of unemployed persons in British India. It has been decided to collect statistics of educated unemployed at the next census.

NUMBER OF PERSONS ARRESTED FOR POLITICAL OFFENCES.

92. *Mr. K. P. Thampan (on behalf of Diwan Bahadur T. Rangachariar): Will Government be pleased to lay on the table a statement showing the number of persons (i) arrested, (ii) prosecuted, (iii) convicted and sentenced to imprisonment, (iv) who have defended themselves at the trial and (v) who are still confined to jail, in respect of the political offences after the civil disobedience movement began?

The Honourable Sir James Orerar: (i) to (v). I am not sure to what classes of offenders the Honourable Member is referring. If his reference is to those sentenced to imprisonment in connection with the civil disobedience movement, I would refer him to the answer I have given to Sardar Sant Singh's unstarred question No. 12, dated 26th January, 1981.

I am not in possession of information as regards parts (i), (ii) and (iv) of the question. As the Honourable Member will realise the collection of this information would be an extremely laborious task, which it would not be reasonable to impose on Local Governments.

CASES OF INQUIRY IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

98. ***Mr. K. P. Thampan** (on behalf of Diwan Bahadur T. Rangachariar):
(a) Will Government be pleased to state the number of cases where persons received physical injuries during the dispersal of unlawful assemblies connected with the civil disobedience movement and the number of police or other officers who received injuries on such occasions?

(b) Will Government be pleased to state whether it is a fact that the Government of India issued directions to Local Governments in March or April, 1930, that assemblies in connection with civil disobedience movement should be generally dispersed by the use of force, and will Government be pleased to lay on the table the instructions issued by the Government of India to Local Governments during the year 1930 on this subject?

The Honourable Sir James Orerar: (a) I lay on the table a statement giving the casualties among the public up to 31st July, 1930, resulting from firing, and also the casualties among the police and military up to the same date. I have no information regarding the injuries otherwise caused, and the Honourable Member will no doubt realise that it is not possible to collect it with any pretension to accuracy.

(b) The Government of India have issued no such instructions. The law is quite clear as regards the circumstances in which an assembly becomes unlawful and may be dispersed by the use of civil or military force.

Statement of Casualties.

Provinces.	Casualties among the Public.		Casualties among Police.		Casualties among Military.	
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.
	April 1930.					
Madras— Madras City, April 27th.	2	6 (One died subsequently).	..	..	..	..
Bombay— Victoria Terminus, 4th April (Railway strike).	..	7 (One died subsequently).	..	24	..	..

Provinces.	Casualties among the Public.		Casualties among Police.		Casualties among Military.	
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.
April 1930—contd.						
Bombay—contd. Bhusaval, 6th April (Railway strike).	*1	*2	..	..	..	..
Kurla, 6th April (Railway strike).	..	1	..	2	..	..
Karachi, 16th April.	1	6 (One of whom died subsequently.)	..	18	..	..
Bengal— Calcutta, 1st April.	7	59	..	57	..	..
Calcutta, 15th April.	..	3	..	62 (Includes 20 members of fire brigade.)	..	..
24 Parganas, 24th April.	1	3	..	12	..	..
Chittagong, 18th, 19th & 22nd April.	10 (terrorists).	2 (terrorists. Both died subsequently).	1	4	3	1
Naokhali (Feni), 23rd April.	..	..	..	3	..	..
Chittagong, 24th April.	1 (terrorist)	..	..	..	..	..
N. W. F. P.— Peshawar, 23rd April.	30 (approximately).	33 (approximately).	..	3	1	9
May 1930.						
Madras, May 1930.	..	2	..	..	..	..
Bombay— Sholapur, 7th May.	..	..	..	31	..	..
Sholapur, 8th May.	12	28	2	30	..	..
Wadala Salt Pans, 24th May.	..	1	..	9	..	..

* These casualties were the result of an accident.

Provinces.	Casualties among the Public.		Casualties among Police.		Casualties among Military.	
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.
		<i>May 1930—contd.</i>				
Bombay— <i>contd.</i> Bhendi Bazar, 26th and 27th May.	5	67	..	16	..	..
Bengal— Howrah, 6th May.	..	5	..	1	..	..
Chittagong, 7th May.	3	1	..	1	..	..
	insurgents and 1 other.	insurgent (who died subse- quently) and 5 others (2 of whom died sub- sequently).				
Mymensingh, 14th May.	1	Between 30 to 40	..	44 (includes 1 Addi- tional Magistrate and 11 Excise staff).	..	..
Midnapur, Gopi- nathpur, 20th May.	..	..	..	12	..	..
Dacca, 25th and 27th May (Communal riot).	2	1	..	..	..	..
Lillooah, E. I. Railway, 29th May.	..	5	..	..	..	..
Midnapur (Pra- tdighi), 31st May.	2	2	..	..	..	..
United Provinces —Lucknow, 26th May.	1	about 42 (2 died subse- quently.)	..	34	..	..
Punjab— Kalu, Jhelum District, May 18th.	..	1	..	..	..	..
Burma— Rangoon, last week of May.	5	37	..	29	..	..

Provinces.	Casualties among the Public.		Casualties among Police.		Casualties among Military.	
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.
		<i>May 1930—contd.</i>				
North-West Fron- tier Province.	17	37	1	13	..	1
Delhi, 6th May .	4	40	..	38	..	..
Madras	3	18	..	3	..	..
Bagmari (Midna- pur), 1st June 1930.	2	3	..	6	..	..
Chechuahat (Mid- napur), 6th June 1930.	..	11	2	4	..	..
Narendia (Midna- pur), 6th June 1930.	..	19	..	8	..	..
Fakirhat (Midna- pur), 10th June 1930.	..	1	..	1	..	..
		(Died sub- sequent- ly).				
Kherai (Midna- pur), 11th June 1930.	..	21	..	10	..	..
Ramnagar (Ba- karganj).	..	1	..	1	..	..
North West Fron- tier Province.	3	..	..	..	4	5
Madras	2	9	..	..	..	..
Kherai (Midna- pur), 2nd July 1930.	..	1	..	11	..	..
Keshoreganj (My- mensingh).	..	11	..	5	..	..
Saran (Etah), 11th July 1930.	5	19	..	34	..	..
Amunagar Sarai (Meerut).	1	..	..	..	..	..
Jubbulpore, 19th July 1930.	..	6	..	83 (mostly slightly injured by stone throwing).	..	..
Bombay, 5th July 1930.	..	..	..	..	..	..

PROVISION OF A CLUB FOR THE EUROPEAN MEMBERS OF THE GUN CARRIAGE FACTORY AT JUBBULPORE.

94. *Sir Hari Singh Gour: (a) Is it a fact that the Gun Carriage Factory have built a club for their European members at Jubbulpore?

(b) Is it a fact that this club has cost Government about one lakh and 74 thousands of rupees? If not, how much has it cost?

(c) Is it a fact that there were only 18 European members of the Factory when the club was built?

(d) How many members are there now?

(e) What return, if any, do Government get upon this outlay?

Mr. G. M. Young: (a) Yes. This institute has been in existence for about 25 years, ever since the factory was established.

(b) No, Sir, but the institute has recently been rebuilt at a cost of about Rs. 90,000.

(c) No, Sir. The membership was about 70.

(d) About the same number.

(e) Government get no monetary return.

PROVISION OF A CLUB FOR THE EUROPEAN MEMBERS OF THE GUN CARRIAGE FACTORY AT JUBBULPORE.

95. *Sir Hari Singh Gour: (a) When was the construction of the Gun Carriage Club at Jubbulpore sanctioned? When did its building commence and when was it completed?

(b) Is it a fact that Jubbulpore possesses a recognized club for Europeans known as the Nerbudda club?

(c) What necessity was there for building another club?

(d) To what account has this cost been debited?

Mr. G. M. Young: (a) The reconstruction of the institute building was sanctioned in December, 1928. The work was begun in January, 1929, and completed in May, 1930.

(b) Yes.

(c) This institute is primarily intended for members of the factory subordinate staff, who are not eligible for membership of the Nerbudda Club.

(d) Army estimates.

PROMOTION OF SUB-ASSISTANT SURGEONS ON STATE RAILWAYS.

96. *Sir Hari Singh Gour: (a) Is it a fact that the Railway Board have recently decided that no Sub-Assistant Surgeon in the State Railways Service can be promoted to the grade of Assistant Surgeon unless he obtains the degrees of M.B., B.S.?

(b) Is it a fact that Sub-Assistant Surgeons in the Civil Medical Service and those employed in the Company-managed railways, on their completion of 20 years' service, become eligible for selection to certain Assistant Surgeons' posts?

(c) Is it a fact that Sub-Assistant Surgeons in the service of the East Indian Railway and the Great Indian Peninsula Railway were eligible for promotion to the grade of Assistant Surgeons before their transfer to the State?

(d) Is it a fact that in the Military Medical Service the selected Sub-Assistant Surgeons with 15 years or less service become eligible for promotion to the grade of Assistant Surgeons?

Mr. A. A. L. Parsons: (a) The conditions under which Sub-Assistant Surgeons on State-managed Railways may be considered eligible for promotion to the rank of Assistant Surgeon are at present under consideration.

(b) The information in possession of Government shows that Sub-Assistant Surgeons are eligible for promotion to the rank of Assistant Surgeon in very special cases and to a limited number, in Madras after 20 years' service, and in the Punjab after 15 years' service. The practice in other provinces is not known. I am obtaining information in regard to the practice on Company-managed Railways and will communicate with the Honourable Member when this has been received.

(c) No, though in 1921 one Sub-Assistant Surgeon on the East Indian Railway, who was considered to be specially deserving, was promoted to the rank of Assistant Surgeon.

(d) On the Military side the honorary rank of Assistant Surgeon may be granted to Sub-Assistant Surgeons for exceptionally meritorious service over a period which, in practice, is not less than twenty years.

PROMOTION OF SUB-ASSISTANT SURGEONS ON STATE RAILWAYS.

97. *Sir Hari Singh Gour: (a) Is it a fact that Assistant Surgeons on the State Railways, on completion of 17 years' service, become eligible for promotion to the grade of an Assistant Medical Officer, which is a gazetted post with pay rising upto Rs 700 per mensem?

(b) Are Government prepared to consider the advisability of finding some means of encouraging the State Railway Sub-Assistant Surgeons by making some of them eligible for promotion to the grade of Assistant Surgeons as heretofore?

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

(b) As I have just informed the Honourable Member in reply to his previous question, the conditions under which Sub-Assistant Surgeons on State-managed Railways might be considered eligible for promotion to the rank of Assistant Surgeon are at present under consideration.

DISCONTINUANCE OF SALUTES.

98. *Sir Hari Singh Gour: (a) Will Government be pleased to state the reasons which have influenced them to alter the incidence of costs of salutes with effect from the next financial year?

(b) What was the practice hitherto and now in vogue?

(c) What is the cost of such salutes to be henceforth charged against the civil and military estimates respectively?

(d) Have Government considered the advisability of limiting if not totally discontinuing the salutes?

Mr. G. M. Young: (a), (b) and (c). It has always been the practice hitherto that the military authorities, whose duty it is to fire salutes, should pay for them, although the expenditure is incurred on behalf of civil Departments. In future, however, the cost of salutes fired for Ruling Princes and political officers, amounting to about Rs. 18,000 a year, will be charged to civil estimates, only Rs. 5,000 to be borne by Army estimates.

(d) The number of salutes and of persons entitled to them was considerably reduced in 1923.

CONTRIBUTORY PROVIDENT FUND FOR GOVERNMENT OFFICES.

99. ***Sardar G. N. Mujumdar:** Will Government be pleased to state:

- (a) The number and names of Government Offices where a system of contributory Provident Fund for the subordinate staff exists and the percentage of Government contributions as compared to that contributed by the employees therein;
- (b) Whether it is a fact that an improvement over the present system of contributory Provident Fund for the Treasurer's establishment of the Currency Offices in India was under contemplation by Government and views thereon were asked for from the various currency associations.
- (c) The decision arrived at by Government in the matter.
- (d) If no decision has yet been arrived at, the cause of delay.
- (e) Whether it is a fact that the Government have informed the various currency associations that they were going to consider the Provident Fund scheme along with the other currency questions through a separate committee appointed for the purpose.
- (f) Whether it is a fact that Government have now excluded the consideration of the contributory Provident Fund scheme from the scope of the proposed committee.
- (g) The reasons for this subsequent alteration on the part of Government?

The Honourable Sir George Schuster: (a) Government are not in a position to state, without elaborate enquiry, the number and names of the offices in which a contributory Provident Fund system for subordinate staff exists.

This system is a characteristic condition of service of quasi-permanent personnel, for whom pensionary terms are unsuitable; and employees of both types are often found side by side in the same Department or office.

The normal rate of Government contribution to civil Provident Funds is one-sixteenth of pay, or in other words, 75 per cent. of the amount fixed for the Government servants own subscription.

(b) Yes.

(c) to (g). I shall answer together. In 1929 Government offered to introduce, from 1st April, 1930, a contributory Provident Fund of the normal civil type for employees in the Treasurer's Department of Currency Offices in place of the present Fund; but, on finding that the various Currency Associations demanded better terms, suspended its introduction till it reached

a decision of general application to its servants as a whole who are employed on contributory Provident Fund terms. Far from making any promise that the question of Provident Funds would be included in the terms of reference to the Committee appointed to consider the grievances of Currency staff, Government definitely informed the Currency Associations in October, 1930, that this question would be excluded. Government consider that there is no case for conceding better terms to Currency staff than are ultimately given to the generality of employees of civil Departments serving on contributory Provident Fund terms.

CONTRIBUTORY PROVIDENT FUND FOR GOVERNMENT OFFICES.

100. ***Sardar G. N. Mujumdar:** Will Government be pleased to state:

- (a) Whether it is a fact that Government have proposed certain schemes to take the place of the present pensionary benefits and have invited views of associations of central servants thereon?
- (b) The number and names of associations who have forwarded their views?
- (c) Which of the schemes is generally favoured by the associations?
- (d) Whether Government intend to abide by the majority of the views expressed?
- (e) The approximate period that will still elapse before any of the schemes is sanctioned and brought into force?

The Honourable Sir George Schuster: (a) Yes.

(b) Government are not in a position to furnish the names of all the Associations whose views have been obtained, as many of them were consulted by Local Governments; but the total number exceeds 100.

(c) None of the three schemes put forward for consideration commanded general acceptance.

(d) The majority of Associations asked for the terms enjoyed by non-pensionable employees on State Railways—terms which Government have reason to believe would cost the taxpayer more than the existing pensionary system on account of the rise in interest levels since the introduction of the Railway Fund. Government cannot contemplate any further extension of these terms at the present juncture.

(e) I cannot make any definite promise, but I can assure the Honourable Member that I will do my best to deal with this question expeditiously.

SOLDERED COINS RECEIVED IN CURRENCY OFFICES.

101. ***Sardar G. N. Mujumdar:** Will Government be pleased to state:

- (a) Total number of soldered coins received during the course of last two years from January, 1929, in each of the Currency Offices in India?
- (b) The number and names of Currency Offices in which soldered coins tendered by persons transacting business thereof are accepted?
- (c) Whether it is a fact that these coins are required to be examined by the Shroffs in the Currency Offices?

- (d) Whether it is a fact that the same coins are redirected in lot for examination to the Mint Offices?
- (e) Whether it is a fact that this examination and re-examination does result in the duplication of the staff and an additional expenditure upon Government revenue?
- (f) Whether in view of the fact that the examination in the Mint is conducted by experts, the examination in the Currency offices can advantageously be discontinued?
- (g) Whether it will not be possible to direct these traders who bring a lot of Rs. 100 and over of these soldered coins direct to the Mint?
- (h) If the reply to (g) be in the negative, the reasons therefor?

The Honourable Sir George Schuster: (a) The information is being collected and will be sent to the Honourable Member later.

(b) and (c). There are no special arrangements for soldered coins tendered by persons transacting business thereof except that mentioned in (d) below. Soldered coins are received for examination from the public at all Treasuries and Currency Offices, and shroffs in Currency Offices are required to examine all coins tendered.

(d) No, except that as a special arrangement soldered coins received in lots of 10,000 or more are, on presentation at the Bombay Currency Office, redirected to the Mint for examination and issue of outturn certificates payable at the Currency Office.

(e), (f), (g) and (h). The function of the Mint is to take over coins withdrawn by Currency Offices and treasuries as uncurrent and not to examine tenders by the public for which exchange is required. There are administrative difficulties in reducing the limit of Rs. 10,000 mentioned in reply to clause (d) above to Rs. 100 as suggested in clause (g).

SOLDERED COINS RECEIVED IN CURRENCY OFFICES.

102. *Sardar G. N. Mujumdar: Will Government be pleased to state:

- (a) Whether cases have occurred in which coins accepted by the currency shroffs have been declared fraudulently defaced (F. D.) by the Bombay Mint Offices?
- (b) Whether cases have also occurred in which coins of the same nature as in (a) which have been cut and refused by the currency shroffs have been declared to be good by the Mint Office on reference by the public?
- (c) Whether it is not possible and desirable to have the discontinuance of such differentiation in opinion in future?

The Honourable Sir George Schuster: (a) Yes.

(b) Yes, but it does not necessarily follow that coins referred to in (a) and (b) are exactly of the same nature.

(c) This is the object aimed at, but occasional divergences of opinion in individual cases are inevitable.

LEAVE RESERVE IN THE BOMBAY CURRENCY OFFICE.

103. *Sardar G. N. Mujumdar: Will Government be pleased to state:

- (a) The percentage of leave reserves in the clerical establishment in the Currency Office in Bombay?
- (b) Whether it is a fact that the percentage of leave reserves in the Bombay Post Offices is 18 per cent.?
- (c) Whether it is a fact that the percentage of leave reserves in the Bombay Currency Office is hardly half that in the Bombay Post Offices?
- (d) The reason why there is not a uniform percentage of leave reserves in these two offices under the same Government in the same city?

The Honourable Sir George Schuster: (a) to (c). In the Bombay Currency Office the percentage of leave reserve is 10, whereas in the Post Offices in Bombay it is 17 and in the administrative offices, e.g., that of the Postmaster General, 10.

(d) The strength of the leave reserve is fixed with reference to the conditions prevailing in a particular office.

LEAVE RESERVE IN THE BOMBAY CURRENCY OFFICE.

104. *Sardar G. N. Mujumdar: Will Government be pleased to state whether they have at present under consideration the question of increase in the Currency establishment in Bombay on account of the heavy increase in the work of that Department, and whether they also propose to consider the question of increase in leave reserve simultaneously? Is it a fact that they have agreed to consider it as a result of representations from the Currency Association in Bombay some years back?

The Honourable Sir George Schuster: The question was considered in September last and the conclusion was reached that there had not been a sufficient increase in the volume of work to make it desirable to add to the strength of the permanent establishment in present circumstances.

ESTABLISHMENT IN THE BOMBAY CURRENCY OFFICE.

105. *Sardar G. N. Mujumdar: Will Government be pleased to state:

- (a) The number of the total permanent establishment of clerks and shroffs in the Bombay Currency Offices?
- (b) The number of total temporary establishment of clerks and shroffs in the Bombay Currency Offices?
- (c) Whether it is a fact that the permanent establishment in (a) above is quite insufficient to cope with the daily receipts of notes and coins in the Departments? If so, why such a big temporary establishment is maintained continually for years together?
- (d) Whether they have considered the question of abolishing the temporary establishment altogether converting it into permanent establishment?
- (e) If the reply to (d) be in the negative, the reasons therefor?

The Honourable Sir George Schuster: (a) Treasurer's Department Clerks 96, Shroffs 31.

General Department: Clerks 45.

These figures exclude Deputy and Assistant Treasurers, Superintendents and Assistant Superintendents.

(b) The strength of the temporary establishment, excluding inferior servants, in the Bombay Currency Office on the 15th January, 1981, was:

Clerks 37; Shroffs 28.

(c) to (e). The work in the Currency Office varies from season to season and from day to day in the same season. There must be some elasticity in regard to the number of men to be employed to cope with the work from time to time, and as the work can be easily learned, the greatest economy is secured by engaging temporary hands as and when required.

PAY AND DUTIES OF HEAD SHROFFS IN THE CALCUTTA CURRENCY OFFICE.

106. ***Sardar G. N. Mujumdar:** (a) Will Government be pleased to state the number of Shroffs and Head Shroffs in the Calcutta Currency Office?

(b) Will Government be pleased to state the pay, duties and nature of responsibility of the Head Shroffs in the Calcutta Currency Office, and whether these Head Shroffs had to make good any losses in discharging their duties? If so, how much?

The Honourable Sir George Schuster: (a) Shroffs 77, Head Shroffs 3.

(b) The pay of Head Shroffs is at present Rs. 80 per mensem, but a proposal has just been accepted by the Standing Finance Committee to raise their pay to Rs. 100 per mensem. The Head Shroffs are responsible for the proper working of the groups under them. They have to make good losses which can be attributed to their negligence. It has not been necessary in recent times to make any recoveries from them.

ISSUE OF INDIA TREASURY BILLS.

107. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that the Government of India issue to the public, India Treasury Bills; and if so,

(i) the amount of face value for which they have been issued and are payable after the 31st December, 1981;

(ii) the amount of interest paid from 1st April to 31st December, 1980;

(iii) To what account is the interest charged?

(b) Are India Treasury Bills issued—

(i) to meet the financial requirements of the Government of India, or

(ii) to stabilize the 1s. 6d. ratio of exchange?

(c) If they are issued for any of the above purposes, in what way the money realized is utilized?

(d) For what further length of time do the Government of India intend to continue the issue?

The Honourable Sir George Schuster: (a) (i). The face value of Treasury Bills outstanding on the 31st December, 1980, was Rs. 52 crores 40 lakhs.

(ii) The amount of discount on Treasury Bills from the 1st April to the 31st December, 1980, was about 1.78 lakhs.

(iii) The discount paid on Treasury Bills is debited to the head "Interest on Ordinary Debt".

(b) (i). The main object of issuing Treasury Bills is to meet the financial requirements of Government.

(ii) At the same time the handling of Treasury Bill policy may on occasion be closely connected with the Government's task as currency authority. If stability of the exchange value of Indian currency is to be maintained (whether at 1/6 or at any other level) the amount of currency in circulation must be regulated according to the actual requirements. If, for example, world prices for those commodities which India exports fall, then unless currency is suitably contracted, an inflationary position would exist, meaning that Indian prices would get out of parity with world prices; exports would be held up; and it would be impossible permanently to maintain stability of currency. The normal action of the currency authority in such cases is to draw surplus currency off the market, and by regulating interest rates to diminish the flow of capital from the country and stimulate the flow of capital into the country. The normal method by which the Government of India in its capacity as currency authority can achieve these objects is through its Treasury Bill policy.

(c) The money realised from the sale of Treasury Bills is kept in the Government balances if it is not required for immediate disbursement.

(d) This must depend entirely on the circumstances. I shall endeavour to give a forecast of our action for next year in my Budget speech.

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES EMPLOYED IN THE CUSTOMS HOUSE, KARACHI.

108. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state:

(i) the total number of Appraisers working in the Customs House at Karachi, and how many of them belong to each of the following communities:

- (1) Hindus,
- (2) Parsis,
- (3) Christians,
- (4) Muslims;

(ii) the total number of Examiners working in the Customs House at Karachi, and how many of them belong to each of the following communities:

- (1) Hindus,
- (2) Parsis,
- (3) Christians,
- (4) Muslims;

(iii) the percentage of Muslim Appraisers and Examiners working in the Customs House at Karachi; and

(iv) how many Christian, Parsi, Hindu and Muslim Examiners were recruited from outside and how many were taken from the office within the last five years and what were their qualifications?

(b) Were the posts of Appraisers and Examiners advertised in the Press? If so, were any applications received from Muslim candidates?

(c) How many appointments were filled in through advertisement and how many otherwise?

(d) Were any chances for the posts of Examiners given to Muslim clerks in the office? If not, why not?

(e) How many Appraisers are there whose educational qualification is only departmental examination and no other University degree?

(f) Are Government prepared to ask the Collector of Customs, Karachi, to submit every year the list of Preventive Officers, Wharfingers, Assistant Wharfingers, Appraisers, Examiners, and clerks to be appointed hereafter, to the Central Board of Revenue, showing the number of Muslims and non-Muslims required?

The Honourable Sir George Schuster: (a) A statement showing the information asked for by the Honourable Member is placed on the table.

(b) Only one vacancy was advertised recently in the Press when applications from four Muslim candidates were received out of a total of 51 applications.

(c) The above mentioned vacancy was the only one filled up after advertisement.

(d) No. None was found suitable.

(e) Nine, but most of them possess other special qualifications, such as an expert knowledge of machinery and piece-goods.

(f) It is not possible to forecast the number of vacancies likely to occur annually. Permanent appointments of Appraisers, Examiners and Preventive Officers are reported to the Central Board of Revenue as soon as they are filled. Annual returns showing all the appointments made in the previous year are also submitted to the Board.

I am adding to the information asked for by the Honourable Member a statement showing all appointments made in the Karachi Customs House during 1980. I am doing this because I regard it as proper to examine the matter as a whole and not merely for one isolated branch or grade of the service operating in a Custom House.

Statement showing the number of Appraisers and Examiners, etc., in the Karachi Customs House.

(i) Total number of Appraisers 21

Viz :—

(1) Hindus 7
(2) Parsis 3
(3) Christians 10
(4) Muslims 1

(ii) Total number of Examiners 14

Viz :—

(1) Hindus 9
(2) Parsis 1
(3) Christians 4
(4) Muslims Nil

(iii) Appraisers 5 per cent, and Examiners Nil.

(iv) During the last five years 4 Examiners were recruited from outside and two from the office as under :—

A Parsi graduate, a Christian under-graduate and two Hindu Matriculates were recruited from outside. Two of them had very considerable mercantile experience. The third had served as an analyst for over 7 years in the Local Government Laboratory at Keamari and was recruited so that he could help the Assistant Chemical Examiner at analysis when necessary. The fourth was selected because he was the son of a hardworking and devoted Government servant who died prematurely while still in service.

Two Hindus were promoted as Examiners, one a graduate and the other a matriculate.

Statement showing all appointments made in the Karachi Customs House during the year 1980.

Service or appointment.	Number.	How filled.						Remarks.
		Hindus.	Muslims.	Europeans and Anglo Indians.	Sikhs.	Indian Christians.	Other Communities.	
Appraisers .	1	..	..	..	..	..	1	
Examiners .	1	1	..	..	..	..	..	
Preventive Officers.	1	..	..	1	..	..	..	
Lower Division clerks.	8*	2	5	..	..	1	..	*Two of them have since resigned.
Total .	11	3	5	1	..	1	1	

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES EMPLOYED IN THE CUSTOMS HOUSE, KARACHI.

109. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state:

(i) the total number of Wharfingers working in the Customs House at Karachi, and how many of them belong to each of the following communities:

- (1) Hindus,
- (2) Parsis,
- (3) Christians,
- (4) Muslims?

(ii) whether it is a fact that no local and rent allowances were given to Wharfingers when they were sanctioned for ministerial and Preventive Officers?

(iii) how many times did the Collector of Customs send the scheme of the Wharfingers section to Government and how many times was it refused within the last 5 years?

(b) Is any scheme lying at present before the Government, and if so, what action do they intend to take?

(c) Will Government be pleased to state whether it is a fact:

(i) that appointments of Preventive Officers are filled indirectly from outsiders?

(ii) that Wharfingers, who are of long service, and experienced in the line, are not given appointment of Preventive Officers; if not, why not?

(d) Will Government be pleased to state whether it is a fact:

(i) that the whole Preventive Service from Assistant Collector to peon is provided with residential quarters; and

(ii) that the Wharfinger section is a part of the Preventive Service, and if so, is the Wharfinger section provided with residential quarters? If not, why not?

The Honourable Sir George Schuster: (a) (i), A statement is laid on the table.

(ii) In 1922 a local allowance for the ministerial establishment and a house rent allowance for some Preventive Officers, for whom it was not possible to provide quarters free of rent, were sanctioned. No local or house rent allowance was sanctioned for the Wharfinger establishment. The local allowance for the ministerial establishment and the house rent allowance for the Preventive establishment were both merged in pay in 1926, since which time the Preventive Officers have to pay rent for their quarters.

(iii) A scheme for the re-organisation of the Wharfinger establishment was submitted by the Collector of Customs in October, 1926, and was sanctioned in the following month. Another scheme was sent up by the Collector in October, 1929, but on account of financial stringency the Central Board of Revenue found itself unable to support it.

(b) No.

(c) (i). Yes, as a general rule.

(ii) The cases of specially deserving Wharfingers are taken into consideration for appointment to the Preventive Service; such promotions have been given in the past.

(d) (i). Quarters have been provided for the Assistant Collector in charge of the Preventive Service, Preventive Inspectors and Officers (see the reply to (a) (ii) above) and all the peons in the Preventive section.

(ii) As at present organised, the Wharfinger establishment is not regarded as a part of the Preventive Service proper. It has not been found necessary to provide quarters for Wharfingers.

Statement showing the total number of Wharfingers working in the Karachi Customs House.

10. Wharfingers and 16 Assistant Wharfingers as below:

Community.	Wharfingers.	Assistant Wharfingers.
Hindus	6	10
Parsis	..	..
Christians	1	2
Muslims	2	3
Jews	1	1
	<u>10</u>	<u>16</u>

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES EMPLOYED IN THE CUSTOMS HOUSE, KARACHI.

110. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state:

(i) the total number of Superintendents working in the Custom House at Karachi, and how many of them belong to each of the following communities—

- (1) Hindus,
- (2) Parsis,
- (3) Christians,
- (4) Muslims;

(ii) the total number of Deputy Superintendents working in the Custom House at Karachi and how many of them belong to each of the following communities—

- (1) Hindus,
- (2) Parsis,
- (3) Christians,
- (4) Muslims;

(iii) the total number of clerks working in the Custom House at Karachi;

(iv) how many of the clerks belong to each of the following communities and draw Rs. 125 and above p.m.—

- (a) Hindus,
- (b) Parsis,
- (c) Christians,
- (d) Muslims;

(v) how many of them belong to each of the following communities and draw Rs. 45 to below 125 p. m.—

- (a) Hindus,
- (b) Parsis,
- (c) Christians,
- (d) Muslims?

The Honourable Sir George Schuster: A statement containing the information asked for by the Honourable Member is placed on the table.

Statement showing the number of Superintendents, etc., in the Karachi Customs House.

(i) Total number of Superintendents is 4, viz. —

- (1) Hindus
- (2) Parsis
- (3) Christians
- (4) Muslims

(ii) Total number of Deputy Superintendents is 4, viz. :-

(1) Hindus	4
(2) Parsis	nil.
(3) Christians	nil.
(4) Muslims	nil.

(iii) Total number of clerks—136.

(iv) Number of clerks drawing a pay of Rs. 125 and above per month—

(1) Hindus	16
(2) Parsis	2
(3) Christians	3
(4) Muslims	1

(v) Number of clerks drawing a monthly pay of Rs. 45 and over but below Rs. 125 :-

(1) Hindus	75
(2) Parsis	4
(3) Christians	13
(4) Muslims	23

WITHHOLDING OF GRANTS FROM THE BENARES HINDU UNIVERSITY.

111. *Lala Hari Raj Swarup: (a) What is the total amount of recurring and non-recurring annual grants paid to the Benares Hindu University and the Aligarh Muslim University by the Government of India and the United Provinces Government?

(b) When and how are these grants paid?

(c) Have the grants been paid to both the Universities for the current financial year?

(d) Has the attention of Government been drawn to the various comments in the papers that the Benares Hindu University has not received its grants this year; and that it is expected to withhold grants on account of political reasons? Will Government be pleased to state if there is any truth in these statements?

(e) If the answer to (d) is in the affirmative, will Government be pleased to state the reasons for which it has been proposed to withhold its grants?

(f) Are Government aware that the withholding of the grants from the Hindu University at this time will cause a great blow to this long established institution?

(g) Do not Government propose to issue grants immediately?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Government of India have sanctioned a recurring grant of Rs. 8 lakhs and a non-recurring grant of Rs. 15 lakhs to the Benares Hindu University and also to the Aligarh Muslim University. The Government of the United Provinces report that they have sanctioned for the Benares Hindu University a recurring grant of Rs. 98,862, and for the Aligarh Muslim University a recurring grant of Rs. 1,78,582 and a non-recurring grant of Rs. 20,000 for the year 1980-81.

(b) The recurring grants from Central revenues are payable annually in two equal instalments, the first in or after May, and the second in or after the following November. The non-recurring grants from Central revenues are spread over three years, viz., Rs. 3 lakhs in 1929-30 and Rs. 6 lakhs in each of the years 1930-81 and 1981-82, in the case of the Benares Hindu University, and Rs. 3 lakhs in 1930-31 and Rs. 6 lakhs in each of the years 1931-82 and 1982-33 in the case of the Aligarh Muslim University. These grants are paid through the Government of the United Provinces. The Government of the United Provinces report that the recurring grants are paid quarterly in advance in the case of the secondary schools attached to the Universities, in one lump sum at the beginning of the year in the case of the Aligarh Muslim University Degree College and monthly for ten months in the case of the stipends at the Training College attached to the Benares Hindu University. The non-recurring grant is paid when the conditions specified in paragraph 354 of the United Provinces Educational Code are fulfilled.

(c) So far as grants from Central revenues are concerned, the first instalment of the recurring grant to the Aligarh Muslim University has been paid for the current financial year. The payment of the grants to the Benares Hindu University was deferred pending the receipt of the further report from the Government of the United Provinces regarding the financial and general administration of the University. It is reported that the grants from provincial revenues for the current financial year have been paid, with the exception of a portion of the recurring grant to the Benares Hindu University for the fourth quarter, for which a claim has not yet been received, and a portion of the grant to the Ceramic Department of that University.

(d), (e), (f) and (g). Government have seen the comments mentioned by the Honourable Member. I would refer him to the reply I have given to Mr. Gaya Prasad Singh's question No. 44 on this subject.

ISSUE OF RETURN TICKETS ON RAILWAYS.

112. *Lala Hari Raj Swarup: (a) Will Government be pleased to state the names of Railways which do not issue return tickets?

(b) Is it a fact that the two great systems of Railways, viz., Great Indian Peninsula and Bombay, Baroda and Central India Railways connecting various commercial centres with Bombay do not issue return tickets? If so, why?

(c) Will Government state the reason why there should not be a uniform practice in this respect on all railways especially State-managed railways?

Mr. A. A. L. Parsons: (a) There is considerable diversity in the practice adopted on the principal railways regarding the issue of return tickets and I am having a printed statement, showing what the position in this respect was in December, 1980, placed in the Library.

(b) Certain return tickets are issued on the Great Indian Peninsula and Bombay, Baroda and Central India Railways.

(c) Owing to varying local conditions on different railways a uniform practice in this respect is not desirable.

Mr. Gaya Prasad Singh: Sir, are Government aware that the East Indian Railway authorities have discontinued the practice of issuing eight-monthly return tickets from the 1st of January?

Mr. A. A. L. Parsons: I believe that is so, Sir.

Mr. Gaya Prasad Singh: May I know the reason?

Mr. A. A. L. Parsons: Because it did not pay the East Indian Railway to issue them.

Lala Hari Raj Swarup: Is it a fact that the North Western Railway also have discontinued the practice of issuing week-end return tickets?

Mr. A. A. L. Parsons: I believe so, and for the same reason.

FORFEITURE OF SECURITY DEPOSITED BY THE *HINDUSTAN TIMES*.

113. ***Sir Hari Singh Gour** (on behalf of Mr. Jagan Nath Aggarwal): (a) Are Government aware of the decision of a Special Bench of the Lahore High Court, presided over by the Chief Justice, in the *Hindustan Times* security forfeiture case, decided on the 19th December, 1930, under section 16 of the Press Ordinance II of 1930?

(b) Are Government aware that the High Court characterised the demand of security from the *Hindustan Times* Press on the 29th of April, 1930, two days after promulgation of the Ordinance by the Local Government of Delhi, as illegal?

(c) Are Government aware that most of the articles, on which the order for forfeiture of the security of the *Hindustan Times* Press and newspaper was based, have been held to be unobjectionable by the Special Bench of the High Court at Lahore?

(d) Are Government aware that the order of forfeiture has been held to be justified mainly on the basis of the report of a speech delivered by Mr. V. J. Patel, ex-Speaker of the Assembly, wherein he had advocated boycott of the Legislatures and of all candidates and voters and that a report of this speech was held to have contravened section 4 (1) clause (d) of the Ordinance as being likely to cause annoyance to some person or persons?

(e) In view of the above facts:

(i) will Government be pleased to inform the House as to the steps it has taken in view of the judgment aforesaid? and

(ii) are Government prepared to consider the question of refunding the security of the Press and the newspaper forfeited by order of the Local Government?

The Honourable Sir James Ormer: (a) Yes.

(b) The learned Chief Justice held that the order in question requiring security appeared to proceed upon what was published before the promulgation of the Ordinance and that a requisition for security proceeding on a writing published before that date would be illegal.

(c) and (d). The learned Chief Justice observed that reasonable objection could not be taken to a considerable number of extracts on which the order of forfeiture was based, but he did not consider it was necessary

to examine them all as he had come to the decision that the report of the meeting referred to in part (d) of the question justified the order, and held that the application must therefore be dismissed.

(e) (i) and (ii). I am not sure what steps the Honourable Member has in mind. The Government of India see no reason for refunding the security which the High Court has held to have been justifiably forfeited.

HINDU OPINION ON BILLS RELATING TO HINDU LAW.

114. ***Raja Bahadur G. Krishnamachariar:** With reference to Sir Malcolm Hailey's answer to Babu J. N. Mukherjee's question No. 232, dated 10th March, 1923, regarding "Hindu opinion on Dr. Gour's and Mr. Seshagiri Iyer's Bills", will Government be pleased to state:

(a) whether in cases where specific motions for circulation of Bills relating to Hindu Laws were adopted by the Assembly, as for instance, in the cases of—

- (1) The Hindu Co-Parcener's Liability Bill,
- (2) The Hindu Widow's right of Inheritance Bill,
- (3) The Hindu Religious and Charitable Trusts Bill,
- (4) The Children's Protection Bill, 1927, and
- (5) The Arya Marriage Validation Bill,

the opinions of Hindu Associations, the heads of Hindu religious institutions, and representative Hindus of the orthodox community were invited by the Government, and

(b) If so, in respect of which Bills?

(c) If not, why were not such opinions invited?

The Honourable Sir George Rainy: (a), (b) and (c). When Bills are circulated for opinion by the direction of the Assembly, the Government of India do not obtain opinions on them direct but through the agency of the Local Governments, and Administrations who are given full discretion to consult such officers and other persons as they think fit. In the case of the five Bills mentioned, this procedure was followed. Beyond the information which can be gathered from the opinions themselves which were printed and circulated to Members of the Assembly, the Government of India have no information as to what representative associations and heads of the Hindu religious institutions were consulted by the Local Governments in respect of each of the Bills.

RELIGIOUS OPINION ON BILLS AFFECTING RELIGIOUS CUSTOMS.

115. ***Raja Bahadur G. Krishnamachariar:** (a) Are Government prepared to issue instructions that in future, before any Bill affecting the religion or the socio-religious usages and customs of any community is introduced in the Assembly, the opinions of prominent representative members of that community who follow their ancient Dharma, the heads of Matha and other religious institutions should be obtained by the Government to whom the Bills may be referred?

(b) Is it a fact that where opinions are invited by the Local Governments on Bills introduced in the Legislative Assembly, they do not forward all the opinions collected but make a selection and send only those that they select?

(v) Do Government propose to issue instructions that in future all opinions obtained by them should be forwarded together with a full list of persons whose opinions were called for, irrespective of whether all of them responded to the invitation or not?

The Honourable Sir George Rainy: (a) It is presumed that the Honourable Member refers to Bills circulated for opinion in pursuance of a circulation motion made and adopted in the Legislative Assembly. If so, Bills so circulated are circulated with a letter enjoining Local Governments to furnish their own opinion and that of such selected officers and other persons as they think fit to consult. Government are however prepared to consider whether any useful purpose would be served by supplementing this general discretion with instructions on the lines indicated by the Honourable Member.

(b) The answer is in the affirmative. The persons and bodies who are consulted by Local Governments are selected with care so that the body of opinion received may be compact, representative and helpful. The replies of the Local Governments therefore indicate the main divisions of public opinion and their relative importance; and the opinions selected contain opinions representative of each division, and any isolated opinion which appears to be valuable.

(c) The instructions issued to Local Governments on the subject were the outcome of a conclusion which the Government of India see no reason to reconsider and in the interests of administrative convenience it is necessary that opinions should be subjected to a process of selection before being transmitted by Local Governments.

WITHHOLDING OF SANCTION TO THE INTRODUCTION OF BILLS IN THE LEGISLATIVE ASSEMBLY.

116. *Raja Bahadur G. Krishnamachariar: Will Government be pleased to state how many Bills requiring the previous sanction of the Governor General, under section 87, clause 2 (b), Government of India Act, were proposed to be introduced in the Legislative Assembly, since the introduction of the reforms in 1921, and in how many cases were the proposals rejected?

Sir Lancelot Graham: The sanction in question was applied for in fifty and it was refused in five cases.

Raja Bahadur G. Krishnamachariar: Will Government be pleased to give the names of the Bills with regard to which sanction has been refused?

Sir Lancelot Graham: I should like to have notice of that question, Sir.

APPOINTMENT OF A STANDING COMMITTEE FOR BILLS RELATING TO HINDU AND MUHAMMADAN LAWS.

117. *Raja Bahadur G. Krishnamachariar: (a) Will Government be pleased to state what further steps, if any, were taken to consider the Resolution regarding the appointment of a Standing Committee for Bill relating to Hindu and Muhammadan laws subsequent to the 1921 Session, 1923, when a similar Resolution was postponed till the following Session?

(b) If any steps have not been taken till now, have Government any intention to re-introduce the Resolution? If so, when?

The Honourable Sir George Rainy: (a) and (b). As the Honourable Member is aware, Government have endeavoured to bring the matter before the House on more than one occasion, but the House has not been disposed to consider their proposals. They do not consider it desirable to proceed further in the matter until a decision is reached on the larger issues which came under the consideration of the Round Table Conference.

BILLS CIRCULATED FOR OPINION.

118. *Raja Bahadur G. Krishnamachariar: With reference to the Honourable the Home Member's answer to Mr. M. K. Acharya's starred question No. 656, dated 19th March, 1980, will Government be pleased to state:

- which Bills they proposed to circulate for opinion and whether they included those proposed by Messrs. M. K. Acharya and K. V. Rangaswamy Iyengar?
- whether such Bills were actually circulated and opinions obtained?
- If so, will Government be pleased to supply the Members of this Assembly with copies of the same as early as possible?
- If not, when they propose circulating them, and including in them the Bills now proposed to be introduced?

The Honourable Sir James Ormer: The Bills circulated were those of which notices had been received from non-official Members of both the Houses or which had been actually introduced before that answer was given. They included the Bills of which notices were received from Messrs. M. K. Acharya and K. V. Rangaswamy Iyengar and have been circulated by executive order.

Some opinions are still outstanding and Government are unable to make any statement at present.

REPORT OF THE AGE OF CONSENT COMMITTEE.

119. *Raja Bahadur G. Krishnamachariar: Will Government be pleased to state:

- When they received the Report of the Age of Consent Committee?
- Whether it was circulated for obtaining the opinions of the Local Governments and other bodies, as is the general practice whenever a Committee is appointed for the consideration of questions affecting the public welfare?

(c) If so, will Government be pleased to communicate to the Honourable Members of this Assembly, as early as possible, the opinions received in pursuance thereof?

(d) If not, why that course was not adopted in this particular case, and whether they will now do so before Dr. Gour's Bill to amend the Penal Code comes up for consideration?

The Honourable Sir James Crerar: (a) The Report of the Age of Consent Committee was received on the 3rd July, 1929.

(b) Yes.

(c) and (d). The views of some of the Local Governments have not yet been received, and until they have been received and examined, Government will be unable to decide what further steps they should take.

GOVERNMENT POLICY OF NON-INTERFERENCE WITH RELIGION OR SOCIAL CUSTOMS.

120. ***Raja Bahadur G. Krishnamachariar:** (a) Has there recently been any change in the Government's policy as regards non-interference with religion or social customs closely inter-mixed with religion which was repeatedly declared as an article of faith with the British Government by their spokesmen from time to time?

(b) Has the attention of Government been drawn to the reply given by the Honourable the Home Member, in August last, to an Orthodox Deputation, which protested against the "Child Marriage Restraint Bill" and reported in the newspapers at the time, that "It would not probably be possible for the Government to offer any longer unqualified resistance to innovations in social matters" as Government came in for violent criticism both in India and in England for their neutral attitude hitherto on social questions as holding reactionary views on social matters?

(c) Will Government be pleased to state whether the above correctly represents their present attitude in regard to questions of the nature referred to in part (a) above?

The Honourable Sir James Crerar: (a) and (c). I think the Honourable Member will appreciate that it is impossible to give an adequate statement of policy in so complex a matter within the limits of a reply to a question.

(b) Presumably the Honourable Member refers to the deputation which waited upon me in August 1929 when the Child Marriage Restraint Bill was under consideration. The general purport of my reply was that Government could not take an attitude of uncompromising hostility to measures which were influentially supported and merited serious consideration.

SELECTION OF INDIAN REPRESENTATIVES FOR THE ROUND TABLE CONFERENCE.

121. ***Raja Bahadur G. Krishnamachariar:** (a) Has the attention of Government been drawn to the principles laid down for selecting Indian representatives to the Round Table Conference?

(b) Will Government be pleased to state whether, in pursuance of those principles, any representatives of the large body of ryotwari landholders in the country have been selected to the Conference, and if so, who are such representatives?

(c) If not, will Government be pleased to state why no such representatives were selected, notwithstanding the statement in their despatch on the Simon Committee's Report that "We attach great importance to securing genuine and effective representation of rural interests"?

(d) Are Government aware that there is considerable feeling in the country that the interests of the vast majority of the agricultural population which consists mainly of Ryotwari Landholders have been neglected, and that their case has virtually been allowed to go by default?

The Honourable Sir George Rainy: (a), (b), (c) and (d). The Honourable Member is no doubt aware that the delegates to the Round Table Conference were invited by His Majesty's Government. Their selection is therefore not primarily the concern of the Governor General in Council. The number of delegates had necessarily to be limited, and in the majority of cases persons were invited who might be representative of as many interests as possible and the delegates, who might be held more particularly to represent one interest, represent in many cases other interests also.

Raja Bahadur G. Krishnamachariar: Will Government be pleased to state how they came to the conclusion that certain Members of the Round Table Conference represented the rural interests?

The Honourable Sir George Rainy: I think I have already explained, Sir, that the selection was not made by the Governor General in Council nor on his recommendation.

SELECTION OF INDIAN REPRESENTATIVES FOR THE ROUND TABLE CONFERENCE.

122. ***Raja Bahadur G. Krishnamachariar:** (a) Are Government aware that the right of the Liberal Party or the Hindu Mahasabha to represent the Hindu Community has been specially repudiated at various Provincial and All-India Conferences?

(b) Will Government be pleased to state why a comparatively high proportion of representation was allotted to both those Parties, while larger interests such as that of the Ryotwari Landholders and the great Orthodox Community were allowed to go unrepresented?

The Honourable Sir George Rainy: (a) As regards the first part, I think this is largely a matter of opinion: as regards the second, Government have no specific information.

(b) I would refer the Honourable Member to the reply which I have just given to a previous question by him.

SELECTION OF INDIAN REPRESENTATIVES FOR THE ROUND TABLE CONFERENCE.

123. ***Raja Bahadur G. Krishnamachariar:** (a) Are Government aware that, since the publication of their intention to call a Round Table Conference, requests were made from all parts of the country that an adequate number of representatives of the followers of the *Sanatana Dharma* should be invited to that Conference?

(b) Will Government be pleased to state whether such representatives were invited or nominated to that Conference?

(c) If so, who are such representatives?

(d) If not, will Government be pleased to state why no such representatives were selected?

(e) Are Government aware that there is considerable disappointment in the country at their omission to select representatives of the *Sanatana Dharma* and a general belief that Government consider that their interests are negligible and may be disregarded with impunity?

The Honourable Sir George Rainy: (a) Government received one or two representations of that nature.

(b), (c), (d) and (e) I would refer the Honourable Member to the reply which I have given to a previous question by him regarding the selection of delegates to the Round Table Conference. I have nothing to add to that.

Sir Hari Singh Gour: May I beg to enquire whether the Round Table Conference was a religious conference? (Laughter.)

The Honourable Sir George Rainy: That also, Sir, I think, is a matter of opinion.

EXPORT OF BONES FROM INDIA.

124. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that bones of animals, raw as well as crushed, are allowed to be shipped to foreign countries? If so,—

(i) what is the total quantity produced every year? If possible give figures of last three official years;

(ii) what total quantity was shipped during the official year 1929-30; and

(iii) what is the total value of the quantity so shipped?

(b) Are Government aware that bones if adequately utilized as manure add to the natural strength of land, make the land more fertile and enable the land to give excellent results of product? If so,—

(i) why are they allowed to be exported to foreign countries instead of being retained in India; and

(ii) do Government intend to take steps to put a stop to the export?

(c) Have Government taken advice of the Agricultural Research Committee in connection with the article in question, and if so,—

(i) what is the maximum quantity according to them that can be consumed in India if so desired;

(ii) have they expressed their opinion that exports should be restricted; and

(iii) if not, do Government intend to take their advice with regard to the restriction of exports?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(i) No statistics of the annual production of bones exist, and estimates are particularly difficult to make as there are no statistics of the number of animals of different species which die annually. But it has been calculated that the annual production of bones is not less than 274,000 tons.

(ii) and (iii) The exports of crushed bones in 1929-30 amounted to 73,405 tons, valued at Rs. 75,27,472. Those of uncrushed bones amounted to 118 tons, valued at Rs. 12,158, and of bone meal 36,118 tons, valued at Rs. 32,81,790.

(b) On certain soils and for certain crops, bone meal, i.e., finely crushed bones, is a useful manure. Uncrushed bones decompose very slowly and their manurial value is negligible. The Royal Commission on Agriculture in India, after an exhaustive examination of the question, came to the conclusion that no case could be made out for prohibition of the export of bones or bone meal. The Government of India have accepted this view.

(c) The Imperial Council of Agricultural Research has appointed a Committee to investigate the better utilisation of indigenous manurial resources, including bones and bone products. That Committee has not yet reported.

PRESSES REQUIRED TO DEPOSIT SECURITIES.

125. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state:

(a) Names of Presses to whom notices were issued under the two Press Ordinances recently promulgated by His Excellency the Viceroy, up to the 31st December 1930?

(b) Whether any of them were required to lay cash deposits with the Government and if so,—

(i) who they were and what amounts were each of them asked to deposit; and

(ii) what parts of each of such deposits have so far been forfeited to Government?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member in due course.

Mr. Gaya Prasad Singh: In view of the importance of this question, may I request that a copy of the information may be laid on the table of the House?

The Honourable Sir James Crerar: I will consider that when the information is in my possession.

EXPENDITURE INCURRED ON THE ADMINISTRATION OF THE NORTH WEST FRONTIER PROVINCE.

126. ***Seth Haji Abdoola Haroon:** Will Government be pleased to lay on the table a statement showing total income and actual expenditure incurred on administration in North West Frontier Province during the financial year 1929-30, and separate figures of Land Revenue, Income-tax, Excise, Stamp, Forest, and other Civil Departments?

Mr. J. G. Acheson: The figures required by the Honourable Member will be published in the Book of Detailed Estimates and Demands for Grants for 1931-32 which will be presented to the Legislative Assembly with the Budget.

REPRESENTATION OF GOVERNMENT AND THE LEGISLATIVE ASSEMBLY ON THE BOARD OF THE TATA STEEL AND IRON COMPANY.

127. *Mr. S. O. Shahani: (a) Will Government be pleased to state how much representation is had by the Government, and how much by the Legislative Assembly, on the Board of Control of the Tata Steel and Iron Company, Jamshedpur, which receives protection?

(b) Are Government aware that Messrs. Herman and Mohatta of Karachi, who are agents of both the Tata Steel and Iron Company (Indian Steel Merchants) and Messrs. Dorman and Co. (British Steel Merchants), hold in store to-day hardly any quantity of Tatas' Steel as compared to that of Dormans'? Can it be made a condition of their agency of the Tata Steel and Iron Company that they shall not deal in the Steel manufactured by other companies? Is a fuller representation of the Government and the Assembly on the Directorate of the Tata Steel and Iron Company for purposes of increased production possible?

The Honourable Sir George Rainy: (a) None.

(b) Government have no information regarding the stocks of steel held by the firm in question. In view of the answer which I have given to part (a) the remainder of the question does not arise.

REPRESENTATION OF GOVERNMENT AND THE LEGISLATIVE ASSEMBLY ON THE INDIAN CABLE COMPANY, JAMSHEDPUR.

128. *Mr. S. O. Shahani: Will Government be pleased to state:

- what protection is afforded to the Indian Cable Company, Jamshedpur;
- what representation Government and the Assembly have on the Directorate of the Company;
- what profit the Company is earning; and
- how much percentage the Company is spending on Indian labour, and on Indian raw products?

The Honourable Sir George Rainy (a) None by means of protective duties, but the Company are given special assistance by remission of the import duty on electrolytic copper rod known as "Black rod", copper weld rod and rough rolled aluminium rod imported by them via the port of Calcutta.

(b) None.

(c) The Honourable Member is referred to page 31 of the Report of the Indian Tariff Board on "The question of Tariff Equality in respect of the Manufacture of Electric Wires and Cables, 1928", published on the 1st March, 1929, which gives the information desired for the five years ending 1927-28. The Government have no later information.

(d) The Government have no information.

PURCHASE OF "INDIA" CEILING FANS BY GOVERNMENT.

129. *Mr. S. O. Shahani: Will Government be pleased to state how many electric ceiling fans known as "India", made in Calcutta, do they purchase per year, how many of the British make, and how many of the Continental? Are the Government aware that the manufacture of "India"

fans is a purely Indian industry? Will Government be pleased to state if they are prepared to purchase hereafter more of "India" fans, to stimulate their production? Are Government aware that the Government of India Test House, Alipore, have given the "India" fans a high test certificate that their specifications are good, and that they consume 48 watts as against 80 to 100 watts consumed by the second best?

Mr. J. A. Shillidy: (a) The number of electric ceiling fans purchased by Government Departments varies from year to year. Figures of the total yearly purchases of electric ceiling fans by all Departments of the Central Government are not available, but the following figures of purchase of continuous current ceiling fans by the Chief Controller of Stores, Indian Stores Department, since 1928 will no doubt give the Honourable Member the information he requires.

	1st April 1928 to 31st March 1929.	1st April 1929 to 31st March 1930.	1st April 1930 to 30th Novem- ber 1930.
India Fans	548	332	53
British Fans	3,422	4,436	1,414
Continental Fans.	Nil	Nil	Nil

(b) The Government are aware that the India Fan is manufactured in India from material partly produced in India and partly imported from abroad.

(c) The purchase of electric fans in common with other stores will continue as heretofore to be made in conformity with the rules for supply of articles for the public service, but I may state for the information of the Honourable Member that the Indian Stores Department has given every possible encouragement to the manufacturers of the India Fan. The fan has been included in the Department's rate contracts for electric ceiling fans notwithstanding the fact that fans of greater efficiency and of better quality can be obtained at more favourable prices. The Department also addressed all indenting Departments bringing the India Fan to their notice and recommending that trial orders should be placed for this make of fan. The technical officers of the Department have from time to time visited the works where the India fans are made and have discussed with the manufacturers and their agents various points connected with the design and manufacture of the fans and have pointed out the directions in which improvements were necessary.

(d) The Government are advised that the efficiency and service value of electric ceiling fans cannot be judged on a comparison of watts consumed alone. Many other factors such as quantity of air delivered per watt consumed, low maintenance cost, etc., have to be taken into consideration. The Government are aware that in 1928 the Superintendent, Government Test House, tested two types of India fans. The watts consumed by one type were approximately as stated by the Honourable Member, but the fan failed to satisfy the standard required in other respects.

More recent tests of the India fan carried out by the Superintendent, Government Test House, show that, although the energy consumption of the India fan of the type and size most in demand by Government Departments is lower than that of some other makes, the service value of the India fan, e.g., cubic feet of air delivered per minute per watt, is not as high as that of the other makes.

PURCHASE OF BELGIAN STEEL PIPES.

180. ***Mr. S. C. Shahani:** Are Government aware that the Belgian mild steel pipes, "L" brand, are cheaper than the mild steel pipes of the Stuart and Lloyd Co. by 10 to 15 per cent? Will Government be pleased to state if they are prepared to purchase hereafter the "L" brand pipes and not the Stuart Lloyd's?

Mr. J. A. Shillidy: Government have no information regarding the price of Belgian mild steel pipes of the brand mentioned by the Honourable Member.

Government make substantial purchases of mild steel pipes of the brand stated, but these are not of Belgian manufacture.

Government are not prepared to undertake to confine their purchases of mild steel pipes to any particular make or brand, but will continue to make their purchases of such articles in conformity with the rules for the supply of articles required for the public service. Tenders for pipes of the brand stated receive, and will continue to receive, the same consideration as tenders for similar pipes by other manufacturers.

PURCHASE BY GOVERNMENT OF INDIAN TEXTILES.

181. ***Mr. S. C. Shahani:** Will Government be pleased to state if they are purchasing now only Indian textiles, both cotton and woollen, and none other?

Mr. J. A. Shillidy: No, but cotton and woollen textiles of Indian manufacture are invariably purchased when such purchases are justified by considerations of economy and efficiency. During the past four years a very high percentage of the value of contracts for textile supplies placed in India by the Chief Controller of Stores has been for cotton and woollen textiles produced in India. The percentage for cotton textile of Indian manufacture amounted to 96.7 per cent. and for woollen textiles of Indian manufacture to 97 per cent. The Honourable Member will find further details in Appendix IV of the Administration Report of the Indian Stores Department for the year 1929-30, a copy of which is available in the Library of the House.

PROCEEDINGS AND COST OF THE ROUND TABLE CONFERENCE.

182. ***Mr. K. C. Roy:** (a) Will Government be pleased to state if they were consulted before the Round Table Conference decided to hold the proceedings *in camera*? If so, what view did they express?

(b) Have Government received full proceedings of the Round Table Conference to date and will they be pleased to lay them on the table of this House or in the Library of the House?

(c) Will Government be pleased to state what is the total expenditure so far incurred in connection with the Round Table Conference by the Government of India and how much has been contributed by the British exchequer?

The Honourable Sir George Rainy: (a) The procedure of the Conference was settled by the Conference itself without consultation with the Government of India.

(b) It is for the Conference to maintain its records and to decide when and how its proceedings shall be made public. It has not yet communicated its full proceedings to Government for publication.

(c) The expenditure incurred in India by the Government of India amounts approximately to Rs. 1,96,796, but no information is at present available as to the expenditure incurred in England. As regards the contribution by the British exchequer I would refer the Honourable Member to the proceedings of the Standing Finance Committee dated the 19th June, 1930, in which the distribution of expenditure between His Majesty's Government and the Government of India was explained. The arrangement proposed was generally accepted by His Majesty's Government, but no information is at present available in regard to the expenditure incurred by His Majesty's Government.

FUTURE PROCEDURE IN CONNECTION WITH THE ROUND TABLE CONFERENCE DISCUSSIONS.

183. ***Mr. K. C. Roy:** (a) Will Government be pleased to state whether the Round Table Conference is to be resummoned in India or in England after the termination of its present sessions?

(b) Will Government be pleased to state whether they adhere to the proposal that, after the constitutional proposals are submitted to Parliament as a result of the R. T. C. discussions, they will be referred to a Joint Parliamentary Committee which will discuss the proposals with a Parliamentary delegation from India; and whether, when such a delegation is sent, those who were members of the Round Table Conference would be entitled to be included in such a delegation?

The Honourable Sir George Rainy: (a) I would refer the Honourable Member to the statement made by the Prime Minister on the 19th January, 1931. Government have not yet been informed of any decision of His Majesty's Government.

(b) It is evident from the Prime Minister's statement that the whole question of future procedure will receive careful consideration from His Majesty's Government, but I am afraid I cannot say more at present.

FINANCIAL POSITION OF THE INDIAN BROADCASTING COMPANY.

184. ***Mr. K. C. Roy:** (a) Will Government be pleased to state the financial position of the Broadcasting Company since it has been taken over by Government stating profit or loss shown by the undertaking during the period of State ownership?

(b) Will Government be pleased to place on the table of the House proceedings of the Broadcasting Board since it has been constituted?

Mr. J. A. Shillidy: (a) Two statements showing the income and expenditure—

(i) of the Calcutta and the Bombay Stations of the Indian State Broadcasting Service, and

(ii) of the two publications, *Indian Radio Times* and *Betar Jagat* published in Bombay and Calcutta, respectively, for the period from 1st April to 30th September, 1930, are placed on the table.

(b) Government do not consider that any useful purpose would be served by placing indiscriminately on the table of the House the proceedings of Advisory Committees. If the Honourable Member, however, desires information on any specific point, endeavours will be made to supply it to him.

Income and Expenditure Account of the Indian State Broad Casting Service Stations, Bombay and Calcutta, for the period from the 1st April to the 30th September 1930.

Particulars of Expenditure.	Calcutta Station.	Bombay Station.	Total.	Particulars of Income.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Salaries and Wages	23,238 13 0	19,331 13 0	42,570 10 0	By Microphone Advertisement (Calcutta). 768 0 0	768 0 0
Programmes—Indian and European .	18,610 15 0	..	18,610 15 0	By Rent (portion of office building sublet), Calcutta. 1,950 0 0	1,950 0 0
Payments to Artists, Reuters and the Performing Right Society, London.	..	26,462 0 4	26,462 0 4	By Miscellaneous receipts (Bombay).	
Rent, Rates and Taxes	7,000 2 0	9,268 3 0	16,268 5 0	By Recoveries effected:—	
Cossipur Studio and Carstin Place—Power and Lighting.	2,732 1 6	..	2,732 1 6	Customs and other Miscellaneous receipts adjusted in the books of the Accountant General, Bombay.	2,718 0 0
Electric Charges	..	3,476 11 11	3,476 11 11	By Customs receipts adjusted in the books of the Accountant General, Madras.	73 4 0
Telephone Charges	560 4 6	..	560 4 6	By Customs receipts adjusted in the books of the Accountant General, Burma.	15,306 13 9
Maintenance of Plant	1,573 2 6	3,909 9 11	5,482 12 5	By License fees adjusted in the books of the Accountant General, Posts and Telegraphs, 80 per cent. of Rs. 36,880.	563 12 0
Travelling Allowance and Honoraria.	392 9 0	1,322 15 0	1,715 8 0	By net loss on the working of the Service.	1,208 15 0
Miscellaneous Expenses	571 7 0	3,130 2 11	3,701 9 11		29,504 0 0
Postage and Telegrams	304 10 0	..	304 10 0		75,936 7 7
Printing and Stationery	370 14 0	..	370 14 0		
Advertising and Publications	382 5 0	..	382 5 0		
Loss on disposal of Motor Bus . . .	..	2,772 8 0	2,772 8 0		
	55,737 4 3	69,674 0 1	1,25,411 4 4		1,25,411 4 4

Income and Expenditure Account of the Calcutta and Bombay Radio Publications for the period from the 1st April 1930 to the 30th September 1930.

Particulars of Expenditure.	Calcutta Radio Publication (Beter Jagat).	Bombay Radio Publication.	Total.	Particulars of Income.	Calcutta Radio Publications (Beter Jagat).	Bombay Radio Publication.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.
To Salaries, Printing and Postage.	1,649 11 3	--	1,649 11 3	By Subscription, Sales, etc.	--	1,679 6 0	1,679 6
To Salaries, Wages, etc.	--	2,605 4 0	2,605 4 0	By Subscription	162 1 0	--	162 1
To Printing charges	--	4,395 5 6	4,395 5 6	By Cash Sales.	707 15 0	--	707 15 0
To Contingent expenses	--	862 10 0	862 10 0	By Advertisements.	2,098 0 0	6,706 12 0	8,804 12 0
To Commission on Sales	--	130 0 0	130 0 0				
To net excess of Income over Expenditure.	1,318 4 9	392 14 6	1,711 3 3				
	2,968 0 0	8,386 2 0	11,354 2 0		2,968 0 0	8,386 2 0	11,354 2 0

PROMULGATION OF NEW ORDINANCES DEALING WITH THE PRESS AND UNLAWFUL INSTIGATION.

135. ***Mr. K. C. Roy:** Will Government be pleased to place on the table of the House papers in connection with the promulgation of the new Ordinances dealing with the Press and Unlawful Instigation, particularly in connection with the statement in Government weekly review of the situation immediately preceding their promulgation that the tone of the press had deteriorated?

The Honourable Sir James Crerar: As the papers relating to the promulgation of the Ordinances are confidential, I regret that I am not able to comply with the request of the Honourable Member.

CASES OF FORFEITURE OF SECURITY UNDER THE PRESS ORDINANCES.

136. ***Mr. K. C. Roy:** (a) Will Government please lay on the table a statement showing the cases of forfeiture of security under Press Ordinances during the year 1930-31 stating the reasons for such a forfeiture?

(b) Will Government please state in how many cases they have taken action under the Press Ordinance enacted in December last?

The Honourable Sir James Crerar: The information is being collected and will be supplied to the Honourable Member in due course.

INCOME FROM CUSTOMS.

137. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state:

(a) what was the budget estimate of the total income by way of customs duty during the nine months 1st April 1930 to 31st December 1930;

(b) what was the actual total income by way of customs duty during the nine months 1st April 1930 to 31st December 1930;

(c) what was the actual income by way of customs duty on sugar alone during the nine months 1st April 1930 to 31st December 1930; and

(d) what is the budget estimate of income by way of customs duty on sugar alone during the official year 1931-32?

The Honourable Sir George Shuster: (a) The budget estimates are not prepared by months but for the complete financial year. The budget estimate of gross Customs revenue for the financial year 1930-31 was Rs. 55.49 crores.

(b) The gross Customs revenue realised in the first nine months of the current year was Rs. 34.40 crores.

(c) The corresponding figure for sugar alone was Rs. 7.81 crores, exclusive of the amount realised under this head through land customs, which is not separately recorded in the published statistics.

(d) For this information, I must ask the Honourable Member to wait until I introduce my Budget.

IMPROVEMENT OF THE SUGAR INDUSTRY.

138. *Seth Haji Abdoola Haroon: Will Government be pleased to state:

- (a) whether any steps have been taken so far to improve the sugar industry in India, and if so,—
 - (i) what they are;
 - (ii) what amount has been spent out of the sum of Rs. 10,00,000 which the Government promised last year to spend; and
 - (iii) in what manner has the amount already spent been distributed and what purposes have been served thereby; and
- (b) whether any proposals have been received by Government for the improvement of the sugar industry, and if so,—
 - (i) what they were; and
 - (ii) which of them have been carried out and which not?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Oh! yes. The Government of India have for many years maintained a sugar-cane breeding station at Coimbatore, the seedling canes from which are now grown on over half a million acres. Since its creation, the Imperial Council of Agricultural Research has devoted special attention to the problems of the sugar industry. It has already taken action in the following directions:

- (i) The provision of a Sugar Technologist, whose services are available to advise Indian sugar factory proprietors and intending factory owners on technical matters;
- (ii) Better provision for the early testing of new varieties of sugar-cane in different parts of the sugar-cane tracts, and better facilities for their multiplication for distribution;
- (iii) Provision for experiments in four provinces on improved sugar-cane mills suited to village conditions; and
- (iv) Provision for more research into the pests and diseases of cane.

Other matters of practical importance to the sugar-cane grower are under examination by the Sugar Committee it has appointed.

(ii) The whole amount has been paid to the Imperial Council of Agricultural Research, which has already allocated Rs. 7,38,298 to various sugar research schemes, and has under examination schemes, the estimated cost of which amounts to Rs. 6,33,188.

(iii) A statement of the schemes which have been sanctioned by the Imperial Council of Agricultural Research is laid on the table.

(b) (i) and (ii). The information I have given in reply to the first part of the Honourable Member's question covers this part also. I may, how-

ever, add that, at the instance of the Imperial Council of Agricultural Research, the question of the protection of the Indian Sugar Industry has been referred to the Tariff Board, whose Report is awaited.

List of Sugar Schemes which have been sanctioned by the Imperial Council of Agricultural Research.

- (1) Special work on seedling canes at the Shahjahanpur Research Station.
- (2) Experiments in devising a satisfactory small power sugarcane crushing mill in the United Provinces, Bihar and Orissa, and the Punjab.
- (3) Sugarcane Research Station in Bihar and appointment of a Sugarcane Specialist.
- (4) Establishment of a sub-station of Coimbatore at Karnal for work on seedling canes.
- (5) Research on Mosaic and other diseases at Pusa.
- (6) Provision of a miniature sugar factory for experimental work and for training sugar technologists at the Harcourt Butler Technological Institute, Cawnpore.
- (7) Testing of Khan Bahadur S. M. Hadi's open pan process of sugar manufacture.
- (8) Work on cane crushing and gur boiling plants in Bengal.
- (9) Appointment of Sugar Technologist.

OPERATION OF THE FOREIGNERS' ACT.

139. *Mr. S. G. Jog: Will Government be pleased to state how many times, since its passing, the Foreigners' Act was brought into operation and against whom?

The Honourable Sir James Orerar: I regret that I am not in possession of the information required by the Honourable Member. Under section 3 of the Act the Government of India and the Local Governments have concurrent powers and I have no information of the action which Local Governments have taken. Between 1918 and 1928 the number of persons against whom action was taken by the Government of India, or with their concurrence, was 17. I hope this information will suffice for the purposes of the Honourable Member.

Mr. S. G. Jog: In view of the new circumstances obtaining now, will Government take steps to alter or amend the old law so as to bring it into conformity with the changed ideas?

The Honourable Sir James Orerar: These are aspects of the question which might well be considered in the contingency referred to by the Honourable Member when it arises.

THUMB IMPRESSIONS OF POLITICAL PRISONERS.

140. *Mr. S. G. Jog: (a) Is it a fact that in some cases thumb-impressions of political convicts were obtained by physical violence in some places by the police or jail authorities?

(b) Is it also true that in some cases such political convicts were tried and sentenced for refusing to give their thumb-impressions? If so, will Government state how many, and in what provinces, such cases came to their knowledge?

(c) Is it a fact that the thumb-impressions of Mr. M. R. Abhyankar, Barrister-at-Law, the ex-M.L.A., now undergoing sentence in the Central Provinces, were obtained by subjecting him to rough and torturing

handling at the hands of some sergeants and others, who, it is alleged, went to the length of sitting on his chest and gagging him, in order that his thumb-impressions might be obtained?

(d) Are Government aware of the storm of disgust and the torrent of criticism this act has aroused?

(e) If yes, what steps have Government taken in the matter?

(f) Will Government take steps to abandon this barbarous system of taking thumb-impressions by force in the case of political prisoners whose identity is easy to establish and who are unwilling to give thumb-impressions on grounds of sentiment?

(g) Are the existing jail rules so cruelly rigid as not to leave any discretion to the authorities in this matter? If so, will Government take steps to amend them so as to obliterate the element of physical force?

The Honourable Sir James Orerar: (a) and (b). I have no information of any such cases, except the one to which the Honourable Member specifically refers.

(c) I have ascertained from the Local Government that Mr. Abhyankar, in spite of being informed of the provisions of the law, stated that he would not willingly consent to his finger impressions being taken and clenched his fist by way of formal protest. Enough force was then used to open his fist but it is not a fact that any struggle took place or that he sustained injuries. His refusal to allow his finger impressions to be taken was merely a formal protest on his part.

(d) and (e). I understand that distorted accounts of this incident appeared in the local Press and gave rise at the time to protest. The Government of India have not taken any action in the matter.

(f) and (g). The attention of the Honourable Member is invited to sections 3, 4, 5 and 6 of the Identification of Prisoners Act (Act XXXIII of 1920) authorising the taking of impressions. Rules for carrying into effect the provisions of the Act are made by Local Governments under the powers conferred by section 8. The Honourable Member will no doubt realise the practical difficulties in the way of making exceptions on the grounds he suggests.

Mr. K. Ahmed: Is the principle of identification by thumb impression followed in England and other countries?

The Honourable Sir James Orerar: Certainly.

Mr. K. Ahmed: In England also?

The Honourable Sir James Orerar: Yes, Sir.

Mr. K. Ahmed: Did they also get thumb impressions from convicts in England during the suffragist movement in 1908 and were they hit hard by the police and thereby their thumb impressions extorted? Will the Honourable the Home Member kindly give his reply?

(No reply was given.)

RECRUITMENT TO THE CLERICAL ESTABLISHMENT OF THE POSTAL AND RAILWAY MAIL SERVICE.

141. ***Mr. Goswami M. R. Puri:** (a) Will Government please state the present policy of recruitment in the clerical establishment of the Postal and Railway Mail Service Department on a communal basis? Have there been any special orders for recruitment from a particular community?

(b) Will Government be pleased to state the number of new appointments in the clerical establishment of the Central Provinces and Berar of the Central Circle, Postal and Railway Mail Service Department?

(c) With reference to part (b) above, will Government please state the percentage of appointments given to (1) Muslims and (2) Non-Muslims?

(d) Is it a fact that the Postmaster General, Nagpur, has issued private letters to heads of Muhammadan institutions to recommend Muslim applicants for employment in this Department?

(e) If the answer to the above is in the affirmative, will Government be pleased to state the caste of the Postmaster General, Central Circle, Nagpur?

(f) Is it a fact that the Provincial Union many times complained about this communal spirit in the Circle in the Department? If so, will Government be pleased to state the action taken?

Mr. J. A. Shillidy: (a) The policy is to prevent the preponderance of any one class or community in the service by reserving one-third of all permanent vacancies for the redress of communal inequalities. In considering the claims of minority communities, the preponderant position among such communities occupied by Muslims is taken into account.

(b), (c), (d) and (f). Information is being collected and will be supplied to the Honourable Member.

(e) Does not arise at this stage.

MUSLIMS AND NON-MUSLIMS APPOINTED AS SORTERS IN THE F DIVISION OF THE CENTRAL POSTAL CIRCLE, NAGPUR.

142. ***Mr. Goswami M. R. Puri:** (a) During the year 1930, how many (1) Muslims and (2) Non-Muslims applied for the post of sorters in the F Division of the Central Circle, Nagpur?

(b) How many (1) Muslims and (2) Non-Muslims were appointed?

(c) Is it a fact that amongst the rejected Non-Muslims there were many with higher educational qualifications than the appointed Muslims?

(d) Will Government please state the reasons for rejecting such Non-Muslims?

Mr. H. A. Sams: (a) (1) 40.

(2) 258.

(b) (1) 10.

(2) 17.

(c) No.

(d) Does not arise.

REDUCTIONS IN CURRENCY TO STABILISE EXCHANGE.

143. ***Sirdar Harbans Singh Brar:** (a) Will Government be pleased to state the reductions that have taken place in currency during the last five years?

(b) Will Government also state the steps it has taken from time to time to keep the exchange stable at 1s. 6d.?

The Honourable Sir George Schuster: (a) Between 31st December, 1925, and 31st December, 1930, the reduction in the amount of currency notes in circulation was 30,42 lakhs. It is impossible to estimate exactly what reduction took place in the amount of silver rupees in actual circulation.

(b) A complete answer to this question would necessitate a very long explanation of the action taken by Government in their capacity as currency authority. The fall in Indian prices, which has corresponded approximately to the fall in world prices, has in fact involved some corresponding reduction of redundant currency.

REDUCTION OF RAILWAY FREIGHT ON PUNJAB WHEAT SENT TO CALCUTTA AND BOMBAY.

144. *Sirdar Harbans Singh Brar: Are Government aware that Australia can place its wheat at Bombay and Calcutta at a cheaper freight rate than Punjab wheat? What action do Government propose to take to help Punjab wheat to have access to Calcutta and Bombay markets by reduction of the railway freight?

Mr. A. A. L. Parsons: Present sea freights for wheat from Australia ports to Bombay are lower than the combined railway and sea freights from the Punjab to Bombay, and present sea freights for wheat from Australian ports to Calcutta are lower than the railway freight from the Punjab to Calcutta. This comparison does not of course take into account railway freight in Australia, which is, necessarily one of the elements of cost in placing Australian wheat on the Indian market. Action has already been taken, as explained in the communiqué of the 17th November last, a copy of which I lay on the table, to reduce substantially the rates for wheat to Karachi, and this has resulted in wheat from the Punjab moving *via* Karachi to Bombay. The question of reducing the rates for wheat from the Punjab to Calcutta has been very carefully examined, and I expect a decision to be reached in the course of the next few days.

Communiqué dated 17th November, 1930.

The existence in India of a large surplus of wheat, estimated at not less than a million tons, which even at the low prices at present prevailing is unable to find a market either within or outside India, has been engaging the anxious consideration of the Government of India; and neither they nor the Railway Board have failed to realise the serious effect on railway earnings of the loss of the traffic which in more normal conditions might reasonably be expected in this commodity. It seems possible that, if movement by rail to Karachi is substantially cheapened during the period before the large wheat crops anticipated in Australia and the Argentine come on the market early next year, some portion at any rate of the surplus Indian crop may be absorbed by export; and the North Western and East Indian Railway administrations, have therefore, decided, with the approval of the Government of India and the Railway Board that the following reductions should be brought into force immediately, and remain in force until the 28th February, 1931:

On the North Western Railway.—In place of the present C/K Schedule, the C/R Schedule will apply to traffic booked to Karachi in full wagon loads for distances over that railway of not less than 600 miles. The differential rule as regards distance will apply for distances less than 600 miles.

On the East Indian Railway.—In place of the existing C/B and C/M Schedules, the C/Q Schedule will apply to traffic booked to Karachi in full wagon loads, except traffic originating at stations on the Bombay, Baroda and Central India Railway, the Bengal and North Western Railway, and the Rohilkund and Kumaon Railway.

As an illustration of the effect of this reduction, the freight per maund from Lyallpur to Karachi will be 6 annas 10 pies, instead of 11 annas 8 pies at present charged.

The results of this action, and the future position of the wheat market in India will be closely watched by the Government of India.

PROSPECTS OF COMMERCIAL PROBATIONERS ON THE NORTH WESTERN RAILWAY.

145. *Sirdar Harbans Singh Brar: (a) Are Government aware of the fact that on the North Western Railway in 1918 ten young graduates were taken as commercial probationers, of whom only three after two years' training and confirmation stuck to their jobs, *viz.*, one Muslim on the Multan Division, one Hindu on the Ferozepur Division and a Sikh on the Quetta Division as Claims Tracers, and the balance quitted the service for want of future bright prospects?

(b) Are Government aware of the fact that out of the above ten probationers one European resigned the service and rejoined as a guard and is now working as an Assistant Station Master on the Lahore Division drawing Rs. 320 *per mensem* whereas the above three have been reverted to Rs. 140 only (maximum) for the last seven years?

(c) Is it a fact that there are at present four vacancies in the cadre of Junior Claims Inspectors but, in spite of repeated requests and representations from the above Claims Tracers, no action has so far been taken to promote them to these posts even though they have qualified themselves in Assistant Station Master's Coaching and Goods duties?

(d) Is it a fact that the Claims Tracer attached to the Ferozepur Division was selected as an Assistant Staff Warden on Rs. 200 *per mensem*, but was reverted after a month or so without assigning any reasons for the reversion and a Muslim claims clerk, who is not even a Matric and was drawing Rs. 80 only, was promoted in his place? Will Government please state reasons for the above?

Mr. A. A. L. Parsons: (a) and (b). I am obtaining information from the Agent of the North Western Railway, and will communicate with the Honourable Member when it is received.

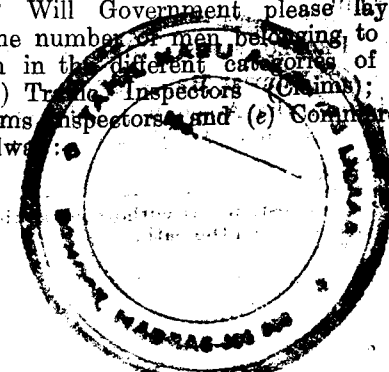
(c) There are three vacancies of Junior Claims Inspectors but the Agent of the North Western Railway does not propose to fill them for the present.

(d) The Claims Tracer attached to the Ferozepore Division was tried as Assistant Staff Warden but was reverted as he did not prove fit for the duties of the post. The Muslim clerk selected to replace him is considered to possess special aptitude for the work of the post.

NUMBERS OF HINDUS, MUSLIMS AND SIKHS APPOINTED TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

146. *Sirdar Harbans Singh Brar: Will Government please lay on the table the actual figures showing the number of men belonging to the undermentioned communities taken on in the different categories of (a) Traffic Inspectors (Transportation); (b) Traffic Inspectors (Claims); (c) Commercial Superintendents; (d) Claims Inspectors; and (e) Commercial Supervisors on the North Western Railway?

- (i) Hindus,
- (ii) Muslims,
- (iii) Sikhs?



Mr. A. A. L. Parsons: Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in railway services given in the annual Administration Report on Indian Railways.

DISCONTENT AMONGST CLAIMS INSPECTORS AND CLAIMS TRACERS ON THE NORTH WESTERN RAILWAY.

147. ***Sirdar Harbans Singh Brar:** Are Government aware of the fact that, as a result of stagnation extending in most cases over a period of 7 years, much discontent is at present prevailing amongst Claims Inspectors and Claims Tracers on the North Western Railway? If so, do Government propose to take early steps to eradicate this discontent?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the negative; as regards the second part, Government propose to draw the attention of the Agent of the North Western Railway to the question.

TREATMENT OF SOLDIERS AFFECTED WITH PULMONARY CONSUMPTION.

148. ***Sirdar Harbans Singh Brar:** (a) Will Government be pleased to state the action which is taken when a soldier is found getting consumption of the lungs in the Indian Army and in the British Army in Britain respectively?

(b) Is it not a fact that in the United Kingdom the soldiers suffering from consumption of the lungs are at once sent to special hospitals for regular treatment while in India they are at once boarded out by the Medical Board and sent to their homes without any treatment whatsoever and discharged from the Army?

(c) What action do Government propose to take with a view to provide adequate treatment to these unfortunate people before they are discharged?

Mr. G. M. Young: I propose to reply to this question as a whole.

The action taken is substantially the same in both countries. Suspected cases of tuberculosis are promptly segregated in hospitals. As soon as the disease is definitely diagnosed, the soldier is discharged, if he is fit to proceed home. If not, he is retained and treated in hospital. I am informed that the only difference is that, in some of the larger military hospitals in the United Kingdom, special accommodation is permanently reserved for this purpose, and designated a tuberculosis centre.

The care of tubercular patients, after discharge is, in both countries, the responsibility of the civil medical authorities. In the United Kingdom when a soldier suffering from tuberculosis is discharged, the Army authorities inform the Medical officer of Health concerned, while in India the information is sent to the Red Cross Society, which arranges, through its provincial branches, for the after-care and treatment of such cases.

†149.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

150. ***Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to inform the Assembly as to how many prosecutions have been made under the Child Marriage Restraint Act (Sarda Act) since its enforcement?

† The question was withdrawn, as the Honourable Member (Mr. N. M. Dumasia) had not yet taken the oath.

(b) How many of these prosecutions were in respect of Muhammadan children and how many in respect of Hindu children?

(c) What were the results of the prosecutions, and what was the punishment, if any, in each case?

The Honourable Sir James Crerar: The information required is being obtained from the local Governments, and will be supplied to the Honourable Member when it is received.

CLASSIFICATION FOR THE CENSUS OF NON-CASTE HINDUS.

151. ***Sir Hari Singh Gour:** (a) Will Government state whether they are aware of the fact that a large body of Hindus now regard caste as an anachronism and that while still continuing within the fold of the Hindu system, they have ceased to believe in caste?

(b) If so, how will Government obtain a count of such persons at the next census?

The Honourable Sir James Crerar: (a) Yes.

(b) They may return themselves as not belonging to a caste and will be so recorded.

REDUCTION OF RAILWAY FARES.

152. ***Sirdar Harbans Singh Brar:** Will Government be pleased to state if they intend reducing the railway fares particularly, in view of the general fall in the prices of all the commodities in India? If not, why not?

Mr. A. A. L. Parsons: Railways do not at present propose to reduce their passenger fares. The question whether goods rates could be readjusted so as to permit a reduction in the freight to the ports on agricultural products affected by the fall in world prices has recently been under close examination by the Railway Board.

APPOINTMENT OF ASSISTANTS AND CLERKS IN THE RAILWAY BOARD.

153. ***Sirdar Harbans Singh Brar:** (a) Is it a fact that when the Railway Board sent the names of some of their clerks to the Public Service Commission for admission to sit in the last qualifying examination, the Public Service Commission refused to allow any of their (Railway Board) men on the ground that the Railway Board did not recruit its staff through that agency?

(b) Is it a fact that the Railway Board then gave an undertaking of making all future appointments in their own and attached offices through the Public Service Commission and on that undertaking alone the Public Service Commission allowed the Railway Board men to sit at their last qualifying examination?

(c) If the reply to part (b) be in the affirmative, will Government please state the number and names of men appointed through the Public Service Commission and directly since that time?

(d) What is the number of assistants and clerks recruited directly and how many of them are Hindus, Muhammadans and Sikhs, respectively?

(e) Is it also a fact that some of the temporary and officiating clerks, who were otherwise considered fit for permanent appointment in any of the grades, were exempted from appearing in that qualifying examination?

(f) If the reply to part (e) is in the affirmative, how many of them were later on confirmed and how many of them were turned out? What were the reasons for doing so?

(g) What are the special grounds for again reverting to the independent system of recruitment in the Railway Board?

(h) Why has no Sikh so far been recruited and then confirmed in the Railway Board since 1929?

Mr. A. A. L. Parsons: (a) The Public Service Commission at first refused to accept the names on the ground that they had not hitherto recruited for the Railway Board, but when it was explained to them that an undertaking had been given in the Assembly on the 26th February, 1929, that appointments of a purely clerical nature would in future be filled through them, they agreed to admit clerks in the Railway Board's Office, who possessed the requisite educational qualifications, as candidates for the qualifying examination.

(b) No, the only undertaking given was one made by me on the 26th of February, 1929, during the course of the discussion on the Railway Budget, in reply to a question then put to me by Mr. Das. I drew a distinction between appointments in the technical branches (including the Finance Branch) which were mainly filled from men already in railway service, or in the Accounts or Audit services, and the appointments of a purely clerical nature, and the undertaking related only to the latter.

(c) Does not arise.

(d) No recruitment to fill permanent vacancies has taken place since that date.

(e) No.

(f) Does not arise.

(g) There is no proposal to revert to what the Honourable Member describes as the independent system of recruitment in the Railway Board. Vacancies in each class will be filled either by promotion from one class to another, or through the Public Service Commission, or by transfers from Railway or Accounts and Audit Offices.

(h) As I have explained, no permanent appointments have been made since the date of the undertaking.

APPOINTMENT OF A SIKH JUDGE IN THE LAHORE HIGH COURT.

154. *Sirdar Harbans Singh Brar: (a) Is it a fact that there is no Sikh Judge in the Lahore High Court?

(b) Are Government aware that there is a strong feeling amongst the Sikhs of the Punjab on account of there being not even a single Sikh Judge on the Bench of the Punjab High Court?

(c) Are Government prepared to consider the claims of Sikhs when the next vacancy occurs on the Bench of the High Court of the Punjab?

The Honourable Sir James Crerar: (a) Yes.

(b) and (c). The Honourable Member is referred to the answer given by me to a similar question asked by Sardar Kartar Singh on the 11th September, 1928.

APPOINTMENT OF A MEMBER OF A MINORITY COMMUNITY ON THE PUBLIC SERVICE COMMISSION.

155. *Sirdar Harbans Singh Brar: (a) In view of the reply given by Government to starred question No. 410, dated the 11th September, 1928, will Government please state if they intend to appoint a Sikh or a man from some other minority community as a member of the Public Service Commission after the termination of the period of the present member who safeguards the interests of all the minority communities?

(b) If the reply to part (a) be in the negative, what are the reasons for depriving the Sikh or other minority communities from at least having their share even by rotation?

The Honourable Sir James Crerar: (a) The Honourable Member appears to be under a misapprehension in regard to the constitution and functions of the Public Service Commission. I would explain that there is no question of individual members protecting the interests of particular communities. The Public Service Commission as a body view with complete impartiality all questions that come before them.

I regret that I am not in a position to give the Honourable Member any information in regard to future appointments to vacancies which may occur on the Commission.

(b) Does not arise.

APPOINTMENT OF SIKH STENOGRAPHERS IN THE SECRETARIAT.

156. *Sirdar Harbans Singh Brar: (a) With reference to the reply given by Government to starred question No. 409, dated the 11th September, 1928, will Government be pleased to state the number of Sikh stenographers and reporters appointed in the Secretariat since that date?

(b) Is it a fact that the Public Service Commission have recently held an examination for this service?

(c) If so, do Government intend taking a sufficient number of Sikhs for appointment as stenographers? If not, why not?

The Honourable Sir James Crerar: (a) Two Sikhs have been appointed permanently as stenographers since the date mentioned.

(b) Yes.

(c) The claims of duly qualified Sikhs for appointment to vacancies when they occur will receive full consideration consistently with the satisfaction of the legitimate claims of other communities.

APPOINTMENT OF A SIKH AS CARETAKER OF GOVERNMENT BUILDINGS IN SIMLA.

157. *Sirdar Harbans Singh Brar: (a) Is it a fact that there are four caretakers of the Government of India buildings in Simla?

(b) Is it a fact that there have been three Anglo-Indians and Europeans out of these four caretakers?

(c) Is it also a fact that one of the Anglo-Indians has recently retired and that the vacancy is going to be filled up shortly by another Anglo-Indian?

(d) If the reply to part (c) be in the affirmative, why are Government going to recruit particularly an Anglo-Indian in this vacancy when two of the appointments are already held by that community?

(e) Is it not a fact that there are some suitable retired military executive and other officers belonging to the Sikh and other minority communities as applicants, and if so, are Government prepared to appoint a Sikh in this vacancy in order to give other minority communities their share in this service? If not, why not?

Mr. J. A. Shillidy: (a) and (b). Yes.

(c) The reply to the first part of the question is in the affirmative. As to the second part, the question whether the vacancy should be filled, and if so how, is under consideration.

(d) The question does not arise.

(e) A number of applications have been received and the claims of Sikh applicants will be carefully considered along with others.

SYSTEM FOR TENDERING FOR THE SUPPLY OF PAINT AND VARNISH FOR THE INDIAN STORES DEPARTMENT.

158. ***Mr. Nabakumar Sing Dudhoria:** (a) Is it a fact that the contracts for the purchase of Indian paint and varnishes up to the financial year 1930-31 used to be made by the Indian Stores Department under the system of running contract?

(b) Is it a fact that the system of running contracts has been changed to the rate contract by the Indian Stores Department for the purpose of the Indian paint and varnishes?

(c) Are Government aware that the system of the rate contract is standing in the way of the further development of the Indian paint and varnish manufactures, and if not, do Government propose to inquire into the matter?

Mr. J. A. Shillidy: (a) No. For the years 1927-28, 1928-29 and 1929-30, a form of contract had been in use, which, although referred to in the Conditions of Contract as a Running Contract, was in actual fact a Rate Contract, inasmuch as no quantities were specified either in the invitations to tender or in the schedule to the contracts.

(b) As already explained, the Rate Contract form was used up to 1930. For the period 1930-31 a form of Running Contract was introduced. Owing, however, to the difficulty in securing accurate forecasts of quantities likely to be required, it was found to be necessary to revert to the Rate Contract system for the period 1931-32.

(c) Government are not aware that the system of Rate Contracts, as distinct from the system of Running Contracts, adversely affects the development of the Indian paint and varnish manufactures. They do not propose to enquire into the matter, but any representations or suggestions received from manufacturing interests concerned will receive their very careful consideration.

SYSTEM FOR TENDERING FOR THE SUPPLY OF PAINT AND VARNISH FOR THE INDIAN STORES DEPARTMENT.

159. ***Mr. Nabakumar Sing Dudhoria:** (a) Is it a fact that a deputation representing all the principal paint and varnish manufacturers in India waited on Mr. J. S. Pithkeathly, the Chief Controller of Stores, Indian Stores Department, on the 30th October, 1930, at Calcutta in connection with the paint and varnish tender No. M.-13 for 1931-32?

(b) If the reply to part (a) be in the affirmative, is it a fact that the deputation strongly objected to the introduction of the rate contract system on the ground that it will turn the paint industry in India into a speculative concern, and a copy of their various grievances was handed over to Mr. J. S. Pithkeathly?

(c) Is it a fact that the Chief Controller of Stores, Indian Stores Department, was not prepared to recognise the deputation unless the remaining one or two manufacturers joined them?

(d) If the replies to parts (a) to (c) be in the affirmative, will Government be pleased to state if they are prepared to abolish the newly adopted rate contract system, and if not, why not?

Mr. J. A. Shillidy: (a) A deputation of three gentlemen representing the principal paint and varnish manufacturers in India waited on the Chief Controller of Stores on the 29th October, 1930.

(b) The deputation raised certain objections to the conditions of contract issued in connection with the Indian Stores Department's Invitation to tender. At the request of the Chief Controller of Stores a statement was prepared and submitted to him by the spokesman of the deputation. This statement set forth the difficulties anticipated by the members of the deputation in dealing with the annual paint and varnish tenders for 1931-32, and also the modifications and amendments which the deputation considered should be made in the contract conditions.

(c) The answer is in the negative. The deputation was accorded a long hearing, and all the points referred to in the statement submitted by the spokesman were discussed at length. The Chief Controller of Stores explained the objects of various conditions of contract and the practical difficulties in the way of accepting some of the amendments put forward in the statement.

He also told the members of the deputation that tenderers were at liberty to put forward with their tenders any modifications of the conditions of contract they might consider to be necessary, and that their tenders would receive consideration.

In order to remove, as far as possible, one of the chief difficulties brought to notice he agreed to furnish to the successful tenderer rough estimates (without guarantee) based on the most accurate information available, of the quantities likely to be required during the currency of the contract.

After a prolonged discussion it was decided to adjourn the meeting in order that the members of the deputation might discuss the matter among themselves. The Chief Controller of Stores suggested that, after the matter had been further discussed between the members of the deputation, they should meet him again. In order to facilitate this, he arranged a tentative date and time for a further meeting and postponed his departure

from Calcutta. The spokesman of the deputation informed the Chief Controller of Stores by telephone before the date fixed for the second meeting that owing to the lack of unanimity amongst the representatives of paint manufacturers, he regretted that he did not consider that any useful purpose would be served by meeting him again.

(d) The answer is in the negative. I think the Honourable Member will see from the answer given to part (c) that the Chief Controller of Stores has shown his readiness to consider sympathetically any representations from, and to co-operate with, as far as may be practicable, any parties interested in the manufacture of paints and varnishes in India.

NUMBER OF POSTAL AND TELEGRAPH OFFICES IN INDIA AND BURMA.

160. *Mr. S. C. Mitra: Will Government be pleased to state:

- (i) the number of combined offices in India and Burma;
- (ii) the number of signallers employed in these offices;
- (iii) the number of telegrams booked and delivered through these offices;
- (iv) the number of departmental telegraph offices;
- (v) the number of telegraphists and Telegraph Masters employed in these offices;
- (vi) the total income of the Department during the year 1929-30;
- (vii) the credit given to the Postal Department as share of combined office revenue; and
- (viii) on what basis such credit is given to the Postal Department?

Mr. H. A. Sams: The figures corrected up to the 31st March, 1930, are as follows:

- (i) 4,221.
- (ii) 4,732 including 3,887 part time signallers.
- (iii) Booked—12,064,532.
Delivered—9,862,619. } These figures do not include service messages.
- (iv) 108.
- (v) 2,813 and 321 respectively.
- (vi) Rs. 11,29,50,000.
- (vii) No credit is given to the Postal Branch for telegraph revenue collected by combined offices but a credit is given to it for the telegraph share of the cost of working such offices. The amount for 1929-30 was Rs. 31,48,000.
- (viii) The credit is based on the number of operations in combined offices.

PENSIONARY LIABILITY OF THE POSTAL DEPARTMENT.

161. *Mr. S. C. Mitra: (a) Will Government be pleased to state whether the Government Actuary has finished his calculation as to what amount is actually to be paid by the Postal Department to the general revenue for pensionary liability?

(b) Is it a fact that the pensionary liability has been increased from Rs. 44,99,000 to Rs. 46,12,000 in the year 1930-31?

(c) If so, what is the basis of the calculation?

(d) Have Government considered the proposal to pay the postal pensioners through the post office like military pensioners?

Mr. J. A. Shillidy: (a) The Government Actuary has evolved a formula for the determination of the pensionary liability of the Posts and Telegraphs Department which has been provisionally accepted by the Government of India pending further examination of the question.

(b) The pensionary liability of the postal branch of the Department was raised from Rs. 44,09,000 (and not Rs. 44,99,000 as stated by the Honourable Member) in 1929-30 to Rs. 46,12,000 in 1930-31.

(c) The above increase was considered necessary in order to allow for the increase in permanent pensionable establishment during 1929-30 and 1930-31. The Government Actuary's formula makes the pensionary liability directly proportionate to the total pay and leave salary of such establishment.

(d) Military pensioners are paid through the agency of the Post Office only in the Punjab and the North-West Frontier Provinces. The proposal to pay the pensions of postal pensioners through the Post Office was considered by Government more than once. The attention of the Honourable Member is invited (1) to the reply given by the Honourable Sir Bhupendra Nath Mitra to part (b) of Khan Bahadur Sarfaraz Hussain Khan's starred question No. 534 on the 2nd February, 1925, and (2) to item 35 of part I of the statement laid on the table of this House by Mr. A. G. Clow on the 4th March, 1926.

UNSTARRED QUESTIONS AND ANSWERS.

HEADQUARTERS OF CERTAIN SECTIONS OF THE RAILWAY MAIL SERVICE.

61. Mr. S. C. Shahani: (a) Will Government be pleased to state the names of the headquarters of K-1 In and K-1 Out sections in the Railway Mail Service K Division?

(b) Will Government be pleased to state the total number of sorters in the above sections?

(c) What is the scale of pay of these sorters?

(d) Are Government aware that previously the headquarters of these two sections were at Rohri and Sukkur, respectively?

(e) Is it a fact or not that the Provincial Postal Union of Karachi and the sorters themselves have appealed against the retention of their headquarters at Karachi?

(f) Are Government aware that each of these sorters has to perform eighteen hours' continuous duty?

(g) Will Government be pleased to state what extra expenditure was incurred by transferring the headquarters of these two sections from Rohri and Sukkur to Karachi in the shape of travelling allowances and higher scale of pay to the staff?

(h) Are Government aware that the scale of pay at Karachi is higher than that of Rohri and Sukkur?

Mr. H. A. Sams: (a) Karachi.

(b) 21 sorters.

(c) Rs. 50—5—150.

(d) No.

(e) Yes.

(f) The suggestion that the period of duty is 18 hours is incorrect.

(g) The information is being collected and will be communicated to the Honourable Member in due course.

(h) Yes.

APPOINTMENT OF INDIANS IN CERTAIN OFFICES.

62. Mr. Amar Nath Dutt: Has the attention of Government been drawn to three letters headed "Supersession in Offices" in the *Advance* of the 17th October, 1930, "School of Mines" in the *Advance* of the 19th October, 1930, and "Geological Survey of India" in the *Advance* of the 22nd October, 1930, and also a letter to the same effect in the *Liberty* in October? If so, will Government be pleased to state whether the facts stated in the letters are correct? Will Government be pleased to state what steps if any, have been taken:

(i) to appoint an Indian officer as Palæontologist;

(ii) to give an opportunity to an Indian officer for delivering popular lectures in the Indian Museum;

(iii) to appoint an Indian officer as curator;

(iv) to promote deserving Sub-Assistant Superintendents to the grade of Assistant Superintendents in the Geological Survey Department; and

(v) to appoint students of the Dhanbad School of Mines to the Geological Survey of India Department?

Mr. J. A. Shillidy: The letters referred to had not come to the notice of the Government of India before this question was asked. The statements made therein are, however, not based on a correct appreciation of the facts.

(i) The present incumbent of the post is an Indian.

(ii) The choice of persons to deliver lectures is in the hands of the Trustees of the Indian Museum. Popular lectures on Art and other subjects have been delivered in the past by Indians.

(iii) The qualifications required for the post of the Curator in the Geological Museum and Laboratory are that the officer should be a specialist in mineralogy and petrology and should show more than the ordinary ability required for purely survey work. An Indian possessing these qualifications acted as Curator in 1927.

(iv) Not less than 25 per cent. of vacancies in the grade of Assistant Superintendent in the Geological Survey of India are required to be filled by promotion from among Sub-Assistants, provided that candidates are found to be fit for such promotion.

(v) Recruitment to the superior gazetted posts in the Geological Survey of India is made through the Public Service Commission, who invite applications by advertisement in the principal newspapers in India. Students

of the School of Mines desiring to obtain one of the posts should submit their applications in accordance with the instructions in the advertisement.

PUBLICATION IN THE VERNACULAR OF TRANSLATIONS OF RESEARCHES CARRIED ON BY THE GOVERNMENT OF INDIA.

63. Mr. Amar Nath Dutt: Has the attention of Government been drawn to a series of articles in the *Advance* of the 28th August, 1930, *Bengalee* of the 29th August, 1930, and *Behar Herald* of the 6th September, 1930, urging Government to publish translations in the vernaculars of researches carried on in the different Departments of the Government? If so, will Government be pleased to state whether any action has been taken in the matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Government have now seen the articles mentioned by the Honourable Member. The desirability of giving the practical results of research work as wide publicity as possible through the medium of the vernaculars is fully realised by Departments such as the Agricultural and Public Health Departments, which carry on research work, the results of which are of special interest and importance to the general public. I would refer the Honourable Member for evidence of this to Chapter VI of the Report of the Royal Commission on Agriculture, in which he will find a full description of what the Agricultural Departments are doing in the direction suggested in the articles to which he refers. As a recent example, it may be added that the Imperial Council of Agricultural Research has lately broadcast among the public Hindi and Urdu editions of a pamphlet on Locust Control Methods recommended by its Locust Committee. The Council hopes shortly to bring out editions in other vernaculars also.

NUMBER OF PERSONS ARRESTED AND IMPRISONED FOR POLITICAL OFFENCES.

64. Rai Bahadur Sukhraj Rai: Will Government please give the numbers of the persons in each of the different provinces who have been arrested and sent to prison between 6th April and 31st December, 1930:

(a) for breach of the existing laws under the civil disobedience campaign; and

(b) for breach of each one of the nine Ordinances issued since April last?

The Honourable Sir James Crerar: (a) and (b). I would refer the Honourable Member to the reply I have given to Sardar Sant Singh's question No. 12, dated the 26th January, 1931. These figures relate to imprisonment for offences under both (a) and (b). The separate figures asked for in (b) are being collected.

GRANT OF AN AMNESTY TO POLITICAL PRISONERS.

65. Rai Bahadur Sukhraj Rai: Do Government propose to grant a general amnesty to all political prisoners?

The Honourable Sir James Crerar: I would invite the Honourable Member's attention to the statement issued by His Excellency the Viceroy on the 25th January.

AMENDMENT OF THE SARDA ACT.

66. Rai Bahadur Sukhraj Rai: With reference to Government's reply to Mr. M. K. Acharya's starred questions No. 656, dated the 19th March and No. 293, dated the 18th July, 1930, will Government be pleased to state what replies they have received from the different Local Governments regarding the amendment of the Sarda Act exempting the purely religious part of Indian marriage from the scope of the Act?

The Honourable Sir James Ozerar: Some replies regarding the Bills that have been circulated have been received, while a few are still outstanding. Until all the replies have been received and examined, Government are not in a position to make any statement.

QUANTITY AND VALUE OF FOREIGN PIECE-GOODS IMPORTED.

67. Rai Bahadur Sukhraj Rai: Will Government be pleased to supply the House with the information regarding the quantity and value of import of foreign piece-goods in each month from April to December, 1930, as compared with the same in the previous year?

The Honourable Sir George Rainy: The Honourable Member is referred to the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India, copies of which are in the Library. Figures for December, 1930, are not yet available.

FALL IN THE PRICE OF GRAINS.

68. Rai Bahadur Sukhraj Rai: (a) Are Government aware of the great alarm caused by the continuous fall in price of rice among the paddy growers in the country and generally of all the grains?

(b) Do Government propose to take any steps to increase the exports of Indian grains?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Steps are being taken to encourage the export of rice by propaganda among European consumers, in which the High Commissioner has obtained the valuable co-operation of the Empire Marketing Board. With the assistance of the latter body, an officer of the Burma Agricultural Department has recently made a study of the types of rice most in demand and of the methods of preparation employed by competing countries. The Imperial Council of Agricultural Research, in consultation with the High Commissioner, is keeping in touch with market developments. Government are considering whether further measures can be adopted to encourage export of surplus food grains, but the present position is one of great difficulty owing to the accumulation of large stocks of cereals in the world generally and to world-production in excess of effective demand.

LOSS OF REVENUE DUE TO FALL IN IMPORTS AND EXPORTS.

69. Rai Bahadur Sukhraj Rai: Will Government be pleased to state:

(a) What are the losses to Indian revenue by the fall in imports of foreign articles into India during the last nine months?

(b) What are the losses to India by the fall in exports of Indian raw materials to foreign countries during the period from April to December, 1930?

The Honourable Sir George Schuster: It is not possible for me to give precise figures of the kind required by the Honourable Member, and I am afraid I must leave him to draw his own conclusions from the published statistics.

OVERCROWDING OF THIRD CLASS RAILWAY CARRIAGES AND INTRODUCTION OF FANS IN INTERMEDIATE CLASS CARRIAGES.

70. Rai Bahadur Sukhraj Rai: (a) Are Government aware that there is still a good deal of overcrowding in third class carriages on all lines especially on the East Indian Railway?

(b) Do Government propose to issue instructions to the Railway authorities concerned that the number of passengers actually seated in a compartment should not exceed the maximum number of passengers allowed to be seated and increase additional carriages to meet overcrowding?

(c) Is there any proposal of introducing fans in intermediate class carriages during the summer season?

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. Lalchand Navalrai's question No. 138 on the 21st January, 1930. From a census of passengers in trains taken on the East Indian Railway in June, 1930, it did not appear that overcrowding was occurring to any considerable extent in third class carriages on that system.

(b) Government are 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) Government do not propose to introduce fans in intermediate class carriages, at any rate at present.

FALL IN EARNINGS OF RAILWAYS DUE TO DECREASE OF IMPORTS AND EXPORTS.

71. Rai Bahadur Sukhraj Rai: Has there been any fall in the earnings of Railways by the decrease of imports and exports?

Mr. A. A. L. Parsons: The reply is in the affirmative.

IMPROVEMENT OF THIRD CLASS RAILWAY COMPARTMENTS.

72. Rai Bahadur Sukhraj Rai: With reference to the reply given by the Government to Mr. Nehal Singh's unstarred question No. 102, dated the 14th July, 1930, regarding the earnings from different classes of passengers of the East Indian Railway, will Government be pleased to state what steps do they propose to take to improve the condition of third class compartments from which more than 90 per cent. of the earnings are derived?

Mr. A. A. L. Parsons: Action has already been taken by the Railway Board to improve the condition of third class compartments in passenger carriages. New designs have been prepared by a Committee appointed by the Railway Board, and a number of carriages have already been built to these designs. Recommendations made by Advisory Committees receive consideration of Railway Administrations and of the Railway Board. All designs of new vehicles prepared by Railways are examined by the Railway Board and

improvements are from time to time incorporated in existing designs where this can be done without materially increasing the cost of vehicles or reducing their carrying capacity.

DELIVERY OF LETTERS BY POSTMEN TO UNTOUCHABLES IN BENGAL.

73. **Rai Bahadur Sukhraj Rai:** Will Government be pleased to state with reference to the reply given to Mr. S. C. Mitra's starred question No. 171, dated the 16th July, 1930, whether they have enquired as to the source from which the authors of the Simon Report got the information of the refusal of postmen in Bengal to deliver letters to untouchables?

Mr. J. A. Shillidy: The reply is in the negative.

SELECTION OF DELEGATES FOR THE ROUND TABLE CONFERENCE.

74. **Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state the general principles which were adopted in making selection of delegates to the Round Table Conference?

(b) Will Government be pleased to state whether the selection was made on the basis of different political parties in India and England, and if so, whether the strength of representation to each party was allotted according to its weightage and importance?

(c) Will Government be pleased to state the names of delegates attending the Round Table Conference by grouping them according to the religion to which they belong and the names of those who were invited but could not accept the invitation with the reasons, if any, mentioned by them?

(d) Will Government be pleased to state whether representatives of the Indian National Congress, Independent Labour Party of England, and the Jains were invited to the Conference? If not, why not?

The Honourable Sir George Rainy: (a), (b) and (d). The delegates from British India were invited by His Majesty's Government. Their selection is therefore not primarily the concern of the Governor General in Council. The Honourable Member will no doubt realise that the number of delegates had necessarily to be limited, and in the majority of cases persons were invited who might be representative of as many interests as possible, and the delegates who might be held more particularly to represent one interest, represent in many cases other interests also.

(c) I would refer the Honourable Member to the list of delegates from British India which I laid on the table in reply to Mr. Gaya Prasad Singh's question. I am not in a position to give any other information.

POLICY OF ASSAULTS AND LATHI CHARGES.

75. **Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state whether the assaults and lathi charges that are being made by the police on the public in the different places of India at the present moment are in pursuance of a definite policy enunciated by the Central Government?

(b) If the answer be in the negative, whether an enquiry as to the justification of the assaults is made by Government in each case?

(c) Under what provision of the law are these assaults made?

The Honourable Sir James Crerar: (a) and (b). The Honourable Member is no doubt referring to the dispersal of unlawful assemblies by the police. The law is quite clear as regards the circumstances in which an assembly becomes unlawful and may be dispersed by the use of force. The Government of India have issued no instructions in this matter.

(c) Does not arise.

NEED OF AN OVERBRIDGE AT SULTANGUNJ STATION.

76. **Rai Bahadur Sukhraj Rai:** (a) Are Government aware that passengers at Sultangunj Station on the East Indian Railway feel much inconvenience on account of the absence of an overbridge in crossing from one platform to the other especially when a long goods train is standing at the station?

(b) If the answer be in the affirmative, is there any proposal for making an overbridge?

Mr. A. A. L. Parsons: Government have received no complaints on this score; but, if there is inconvenience to passengers, the matter might suitably be taken up by the Calcutta Advisory Committee of the East Indian Railway.

CONSTRUCTION OF A RAILWAY LINE FROM SULTANGUNJ TO DEOGHAR.

77. **Rai Bahadur Sukhraj Rai:** (a) Is there any proposal for opening a new railway line from Sultangunj to Deoghar in view of both these places being famous for pilgrimage?

(b) If the answer be in affirmative, what will be the estimated cost of undertaking the scheme?

Mr. A. A. L. Parsons: Sultangunj and Deoghar are already served by the East Indian Railway and an adequate service exists between these two stations via Kiul and Jasidih.

There is no proposal before the Government of India to provide any alternative connection.

PROVISION OF A WAITING ROOM FOR THIRD CLASS PASSENGERS AT BHAGALPUR JUNCTION STATION.

78. **Rai Bahadur Sukhraj Rai:** (a) Is it a fact that there is no waiting room for third class passengers except a passage which is used as such in Bhagalpur junction which is the most important station between Howrah and Patna, on the loop line on the East Indian Railway?

(b) If so, is there any proposal for building a waiting room?

Mr. A. A. L. Parsons: (a) There is a third class waiting shed, measuring 96 feet by 60 feet at Bhagalpur Station, in which the East Indian Railway and Bengal and North Western Railway third class booking offices are situated.

A six-seated latrine and a drinking water tap are also provided. The passage referred to by the Honourable Member is presumably the covered alleyway leading from this shed to the down platform at the station, which is provided as an extra convenience for passengers.

(b) There is no proposal to provide any further waiting accommodation for third class passengers at Bhagalpur as the existing facilities are considered sufficient.

FALL IN THE PRICES OF COMMODITIES.

79. **Rai Bahadur Sukhraj Rai:** (a) Has the attention of Government been drawn to the general fall in prices of all commodities in India?

(b) If so, do Government propose to make any retrenchment by making reduction in the salary of its employees from the highest officials to the lowest menials?

The Honourable Sir George Schuster: (a) and (b). I propose to deal fully in my Budget speech with the situation created by the general fall in prices.

INCONVENIENT TIMES FOR ARRIVAL AND DEPARTURE OF TRAINS ON THE EAST INDIAN RAILWAY.

80. **Rai Bahadur Sukhraj Rai:** (a) Have any complaints been received that the new East Indian Railway time-table of arrival and departure of trains is not convenient to any class of the public?

(b) Is it a fact that the 47 Up and 48 Down Express do not touch at Nathnagar station while they touch at Abhaypur, Kajra, Dharhara and Sabour stations?

(c) What department of the Railway prepare the time table?

Mr. A. A. L. Parsons: (a) No.

(b) 47 and 48 Down trains, which are not Express trains, halt at Nathnagar Station. Nos. 41 Up and 42 Down Express trains, to which the Honourable Member probably intended to refer, do not halt at Nathnagar. I will have a copy of this question sent to the Agent, East Indian Railway, for his consideration of this point.

(c) The Operating Department.

NUMBER OF PERSONS INJURED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

81. **Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state the total number of persons injured in the present civil disobedience movement in all the provinces of India from April to December, 1930?

(b) How many of them were permanently disabled and how many killed?

(c) Is it a fact that compensation will be awarded for the maintenance of the families of those who were non-combatants?

The Honourable Sir James Crerar: (a) and (b). I would invite the Honourable Member's attention to the reply given to Sardar Sant Singh's unstarred question No. 14, dated the 26th January, 1931, which gives the information in the possession of the Government of India.

(c) No question of compensation arises.

POLICE INJURED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

82. **Rai Bahadur Sukhraj Rai:** (a) How many Indian and European policemen have been injured in the present civil disobedience movement and how many of them were permanently disabled or killed?

(b) Is there any proposal for granting suitable pension to those who have been permanently disabled and compensation for maintenance of the families of those who have been killed?

The Honourable Sir James Crerar: (a) and (b). The information asked for is being obtained from local Governments and will be supplied to the Honourable Member when received.

BOMBS THROWN IN INDIA IN 1930.

83. **Rai Bahadur Sukhraj Rai:** Will Government be pleased to state the total number of bombs thrown in connection with the anarchist movement in India in the year 1930 in each province? How many casualties have happened and in how many cases were arrests made and wrong-doers detected?

The Honourable Sir James Crerar: A statement is attached giving the number of the more important cases connected with the anarchist movement in which bombs were used, the casualties caused and the cases in which arrests were made and wrong-doers detected. The Honourable Member will understand that this list is not exhaustive.

Statement giving the number of the more important cases connected with the anarchist movement in which bombs were used; the number of casualties; and the number of cases in which arrests were made and the wrong-doers detected, in various provinces in India during the year 1930.

Province.	Number of cases in which bombs were used.	Number of casualties.	Number of cases in which arrests were made and wrong-doers detected.
1. Bengal	10	17	5
2. Bombay and Sind	3	2	1
3. Delhi	1	2	Nil.
4. N. W. F. Province	3	Nil.	Nil.
5. Punjab	19	32	10
6. United Provinces	2	1	1
Total	38	54	17

EFFECT OF BOYCOTT OF THE LAW COURTS ON THE STAMP DUTIES.

84. **Rai Bahadur Sukhraj Rai:** Will Government be pleased to state the effect of boycott of law courts on the stamp duties of the Government by comparing the figures of the present year with those of the last year? Has there been any decline of cases?

The Honourable Sir James Crerar: The information asked for is not available. The matter is not primarily the concern of the Governor General in Council.

REDUCTION OF RAILWAY FARES.

85. **Rai Bahadur Sukhraj Rai:** Is it a fact that railway fares are going to be reduced in view of the general fall in the prices of all commodities in India?

Mr. A. A. L. Parsons: Railways do not at present propose to reduce their passenger fares. The question whether goods rates could be re-adjusted so as to permit a reduction in the freight to the ports on agricultural products affected by the fall in world prices has recently been under close examination by the Railway Board.

INTRODUCTION OF THE WATCH AND WARD SYSTEM ON THE NORTH WESTERN RAILWAY.

86. **Lt. Nawab Muhammad Ibrahim Ali Khan:** (a) Is it a fact that Government have tried the Watch and Ward system in several divisions of the North Western Railway?

(b) What is the result of this experiment?

(c) Have Government made this system permanent in two divisions of the North Western Railway?

(d) If the results of the experiment are useful, have Government considered the advisability of permanently introducing it in all the other divisions of the North Western Railway?

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

(b) The experiment has proved a success.

(c) It has been made permanent on the Delhi division.

(d) The consideration of the extension to other divisions has been postponed for financial reasons.

EXPENDITURE INCURRED BY THE CENTRAL PUBLICITY BUREAU OF THE GOVERNMENT OF INDIA.

87. **Mr. Bhuput Sing:** Will Government be pleased to state what amounts have been spent, during 1929-30, by the Central Publicity Bureau of the Government of India, Railway Board:

(a) abroad;

(b) in India; and

(c) with regard to either case—

(1) what amounts have been spent on printing and publication generally;

(2) what amounts have been actually paid to each press individually, abroad or in India, specifying—

(i) the title and description of each publication, be it a brochure, pamphlet, tourists' guide, magazine, timetable, folder, handbill, poster, etc.;

(ii) name and description of the author, artist, etc.;

(iii) royalty or remuneration paid to the author, editor, artist, etc.;

(iv) name and address of the printer in India or abroad;

(v) the amounts actually paid for the production of each publication to the printer, specifying printing, paper, etc.; illustrations; photographs; maps; blocks; other heads to be specified, and;

(d) the amounts that have not been spent on printing and publications to be specified under various main heads?

Mr. A. A. L. Parsons: (a) Rs. 2,47,370.

(b) A net amount of Rs. 5,62,987, i.e., Rs. 7,98,582 less receipts of Rs. 2,35,595.

(c) (1) Rs. 2,51,114.

(c) (2) and (d). The information is not available and Government regret that they cannot undertake the labour and expense of attempting to compile it.

EXPENDITURE INCURRED BY RAILWAY ADMINISTRATIONS ON PRINTING AND PUBLICATIONS.

88. **Mr. Bhuput Sing:** Will Government be pleased to state what amounts have been spent, during 1929-30, on printing, publications, etc., by various Railways in India—State or Company-owned, individually:—

(a) abroad;

(b) in India; and

(c) with regard to either case—

(1) what amounts have been spent on printing and publications generally;

(2) what amounts have been actually paid to each press individually, abroad or in India, specifying—

(i) the title and description of each publication, be it a brochure, pamphlet, tourists' guide, magazine, timetable, folder, handbill, poster, etc.;

(ii) name and description of the author, artist, etc.;

(iii) royalty or remuneration paid to the author, editor, artist, etc., for each item, separately;

(iv) name and address of the printer of each item, in India or abroad;

(v) the amount actually paid to each printer in India or abroad for the production of each publication, specifying printing, paper, etc.; illustrations; photographs; maps; blocks; other heads, to be specified; and

(d) the amounts that have not been spent on printing and publications by the Publicity Departments of various Railway Administrations—State or Company-owned—during 1928-29 and 1929-30, to be specified under different main heads?

Mr. A. A. L. Parsons: The information is not available, and it would take an immense amount of time and labour to compile it, even, indeed, if it is procurable at all. Government regret that they cannot undertake therefore to supply it.

**DRAWINGS AND POSTERS PRODUCED BY MISSES NEWSOME AND NIXON
FOR THE RAILWAYS.**

89. Mr. Bhuput Sing: Will Government be pleased to state with regard to the drawings of posters that two European lady artists, Miss D. Newsome and Miss K. Nixon, exhibited, during the early weeks of December, 1930, at the show window of the American Express Company, Government Place East, Calcutta,—

(a) whether the drawings referred to were produced by the artists concerned at the express order of the Railway Board and/or of different Railway Administrations;

(b) whether the said artists prepared the pictures at their own initiative, and then the pictures being found suitable were purchased by the Railway Board and/or different Railway Administrations;

(c) what prices were paid for these pictures, individually, and/or other pictures, for posters, book-covers, inner illustrations, by the said two lady-artists, during the years 1926-27, 1927-28, 1928-29, 1929-30, including the pictures exhibited as referred to above mentioning the title or description of each picture and the amount paid for each picture by the Railway Board and/or different Railway Administrations;

(d) whether it is a fact that in addition to the remuneration paid for the design, one of the lady-artists was given free first class railway tickets or passes by a certain Railway Administration to a hill-station in India to enable her to draw a poster of a certain place in the neighbourhood of the hill-station in question; and also whether hotel charges for her stay in that hill station were also paid by the same Railway Administration; and all these in addition to the remuneration she received for the design or designs;

(e) if the answer to (b) be in the affirmative, how many pictures were offered by them in all, and out of them how many have been selected; also what officer or officers made the selections and ultimately determined the prices;

(f) if the answer to (a) be in the affirmative, whether any other artist, European or Indian, in India or abroad, was similarly commissioned by the Railway Board and/or different Railway Administrations during 1926-27, 1927-28, 1928-29, and 1929-30, mentioning—

(1) the title or description of each picture;

(2) the name and description of artist,

(3) amount paid for each picture by the Railway Board and/or different Railway Administrations?

Mr. A. A. L. Parsons: I have been informed that this was a private exhibition arranged by the two artists mentioned, but have no information as to the posters shown in it, except that the Chief Publicity Officer was asked to agree to the drawings of two posters, which he had ordered from these artists, being shown at the exhibition. I am obtaining from him and will communicate to the Honourable Member the information with regard to these two posters for which he asks in his question so far as it is procurable.

COST OF POSTERS OF MULLICK GHAT AND THE KALIGHAT TEMPLE.

90. Mr. Bhuput Sing: (a) With reference to the Council of State Debates, Vol. I, No. 12, pages 243-244, question No. 92(a) (i), dated the 18th March, 1930, will Government please state, if the Eastern Bengal Railway's share of the cost for design of the "Mullick Ghat" (Calcutta Corporation's Pumping Station) poster was Rs. 225 (Two hundred and twenty-five), and what the share was of other Railway or Railways?

(b) With further reference to the item of Council of State Debates referred to in (a) above, what the share was of other Railway or Railways (to be specified) of the cost relating to printing, freight and customs?

(c) In view of the fact that the Eastern Bengal Railway had a poster of the "Kalighat" printed about 1926 or 1927, what the necessity was of having another design of the same temple by the European lady artists? Was the cost of this very much more than the cost of the former poster?

Mr. A. A. L. Parsons: The information asked for is being obtained and will be communicated to the Honourable Member.

REPRODUCTION OF POSTERS DESIGNED BY MISSES NEWSOME AND NIXON.

91. Mr. Bhuput Sing: (a) Will Government be pleased to state whether they intend to obtain reproductions of posters designed by Miss D. Newsome and Miss K. Nixon, for the Central Publicity Bureau of the Government of India Railway Board and other Railway Administrations from abroad? If so, why?

(b) With reference to the reply to question No. 92 (b), dated the 18th March, 1930, in the Council of State, asked by the Honourable Mr. Surput Singh with regard to the reproduction of "Mullick Ghat" (the Calcutta Corporation's Pumping Station) poster by a firm abroad that having secured "first class" designs it was considered necessary to have them printed in the United Kingdom by a special process in order to make a comparison with the work produced in India, will Government please state what has been the result of the investigation?

(c) With reference to the latter part of the answer referred to above that at the time the order for the printing of the "Mullick Ghat" (Calcutta Corporation's Pumping Station) poster was placed abroad, the only firm in India known to be able to produce posters by the particular process was the Times of India Press, Bombay, will Government please state whether this statement was based on the inspection by any responsible officer of Government, or was the outcome of somebody's guess?

(d) If the answer to part (a) be in the negative whether Government will be prepared to try any press in India with the work of reproduction of posters designed by Misses Newsome and Nixon?

(e) Will Government state whether they are prepared to consider the question of issuing instructions to the Central Publicity Bureau of the Government of India Railway Board and the Publicity Departments of various Railway Administrations—State or Company-owned—to henceforward give preference to presses in India in the matter of the reproduction of posters?

(f) Will Government please state whether they will be pleased to place on the Library table for the information of the House the originals as well as the reproduction thereof made abroad of the posters designed by Misses Newsome and Nixon for the Central Publicity Bureau of the Government of India Railway Board and/or different Railway Administrations—State or Company-owned?

Mr. A. A. L. Parsons: I have called for this information, but it has not yet arrived. On its receipt, I will communicate it to the Honourable Member.

DIFFICULTIES IN RECRUITMENT FOR THE INDIAN ARMY.

92. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether their attention has been drawn to a statement made some time back in London by Sir George Barrow relating to difficulties in the recruitment for the Indian Army?
- (b) if so, whether it is a fact that some units of the Bengal regiment shot down three of their men in Mesopotamia during the last Great War;
- (c) the names of the persons so shot down and the reference to the despatch which contained a description of that affair; and
- (d) the name of the General who sent out that despatch?

Mr. G. M. Young: (a) Government have seen Sir George Barrow's lecture on "The Army in India and Constitutional Reform" to which the Honourable Member presumably refers.

(b) Three Indian officers of the 49th Bengal were shot by two soldiers of the same unit, in Iraq, on the night of June 8th/9th, 1918.

(c) and (d). Subadar A. K. Mitter died of wounds and temporary Subadar Major S. N. Basu and Jemadar R. L. Mukerjee were dangerously wounded. The occurrence was not reported by despatch but by telegram in the normal manner from the 3rd Echelon, Basra, fuller details being supplied later in a telegram to the Commander-in-Chief in India by General Sir William Marshall, the Commander-in-Chief in Iraq.

NUMBER OF PERSONS DETAINED UNDER THE BENGAL ORDINANCE AND BENGAL REGULATION.

93. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the number of persons detained in the province of Bengal under the Bengal Ordinance at the present moment; and
- (b) the number that is being, at present, detained under the Bengal Regulation in the same province?

The Honourable Sir James Orerar: (a) The number of persons detained in Bengal under the Bengal Criminal Law (Amendment) Act, No. VI of 1930, which replaced Ordinance No. 1 of 1930, is 395.

(b) One.

THE GOVERNMENT OF INDIA'S RECENT STERLING LOAN.

94. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether the project of the loan of twenty millions pounds sterling was placed before the Indian Legislature before it was floated in the London market; and
- (b) whether the project of the loan was in the contemplation of the Government of India in July last?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to the reply given by me to Dr. Ziauddin Ahmad's starred question No. 13 on the 26th January, 1931. No loan of £20 million was floated in 1930.

PRIVATE BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY.

95. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the number of private Bills that were introduced in the Legislative Assembly during the ten years of the Reforms;
- (b) the number of such Bills that were ultimately passed by the Assembly; and
- (c) the number of such Bills that were passed by both the Assembly and the Council of State?

The Honourable Sir George Rainy: The information asked for is as given below:

- (a) 118.
- (b) 27.
- (c) 19.

CLASSIFICATION OF POLITICAL PRISONERS IN BIHAR AND ORISSA.

96. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether their attention has been drawn to the facts about the classification and treatment of political prisoners which have been brought to the notice of the public by Pandit Nilakantha Das recently released from Hazaribagh jail; and
- (b) who is the final deciding authority for classification of political prisoners in Bihar and Orissa?

The Honourable Sir James Orerar: (a) No. The only reference which the Government of India have seen in the Press is a note in the issue of *Liberty* of Calcutta of the 25th December last, to the effect that Pandit Nilakantha Das had no complaint about his treatment in jail.

(b) The Honourable Member's attention is invited to a communiqué issued on the 19th February, 1930.

EXPENDITURE INCURRED ON THE EDUCATION OF THE CHILDREN OF INDIAN AND EUROPEAN EMPLOYEES ON THE EAST INDIAN RAILWAY.

97. Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the amount that was spent on the education (primary and secondary) of children of Indian employees in the railway colony at Khagaul (Dinapur) on the East Indian Railway system in 1930-31;

- (b) the total amount spent by East Indian Railway on the education of children of their Indian employees in 1929-30; and
- (c) the total amount spent on the education of children of their European and Anglo-Indian employees during the same period?

Mr. A. A. L. Parsons: (a) The estimated expenditure is Rs. 4,700.
 (b) Rs. 67,367.
 (c) Rs. 3,03,871.

PRESSES EMPLOYED FOR RAILWAY PRINTING.

98. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the press or presses or firms which did the printing of:
 - (i) the *Indian State Railways Magazine*;
 - (ii) All-India Railway Time Table;
 - (iii) the posters advertising the *Indian State Railways Magazine*;
 - (iv) the posters advertising the All-India Railway Time Table;
- (b) the amounts paid to each press or firm for the various kinds of jobs therefor?

Mr. A. A. L. Parsons: (a) (i) The Times of India Press. (iii) There are no posters advertising the *Indian State Railways Magazine*. Information is being obtained regarding items (ii) and (iv) of part (a) of the Honourable Member's question and I will communicate with him later.

(b) Rs. 1,12,861 was paid for the work done by the Times of India Press in connection with the *Indian State Railways Magazine* of 1929-30.

Information on this point in connection with the All-India Railway Time Table is being obtained and I will communicate it to the Honourable Member.

COST OF PUBLICATION OF THE INDIAN STATE RAILWAYS MAGAZINE.

99. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the total amount spent during 1929-30 on the monthly publication of the Government of India Railway Board Magazine, called the *Indian State Railways Magazine*, specifying the actual amounts spent on:
 - (i) printing, paper, etc.,
 - (ii) blocks,
 - (iii) royalties to contributors for (a) articles, (b) photographs (c) illustrations, (d) printing of posters advertising the magazine;
- (b) the total amount of income derived from:
 - (i) sale of that magazine;
 - (ii) advertisements inserted in that magazine?

Mr. A. A. L. Parsons: The magazine cost Rs. 2,04,407 to publish in 1929-30 and Rs. 30,131 were obtained from its sale and Rs. 2,04,596 from advertisements in it. Details of the expenditure on the items specifically mentioned by the Honourable Member are not available, but I am seeing if I can obtain figures from the accounts which will be of assistance to him, and will communicate with him on this point later.

PUBLICATION OF THE ALL-INDIA RAILWAY TIME TABLE.

100. **Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) whether the Government proposes to enter into competition with the printing and publishing houses which have been publishing for a long time past the All-India Railway Time Table by bringing them out themselves;
- (b) the income derived from:
 - (i) sale of the time tables,
 - (ii) advertisements in the time tables in 1929-30?

Mr. A. A. L. Parsons: (a) It was not with any idea of entering into competition with printing and publishing houses that the All-India Time Table was published, but because it was considered that it would be convenient to the public to issue an authoritative time table covering all the railways of India.

Its sale has not however been large enough to warrant its further publication, and it has been decided to discontinue it.

- (b) (i) Rs. 15,201-8-8.
- (ii) Rs. 9,650-0-0.

COST OF PUBLICATION OF THE ALL-INDIA RAILWAY TIME TABLE.

101. **Mr. Bhuput Sing:** Will Government be pleased to state the total amounts that have been spent in 1929-30 on the All-India Railway Time Table on the following heads:

- (i) printing, paper, etc.,
- (ii) blocks,
- (iii) maps,
- (iv) posters advertising the time tables?

Mr. A. A. L. Parsons: The printing charges were Rs. 99,995-10-0 and the blocks cost Rs. 3,496-4-0. Details are not available as to the cost of the other items mentioned by the Honourable Member, and, as it has been decided to discontinue publication, I doubt if the Honourable Member will any longer require them.

EXPANSION OF CIVIL AVIATION IN INDIA.

102. **Lala Jagan Nath Aggarwal:** (a) Will Government be pleased to inform the House as to the amount of money spent by the Government of India on the expansion of civil aviation since its inception?

(b) Will Government be pleased to inform the House:

- (i) as to the number of flying clubs in India together with their total membership;

(ii) as to the number of officers employed in these flying clubs together with their pay; and

(iii) as to the contribution that the Government of India is making towards the maintenance of these clubs?

(c) Will Government be pleased to state the number of pilots in civil aviation employed by the Government of India, the pay they are drawing and the number of Indians among such pilots?

(d) Will Government be pleased to state the number of ground engineers employed in the flying clubs and otherwise by the Government of India, their pay and the number of Indians among such ground engineers?

(e) Are there any Indians under training as ground engineers in England, and what encouragement is the Government of India going to give them in the matter of employment?

(f) Will Government kindly state whether they contemplate the establishment of a school of civil aviation, and if so, when?

Mr. J. A. Shillidy: (a) The expansion in civil aviation in India really dates from the year 1926-27, when the intention of the Government of India regarding their policy with reference to the development of civil aviation in India was announced and it was in the same year that the Civil Aviation Directorate was instituted as a direct outcome of the recommendations of the Indian Air Board in the matter. The expenditure incurred by Government from the year 1926-27 to the year 1929-30 amounts to Rs. 47,46,833. The estimated expenditure during the year 1930-31, is Rs. 24,75,000, approximately.

(b) (i) and (ii). A statement is appended giving the information required.

(iii) A sum of Rs. 20,000 per annum is paid by Government to each of the flying clubs towards maintenance, replacement, etc., and a sum of Rs. 30,000 per annum to the Aero Club of India and Burma, which is to be reduced to Rs. 20,000 for 1931-32.

(c) None at present.

(d) There are no ground engineers at present in Government service. Information in respect of the ground engineers employed by the flying clubs will be found in the statement referred to in the reply to part (b) (i), and (ii) above.

(e) Government are not aware of the actual number of Indians undergoing training as ground engineers in England, but, when the Indian State Air Service between Karachi and Calcutta is inaugurated, a certain number of Indian ground engineers will be employed by Government, provided qualified men are available.

(f) Not at present.

Name of Club.	Total Membership.	Officers employed. (All European.)				Ground Engineers. (All European.)			
		No.	Pay.*	Flying Bonus.	Car Allowance.*	No.	Pay.*	Flying Bonus.	Car Allowance.*
Bombay Flying Club	230	1	Rs. 1,000	Rs. 1 per hour flown by Club Aero-planes.	Rs. 50	1	Rs. 650	Rs. 8 per hour flown by Club Aero-planes.	Rs. 50
Madras Flying Club	219	1	1,000	Do.	Nz.	1	500	Do.	Nz.
Karachi Aero Club	206	1	1,000	Do.	100	1	375	Do.	50
Delhi Flying Club	263	1	1,100	5 per hour dual instruction. 5 per cent. of Joy Ride fees.	50	1	550	Do.	50
Bombay Flying Club	330	1	1,000	1 per hour flown by Club Aero-planes.	50	1	500	Do.	50
Bombay Flying Club	385	1	1,000	Do.	50	2	500 300	Do. 5 per hour.	50 50
Total	1,633	6							

*Monthly rates.

GRANT OF COMMISSIONS IN THE INDIAN VETERINARY CORPS TO INDIANS.

103. **Lala Jagan Nath Aggarwal:** (a) In view of the removal of the bar to the employment of Indians as Lieutenant Veterinary Surgeons in the Indian Veterinary Corps, has any qualified Indian been given a Commission?

(b) Have Government considered the desirability of the early employment of qualified Indian M. R. C. V. S. in the I. V. C. as Lieutenants on the same basis as Indian I. M. S. officers are being employed in the Army?

Mr. G. M. Young: The Honourable Member is referred to the replies given on the 25th August, 1927, to starred questions Nos. 401 and 418, and on the 19th February, 1929, to starred question No. 587.

RACIAL DISCRIMINATION IN RECRUITMENT TO THE MECHANICAL BRANCH OF THE NORTH WESTERN RAILWAY.

104. **Lala Jagan Nath Aggarwal:** (a) Will Government be pleased to place on the table a statement showing how far rules discriminate on the ground of race or colour and not of individual merit between the employees of the North Western Railway in the Mechanical and Transportation (Power) Branch as regards pay and recruitment to service?

(b) Will Government be pleased to place on the table a statement showing the steps, if any, taken during the last five years to remove racial discrimination in recruitment to the Mechanical Branch of the North Western Railway?

(c) Will Government kindly inform this House what was the scale of pay for shop and shed mechanics on the North Western Railway in the case of European and Indians respectively before 1926, and the scale of pay sanctioned for the combined cadre of Europeans and Indians from the 1st September, 1926?

(d) If the starting salary has been reduced in the case of journeymen, will Government kindly inform the House of the reasons which led to this lower scale of pay being adopted?

(e) Is it also a fact that in several other departments of the Engineering Branch of the North Western Railway the old scale of pay still continues, e.g., in the case of apprentices for the post of Permanent-Way Inspectors, Bridge Inspectors and Interlocking Inspectors?

(f) Have Government considered the desirability of reverting to the old scale of pay in the case of journeymen apprentices as is the case with apprentices in the other branches mentioned above in the North Western Railway?

Mr. A. A. L. Parsons: (a) to (f). Information has been called for from the Agent, North Western Railway, and a reply will be sent to the Honourable Member as soon as it is received.

PROVIDENT FUND FOR APPRENTICE MECHANICS ON THE NORTH WESTERN RAILWAY.

105. **Lala Jagan Nath Aggarwal:** Are Government aware that by the revision of rules relating to provident fund in the case of an apprentice "B" Class mechanic on the North Western Railway such apprentices have

been deprived of the privilege of provident fund which is still the case for apprentices in other Branches, e.g., Bridge Inspector, Permanent-Way Inspector and Signal and Interlocking Inspector, and have Government considered the desirability of removing this distinction in the case of such apprentices?

Mr. A. A. L. Parsons: "B" Class mechanics on the North Western Railway have not in the past been eligible for admission to the Provident Fund, but the question of admitting them in the future is under consideration.

LEAVE RULES FOR JOURNEYMEN MECHANICS ON THE NORTH WESTERN RAILWAY.

106. **Lala Jagan Nath Aggarwal:** Are Government aware that by classifying journeymen mechanics on the North Western Railway as belonging to the workmen class instead of Supervising Staff they have been deprived of the advantage of leave rules to which they were previously entitled? Have Government considered the desirability of amending the rules in this respect?

Mr. A. A. L. Parsons: Journeymen on the North Western Railway have for the purpose of the new leave rules, been classified as workmen. Those already in the service, however, retain the option to remain under the old leave rules, while new entrants have been allowed leave on a scale, which in the opinion of Government, is reasonable.

The answer to the second part of the question is in the negative.

APPOINTMENT OF RAILWAY APPRENTICES TRAINED AT THE MOGHALPURA ENGINEERING COLLEGE, LAHORE.

107. **Lala Jagan Nath Aggarwal:** (a) Will Government be pleased to lay on the table of the House a statement showing the number of persons sent up by the North Western Railway for training as "A" Class apprentices to the Moghalpura Engineering College, Lahore, and the number actually taken in service out of those thus qualified?

(b) Have Government considered the desirability of reserving some posts in the superior establishment in the Mechanical and Transportation (Power) Branch or as foremen in the various branches of the Railway Engineering service for such persons?

Mr. A. A. L. Parsons: (a) Information has been called for from the Agent, North Western Railway, and a reply will be sent to the Honourable Member as soon as it is received.

(b) Government do not consider it desirable to reserve posts for students of particular colleges either in the superior service of the Mechanical Engineering and Transportation (Power) Branch or as foremen in the subordinate establishments.

RECRUITMENT OF INDIANS AS MECHANICAL ENGINEERS ON RAILWAYS.

108. **Lala Jagan Nath Aggarwal:** (a) Will Government be pleased to lay on the table of the House a statement showing in the case of various Railways under State administration, the number of officers European,

Anglo-Indian, and Indian serving in the Mechanical and Transportation (Power), Signal, Electrical, Metallurgical and Colliery Departments?

(b) Have Government considered the desirability of recruiting a certain number of Indians (excluding Anglo-Indians) with European qualifications as Mechanical Engineers in the Transportation (Power), Signal and Electrical Departments?

(c) Are Government aware of the fact that the present number of special class apprentices recruited by the Railway Board for training as Mechanical Engineers in India and subsequently in England cannot lead to speedy Indianisation of the service? Have Government considered the desirability of reserving a certain percentage of posts in these lines for being filled by Indians possessing the necessary qualifications?

Mr. A. A. L. Parsons: (a) I would refer the Honourable Member to Appendix "F" in volume I of the Railway Board's Report on Indian Railways for 1929-30, a copy of which is in the Library. The statistics were formulated in this form after consultation with, and acceptance by, the Central Advisory Council for Railways, and Government consider that they give as much detail as is desirable or necessary for keeping a watch on the position on each railway to secure that their policy is carried out.

(b) and (c). Government consider that the scheme for recruitment of special class apprentices will, in the course of two or three years, furnish the number of officers of Asiatic domicile required for the Mechanical Engineering and Transportation (Power) Departments. Meanwhile, they appointed as officers to these Departments last year, seven persons of Asiatic domicile, some with European qualifications, and propose to recruit, if suitably qualified persons of Asiatic domicile are available, five persons this year.

RECRUITMENT OF INDIANS AS FOREMEN IN THE CARRIAGE AND WAGON SHOP AT MOGHALPURA.

109. **Lala Jagan Nath Aggarwal:** Are Government aware that there is only one Indian on the North Western Railway as foreman in the Carriage and Wagon Shop, Moghalpura, and are Government prepared to take early steps for recruiting Indians more freely in this line?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the affirmative. As regards the second part, I would explain that promotion to the rank of Foreman is made from the lower grades with due regard to merit and seniority and that the rules for recruitment to these grades are entirely free from racial discrimination.

REVENUE COLLECTED UNDER CUSTOMS, RAILWAYS, SALT AND OPIUM.

110. **Mr. Muhammad Ashar Ali:** Will Government be pleased to give actual or approximate figures of revenues collected under Customs, Railways, Salt and Opium from April 1st to the end of November or December, 1930, compared with the figures for the corresponding period of 1929, as well as both the average receipts under the above heads of revenue for the corresponding period of the preceding three years.

UNSTARRED QUESTIONS AND ANSWERS.

The Honourable Sir George Schuster: The following statement gives the figures required:—

(In lakhs of rupees.)

	1926-29 (Average.)	1929-30.	1930-31.
Customs (Revenue.)			
April	3.87	4.55	4.22
May	3.64	4.16	4.40
June	3.43	3.41	3.45
July	4.07	3.99	3.83
August	3.99	4.40	3.56
September	4.13	4.05	3.46
October	4.29	4.38	3.79
November	4.39	4.81	3.55 (Approximate.)
December	3.78	3.84	3.51 (Approximate.)
Salt (Revenue.)			
April	61	69	57
May	66	66	62
June	55	42	60
July	41	46	55
August	45	44	52
September	61	54	54
October	67	66	53
November	73	60	58 (Approximate.)
December	52	45	57 (Approximate.)
Opium (Revenue.)			
April	36	29	29
May	27	20	40
June	51	47	44
July	31	29	21
August	40	29	36
September	33	46	20
October	25	11	16
November	32	18	18 (Approximate.)
December	24	12	17 (Approximate.)

(In lakhs of rupees).

	1926-29 (Average.)	1929-30.	1930-31.
<i>Railways (Gross traffic receipts).</i>			
April	8.52	9.20	8.52
May	9.10	8.89	8.78
June	8.65	8.14	8.14
July	7.14	7.81	7.04
August	6.86	7.59	6.13
September	7.39	7.40	7.08
October	7.89	8.22	(Approximate.) 7.31
November	8.14	8.41	(Approximate.) 7.47
December	9.35	9.08	(Approximate.) Not available.

ALLEVIATION OF THE DISTRESS OF AGRICULTURISTS.

111. **Mr. Muhammad Azhar Ali:** (a) Are the Government of India aware whether the Local Governments have taken any steps to relieve the distress of the agriculturists and the zamindars by the prevailing low prices of raw materials and food-grains?

(b) If so, will Government be pleased to specify the steps, which are being taken in each province and particularly in the United Provinces of Agra and Oudh to alleviate the prevailing distress?

(c) Have the Government of India made any recommendation to the Local Governments to meet the present situation due to the depressed condition of the agricultural industry? If so, what recommendations?

(d) Have the Government of India recommended to the Local Governments to make liberal remissions of land revenue to meet the present abnormal and unprecedented conditions? If not, are Government prepared to consider the advisability of this measure?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a), (c) and (d). The Government of India have no reason to think that Local Governments are not fully alive to the situation and that they will not take such action to meet it as they may consider called for. Members of Local Legislatures are not likely to neglect matters in which their constituencies are vitally interested. It has not therefore been considered necessary to make any recommendations to them. As the Honourable Member is doubtless aware, Land Revenue is a provincial subject and Local Governments have full discretion in the matter of remission or suspension.

(b) The Government of India are not in possession of detailed information on the subject. Enquiries have, however, been made from the Government of the United Provinces, who report that they are watching the position anxiously and are granting relief liberally where the position has been aggravated by damage to crops. They are not, however, satisfied

that any uniform system of relief is required for all districts, though they realise that relief may be necessary where settlements have recently been revised and also where recent harvests have been bad. They have summoned Commissioners to a conference on February 8, and will at that conference review the whole situation and take such decisions as seem necessary.

The Punjab Government have recently announced their decision as a special case and for the present *kharif* harvest to give assistance to areas under rice and cotton in fifteen districts assessed comparatively recently. The details of the reduction thus sanctioned are contained in the Press Communiqué, a copy of which is placed on the table. The Punjab Legislature has discussed the matter only recently. So far as the Centrally administered areas are concerned, the Government of India have sanctioned for the present *kharif* a twenty per cent. reduction in the land revenue and water rate demand on irrigated areas in the Peshawar District and on the water rate demand on the irrigated area in the Malakand Agency in the North-West Frontier Province.

Press Communiqué. (Lahore, Dec. 17, 1930).

The Punjab Government has carefully examined the conditions resulting from the prevalence of low prices for agricultural produce in the current *Kharif* harvest in districts of the Punjab. In consequence, apart from other measures which are under discussion for the stimulation of prices, the question of giving some special relief to landowners and cultivators by easing the pitch of Government demands on land has been explored.

Situation Depressed.

The situation is especially depressed as regards cotton and rice the prices of which have fallen to a markedly low level. Districts from which cotton and rice are normally exported in considerable quantities, and areas under these two crops, which the assessment is for various reasons higher than in others, seem to be those which especially call for examination. After careful consideration, the Punjab Government has come to the conclusion that in a number of districts of the Punjab, assessed many years ago, the commutation prices adopted at settlement, of which in many cases, owing to the low percentage of the half net assets taken, a proportion only has been used to fix circle rates, were so low that, having regard even to the present low range of prices, the demand continues to be right.

Districts.

The position is somewhat different in districts, which were more recently assessed, and where higher commutation prices were assumed and, consequently, somewhat fuller rate of land revenue were imposed. In some of these districts, the demand for land revenue and occupiers' rate combined amounts to a not inconsiderable figure per acre; and though by theoretical principle and past revenue practice, such areas cannot strictly be held to be entitled to any relief by way of remission of a portion of the demand, yet in actual fact, in prevailing conditions and owing to low prices in the preceding rabi, the assesses are likely to find some difficulty in paying the demand.

Government's Decision.

In these extraordinary circumstances, the Punjab Government has decided, as a special case, and only for the present *Kharif*, to give assistance to areas under rice and cotton in tracts where the combined demand for land revenue and water rates exceeds Rs. 7 for cotton and Rs. 8.8 for rice per acre. Fifteen districts are concerned in a greater or less degree, viz., Hissar, Rohtak, Ferozepur, Lahore, Amritsar, Gurdaspur, Sahiwal, Gujranwala, Shaligram, Gujrat, Sheikhpura, Montgomery, Lyallpur, Thang, and Multan. The method applied will be to take the latest demand for land revenue

and occupiers' rate combined per acre for cotton and rice, and where this demand exceeds Rs. 7 on cotton and Rs. 8-8 on rice per acre, respectively, to reduce both the land revenue and occupiers' rate by 25 per cent.; but in no case will a reduction be made, which will result in bringing the combined demand below Rs. 7 for cotton and Rs. 8-8 for rice. To take a concrete example as an illustration, where the combined demand on cotton is Rs. 8-12, the demand will be reduced by Rs. 1-12 only, which is less than 25 per cent., but not by the full 25 per cent., as that would bring the revised demand below Rs. 7; but where the combined demand is as high as Rs. 11-4 per acre, the full reduction of 25 per cent., i.e., Rs. 2-13 is permissible because after deduction of this sum the combined demand will still not fall below Rs. 7 per acre.

Financial Anxieties.

This decision will seriously add to the financial anxieties of the Punjab Government whose resources, prior to this decision, already show a probable deficit of sixty-seven lakhs of rupees. Nevertheless, for the reasons explained, and in view of the very special circumstances of the case, the Government has decided to give effect to these remissions.

PRICE OF PETROL IN INDIA AND ELSEWHERE.

112. **Sardar Sant Singh:** Will Government be pleased to state the quantity of petrol produced in India? What is the known production for the whole world? What is the price per gallon in India? What is the price per gallon in England, France, Germany, United States of America and Canada? What are the reasons for petrol being dearer in India than elsewhere?

The Honourable Sir George Rainy: So much of the information required by the Honourable Member as can be obtained is being collected and will be furnished to him in due course.

PROPORTION OF HINDUS, MUHAMMADANS AND SIKHS IN THE ARMY.

113. **Sardar Sant Singh:** Will Government be pleased to state the percentage of Hindus, Muhammadans and Sikhs employed in the Army who drew their emoluments from Indian revenues during the years, 1900, 1914, 1916, 1917, 1918, 1928 and 1930? What is the proportion of each community to its population?

Mr. G. M. Young: I am afraid that the information required by the Honourable Member is unobtainable.

BOYS AND WOMEN ARRESTED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

114. **Sardar Sant Singh:** (a) Will Government be pleased to state the number of boys between the ages of 10 and 16 and the number of ladies arrested for offences connected with the civil disobedience movement in the year 1930 and the number of such persons arrested in connection with the political activities during the last 30 years?

(b) How many of them have been sentenced to whipping and rigorous imprisonment and how many of them have been sent to reformatory institutions in the year 1930?

The Honourable Sir James Orerar: (a) and (b). Enquiries are being made and the result will be communicated to the Honourable Member.

STAFF EMPLOYED IN THE OFFICES OF THE HIGH COMMISSIONER FOR INDIA AND THE INDIAN TRADE COMMISSIONER IN LONDON.

115. **Sardar Sant Singh:** Will Government please place on the table the statement of officers and staff employed in the offices of (a) High Commissioner for India in London, (b) Indian Trade Commissioner in London, stating therein:

- (i) the number of Europeans and Indians, and
- (ii) salaries paid to each?

The Honourable Sir George Rainy: The total strength of the officers and staff employed in the office of the High Commissioner on the 1st January, 1931, excluding the industrial and menial staff, was 436. Out of this number 14 persons were employed in the office of the Indian Trade Commissioner, which forms a part of the High Commissioner's office and is designated the "Trade Department" of his office. On the date mentioned above, the number of Europeans in the High Commissioner's office was 367 and of Indians, including Anglo-Indians, 69. Of these 7 Europeans and 7 Indians, including Anglo-Indians, were employed in the Trade Department. I am afraid I am unable to furnish details of the salaries drawn by each member of so large a staff, but if the Honourable Member wishes, I shall be pleased to show him at my office a list of establishment of the office of the High Commissioner which contains this information.

BALANCE-SHEETS OF INDIAN RAILWAYS.

116. **Sardar Sant Singh:** (a) Have the Government of India, Railway Board, noticed the article on the "Balance-sheet" of Indian Railways, which appeared in the *Indian Accounts*, the organ of Professional Accountants in India, for the month of August, 1930?

(b) If not, will Government please reply after reading the same, whether the Railway Board will now publish the balance sheets on the forms as prescribed by the British Railway Companies (Accounts and Returns Act, 1911) stating therein the reason if the reply be in the negative?

Mr. A. A. L. Parsons: (a) I regret I have been unable to get a copy of the publication referred to.

(b) The question of preparing balance-sheets for Indian Railways is at present under consideration.

ESTABLISHMENT OF AN INDIAN ACCOUNTANCY BOARD.

117. **Sardar Sant Singh:** Will Government kindly explain the reason for delay in establishing the Indian Accountancy Board, under the provisions of the Indian Companies (Amendment) Act, 1930, passed in the February Session of the old Assembly?

The Honourable Sir George Rainy: The establishment of an Indian Accountancy Board is to be provided for by rules to be made under the Indian Companies (Amendment) Act, 1930. The preparation of these rules requires very careful examination of the subject which has necessarily occupied considerable time. It is hoped that the first draft of the rules will shortly be completed.

CARRYING FORWARD OF LOSSES UNDER THE INCOME-TAX ACT.

118. **Sardar Sant Singh:** (a) With reference to the Honourable Sir George Schuster's promise to take early steps to legislate for "Carrying forward of Losses" under the Income-tax Act at the session of the Federation of the Indian Chambers of Commerce, held at Delhi in February, 1930, will Government kindly explain when they propose to introduce the said legislation in order to relieve the hardship of the assesses?

(b) Are Government aware that legal provision to carry forward the losses exists in all the self-governing units of the Empire?

The Honourable Sir George Schuster: (a) I have always made it clear in my public statements on this subject that the possibility of introducing a provision for allowing business losses to be carried forward for purpose of income-tax assessment was dependent on the general financial position of the Government. I had hoped that the new taxation introduced in the last Budget might prove sufficient to provide a margin from which we might eventually meet the loss of revenue which the introduction of a provision for carrying forward losses would mean. But I am afraid that developments since then have frustrated this hope. In the meanwhile, the Central Board of Revenue has started to keep up records which ought to enable us to estimate what the introduction of this measure would cost, if financial conditions should make that possible.

(b) My information, which is based on a publication of the year 1929, is that the carrying forward of losses is permitted by the laws of the Union of South Africa and the Commonwealth of Australia, but not by the law of the Dominion of Canada.

PROSPECTS OF COMMERCIAL PROBATIONERS ON THE NORTH WESTERN RAILWAY.

119. **Sardar Sant Singh:** (a) Are Government aware that on the North Western Railway in 1918 ten young graduates were taken as Commercial Probationers, of whom only three after two years' training and confirmation, stuck to their jobs, viz., one Muslim in the Multan Division, one Hindu on the Ferozepur Division and a Sikh on the Quetta Division as Claims Tracers, and the balance quitted the service for want of future prospects?

(b) Are Government aware of the fact that out of the above ten probationers one European resigned the service and rejoined as a guard and is now working as an Assistant Station Master on the Lahore Division drawing Rs. 320 per mensem whereas the above three have been reverted to Rs. 140 only (maximum) for the last seven years?

(c) Is it a fact that there are at present four vacancies in the cadre of Junior Claims Inspectors, but in spite of repeated requests and representations from the above Claims Tracers, no action has so far been taken to promote them to these posts even though they have qualified themselves in Assistant Station Master's Coaching and Goods duties?

(d) Is it a fact that the Claims Tracer attached to the Ferozepur Division was selected as an Assistant Staff Warden on Rs. 200 per mensem, but was reverted after a month or so without assigning any reasons for the reversion, and a Muslim claims clerk, who is not even a Matric and was drawing Rs. 80 only, was promoted in his place? Will Government please state reasons for the above?

Mr. A. A. L. Parsons: (a) and (b). I am obtaining information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

(c) There are three vacancies of Junior Claims Inspectors but the Agent, North Western Railway, does not propose to fill them for the present.

(d) The Claims Tracer attached to the Ferozepore Division was tried as Assistant Staff Warden but was reverted as he did not prove fit for the duties of the post. The Muslim clerk selected to replace him is considered to possess special aptitude for the work of the post.

NUMBER OF MEN OF VARIOUS COMMUNITIES EMPLOYED IN CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

120. **Sardar Sant Singh:** Will Government please lay on the table the actual figures showing the number of men belonging to the undermentioned communities taken on in the different categories (a) Traffic Inspectors (Transportation), (b) Traffic Inspectors (Claims), (c) Commercial Superintendents, (d) Claims Inspectors, (e) Commercial Supervisors on the North Western Railway:

- (i) Hindus,
- (ii) Muslims,
- (iii) Sikhs?

Mr. A. A. L. Parsons: Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in railway services given in the Annual Administration Report on Indian Railways.

DISCONTENT AMONGST CLAIMS INSPECTORS AND CLAIMS TRACERS ON THE NORTH WESTERN RAILWAY.

121. **Sardar Sant Singh:** Are Government aware of the fact that, as a result of stagnation extending in most cases over a period of seven years, much discontent is at present prevailing amongst Claims Inspectors and Claims Tracers on the North Western Railway? Do Government propose to take early steps to eradicate this discontent?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the negative. As regards the second part, Government propose to draw the attention of the Agent, North Western Railway, to the question.

CONVICTIONS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

122. **Lala Hari Raj Swarup:** (a) How many convictions connected with the present civil disobedience movement in the various provinces were called up for consideration by Government themselves and what action was taken thereon?

(b) How many of them were sent up by the High Court in each province for consideration and what action was taken thereon?

(c) Did the Government of India give any instructions to Local Governments in this behalf?

The Honourable Sir James Orerar: (a) and (b). These matters are dealt with under chapters XXXI and XXXII of the Criminal Procedure Code. I am sorry I have no information.

(c) No instructions were issued by the Government of India.

SENTENCES PASSED ON OFFENDERS AGAINST THE SALT LAWS.

123. **Lala Hari Raj Swarup:** (a) Are Government aware that in certain cases prosecutions have been launched by Provincial Governments and sentences have been passed on offenders against salt laws under the provisions of the Indian Penal Code?

(b) Will Government be pleased to state why the general sections of the Indian Penal Code have been applied in the face of specific salt laws to deal with offences of illicit manufacture of salt?

(c) Have Government considered the advisability of drawing the attention of the various Governments to this irregularity?

The Honourable Sir James Orerar: (a) I understand that some prosecutions were undertaken under section 117, Indian Penal Code, for the abetment of offences against the salt laws, and that convictions were obtained.

(b) and (c). May I remind the Honourable Member that, by section 40 of the Indian Penal Code, the abetment sections of that Code have been expressly made applicable to the abetment of offences under special or local laws, such as the salt laws. Section 117 of the Indian Penal Code is peculiarly suitable to the facts of the case, and the procedure has the authority of the Bombay High Court. This being so, he will, I think, agree that no irregularity is involved in the employment of that section for the punishment of such abetment.

DECLINE IN EXPORTS AND RISE IN IMPORTS OF WHEAT.

124. **Lala Hari Raj Swarup:** (a) Will Government be pleased to state the amount of wheat annually exported from India since the War; and will they also be pleased to state the import of the same commodity for the same period?

(b) Are Government in a position to state why there has been a progressive decline in exports and a corresponding rise in imports of that commodity?

(c) What steps do Government propose to take (1) to encourage a greater flow of agricultural produce in India, and (2) to discourage the import of foreign wheat?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) A statement showing the estimated production of wheat in India, and exports and imports since 1919 is laid on the table.

(b) It will be seen that there has been no progressive decline in exports, but that exports have been governed by the available surplus after providing for internal requirement, which are estimated to average about 88 lakhs of tons. The small exports in 1930-31 are due to the fact that there is a large surplus of wheat in world markets.

(c) Government have already reduced the railway freight on wheat to Karachi. The possibility of other reductions in railway freight on agricultural produce is being examined. The position in respect of imports of wheat is being carefully watched. I shall be glad if the Honourable Member or other Honourable Members apprise me of any idea which they feel should be examined and considered.

This Statement of Exports and Imports of "wheat" from India to Foreign Countries in tons.

	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1st April to 30th November 1930.
Exports :—Wheat.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Exports : Wheat Flour	8,643	237,965	80,809	220,104	633,252	1,111,691	311,637	175,949	269,733	114,707	12,971	190,560
Imports : Wheat	48,208	60,769	64,420	50,065	57,295	78,089	67,162	58,940	60,424	54,133	50,660	30,227
Imports : Wheat Flour	146,396	6	459,985	18,927	13,464	4,198	35,420	40,478	69,208	561,919	337,036	76,460
Net Export (+) or Net Import —	267	81	1,957	3,004	546	134	147	53	144	135	122	104
Estimated production of wheat in India (preceding harvest) (in tons)	7,507,000	10,132,000	6,766,000	9,350,000	9,974,000	9,660,000	8,666,000	8,096,000	8,973,000	7,791,800	8,691,000	10,353,000
Wheat flour = 14 (one wheat (in tons)	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.
	—67,724	+328,661	—268,461	+271,843	+710,911	+1,224,395	+276,740	+223,605	+320,940	—368,139	—268,268	+156,584

DEPUTATION TO THE FEDERATED MALAY STATES TO CONSIDER INDIAN LABOUR CONDITIONS.

125. **Rao Bahadur M. O. Rajah:** (a) Will Government be pleased to state if it is a fact that they proposed to send a deputation to Malaya last year and that the Standing Finance Committee had also agreed to that proposal, for obtaining first-hand information as to the conditions of life and labour of Indian unskilled labourers in the Federated Malay States and Straits Settlements and for enabling the Government of India to determine the question as to whether these countries should be exempted permanently from the operation of rule 23 of the Indian Emigration Rules?

(b) Will Government be pleased to state if it is also a fact that the Governments of the Federated Malay States and Straits Settlements welcomed the idea of such a deputation and had promised to give the deputation all facilities for the visit?

(c) Do Government propose to consider the desirability of sending the deputation this year?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). Yes.

(c) The Government of India do not consider that any useful purpose will be served by sending the deputation this year, as, owing to the depression in the rubber industry and the consequent dislocation of labour employed on rubber estates, conditions in Malaya are abnormal at the present moment. It is proposed to take up the matter again in consultation with the Malayan Governments as soon as normal conditions are re-established.

DEFINITION OF VARIOUS CLASSES FOR THE PURPOSE OF THE CENSUS.

126. **Mr. A. Das:** (a) Will Government be pleased to state what is the definition of "Untouchable" for the purposes of the present census? Is it confined to *Doms* and *Bhangis* in the United Provinces, or are any other classes of persons included in it?

(b) What is the definition of a "Hindu" for the purposes of the census in the United Provinces? Is it the intention that in the United Provinces Arya Samajists, Jains and Sikhs are not to be classed as Hindus?

(c) For the purposes of the census in the United Provinces, are the depressed and backward classes like *Kahars*, *Dhobis*, *Gwalas*, *Ahirs*, etc., to be included amongst the Hindus or not? If not, under what head are they to be put down?

The Honourable Sir James Ormer: (a) No definition has been framed.

(b) It is not considered necessary to define the term "Hindu". Arya Samajists will be classed as Hindus in the United Provinces as in all other parts of India. Sikhs will not be classed as Hindus if they return themselves as Sikhs. Jains will be classed separately but will be recorded as Hindus also in the case of each individual who so desires.

(c) They will be included as Hindus unless they return themselves as belonging to some other religion.

HOUSE RENT PAYABLE TO MILITARY OFFICERS.

127. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that house rent payable to a military officer is paid on his certifying that he actually rented a certain house on a fixed rent for his residence?

(b) What scale of rent is payable to military officers of different ranks?

(c) How is this allowance affected when two or three officers live in one and the same bungalow?

Mr. G. M. Young: (a) No. Lodging allowance is granted if the Officer Commanding certifies that no Government quarter has been allotted to the officer.

(b) The rates of lodging allowance vary from Rs. 20 to Rs. 250 a month.

(c) When two or more military officers live in the same private bungalow, no deduction is made. When they live in the same Government bungalow, a certain percentage of the lodging allowance of each of them is withheld. This percentage is calculated on the ratio of the accommodation actually occupied by the officer to that to which he is entitled under rule.

BYELAWS IN CANTONMENTS AGAINST CONGRESS ACTIVITIES.

128. **Khan Bahadur Haji Wajihuddin:** Is it a fact that in some cantonments special byelaws have been framed to stop picketing liquor and foreign cloth shops and taking out Congress processions within the limits of certain cantonments and if so, will Government be pleased to state:

(a) names of Cantonment Boards who have adopted such byelaws; and

(b) whether these byelaws have actually been enforced anywhere and with what results?

Mr. G. M. Young: The Government of India have no information, as the approval and confirmation of byelaws are vested in Local Governments. But if the Honourable Member will refer me to specific cantonments, I will make inquiries.

ELECTION OF THE NOWGONG CANTONMENT BOARD.

129. **Khan Bahadur Haji Wajihuddin:** Is it a fact that the civil population of Nowgong Cantonment exceeds 2,500 and if so, are Government prepared to consider the advisability of extending the right of election to the said Board?

Mr. G. M. Young: As a consequence of the withdrawal of troops from Nowgong, the area will shortly cease to be a cantonment administered under the Cantonments Act, 1924.

ELECTED BOARDS IN CANTONMENTS OF THE NORTH-WEST FRONTIER PROVINCE.

130. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to state what are the prospects of constituting elected boards in the various cantonments in North-West Frontier Province?

Mr. G. M. Young: The matter is still under the consideration of the Government of India who have called for certain information from the Local Administration.

APPOINTMENT OF ASSISTANT SECRETARIES TO CANTONMENTS.

131. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state how many Assistant Secretaries have been appointed in various cantonments up to 1930?

(b) How many of these appointments have been made directly and how many have been offered to Cantonment Fund employees of experience and ability?

(c) Has any representation been made in this connection and if so, with what results?

Mr. G. M. Young: (a) Assistant Secretaries have been appointed in 13 cantonments.

(b) Government have no information.

(c) A representation has recently been received from the All-India Cantonment Fund Employees Association, and is under consideration.

CANTONMENT RATES AND TAXES.

132. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to lay on the table a schedule of rates of all sorts of cantonment taxes in force in 1930 in all principal cantonments of India having a population of 10,000 and over?

Mr. G. M. Young: I will ascertain whether this information is obtainable, and will then communicate with the Honourable Member on the subject.

RENTS CHARGED FOR PLATFORMS IN FRONT OF SHOPS IN CANTONMENTS.

133. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that before the issue of the Government of India Army Department Circular No. 31622/1 (A. D.), dated the 19th February, 1926, regarding the condonment of platforms in some of the cantonments, rent was being charged for certain platforms in front of the shops from the tenants, for their using the platforms for the purpose of their trade?

(b) Is it a fact that this rent is still being charged even when the platforms have been condoned under the circular quoted above?

(c) Is it a fact that this rent is now being demanded in some of the cantonments from the house-owners?

(d) If so, will Government be pleased to state if rent in such cases was for the land under the platform or for the platform being used for business purposes?

(e) If it was for the land, why was it realised from the tenant and not from the owner of the shop?

(f) If it was for the carrying-on of business thereon, why was it being demanded from the house owners?

(g) Do Government propose to issue instructions that no rent be charged for such platforms as they stand condoned under the circular quoted above?

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

(b) and (c). Government have no information of any cases in which rent is charged in contravention of the circular referred to; but if the Honourable Member will bring any specific instances to my notice, I shall be glad to inquire into them.

(d) to (g). Do not arise.

SEPARATION OF MOHALLA DILAZAK FROM SHAHJAHANPORE CANTONMENT.

134. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that Government have declared that the only reason for not separating Mohalla Dilazak from Shahjahanpore Cantonment is that the Mohalla forms a sanitary cordon between the Cantonment and the city?

(b) Is it a fact that the military authorities in the past had decided in separation of the Mohalla unconditionally?

(c) Will Government state in how many cantonments such sanitary cordons exist? If these do not exist in other cantonments, why is the retention of the Mohalla in Shahjahanpore Cantonment as a "sanitary cordon" considered to be necessary?

(d) Is it a fact that the Government of India Cantonment Administration Reform Committee appointed in 1921, strongly advocated the excision from Cantonments of those parts which were inhabited by the civil population and which were not now required for any military purpose? If so, how do Government propose to solve the question?

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

(b) Yes, at one time; but they have since opposed the separation.

(c) I could not say exactly, without making an inquiry from all cantonments. But the number is large.

(d) Yes. The recommendations of the Committee have been given effect to in several places where it was found possible to do so.

INTRODUCTION OF COMPULSORY AND FREE PRIMARY EDUCATION IN AMBALA CANTONMENT.

135. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if the scheme of compulsory and free primary education in Ambala Cantonment sanctioned by the Cantonment Board several years ago, has been actually introduced or not? If not, what are the causes of delay in its introduction?

(b) Is it a fact that the Northern Command has sanctioned large amounts as special grants to two secondary schools of Ambala Cantonment without consulting the Inspector of Schools, Ambala Division and in one case against his advice?

(c) Has this diversion of the allotment under Education in the Budget of Ambala Cantonment Board caused delay in the introduction of the free and compulsory primary education?

(d) Are these special grants being given from year to year? Are Government prepared to take steps effectively to start the scheme of free and compulsory education before giving any more special grants to the secondary schools?

Mr. G. M. Young: I have called for a report and will let the Honourable Member know the result in due course.

REDUCTION OF THE CONSERVANCY TAX IN CAWNPORE CANTONMENT.

136. **Khan Bahadur Haji Wajihuddin:** (a) Did Government in the last Session of the Assembly in reply to a question put by Rai Bahadur Lala Panna Lal, the then M.L.A., state: "that a special Committee of the Cantonment Board, Cawnpore, would examine the whole system of taxation at present imposed in Cawnpore Cantonment with a view to reduce the conservancy tax"?

(b) Has that Committee examined the system of taxation? If so, with what results and what reduction has been made in the conservancy tax?

(c) If the Committee may not have been formed as yet or may not have met, are Government prepared to issue instructions that it should meet without any further delay?

Mr. G. M. Young: I am making enquiries and will let the Honourable Member know the result in due course.

GOVERNMENT'S OBLIGATION IN THE CASE OF APPROPRIATED HOUSES IN CANTONMENTS.

137. **Khan Bahadur Haji Wajihuddin:** (a) Has the attention of Government been drawn to an article headed "Government obligation in case of appropriated Houses: How to enforce it", published on pages 9 and 10 of the *Cantonment Advocate* for October, 1930?

(b) Is it a fact that there is no provision in the House Accommodation Act to ensure that the house appropriated by Government under that Act is handed over to the owner in a state of reasonable repair at the expiry of the lease?

(c) If the reply to the above question be in the negative, do Government propose to put the house-owner in the same position to enforce an appropriated house being put in a state of reasonable repair, at the time of its being handed over on the expiry of the lease, as that of the Government for the same purpose at the time of appropriating the house?

Mr. G. M. Young: (a) Government have seen the article.

(b) The Honourable Member is referred to section 7 (3) (a) of the Cantonments (House-Accommodation) Act, 1923.

(c) Does not arise.

CONTEST FOR CHAIRMANSHIP OF THE DEOLALI CANTONMENT BOARD.

138. **Khan Bahadur Haji Wajihuddin:** (a) Has the attention of Government been drawn to an article published in the *Cantonment Advocate* for October, 1930, under the heading "Tussel for the Chair, Vice-President versus the Acting Commander—A scene in Deolali Board"?

(b) Is it a fact that the Officer Commanding the Station was on short leave outside the Cantonment?

(c) Under what section of the Cantonments Act did the Acting Officer Commanding the Station claim the Chair?

(d) Did Government or the Southern Command receive a reference on the matter? If so, what decision was given thereon?

(e) What action, if any, do Government propose to take to prevent such incidents in future?

Mr. G. M. Young: (a) Government have seen the article.

(b) to (d). I am making enquiries and will let the Honourable Member know the result in due course.

EXTENSION OF THE TERM OF THE AMBALA CANTONMENT BOARD.

139. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that the term of Ambala Cantonment Board was to expire in January, 1931?

(b) Is it a fact that the Local Government has extended the term of the Board for a period of eight months and directed that new election should take place in September, 1931?

(c) Is it a fact that there is a system of mixed electorate in force and Muslims are in a minority and that no Muslim succeeded in the last election?

(d) Is it a fact that several public bodies of Ambala protested against the above extension, describing it to be illegal and administratively undesirable?

(e) Will Government be pleased to state if the three years statutory life of an elected Board can be extended; if so, under what section of the Cantonments Act now in force?

(f) If there be no section in the Cantonments Act warranting such extension, do Government propose to issue orders to hold fresh and separate elections and to revise the rules forthwith accordingly?

Mr. G. M. Young: (a), (b) and (d). Yes.

(c) Government are not aware of the reason why no Muslim was returned to the Board at the last election.

(e) and (f). Government are considering the legal aspect of the case, and I will inform the Honourable Member when a decision has been reached.

PROMOTIONS IN THE UNITED PROVINCES POSTAL CIRCLES.

140. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether the Postmaster General, United Provinces in his circular No. 9, dated the 1st December, 1924, published rules regarding seniority of time scale officials:

(i) that an official passing an efficiency bar will rank above any official senior to him who has reached the bar but who, owing to inefficiency or otherwise, has failed to pass it subsequently; and

(ii) an official failing to pass an efficiency bar on due date owing to inefficiency will lose seniority?

(b) If so, will Government be pleased to state whether the Circle graduation list of United Provinces Circle is maintained according to the above circular?

(c) If the reply be in the negative, are Government prepared to issue necessary orders to prepare it accordingly with effect from the 1st December, 1924?

Mr. H. A. Sams: The information asked for by the Honourable Member is being collected and will be supplied to him in due course.

PROMOTIONS IN THE UNITED PROVINCES POSTAL CIRCLES.

141. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether the officials of the United Provinces Postal Circle named below, who were held up at the second efficiency bar were allowed to sit in the Lower Selection Grade examination held in 1929 and 1930 in supersession to their seniors:

1. Nazuruddin, S. P. M. Bangarmau,
2. Har Bans Sahai, S. P. M. Mirzapur R. S.,
3. Md. Sharif, clerk, Ghazipur,
4. Maizuddin Ahmad, clerk Fatehgarh,
5. Asharfilal, S. P. M. Tekatnagar,
6. Girwar Pershad, S. P. M. clerk, Bahraich,
7. Rewadher Jayal, S. P. M. Srinagar, and
8. Newal Kishore Gaur, S. P. M. Anupshahr?

(b) If so, are Government prepared to issue necessary orders to allow the seniors to those officials to appear at the Lower Selection Grade examination to be held in 1931?

Mr. J. A. Shillidy: (a) and (b). Government have no information and do not propose to call for it. The power of selection rests with the Head of the Circle to whom officers should submit their applications.

DUTIES AND PAY OF POSTAL ACCOUNTANTS.

142. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state how many accountants of (i) first, and (ii) second, class Head Offices in India and Burma are placed in the Lower Selection Grade?

(b) If the reply to question (a) (ii) is in the negative, will Government be pleased to state whether the post of accountants of 1st class head offices carries greater responsibilities than those of second class Head Offices? If not, why none of the accountants of second class Head Offices are placed in the selection grade?

(c) Will Government be pleased to state whether duties of accountant in all first class Head Offices in United Provinces circle are of the same nature and entail the same amount of responsibilities?

(d) If the reply be in the negative, will Government be pleased to lay on the table the duties now being performed by the accountants of each of the six first class Head Offices in the United Provinces Circle?

Mr. H. A. Sams: (a) There are 7 posts of Accountants in the Lowest Selection Grade of Rs. 160—10—250 in first class Head Post Offices in India and Burma and none in second class Head Post Offices.

(b) It is not the case that the post of Accountant in every first class Head Office carries greater responsibilities than similar posts in all second class Head Offices. It is for this reason that Selection Grade Accountants are not allotted to many first class Head Offices. As explained in the reply given to Mr. N. C. Kelkar's unstarred question in this House on the 15th February, 1928, the pay of Accountants is raised to that of the Selection Grade whenever this is found to be justified.

(c) Yes, they are of the same nature, but the amount of responsibility must vary with the size of the accounts branch and the volume and complexity of the work dealt with in it.

(d) As explained in my reply to part (c) the duties of the Accountants in the six first class Head Offices in question are the same in nature, but not in responsibility. Government do not consider that any useful public purpose would be served in laying on the table a detailed list of the duties of each of these Accountants.

DUTIES AND PAY OF POSTAL ACCOUNTANTS.

143. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether the Accountant of Lucknow Head Office in the United Provinces Circle was placed in the Lower Selection Grade?

(b) If the reply be in the affirmative, will Government be pleased to state reasons for sanctioning a Lowest Selection Grade appointment?

(c) Will Government be pleased to state if similar reasons exist in the case of Allahabad, Cawnpore, Agra, Meerut and Benares Head Offices and if so, how do Government propose to fill the posts of accountants in these offices?

Mr. H. A. Sams: (a) Yes, in the Lowest Selection Grade of Rs. 160—10—250.

(b) The sanction of a Lowest Selection Grade appointment was justified by the duties and responsibilities attached to the post.

(c) The same justification has not been established in the case of the Head Offices mentioned. The posts of the Accountants of these Head Offices will be raised to the Lowest Selection Grade if and when it is considered that the duties and responsibilities of these posts are, on the merits of each case, such as to justify a Selection Grade rate of pay.

ELECTION OF VICE-PRESIDENTS IN CANTONMENTS.

144. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that since the Cantonments Act, 1924, came into force, no Muslim was elected during a period of six years to the office of Vice-President in any of principal Cantonments in India?

(b) Is it a fact that under the said Act, nominated members have been debarred from taking part in the election for the said office, and only elected elements hold the privilege to elect one from amongst themselves, and that the Muslims are in the minority in every Board of Cantonments in India?

(c) If so, are Government prepared to consider the advisability of amending the Act so that one of the elected members may be elected by the whole Board without prejudice to the office of Vice-President?

Mr. G. M. Young: (a) Government have no information.

(b) The reply to the first part is in the affirmative. As regards the second part, Government have no information.

(c) Government do not propose to alter the existing arrangement. The attention of the Honourable Member is invited to the proceedings of the Select Committee on the Cantonments Bill, dated the 18th July, 1923, wherein it was decided that, in the case of Boards including elected members, the Vice-President should be elected by those members from among their own number.

APPOINTMENT OF ADVISORY COMMITTEES IN CANTONMENTS.

145. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to state whether it is the policy of Government to nominate certain individuals as members of an Advisory Committee to the corporation sole in small cantonments and, if so, in which places such committees are helping the local corporation soles and with what results?

Mr. G. M. Young: The Honourable Member is referred to my reply to unstarred question No. 98 asked by Rai Bahadur Lala Panna Lal on the 14th July, 1930.

PERSONS EXPELLED FROM CANTONMENTS.

146. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to lay on the table a list of persons expelled under section 239, Cantonment Act, from the limits of various cantonments in India during the years of 1927 and 1930 with reasons of expulsion in each case?

Mr. G. M. Young: Government understand that no person was expelled from cantonments under section 239, Cantonments Act, 1924, during the year 1927. I will endeavour to obtain the information in respect of 1930, and will inform the Honourable Member in due course.

MESSAGES FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President: Order, order. I have received four communications from His Excellency the Viceroy and Governor General regarding the Railway Budget and the General Budget and I will read them to Honourable Members.

(The Assembly received the Messages standing.)

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby appoint the following days for the presentation to the Legislative Assembly of the

MESSAGES FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL. 349

statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Tuesday, the 17th February ... Presentation in the Legislative Assembly.

Thursday, the 19th February ... General discussion in the Legislative Assembly.

Monday, the 23rd February ... }
Tuesday, the 24th February ... } Voting on Demands for Grants
Wednesday, the 25th February ... } in the Legislative Assembly.
Thursday, the 26th February ... }

IRWIN,

Viceroy and Governor General."

New Delhi,

The 27th January, 1931.

The second Order is:

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Saturday, the 28th February ... Presentation in the Legislative Assembly.
at 5 p.m.

Thursday, the 5th March ... }
Friday, the 6th March ... } General discussion in the Legislative Assembly.

Monday, the 9th March ... }
Tuesday, the 10th March ... } Voting on Demands for Grants
Wednesday, the 11th March ... } in the Legislative Assembly.
Thursday, the 12th March ... }
Friday, the 13th March ... }

IRWIN,

Viceroy and Governor General."

New Delhi,

The 27th January, 1931.

[28TH JAN. 1931.]

The third Order is:

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby appoint the Honourable Sir George Rainy, to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Thursday, the 19th February, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways."

IRWIN,

Viceroy and Governor General."

New Delhi,

The 27th January, 1931.

The fourth Order is:

"In pursuance of the provisions of sub-section (3) of section 67-A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration."

IRWIN,

Viceroy and Governor General."

PANEL OF CHAIRMEN.

Mr. President: Under Rule 3 of the Indian Legislative Rules, I nominate Diwan Bahadur T. Rangachariar, Sir Hugh Cocke, Maulvi Muhammad Yakub and Rai Sahib Harbilas Sarda on the Panel of Chairmen for the ensuing Session.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President: Members will now proceed to elect five Muslim Members to the Standing Committee on Pilgrimage to the Hedjaz. There are seven 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.)

RESOLUTION RE IMPORT DUTIES ON GALVANISED IRON AND STEEL PIPES AND SHEETS.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move the following Resolution:

"This Assembly recommends to the Governor General in Council that the increased import duties imposed by Notification No. 260-T. (127)-Tariffs, dated the 30th December, 1930, in exercise of the powers conferred by section 3(4) of the Indian Tariff Act, 1894, on galvanized iron and steel pipes and sheets for the period 30th December, 1930 to 31st March, 1931, be continued for the remainder of the period of protection covered by the Steel Industry (Protection) Act, 1927, that is, up to the 31st March, 1934, and that the duties should not be reduced unless, at any time before that date, the Governor General in Council is satisfied that circumstances have changed so radically as to render the maintenance of the duties at the increased rates clearly unnecessary and undesirable."

Mr. President, the Steel Industry (Protection) Bill was passed into law in February, 1927. In all probability most of the Members who took an interest in the Bill would have said, if asked, that the need for additional protection was less likely to arise in the case of galvanized sheets than in the case of almost any other product. At that time something approaching 90 per cent. of the imports came from the United Kingdom, and the price had not been subject to the wide fluctuations which in previous years had characterised the prices of other products, such as bars and structural sections, also the amount of protection that was found necessary in the case of galvanized sheets was only Rs. 30 a ton exceeding by only Rs. 6 a ton the duty which would have been assessable had the 10 per cent. duty remained in force. We have found, however, in these post-war years, that the only thing which is certain to happen is the unexpected and in this case our anticipations have not been fulfilled. Almost from the time the Bill was passed into law, the price of galvanized sheet began to fall and has steadily fallen until it reached its present level. It is certain, I think, that, owing to the fall in prices, the Indian manufacturer of galvanized sheet has never enjoyed the full amount of protection which the Act was intended to give him. The Tata Iron and Steel Company waited for a long time before they brought the facts to the notice of the Government, and indeed it was not until August last that they raised the question. The ground on which they asked for additional protection was this, that the circumstance against which one of the sections of the Steel Bill was intended to provide had actually arisen, and that galvanized sheet was being imported into India at prices which clearly rendered the protection intended to be given ineffective. That is really the only issue which has to be considered. The reason for the fall of prices is to be found in three circumstances. In the first place there has been a very big fall in the price of spelter. That of itself would not justify the grant of any additional protection, because obviously the manufacturer in India and the manufacturers in other countries are equally affected, and if the cost of one of them is reduced, the cost of the other is reduced also to the same extent. In their Report of 1926 the Tariff Board estimated that galvanized sheet would be imported into India at a price of Rs. 240 a ton free of duty. The fall in the price of spelter has been sufficient to reduce that price by 84 rupees a ton, that is to Rs. 206 a ton; and, as I have said, that factor is completely eliminated from the protection problem; protection is neither claimed

[Sir George Rainy.]

nor justified so far as that particular element in the fall of price is concerned. But in addition to that, two other causes have operated to bring about a further fall of Rs. 37 a ton, bringing the price down to Rs. 169 a ton, which is the figure which the Tariff Board adopted in determining the amount of additional protection required. The two causes which have brought about this further fall in price are the competition from Belgium—and if Honourable Members will turn to Appendix III to the Tariff Board's Report they will notice that the imports from that country have been growing very rapidly—and the second cause which is brought out in another passage of the Report is the greatly restricted demand for galvanized sheet and consequent internal competition amongst manufacturers in the United Kingdom. These are the two causes responsible, and I will merely invite—I shall not read the passage—the attention of Honourable Members to an extract which the Tariff Board give at page 8 of their Report, from the remarks of the Chairman of a very large iron and steel firm in England made at the annual meeting of the company.

Now, Sir, my Honourable friend, Mr. Das, in the amendment which he proposes to move to this Resolution, suggests that the House ought to be satisfied before any additional protection is given, that a genuine effort has been made to reduce the costs of production. I should like to make it clear that neither the Tariff Board nor the Government have taken into account, in considering the application for protection, the question of costs either one way or the other. The suggestion in the amendment is that, supposing the costs were unduly high, then it would be unreasonable to give additional protection because the high cost might be due to inefficiency; and I was a little bit surprised yesterday evening when I learnt indirectly that my Honourable friend was also interested in this question of cost from a different point of view. As far as I could gather his point was this, that the Tariff Board and Government had not sufficiently taken into account the fact that the cost of galvanized sheet at Jamshedpur as found by the Tariff Board and as stated in their appendices, was distinctly below the cost which the Board had forecasted as probable when they reported in 1926. I do not know which line my Honourable friend will finally adopt when he comes to speak; but it seems to me to be a little hard on the manufacturer if we are to say to him that he ought not to have any additional protection if the costs are too high, because then he does not deserve it, and that he cannot have any additional protection if his costs are too low, because then he does not need it. As far as I can see, unless the unfortunate manufacturer can get his cost to agree exactly with the forecasts of the Tariff Board my Honourable friend will rule him out either on the one point or the other.

Now, Sir, when my Honourable friend drew attention to the fact that the cost of production of galvanized sheet at Jamshedpur was substantially lower than the Tariff Board expected, I doubt whether he had made sufficient allowance for the fall in the price of spelter. I believe that in fact the cost of producing galvanized sheet in India has fallen substantially, apart from the fall in the price of spelter and this is certainly satisfactory. But if the figures on page 14 of the Tariff Board's Report are read without making allowance for the fall in the price of spelter, they will be misleading. What the Tariff Board estimated was that probably for the whole period of seven years the average cost would be Rs. 232 a ton, and that by 1934

they hoped it would fall to Rs. 200 a ton. Now, my Honourable friend can point out that, in 1928-29, only the second year of the period, the cost had already fallen to Rs. 210 a ton, in 1929-30 to Rs. 207 a ton, and in the best month in 1930 to something like Rs. 185 a ton. But I should like to point out that when allowance is made for the fall in the price of spelter, that is to say, if the Tariff Board when they made their forecast had based it on the present price of spelter and not on the price prevailing in 1926, instead of the average of Rs. 232 a ton, they would have said Rs. 198 a ton; and instead of Rs. 200 a ton, they would have said Rs. 166 a ton. Therefore it is not correct to say that the cost of production has been reduced so greatly that the House would be entitled to assume that additional protection was not required. As I have already said, there has been a distinct improvement, but a very large part of the fall in the cost has been due not to improvement in methods, but simply to the fall in the price of spelter.

Now, Sir, before I go on to the next question, namely, the method of protection, I should like to deal with another point to which my Honourable friend has also drawn my attention privately. I think he feels that, before being asked to give any vote or to come to any decision about this proposal, he would like to see the evidence taken by the Tariff Board, and he does not quite understand why Government have placed their proposals before the Legislature without waiting for the evidence to be published.

As soon as I learnt what was in my Honourable friend's mind, I had the actual facts as regards previous Reports by the Tariff Board examined. What I find is this, and I will give four examples. In 1927 the Steel Industry Protection Bill in which the whole question of protection for steel was raised, was referred to a Select Committee on the 26th of January, and none of the evidence was published until the 5th of February. As the Report of the Select Committee was taken into consideration on the 14th February, it seems certain that the Select Committee, before presenting their Report, could have had no opportunity of examining any of the evidence. Take another of the Tariff Board's Report, a much less important one, about printing type. The Bill was introduced on the 6th March, 1929, it was passed by the Assembly on the same date, and the evidence was not published until the 29th July. In the case of the Match industry, the Bill was introduced on the 4th September, 1928, it was taken into consideration and passed by the Assembly on the 17th September, and none of the evidence was published until the 12th December. And finally this is perhaps the best analogy to the present case—the supplementary protection given in 1925; the Resolution authorising the grant of a bounty was passed on the 9th September, 1925, in the Council of State, and on the 15th September, 1925, in the Assembly, and the evidence was not published till November. I have given these details for my Honourable friend's information to show that what is being done on the present occasion is merely what has been done on several other occasions in the past, and the Assembly has not usually felt itself unable to deal with a protection question until the Members had studied all the evidence taken by the Tariff Board. I would point out also that, when the application is for supplementary protection, the actual study of the evidence is less necessary in order to arrive at a decision than it might be when the main question whether an industry is to be protected or not has actually been raised.

[Sir George Rainy.]

Now, Sir, I turn to the method of protection. As the House knows from the Report of the Tariff Board and the Resolution of the Government of India, while the Tariff Board definitely preferred to proceed by way of duty, the Government of India considered carefully whether they ought not to proceed by way of bounty. I do not underrate in any way the force of the Board's arguments that additional protection, given by means of an increase in the duty, is the prompter method, and inasmuch as it does not require an annual vote of the Legislature, it renders it much more easy to bring about stable conditions, in which manufacturers and traders can carry on their business. On the other hand, the Government of India felt it could not overlook the fact that the Indian protection for galvanized sheet was not more than 1/10th of the total consumption when imports were at their highest, and not more than 1/5th perhaps of imports on the very much reduced scale of the current year. Nor could they ignore the fact that in the existing period of agricultural depression it was undesirable, if it could be avoided, to raise the cost of galvanized sheet to the consumer. But they were compelled to examine the whole question of the method which should be adopted in the light of the actual financial situation, and having done that, the Government of India were satisfied that the grant of bounties in this case was impracticable. They could not recommend, in the existing financial conditions, that the Assembly should commit itself in respect of bounties for a period of three years ahead. The obligation thereby falling upon the treasury was too serious, and they felt that there was nothing for it but to impose the additional duty. At the same time, in view of the fact that the actual price at which the consumer would be able to obtain galvanized sheet was substantially lower than the price which this House did not consider it unreasonable in 1927, the burden on the consumer was not likely to be excessive.

The Board recommended, Mr. President, that the additional duties should remain in force up to the 31st March, 1934. The Government, however, did not feel that they and the Legislature should be committed quite so deeply as that. Circumstances may change so radically that the retention of the duty would be clearly unreasonable. Thus for example in many branches of trade we have seen the formation of national, or international, combines which are able to raise prices. Obviously, if that occurred, I have not the least doubt that the Tata Iron and Steel Company itself would unquestionably admit that the need for additional protection had passed. But at the same time Government do recognise the fact that during the first-half of the period of protection, the manufacturers have received somewhat less protection than was intended, and they think it is reasonable that the duty should remain in force at the higher rate which has recently been introduced for the rest of that period unless, as I have said, circumstances should so radically change that no one would advocate its continuance.

My Honourable friend Mr. Das, in the amendment he proposes to move, suggests that the approval of the Assembly should be sought annually for the continuance of the duty, but what I should like to point out is this. I do not believe it is possible or desirable to have an annual investigation into the Tata Iron and Steel Company's costs, and that is the point which my friend specially desires to be examined. It is not

possible to pluck a flower up by the roots every few days in order to find out how fast it is growing. In addition, the element of uncertainty which would thereby come into play would, I think, lead to a good deal of doubt and speculation which would make trade more difficult and which would not be in the interests either of traders or of manufacturers.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

In what I have said to day, Mr. President, I have referred to the question of costs. I should be very sorry if anything I have said conveyed the impression that the Government of India regard the question of reducing costs at Jamshedpur to the greatest possible extent as anything but a matter of first class importance. Honourable Members will see from the Table at page 14 of the Board's Report, that the results actually achieved in 1927-28 were very remarkable, for the reduction in cost had gone much further than the Tariff Board anticipated it could go at that stage. Then followed the disastrous labour troubles in 1928-29, which handicapped the company to a very great extent, and since the actual strike came to an end the company have found it very difficult to get back to the 1927-28 standard. To me personally, after the sanguine anticipations I had formed on the figures of 1927-28, it is a very keen disappointment to see that the same results have not yet been reproduced. But I am quite sure of this, that no effort is being spared by the company to bring about the very desirable result of a much lower cost of production. And certainly they have the stimulus constantly upon them in the need for a lower cost level if they are to make the return to their shareholders, which the latter consider reasonable. That stimulus is as powerful as any I can imagine; it is as powerful as, or perhaps even more powerful than, the annual examination suggested by any Honourable friend.

In conclusion, Mr. President, I should only like to say this. I think that we all of us recognise that at a time like the present, when trade is depressed all over the world, no manufacturing firm can expect that they should be able to make the full normal profits, nor do I think that they can reasonably expect that the consumer, at a time when his purchasing power is small, should be burdened to the extent necessary to bring about that result to the full extent. That is not, however, what we are considering in the present case. It seems to me that in the present case the facts are perfectly clear, that owing to the causes I have indicated the manufacturer in India has never been able to obtain the price for his galvanized sheet which the Legislature accepted as being a fair price. Also I think it is clear that, unless action is taken now there is a real danger that a state of affairs might be brought about that the price at which he can sell his sheet which would be lower than the works cost of production with no balance left for overhead charges or return on capital at all. In those circumstances, it would have been very difficult for him to carry on the manufacture. I am not asking this House to agree to the proposal I have placed before them on any grounds connected with the cost of production, but merely on the ground that the fall in price has been so serious that, unless action is taken, it will, as I have said, be very difficult for the manufacturer to maintain his production. (Applause.)

Mr. B. Das (Orissa Division: Non-Muhammadian): I beg to move the amendment standing in my name:

"That for the words 'for the remainder of the period of protection covered by the Steel Industry Protection Act, 1927, that is, up to the 31st March, 1934,' the following be substituted:

'for the year ending on 31st March, 1932, and that the said period of protection can be continued for the remainder of the period of protection covered by the Steel Industry (Protection) Act, 1927, i.e., up to the 31st March, 1934, provided that the previous sanction of this Assembly has been obtained annually to such extension and provided it is proved to the satisfaction of this House that there has been genuine effort made by the manufacturers to reduce their cost of production and increase their output during the previous year.'"

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

I feel very grateful to the Honourable the Leader of the House for the way in which he has tried to anticipate the discussion that will proceed from this side of the House, and I must pay him this compliment, which he so richly deserves, that, in spite of the differences between that side and this side of the House, he has always tried today and previously also, to meet our view point and not raised any difficulties as regards procedure or facilities. Sir, I am very grateful to the Honourable Sir George Rainy for the explanation he gave as regards the evidence of the Tariff Board not having been published so far. It may be that his Department, dealing as it does with Commerce and Railways, has not sufficient time to publish the evidence in time so that Members of this House can take advantage of it. But it is a well-known practice . . .

The Honourable Sir George Rainy: Perhaps, I might interject one word. It is not, I think, anything connected with my own Department, but it is merely difficulties connected with the Press and the Tariff Board itself in getting the evidence finally corrected.

Mr. B. Das: I am glad of that explanation. But when the Reserve Bank Bill was discussed on the floor of the House, it was a very important measure, and Government saw to it that the evidence before the Royal Commission on Currency was available to the Members of this House. Of course, I agree with my Honourable friend that this measure is only a subsidiary measure. Protection has already been granted by us and now only enhancement of duty is required. There have been adverse comments in the Press. Only this morning we see an article written by Mr. Trivedi in the *Hindustan Times*, who seems to have appeared before the Tariff Board to give evidence in this matter. He complains:

"It appears that it (the Board) received only three representations from Bombay, three from Calcutta, and one from a representative of British manufacturers. It called only two trade representatives from Calcutta for oral examination".

If these allegations are true, then I, as a Member of this House, cannot form any judgment unless I see the evidence before me. Of course, I tried to get a copy by writing to the Secretary of the Department, but the departmental office Superintendent informed me that the evidence books were not yet published. Then I thought I could elicit a reply by the well-known practice of short notice questions, but the explanation, which the Honourable Member has given, satisfies me for the present.

As regards the question of additional protection which my Honourable friend has brought before the House, he has already explained to the House the reasons, from his point of view, why my amendment cannot meet the desire of the Government or the demand of the manufacturers. Sir, I am a well known protectionist and I have always advocated protection on the floor of this House.

Maulvi Muhammad Yakub: Self-praise is no recommendation.

Mr. B. Das: I would not like that phrase to come from my Honourable friend. I was only trying to defend myself. and I am explaining
1 P.M. why I am opposed to the present measure. It appears that certain firms, which secured protection from Government, have forgotten their obligations and the implications thereof. It seems that the Tata Steel Company have done very little to reduce their cost of production. Something about the cost of production is given in the present Report. I would refer Honourable gentlemen to page 15, where the expenditure in various departments is given. In 1925-26 the total expenditure on labour amounted to Rs. 1,41,90,000 and the number of men employed was 26,290. I find in the year 1929-30 the expenditure is Rs. 1,57,87,269 and the men employed are 22,850. I find that in the previous year this expenditure came to 1,22 lakhs, but I think that low expenditure was due to the labour strike. So I do not want to allude to it. It was Rs. 1,37 lakhs in 1926-27, the year in which they wanted protection from the Tariff Board and probably they wanted to show an improvement in their operating charges. Everybody knows that recently the Bombay firm of Messrs. E. D. Sassoon and Co. gave an assurance to a certain public organisation, the Congress, that they would employ Indians wherever they could in their higher staff and that they would employ European experts only when it was found necessary. My charge against the Tata Iron and Steel Co. is that they have received protection to the extent of 10 to 12 crores so far, which is almost equal to their capitalised value of the undertaking, and they have done very little since they came before the Government of India and this House in 1924, to Indianise their superior establishment. Their heavy expenditure is due to Europeanisation, and as far as I can gather, the trouble in that company is that there are three forces working. One is the German element; the other is the American element and the third is the English element. The three schools of experts always differ, as experts are bound to differ, and fight with one another and the Indian has very little chance in that company. There are very few Indian experts or engineers controlling the operation of steel manufacture in Tatas. So the Tata Steel Company cannot reduce its operating cost nor its top-heavy management. Incidentally I find that one gentleman, who was a technical adviser to the Tariff Board in 1924-26, Mr. Mathers, is now employed as a highly paid technical adviser to the Tata Steel Company. In spite of all these technical experts, the Tatas have done little to reduce their cost of production, and I think that out of the amount spent on labour and wages, a major portion goes to the highly paid and useless foreign staff that could be easily wiped out.

Maulvi Muhammad Yakub: Including the Engineers?

Mr. B. Das: Certainly, including the foreign engineers. In 1924, this House insisted that Tatas must give a guarantee that they would Indianise their departments. In 1926-27, when the Tata Directors were going about in the lobbies and talking to us in whispers, they said that they would do

[Mr. B. Das.]

their best and employ Indian experts, but that they could not get Indian experts. I said that it was an entirely false assumption, but I know this much, that after we gave protection in 1926-27, those very gentlemen, the Directors and the Board of Management of Tatas said, "We care a fig for the Assembly. We have got seven years' protection, we are not coming to the Assembly any more, and in seven years' time we will be all right". There is another ground for our serious apprehension. The Tatas are managing other concerns too. They are managing hydro-electric concerns in Bombay. Government gave them the concession, and the concession which Government gave them also belonged to the people of India. What happened? They brought in Americans to manage the hydro-electric schemes in Bombay and the three schemes in Bombay are being controlled by American experts and American financiers. We apprehend that the day will come when Tatas, owing to mismanagement and lack of knowledge as to how to manage their industrial concerns, and being in the clutches of these American experts, will have to admit that they cannot manage the steel concern. They will go to America for money and the concern will go to America, while the Government of India and the people of India have given them bounty to the extent of 10 crores, and the consumers have borne another 25 to 30 crores of taxation, which has gone to meet the deficit Budget of my Honourable friend Sir George Schuster. This is indeed a very serious matter of apprehension. We pointed out then that the Tata Company has been over-capitalised. There was no business to put the capital so high. They could have reduced the capital. Certain auxiliary plant was purchased and spare sets of plant were purchased that ought not to have been purchased, especially when the prices were very high. The shareholders and the directors of Tatas, if they were honest, ought to have assured the Government that they would reduce the capital. They did not do that and neither did the Government, when they persuaded us to give protection insisted on Tatas reducing their cost and expenditure, unless they did so by means of secret correspondence. My Honourable friend Sir George Rainy knows better than anybody in this House, or outside this House, because he was the first and the most successful President of the Tariff Board, who inaugurated the system of protection in this country, but I do not think that Government insisted that Tatas should reduce the cost of administration by reducing the large European staff and by reducing their capital. Even in this small Report that the Tariff Board has produced, on galvanized sheets, they allude to the cost of production, and at one place they say that the Tatas are not laying aside sufficient money for the Depreciation Fund. How can they put sufficient money into the Depreciation Fund when their cost of operations is too high and when the company is over-capitalised? They also suggest in one place that there should be some mode of outlet for sale of their ingot steel and other steel products. Government do not order at present sufficient rails from the Tatas. The Tatas, if they produce what they assured us in 1926 that they would produce, *viz.*, 500,000 tons of steel, they must find a market. It seems they have no market; and what is the use of our giving them protection when they cannot sell their produce in the country and outside?

Sir, I know and the Government of India in their Notification of the 30th December, have admitted it, and my Honourable friend, Sir George Rainy, told us this morning, that owing to financial difficulties, the Government cannot give any bounty to the Tatas. I find that for 25,000 tons of

galvanized steel sheets which the Tatas produce, the Government will have to give them Rs. 9 lakhs; and another 3 lakhs they may have to pay in connection with the other auxiliary products and galvanized tubes, etc.; so for a matter of Rs. 12 lakhs Government are asking the consumers to pay to the Government exchequer a crore of rupees or a little more. Sir, a crore of rupees is a windfall to the Finance Member and the Government of India when they have to meet a deficit Budget, but I do not approve of this way of exploitation of the consumer. If Government want money, let them come to us, and let them appoint a Committee. Then let them put their cards on the table, and we will do our very best and advise them how to meet the deficit Budget. But what they propose to do is to come through the back door in this way in the name of protection and to collect a crore of rupees. Sir, in 1926 when we gave protection to galvanized sheets, the Tatas' production was only 10,000 tons, which is under 3 per cent. To give an industry protection when the production in India was 3 per cent. is one thing and it is quite another thing today when the production is 25,000 tons and it comes to 10 per cent. Of course I do not object to the 10 per cent. getting protection, but I do not think that we should give protection when the consumers are very hard hit owing to the depression, and I am glad to note that my Honourable friend himself admitted it and expressed that view. So what is the use of burdening the consumer with a crore of rupees of taxation because the Tatas will get a production of 55,000 tons and a bounty of Rs. 25 lakhs of rupees eventually in 1934? Sir, if Government cannot give them a bounty, I could suggest another alternative. They could spread over that Rs. 25 lakhs by an import duty, by a permanent duty which will come to about, I think, Rs. 5 or 6 more on the present duties. That means Rs. 35 per ton, that is, the *ad valorem* import duty would be Rs. 35 instead of Rs. 67 which the Tariff Board and the Government of India have advocated.

Sir, there is another issue to which my Honourable friend alluded. He said the labour troubles did not give the Tatas the chance to reduce their cost of production. Sir, I ask, why do these labour troubles happen so much only with the Tata Iron and Steel Company and not in other places? Of course I know there such troubles do happen in the Bombay mills. But I may quote from memory a speech which my friend, Mr. Birla, the President of the Federation of Indian Merchants' Chambers, gave last year at their annual meeting, when I think my Honourable friend, Sir George Rainy, was present. Mr. Birla said that the time was coming when capitalists and employers on one side and labour on the other side must have cordiality of feeling towards one another. He said that, although he owns so many cotton mills, he never experienced a strike in his mills. I ask the same question. Have the Government taken any opportunity to inquire why all these labour troubles crop up at the Tata works? Here I have got a petition which the labour leader, Mr. Homi, has addressed to His Excellency the Viceroy in connection with the Tata labour troubles for which Mr. Homi has gone to jail. Well, I have never met Mr. Homi. I understood he was a very partisan labour leader and he created a lot of trouble, but from his petition to His Excellency the Viceroy I make out that the charges he has brought against the Tata Iron and Steel Company are worthy of investigation by Government. This much also I know from friends, that there was a time when Mr. Homi was being pampered by the management of the Tatas as a labour leader. But afterwards they thought it worth while to approach

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my own Provincial Government of Bihar and Orissa to prosecute him and put him into jail. Sir, I ask, why is it that the management of the Tata Company cannot pull on well with their workmen, while an eminent industrialist like Mr. Birla can do so much for his work people? I can say there are dozens of other managing agents, take for instance the Ahmedabad millowners, who pull on well with their work people. Is it because they assume a super-millionaire dignity and superior airs, which their workmen cannot stand? Is it because there is no cordiality of feeling between the employers and the employees? Sir, on that point my Honourable friend seems to think that his duty is finished as soon as protection is given, but I think he as Member for Commerce and as a Member of the Government ought to see that there are cordiality of feeling and humane relations between the employer and labour.

I will now make certain observations about a particular remark of the present Tariff Board. On pages 4-5 they have gone out of their way to review certain statements of the Government and say that the Tariff Board is following the intention of the Legislature. Sir, this is the first Report I have read where the Tariff Board say that they are following the intention of the Legislature, because sometimes the Honourable the Leader of the House himself and his predecessor, Sir Charles Innes, have flung the remark at our heads that the Tariff Board is not the final authority; that the final authority is the Government. Sir, I will take this opportunity to quote just a few lines which the *Statesman* of Calcutta—my Honourable friend, Mr. Arthur Moore's paper—wrote about this reverential attitude of the Government towards the Tariff Board. I took the opportunity to quote this in 1927. The *Statesman* states—a very apt quotation—and I quote it again:—

“The reverence of Ministers like Sir Charles Innes for the Tariff Board is one of the things that it is difficult to understand. To him the pronouncements of that body are as the commandments that descended from Sinai. The commandments were written on stone and had a degree of permanence. They were not replaced on the morrow by a new set of injunctions”.

Well, Sir, that was the view of the *Statesman* and at that time Sir Charles Innes rose on the floor of the House and went on to say that the Government of India was the final authority over the Tariff Board. I do not know whether the present Tariff Board wants to play us, the Members of this House, against the Honourable Sir George Rainy, for it says that the intention of the Legislature must be followed, and for that reason they could not recommend a bounty to be given to the Tata Steel Works. Well, Sir, as I accidentally brought in the name of my old friend Sir Charles Innes once again to the floor of this House, I would like just to read one sentence in which he gave this House an idea of protection and fiscal autonomy, which is, of course, as dead as King Charles. He said:

“On the one hand, India aspires to Dominion status, that is to say, she aspires to political independence within the Empire. On the other hand she aspires to economic independence.”

Sir, Sir Charles Innes said this in 1924 and since then what has passed? I do not want to allude to all that now.

Sir, my Honourable friend Sir George Rainy anticipated me when he gave the reply which I wanted from him in answer to the short notice question, *viz.*, how is it the Government have not taken into account the Rs. 28 which is at present the difference between the estimated price of the Tariff Board in 1926 and the present cost price? How is it that in Europe and in England the prices of galvanised sheets and black sheets have gone down so much that there is not only a reduction owing to the reduction in the price of steel, but there is a reduction in the overhead costs and reduction in wages? How is it this has happened on the Continent and in the United Kingdom? Why is it it does not happen in India? Is it not a fact that the prices of foodstuffs have gone down since 1926-27? I think we have already heard about the fall in prices from the Members on the Treasury Benches, and we will hear more about it when the Budget is presented to this House. In India the prices have fallen so much that we are hearing that people are clamouring all over India stating their inability to pay full land revenue because the foodstuffs are very cheap and that prices have fallen very low. If in India also the prices have fallen, how is it and why is it that the management of the Tatas cannot reduce their cost of production? That is the most important point to be considered. If the Honourable Member does not want to accept my amendment, I do not want to fight with him. I do not want to repeat the fight which I have been carrying on year after year on the floor of this House; I do not want to continue the fight till 1934. I am not in a mood to fight, but I want to know whether the executive, who say they take a mandate from this House, have exercised their executive power, and whether the executive have compelled the Tatas to reduce their cost of production by reducing their top heavy administration by sending away their innumerable, unwanted and useless American and European staff (Hear, hear), and also by reducing the wages of labour, in view of the fact that foodstuffs are selling at half the prices they were selling one and half years ago. That is the point which the Government must consider, and they should not think that, because we have got a crore of rupees by the back door as extra revenue, we intend to give this little money to the Tatas and leave them to do anything they like with it.

Sir, I need not add anything to what I have said already. Sir, I am a protectionist. But if I want that protection should be adequate to an industry, I also want that those who seek that protection should be guided by that Report which, I am sorry to say, Government never gave effect to, that is the External Capital Committee's Report, where certain recommendations were made. Although the Tata steel industry is at present an internal capital company, I apprehend, as I said before, that there is every likelihood that its management might pass away from Bombay to New York. Sir, this may not come to pass. I do not know that. But I very much apprehend this. The Tatas have never shown so far any sympathy towards the Indian intellects and Indian Industrialists or towards the national industries. I want that the steel industry, which is a key industry, should be a national industry. Knowing all these things, the Tatas have not yet placed the industry on a national footing. The capital is not Indian entirely. If the capital is not Indian, if the brains that control that manage and that operate that concern are not Indian, then the Tatas have miserably failed in not taking Indians in to fill high posts because they are obsessed with so-called American experts who are controlling them and brow-beating them. (Nationalist Applause.)

Mr. President: I should like to know the pleasure of the House whether they wish to continue the debate and finish before lunch, or whether they desire that we should now adjourn for lunch.

Sir Hari Singh Gour: I do not think it is likely to be finished before lunch.

Mr. President: I think there are several speakers who wish to take part in the debate. We will therefore now adjourn for lunch till quarter to three.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Mr. L. V. Heathcote (Nominated Non-Official): Mr. President, I wish to oppose both the Government Resolution and, I am sorry to say, the amendment also of my Honourable friend Mr. Das. If I am allowed to show why I oppose the Government Resolution, I shall be able to make myself clearer as to why I have to oppose the amendment. My main reasons for opposing the Resolution are three. The first is that action of very great moment and importance to last for the long period of three years is proposed by Government on the strength of what is only a summary Report of the Tariff Board. My second reason is that it appears to me that the principle of protection with discrimination is being largely overlooked in the action proposed in the Resolution; and my third reason is that the protection which Government propose to grant to galvanised iron sheets covers the whole genus of galvanised iron sheets and not only the species which it is the Government's desire to protect. Government were confronted with an appeal from Tata's for protection in very special circumstances. No one knows, except perhaps Government, how great that appeal was for protection; and in the face of the Tariff Board's Report and the fact that when the Steel Protection Bill was first introduced, special means were devised for allowing executive action to be taken before the Legislature could be consulted, I do not think any one can object to the action that was taken by Government to introduce the protective duty up to the end of March of this year. We also I think agreed that, in the very limited time at their disposal, the Tariff Board could have hardly made a better and closer examination of the case before them. I do not criticise Government in their action, nor do I wish to criticise the Tariff Board's Report. But the Tariff Board themselves admit that in some respects, owing to the time at their disposal, it was not possible for them to examine the question in all the detail that a matter so large and of such importance required. The Tariff Board state that the Legislature will naturally expect or would like to be given an opportunity of showing how successful their protection has been to this very great indigenous industry of India; and we can see from the statistics of production that in the matter of galvanised iron sheets the production has increased during the last few years from some 8,500 tons in 1927-28 to 18,476 tons in 1929-30. I think the House would like to know what the maximum production of Tata's is of galvanised iron

sheets. We would like to have an indication of what possible further economy might be produced during the remaining three years of the operation of the Steel Protection Act. We would also have liked some information in regard to the cost of imported material, as to how much of it is basic and how much of it is liable to fluctuate owing to the competition which exists between the various manufacturers on the Continent and in England; how much of the cost is made up by freight, for instance; and what are the possibilities of rising freight affecting the imported cost of the material. These are matters of importance, and owing to the limited time at the disposal of the Board, they were not able to report, as I think they should have reported, if it were decided that we had no alternative but to impose protection for the remaining three years on the basis of the figures which were prevalent when the Tariff Board did report.

In some other respects I also consider that the Tariff Board have made certain unjustifiable conclusions. When they reported in 1926, they found that the fair selling price of galvanised iron sheets was Rs. 270 a ton. They show that there has been a drop on account of the reduction in price of spelter of Rs. 34 a ton. Then they say: "Therefore the fair selling price of Indian galvanised sheets today is Rs. 236". I want to know where the "therefore" comes in, and this is linked up with the present cost of production of the materials and the possibility of further reductions as a result of the further economies which may be expected from increased production. When the Steel Protection Bill was introduced, I think it may be said that this Legislature accepted the principle of protection with discrimination, and I do not want to say in any way that the large steel industry of Tatas is not a suitable industry to protect. But discrimination seems to me to mean rather more than that. It must also apply to the manner in which the protection is granted. The Tariff Board have assumed that, because the Legislature in 1926 accepted the principle of imposing an import duty to bring the cost of imported material up to a fair selling price, that is a principle which they have to adopt now. That seems to be an unjustifiable assumption.

That brings me to the third point which is in connection with the different classes of galvanised iron sheets where also discrimination might have been exercised. As far as I know, Tatas only manufacture sheets of 24 gauge thickness and upwards. Sheets of 26 and 28 gauge are used almost universally in Burma, where there is a large demand for sheets connected with the rice industry. Twenty per cent. or thereabouts of the imports into Calcutta are also of sheets of thinner gauge than 24, and even if we accept the principle of protection to the fullest possible extent and do not criticise it in the terms in which my Honourable friend, Mr. B. Das, criticised it this morning, there seems still to be no reason why an import duty should be placed upon all gauges. The Honourable the Commerce Member gave the Government's explanation for following the recommendation of the Tariff Board in imposing an import duty instead of giving a bounty. He said it was mainly due to the financial position of the country. We can all realise how difficult matters will be for the Finance Member during the coming year, and had the Government proposed to impose this duty as a revenue duty, with the added advantage of it being a protective duty, little might possibly have been said, and so I must oppose this Resolution mainly on the ground that it is imposing a burden on the consumer which is immense, as my Honourable friend Mr. Das

[Mr. L. V. Heathcote.]

said, a crore of rupees additional duty for the sake of protecting an industry, the total value of whose production at present in galvanized iron sheets does not exceed some 44 to 45 lakhs, a duty of double the value of the total industry, and I would like to urge the Government to withdraw this Resolution and to introduce it in a different form, to ask the Legislature to give them sanction to pay a bounty the money to pay which they will secure from a much smaller import duty than they at present propose, that bounty to fall should the import duty in the Budget exceed the protective import duty proposed immediately by Government. My Honourable friend Mr. Das suggested that a five rupee import duty would be sufficient to procure the money required to pay the whole bounty necessary to protect the Tata's production. While that might be the case, we look to Tatas to increase their production very considerably. It should not be difficult for the Government to ascertain what is the maximum level of production likely to be arrived at by Tatas during the course of the next three years.

Mr. B. Das: 55,000 tons.

The Honourable Sir George Rainy: I must say that I do not accept that figure.

Mr. L. V. Heathcote: I would say 40 as the outside figure, but that is a matter of comparatively easy inquiry. I should say, without knowing much about the steel industry, that if we take the figure 40,000 tons as the maximum and look to that production being reached before the Steel Protection Bill expires, I reckon that, allowing for the increase in the production of Tatas supplanting a similar quality of imported material, an eight rupee duty would be adequate to provide the revenue. If, when the Budget comes in next month, the Finance Member wishes to procure the further revenue of some 80 lakhs of rupees or thereabouts, that proposal can come to the House as an ordinary item in the Budget and it will be considered on its merits. The argument which the Honourable the Commerce Member put forward as a justification for the imposition of the whole duty as a protective measure, merely that there has been such a fall in the price of galvanized iron material, that it will be no hardship to the consumer to pay the higher duty, will be an argument which can be usefully put forward by the Honourable the Finance Member when he imposes the tax as a revenue tax. It would follow that where the Budget imposes a tax higher than the initial protective duty, the bounty would be correspondingly reduced, and this brings me to the reasons for my inability to accept the amendment proposed by my Honourable friend, Mr. Das. Apart from the difficulties of examining Tatas' books on each occasion, the House would be confronted each year with the necessity for imposing this burden of a crore of rupees or more on the consumer for the sake of this comparatively petty branch of Tata's business, and it would have no alternative but to turn it down or to accept it. If, on the other hand, the Government could introduce a smaller duty to pay for the bounty, that would stand until the Protection Bill expires and taxation for revenue purposes can be imposed on the merits of the case each year as each year comes along. For those reasons I would suggest that it might be possible for the House to persuade the Honourable the Commerce Member to put forward his Resolution in another manner asking for the House's permission to grant a bounty necessary to protect Tatas' production in full. (Applause.)

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, before I begin my observations on the motion of my Honourable friend, I would like to congratulate the Honourable Member for the very excellent and well-reasoned maiden speech he has just delivered. My Honourable friend, I understand, comes from Burma . . .

Mr. L. V. Heathcote: I come from Bengal: I represent the Associated Chambers of Commerce.

Mr. R. K. Shanmukham Chetty: I was mistaken then; because if he came from Burma, we could well understand his opposition to any kind of protection to the iron and steel industry. (Laughter.) Sir, whatever might be the effect of the imposition of import duties on iron and steel material in some parts of India and Burma, this House has recognised that the iron and steel industry of India is a national industry, and as such ought to be amply protected by this House. In the Steel Protection Bill of 1924, and subsequently in the Bill of 1927, this House, in spite of its differences of opinion with the Government on the methods, co-operated with the Government in granting adequate protection to the iron and steel industry of India. The present position is this: that the iron and steel industry now find that the measure of protection granted under the Act of 1927 is inadequate, and for this reason the Tata Company have come forward before Government with the request that additional protection should be granted. The Resolution of my Honourable friend deals with only part of the iron and steel industry; that is, relating to galvanized sheets. The Tariff Board, after a careful examination and analysis of the cost of production of the Tata Company, have come to the conclusion that the fair selling price for the home manufacturer for galvanized sheets must be Rs. 236 per ton. I am prepared to accept that figure of the Tariff Board because this House must, after all, accept the opinion of an expert body like the Tariff Board on a point like this. The Tariff Board has further found that the landed price of imported galvanized material is Rs. 169 per ton, and this means that the home manufacturer must get Rs. 67 more per ton to enable him to compete with the foreign manufacturer. The Act of 1927 has imposed a duty of Rs. 30 per ton on imported galvanized material: so at the present selling price of foreign imported galvanized sheets, the Tata Company find that they are at a disadvantage to the extent of Rs. 37 per ton, and therefore the Tariff Board have made a recommendation to the Government that an additional duty of Rs. 37 per ton must be imposed on imported galvanized material; and my Honourable friend the Commerce Member now seeks the sanction of this House for the imposition of this additional duty of Rs. 37 per ton. The Act of 1927 realised that, though it imposed a duty of Rs. 30 a ton on imported galvanized material, situations might arise in which the price of the imported commodities might fall still further, thereby handicapping Tatas, and to meet this emergency they empowered the executive to impose additional duties if circumstances so demanded. In virtue of the power conferred on the executive by this provision of the Act of 1927, the Government of India have already imposed a duty of Rs. 37 per ton on imported galvanized material, with effect from the 3 P.M. 30th December, 1930, and my Honourable friend the Commerce Member now seeks the sanction of the Legislature for the continuance of this duty to 31st March, 1934. That, Sir, is the position that is now before us and that this House is asked to consider.

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[Mr. R. K. Shanmukham Chetty.]

As far as the question whether the Tata Company require this additional assistance of Rs. 37 per ton on galvanised material is concerned, I do not think there will be any difference of opinion at least on this side of the House. The only point which we have to examine is whether the proposal which has been made to render this assistance to Tatas is consistent with that policy of discriminating protection to which this House and the Government of India are committed. Let us now understand what exactly is the position of this home industry. The Tariff Board have found that the present production of the Tata Company in galvanised material comes to 25,000 tons per annum, whereas the import of galvanised material comes to between 275,000 and 325,000 tons per annum. To give protection to the home industry, constituting 25,000 tons, the Honourable the Commerce Members seeks the sanction of the House to impose a duty of Rs. 37 per ton on about 300,000 tons of imported material, and it is for this House to examine whether the proposal of the Honourable the Commerce Member is reasonable and consistent with the policy to which we are committed. When one is confronted with the figures of home production and the imported material that I have just given, one would naturally be tempted to suggest that when the home production constitutes such a small fraction of the total quantity consumed in the country, the proper method of protecting the home industry would be in the form of a bounty to the home manufacturer. ("Hear, hear" from the European Benches.) The Tariff Board unfortunately did not devote sufficient attention to this aspect of the question, and here I entirely endorse the remarks of my Honourable friend, Mr. Heathcote. I think the Tariff Board was not justified in assuming that the Legislature was committed to a policy of protective duties in preference to bounties, and therefore that they were precluded from examining this question of the grant of bounties. The terms of reference of the Government of India, which were given to the Tariff Board, amply make it clear that the Board was asked to examine the various methods of granting protection, whether by means of import duties or by means of bounties, and it is very regrettable that the Tariff Board, for the members of which I have the greatest admiration and respect and whose opinions I always value, should have ignored this aspect of the question and should have taken it for granted that the Legislature was committed to a particular course of action and that they were precluded from going into the detailed examination of alternative methods which would yield the same results.

One other reason that the Tariff Board urge for the grant of a protective duty instead of a bounty is the question of urgency. They say that if a bounty is to be granted, the executive must naturally get the sanction of the Legislature, and that means that they will have to wait for another three or four months, and the Tata Company can not afford to wait all this period. But, Sir, what is it that has actually happened? The Report of the Tariff Board was signed on the 17th October, 1930, and the Government of India have exercised their power of imposing this additional duty with effect from the 30th December, 1930. If the Government of India thought fit to bring before this House a Resolution for the grant of a bounty, is it not possible that the Tata Company could get this bounty at least from the 30th January, 1931? I ask my Honourable friend the Commerce Member to consider whether he would attach any great value to that

part of the Tariff Board's recommendation in which, on the ground of urgency alone, they recommend protective duties in preference to bounties.

The Tariff Board give another reason why protective duties are recommended by them. They say that, if the industry is to be protected by means of a bounty, it means that the executive must come before the House annually for a vote. I quite concede the force of that argument. The necessary corollary of the grant of a bounty is that the Government of India must come for an annual vote to meet the expenses connected with the bounty, but that argument, I submit, is not insurmountable. It might be that technically an annual vote is necessary in this House for the grant of a bounty. But I would submit, Sir, that if this House agrees in principle that it is necessary to grant this bounty for a period of four years, it would be possible to commit this Legislature by means of a Resolution for the grant of a bounty for that period of four years and technically come before the House for an annual vote. That, therefore, is not an insurmountable argument either.

The last argument of the Tariff Board is that the burden on the consumer is not very excessive. Well, Sir, I am afraid this is the weakest part of the argument of the Tariff Board. They say that in 1927 the Legislature recognised that Rs. 270 per ton was a fair price that the consumer might be asked to pay, but today the consumer is asked to pay Rs. 236 and therefore the consumer is not seriously affected. That argument cannot carry much weight in this House. If, as a result of the fall in the prices of commodities in the world, the Indian consumer can get certain articles cheaper, there is no reason why, either by executive action or by the action of this Legislature, the Indian consumer should be deprived of the benefit of a fall in prices. That argument of the Tariff Board is, therefore, the weakest part of the whole case.

My Honourable friend the Commerce Member says, "Ah, yes, but the financial position of the country precludes all possibility of granting the bounty." Sir, let there be no misunderstanding. I am entirely at one with my Honourable friend over there, and I am also entirely at one with the findings of the Tariff Board that the Tata Iron and Steel Company must be given protection to the extent of Rs. 37 per ton on the galvanised materials produced by them. Very well. Rs. 37 per ton on 25,000 tons comes to Rs. 9,25,000. My friend says that, in the present financial stringency of the country, it is impossible to find Rs. 9,25,000 for this bounty. But I ask him, is not the way easy and clear? Impose just that amount of duty on the imported galvanised material as will give you this 9½ lakhs of rupees to be given as bounty. Instead of following that course, what is it that my Honourable friend wants to do? He wants to impose a duty of Rs. 37 per ton on 300,000 tons of imported galvanised material, and what is the practical and ultimate result of this? My friend, the Commerce Member, has foreshadowed the Budget position of the country and has come forward with the first Bill of taxation for the coming Budget. The proposal of my friend means that the Government of India just to give assistance to the extent of 9½ lakhs of rupees to the Tata Iron and Steel Company, propose to levy taxation to the extent of 1½ crores of rupees, and that for three years. I consider the Resolution of my Honourable friend today as the first measure of taxation for the coming financial year. He might certainly be congratulated by my friend the Finance Member for enabling him to find an

[Mr. R. K. Shanmukham Chetty.]

additional Rs. 1½ crores in the difficulties with which my friend the Finance Member will be faced in the years to come. But surely, Sir, this House cannot accept, without protest, the implications underlying this proposition of the Honourable the Commerce Member. But my friends might ask, and some of them have asked already, what exactly should we do on this Resolution? Well, that is a more difficult question to answer. We know from past experience that, whatever might be the protest on this side of the House against the methods adopted by the executive in granting protection to the Home manufacturers, we are often told, "Either take it or leave it." I do not know whether that is the position of the Honourable the Commerce Member today. Sir, we on this side of the House will not be parties to any action that will deprive the iron and steel industry of India of the protection which an expert body like the Tariff Board found that the industry needs. At the same time, it is very hard to ask this House by this indirect means,—I was almost going to say insidious means,—of raising additional taxation to the extent of 1½ crores. I would ask my friend the Commerce Member to reconsider if possible the dilemma in which he has placed us. It is unfair to this House, it is unfair to the iron and steel industry of India, to place this House in a dilemma. Surely my Honourable friend the Commerce Member must recognise that it is not at all fair to ask this House to sanction additional taxation to the extent of Rs. 1½ crores to enable them to find Rs. 9½ lakhs for giving a bounty. It is very unfortunate and unfair that my friend the Commerce Member should have placed this House in this dilemma, and I sincerely hope and trust that my friend opposite, in the light of what I have said, will undertake to withdraw this Resolution, reconsider the whole position, and agree to impose on imported galvanised material just that amount of additional duty as will enable him to find the money for giving assistance to the Tata Iron and Steel Company.

*Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): I rise to support this amendment of Mr. B. Das. The original Resolution of the Honourable Sir George Rainy, I observe, is that the increased import duties on galvanised iron and steel pipes and sheets for the period 30th December 1930 to 31st March 1931 should be continued for the remainder of the period of protection, i.e., up to the 31st March 1934, and that duties should not be reduced at any time before that date. Mr. B. Das' amendment is: "That for the words 'up to the 31st March, 1934', the words 'the year ending 31st March, 1932' be substituted." This amendment, in my opinion, is worth considering.

In this connection, several speeches have been made in this House already. In those speeches, reference was made to the Tariff Board's Report and the evidence contained therein. The recommendations of the Tariff Board are worthy of consideration. Mr. Das is at least fair in stating that every effort should be made to make the industry self-supporting before consumers should be asked to bear the burden of additional protection demanded. He moved an amendment to make an annual decision instead of signing away his liberty for three years.

* The Honourable Member spoke in Marathi.

I request Sir George Rainy to accept the amendment of Mr. Das and not to insist upon the Members of this House supporting the Resolution as it stands. I think, no good impression has been produced upon this House by his long speech. In case the Honourable Sir George Rainy does not amend his Resolution in the light of the amendment of Mr. Das, I request that all elected Members of this House should stand apart unanimously to give a defeat to the opposition, on the ground that the continuance of duties should be granted till next year. This is the fair method of relief to Tata's Industry, and I fully support Mr. Das' amendment.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I beg to oppose this amendment, and in doing so, I shall confine my remarks to the only points which are relevant for the discussion of the matter before the House. As I read the amendment of Mr. B. Das—and as far as I can see, the general sense of this House is in favour of the protection being granted, there is no question about that—as I read the portion of the amendment proposed by Mr. Das, he says that for the year ending the 31st March, 1932, the protection may be granted. The proposition of the Honourable the Commerce Member is that the protection be granted for three years, and as far as I can understand the amendment, it agrees to the protection for one year. So, there is only a difference of two years, and even as regards these two years, it is not that my Honourable friend, Mr. Das, is unconditionally opposed to the protection. He says, by all means give protection, but only under two conditions. Come to the Legislature every year for the vote and satisfy us that there has been a "genuine effort made by manufacturers to reduce their cost of production and increase their output during the previous year".

Now, in regard to coming to the Assembly every year, in addition to the objections that have been formulated by the Tariff Board, there is one little difficulty. Supposing the Honourable the Commerce Member comes before this Assembly and asks for this protection, there must be some materials, and those materials must be collected by some expert body like the Tariff Board. The materials have been collected, they are there before you; and if circumstances so change that it would not be desirable to continue the protection, the Government Resolution provides for it by adding a clause that the duties can be reduced if the Government are satisfied "that circumstances have changed so radically as to render the maintenance of the duties at the increased rates clearly unnecessary and undesirable". Now, I should have thought that if circumstances so altered that you ought not in reason continue these duties, there was enough provision in the Resolution itself to take steps to get the material upon which you could come to a conclusion. What, then, I respectfully ask, is the necessity to come before this Assembly? Don't mistake me. I do consider that every important measure that the Government takes must be sanctioned by this Assembly. But this case stands on a peculiar footing. The Assembly, as my Honourable friend, Mr. Shanmukham Chetty, who took a leading part in the discussions of 1927, assured us, will insist upon giving this industry, which is a national industry, as much protection as may be necessary in order

[Raja Bahadur G. Krishnamachariar.]

to bring it to a working level. That being so, and there being enough provision in the Government Resolution itself for finding out whether the protection should be continued for the remaining two years and whether materials for that exist or not, I respectfully ask why they should come to the Assembly and face the difficulties that the Tariff Board have enumerated? And in regard to the other condition, which I suppose is in one sense a part and parcel of the first condition, namely, satisfaction about the cost of production as well as increase in output, the statements contained in paragraphs 21 to 24 of the Tariff Board's Report fully refute and answer the position taken up by Mr. Das. They have shown in regard to increase in output, how the Tatas have not been able to get rid of it in consequence of the difficulty of their not having got orders from the Railway Department. Sir, if that Report is carefully studied, it is clear that, so far as the Tata Company is concerned, they have tried their very best to come up to the expectations of the Tariff Board, raised in the year 1926, upon the faith of which the Act of 1927 was passed.

So that, to sum up, the position is this. We are agreed upon the grant of protection—and I am only taking up the terms of the amendment—we are agreed upon the protection for one year; and as for the other two years, what you want to do is, in the first place, a matter of super-erogation, and in the next place, you have got already materials before you. Those being the circumstances in which the amendment is moved, I would respectfully point out that there is absolutely no point in agreeing to this amendment, but that the House should straightaway agree to the Resolution moved by the Honourable the Commerce Member.

Before I resume my seat, as this is the first time that I have had the honour of addressing this august Assembly, I thank the Honourable Members for the courtesy with which they have listened to me.

***Mr. S. G. Jog** (Berar Representative): Sir, today I find that the office of the Commerce Member and that of the Finance Member have been combined in one. The Honourable the Commerce Member has brought forward a Resolution by which he is not only giving protection to the Tatas, but, as observed by my Honourable friend Mr. Chetty, introducing a measure of taxation. I wonder whether it is a protection to the Tatas, or whether it is a protection to the Government. I was waiting to see how this subject was coming up before the Assembly, and it seems only natural that the members of the steel frame should have a natural sympathy for the steel industry. (Laughter.) On the other hand, I find from the observations and remarks made by some of the previous speakers that there seems to be an unholy alliance between the Tatas and the Government. The Tatas wanted protection for their industry. The Government, on the contrary, said, "You apply for protection; we will give you some protection; and we will take the rest for ourselves". That seems to me to be the position.

As regards the observations made by my Honourable friend Mr. Das, what this House has got to see is whether this is really a national industry, and, if so, and if it requires protection, whether it deserves it, and thirdly,

*Speech not revised by the Honourable Member.

the lines on which it must be given. It is our duty to see that the protection given is used and not abused. The industry must, not only in name, but in substance also, be national, and it must deserve the protection and the sympathy of this House. With these remarks, I entirely support the amendment of my Honourable friend Mr. Das and suggest that the House should reject the Resolution of the Honourable the Commerce Member.

The Honourable Sir George Rainy: Sir, I have listened with great interest to the debate which we have had, and I should like to join with my Honourable friend Mr. Chetty in congratulating my Honourable friend Mr. Heathcote on his admirable maiden speech. I listened with special interest to what he and Mr. Chetty said as regards the precise proposal which the Government of India have placed before the House, basing it on the recommendations made to them by the Tariff Board. I do not know that I need take up a great deal of the time of the House in discussing what has been said, but there are two or three points on which I should like to say something. My Honourable friend Mr. Heathcote suggested that the Tariff Board ought properly to have gone more fully into the question of costs than they actually did. Now, from my experience of two supplementary inquiries by the Tariff Board in regard to the protection of the steel industry, I am quite certain that in both cases it would not have been possible to make any sort of detailed investigation into costs. These supplementary inquiries have to be conducted under great pressure of time. The whole object of vesting special powers in the Government of India is precisely this, that the time available is very short and therefore only the most relevant factors can be fully taken into account. I do not think that it would in any way be possible for the Tariff Board to examine the question more fully.

Then, Sir, there is another point. I think it was in the speech of Mr. Chetty. It was on the question of the relative speed with which you could introduce a system of bounties as compared with the speed at which you could impose an additional duty. I agree with him to this extent, that in 1924 the thing was actually done. What happened then was that in the supplementary steel inquiry, the Tariff Board recommended substantial increases in the duties, but the Government of India preferred to proceed by way of bounty. What they did was to publish a Resolution announcing their intention of placing proposals before the Legislature, they then put in operation the necessary administrative machinery to record the output of ingot steel and they obtained the approval of the Legislature with retrospective effect in the following session. But there is this difference. There was no great difficulty in recording the output of ingot steel for the purpose of paying a bounty on it. But when every consignment of galvanised sheet has to be recorded as it is manufactured, it is a somewhat more complicated business, and undoubtedly before such a system could be introduced we should have to make somewhat detailed inquiries. I do not say the thing is impossible, but I cannot say how much it would cost and some time would necessarily elapse before the necessary inquiries could be completed. That brings me to another point. I have been declared entitled to the congratulations of my Honourable colleague who sits beside me on having imposed, or attempted to impose, the

[Sir George Rainy.]

first taxation measure of the session. I have made no secret of the considerations which weighed with Government. In my speech I made it clear that financial considerations had great weight with the Government of India in arriving at their decision. At the same time I have been much impressed by what has been said in this House by several speakers about their desire to see that the protection which an industry needs should be given in the manner which imposes the smallest possible burden on the consumer. Considerations of that kind, especially when advanced from non-official Benches, will, I hope, always have great weight with the Government of the day, however that Government may be constituted. What I am prepared to do is this, if it will in any way meet the wishes of my Honourable friends. I am prepared to agree to amend my Resolution, so that instead of reading that protection "be continued for the remainder of the period of protection covered by the Steel Industry (Protection) Act", etc., it may read "continued up to the 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty". Both from the administrative point of view and from the financial point of view, the position, we may hope, will be a good deal easier next year than it is now. If that would meet the wishes of my Honourable friends I should be quite prepared to accept an amendment on those lines.

Mr. R. K. Shanmukham Ohetty: With your permission, Sir, I should like to congratulate my Honourable friend the Commerce Member on the way in which he has accommodated the opinion of non-official Members on this side of the House. I am glad that he has not made any secret of the fact that his Resolution sought to impose an additional tax to the extent of about $1\frac{1}{4}$ to $1\frac{1}{2}$ crores, extending over a period of over three years. I made it perfectly plain in my speech that we on this side of the House recognise the need for protection, and to achieve this end, we are prepared to accept the amended motion of my Honourable friend the Commerce Member.

Mr. B. Das: In view of the amended Resolution, I beg leave of the House to withdraw my amendment.

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

Mr. President: I will now ask the leave of the House to amend the original Resolution in the manner the Leader of the House desires.

Sir Lancelot Graham (Secretary, Legislative Department): I suggest that an amendment be moved by some Member of the House, and though I do not profess to be an expert in this matter, I should be glad to move the amendment myself, if it is going to produce concord in this House.

Mr. President: At this stage it would be better if the Honourable Member asks the leave of the House to amend his Resolution.

The Honourable Sir George Rainy: I will certainly adopt the suggestion.

Mr. President: When the Honourable the Mover is replying, it is hardly possible to introduce a new amendment. I think the best procedure would be that, with the consent of the House, the original motion should be amended at the request of the Mover.

The Honourable Sir George Rainy: Then, with your permission, I would formally ask the leave of the House to amend my Resolution, so that all the words after "continued" be omitted and that the following words be substituted:

"up to the 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty."

Mr. President: I desire to ascertain the pleasure of the House as to whether they will allow the Honourable the Mover to amend his motion in the following manner; that is, omit the words in line 5 from the word "for" to the word "undesirable", and substitute for them the words, "up to the 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty". The motion, as amended, will then read as follows:

"This Assembly recommends to the Governor General in Council that the increased import duties imposed by Notification No. 260-T. (127)-Tariffs, dated the 30th December, 1930, in exercise of the powers conferred by section 3(4) of the Indian Tariff Act, 1894, on galvanized iron and steel pipes and sheets for the period 30th December, 1930 to 31st March, 1931, be continued up to the 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty."

Is it your pleasure to allow the Honourable the Mover to amend his Resolution accordingly?

The Resolution was, by leave of the Assembly, amended.

Mr. President: I have now to put to the House the following Resolution:

"This Assembly recommends to the Governor General in Council that the increased import duties imposed by Notification No. 260-T. (127)-Tariffs, dated the 30th December, 1930, in exercise of the powers conferred by section 3(4) of the Indian Tariff Act, 1894, on galvanized iron and steel pipes and sheets for the period 30th December, 1930 to 31st March, 1931, be continued up to the 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty."

The question is that that Resolution be adopted.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 29th January, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 29th January, 1931.

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

QUESTIONS AND ANSWERS.

PAY AND CONDITIONS OF SERVICE OF EXTRA DEPARTMENTAL AGENTS OF THE POST OFFICE.

162. Mr. S. C. Mitra: (a) Will Government be pleased to state the number of E. D. As. employed in post offices?

(b) What is the scale of their pay?

(c) Is it a fact that E. D. As. before their appointment are required to give a declaration that they have got other sources of income?

(d) What is the average hours of duties of E. D. As.?

(e) Will Government be pleased to submit Duty Lists of the following E. D. Offices:

Munshirhat, Goalmati, Fakirtola Road, Fareshganj, Bafonia, Amjadhat (Tipperah Division, Bengal)?

(f) Is it a fact that nothing is paid to the E. D. As. for contingency and for sweeping?

(g) Is it a fact that no chair is supplied to them?

(h) Is it a fact that the Superintendent of Post Offices, Tipperah Division, in his inspection report dated the 24th May, 1930, remarked that the E. D. As. should not ask for a chair and they are supposed to have their own chairs?

(i) Is it a fact that they do not get any leave like clerks, postmen, etc.? Are they required to make their own arrangements for the conduct of the Government work in case they want any leave?

(j) Are Government prepared to increase the pay of these men and make some arrangement to give them leave at least for a few days in a year?

Mr. H. A. Sams: (a) The number of Extra Departmental Postmasters employed in Post Offices is 16,446.

(b) As explained in the reply to part (a) to the Honourable Member's unstarred question No. 311 on the 7th March, 1928, Extra Departmental Postmasters do not receive regular pay but are given certain allowances which vary from Rs. 6 to Rs. 30.

(c) Yes. Persons having no independent means of subsistence are not employed as Extra Departmental Postmasters.

(d) The hours of duty vary according to local conditions and the classes of postal business done in an extra departmental office.

(e) The information is not readily available and Government do not consider that the expenditure of time and labour involved in obtaining it from the local officers could be justified by the public interests to be served.

(f) The Honourable Member's attention is invited to the reply to part (d) of his unstarred question No. 311 on the 7th March, 1928.

(g) A stool, not a chair, is ordinarily supplied to a Branch office whether departmental or extra-departmental.

(h) Government have no information nor do they propose to call for it in view of reply to (g) above.

(i) The answer to both parts of the question is in the affirmative. In this connection the Honourable Member's attention is invited to part (c) of the reply given to his unstarred question No. 311 on the 7th March, 1928, and also to part (b) of the reply given to his subsequent starred question No. 1065 on the 15th March, 1929.

(j) The Honourable Member's attention is invited to parts (c) and (i) of the reply given to his starred question No. 1006 on the 11th March, 1929. Government do not propose to alter the conditions of employment of Extra Departmental Postmasters.

Mr. S. C. Mitra: So far as clause (b) is concerned, will the Honourable Member please inform the House what is the principle on which he fixes the pay of individual agents as it varies from Rs. 6 to Rs. 30?

Mr. H. A. Sams: Sir, at present there is no definite principle. The pay in each case is fixed on the recommendation of the Head of the Circle having regard to the work done by the Extra Departmental Agents. I may however add that we are trying to devise a principle on a point system giving points for certain classes of work.

CIVIL DEPARTMENTS' SHARE OF SALE OF UNIFIED POSTAGE STAMPS.

163. ***Mr. S. C. Mitra:** (a) Will Government be pleased to intimate on what basis the Civil Departments' share of the sale of unified postage stamps is calculated?

(b) Is it a fact that Rs. 19 lakhs was paid in the year 1920?

(c) Is it a fact that the Accountant-General, Posts and Telegraphs, in his report on the Appropriation Accounts made strong comments over this matter?

(d) Will Government be pleased to state what action has since been taken on that comment of the Accountant-General?

The Honourable Sir George Schuster: (a) The Civil Departments' share of the sale proceeds of unified stamps is calculated with reference to—

(1) the growth in stamp revenue since 1906, when postage stamps were first inscribed for revenue purposes, and

(2) the increases subsequently made in the rates of duty on certain documents on which unified stamps should be used.

(b) Yes.

(c) The Accountant General, Posts and Telegraphs, called attention to the difference made by the abolition of the stamp duty on cheques and bills payable on demand, and suggested that some revision of the share of revenue paid to the Provincial Governments might be justifiable.

(d) The question formed the subject of correspondence with Local Governments and their replies are under consideration. It is expected that the Committee which is shortly to undertake the examination of Postal Accounts will deal with this matter.

PROSECUTION OF BABU BROJO K. SHAW, A POSTAL CLERK.

164. ***Mr. S. C. Mitra:** (a) Has the attention of the Government been drawn to the article published in the December, 1930, issue of *Labour* under the caption "Harassing prosecution and trial"?

(b) Is it a fact that Babu Brojo K. Shaw was arrested by the police on a charge of breach of trust and misappropriation of an insured letter?

(c) Is it a fact that the clerk was honourably acquitted by the High Court?

(d) Is it a fact that the matter was not investigated either by the Presidency Postmaster or the Superintendent before the fact was reported to the police?

(e) Have Government considered the question of instituting an inquiry as to why the official was put to so much trouble and without sufficient investigation?

(f) Will Government be pleased to state what amount, if any, they intend to pay to Babu Brojo Kishore Shaw to compensate him for the expenses which were incurred by him to defend him in the trial?

Mr. J. A. Shillidy: (a) Government have seen the article in question.

(b) Yes.

(c), (d), (e) and (f). I see from a copy of *Labour* of December, 1930, that the Chief Presidency Magistrate committed the accused to the Court of Sessions, which would seem to show that in his opinion there was at least a *prima facie* case for the prosecution.

SUBSIDY PAID TO IMPERIAL AIRWAYS FOR CARRYING MAILS BETWEEN INDIA AND ENGLAND.

165. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state what subsidy is paid annually to the Imperial Airways Company for carrying Post Office mails between India and England and for State air mail?

(b) Will Government be pleased to lay on the table a statement showing the actual income for air mails for the period?

Mr. J. A. Shillidy: (a) The attention of the Honourable Member is invited to the reply given to the starred question of Mr. Gaya Prasad Singh on the 4th September, 1929, from which it will appear that the Government of India have no concern with the subsidy payable to the Indian Airways Limited, for working the India-England Air Mail Service. The Indian Posts and Telegraphs Department, like other postal administrations, pays the British Post Office for the use of the service. The general principles on which these charges are payable are laid down in the

International Regulations of the Universal Postal Union, to which this country has subscribed. The air conveyance charges are the same for all administrations and vary with the distance over which correspondence is carried by air, and each administration is responsible for the charges on mails despatched by it.

The Indian State Air Service between Karachi and Delhi is operated with aircraft chartered from Imperial Airways, Limited, at an annual cost of approximately Rs. 4½ lakhs. No subsidy is paid.

(b) A statement showing the estimated receipts and expenditure for the two air services is placed on the table of the House.

Statement referred to in part (b) of Mr. J. A. Shillidy's reply to starred question No. 165.

	1930-31.
Receipts—	Rs.
Air Mail fees from Karachi-Croydon air mail service (external air mail service)	5,60,000
Air Mail fees from Karachi-Delhi air mail service (internal air mail service)	9,000
Conveyance charges recovered from foreign administrations in respect of letters, etc., from abroad conveyed by the internal air service at Rs. 4-4-0 per lb.	15,000
	5,84,000
Fees from passengers and freight (*April to October 1930, Rs. 8,600)	15,000*
Total	5,99,000
Expenditure—	
Conveyance charges paid to the British Post Office in respect of air mail letters conveyed from Karachi by the Croydon-Karachi air mail service at Rs. 9-6-4 per lb.	3,48,000
Incidental expenses incurred by the P. and T. Department in respect of the external air mail service	65,000
Incidental expenses incurred by the P. and T. Department in respect of the internal air mail service	10,000
Cost of charter of Imperial Airways	4,66,000
Refund of customs duties to be paid by the Imperial Airways Limited on aeroplanes and spares	5,000
Commercial management of the Karachi-Delhi air service	17,000
Landing and housing charges in connection with the use of Jodhpur landing grounds	1,800
Total	9,12,600

Mr. Gaya Prasad Singh: May I know if there is any proposal to give the Imperial Airways Company the contract to carry air mails on the mainland of India?

Mr. J. A. Shillidy: Not that I am aware of.

TRANSFERS IN THE POSTAL DEPARTMENT.

166. ***Mr. S. O. Mitra:** (a) Is it a fact that the Assistant Postmasters General, Superintendents of Post Offices, R. M. S. Inspectors of Post Offices are transferred from one place to another at the interval of three years and Head Clerks, Managers, Stock Depot of Circle Offices are transferred from one section to another at an interval of three years?

(b) If the reply of (a) be in the affirmative, will Government be pleased to state as to why on the same analogy Office Superintendents of Postmasters-General's offices and Managers of Dead Letter Offices are not transferred in the same way?

Mr. J. A. Shillidy: (a) Yes, except in the case of the Assistant Postmasters-General whose tenure of charge is ordinarily five years at a stretch.

(b) No analogy exists between the posts mentioned in (a) and those mentioned in (b) and Government do not consider there is any reason for the introduction of such a rule.

RETRENCHMENT IN THE OFFICE OF THE POSTMASTER GENERAL, BENGAL AND ASSAM CIRCLE.

167. ***Mr. S. O. Mitra:** (a) Is it a fact that about 20 clerks of the office of the Postmaster General, Bengal and Assam Circle, have been transferred to the Calcutta General Post Office and other Post Offices as a result of retrenchment in that office?

(b) Will Government please state whether retrenchment has also been made to other circle offices also?

(c) If the reply to (a) be in the affirmative, will Government please state why the senior officials have been transferred in this way and juniors have been retained?

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

(b) Yes.

(c) No question of seniority is involved. Those least qualified to work in the Circle office have been transferred.

RENT OF POST OFFICE BUILDINGS IN CALCUTTA.

168. ***Mr. S. O. Mitra:** (a) Are Government aware that the rent of big houses in Calcutta has been reduced by 25 per cent.?

(b) Is it a fact that the rent of the Dharamtala post office building is going to be increased?

(c) If so, will Government please state to what extent is the rent going to be increased, especially at a time when the rent of big houses in Calcutta is on the decline?

(d) What accommodation is required for the Dharamtala post office (Calcutta) according to the standard fixed by the Department? What is the measurement of the present post office?

(e) Is it a fact that the rents of the Sealdah and Simla post offices (Calcutta) are Rs. 200 and Rs. 140 respectively?

(f) What was the rent previously paid for the Sealdah post office before shifting to the present building?

(g) What was the rent of the old Simla post office before its amalgamation with the Beadon Street T. S. O. and when it was a delivery office?

(h) How many clerks (including Sub-Postmaster) are there in the Simla post office?

(i) Is it a fact that the Audit office raised objection to payment of such heavy rent for the Simla post office?

(j) Will Government be pleased to state the cause of increase in rent of these post office buildings?

(k) Is it a fact that the Ahiritola post office (Calcutta) has been shifted to another building which is very near to the Beadon Street post office?

(l) What was the rent which used to be paid for the old post office building and what is the rent of the present building?

(m) Is it a fact that business men of the locality raised an objection to the shifting of the post office to its present location as it is at a distant place from the centre of the business quarter?

(n) Will Government be pleased to ascertain from the Corporation of Calcutta the rate of rent prevailing in the localities where the Dharamtala, Sealdah, Simla and Ahiritola post offices have been located, and place the report before us for the information of the Assembly?

(o) Will Government please further state whether the Department has entered into an agreement with the landlords of all these post office buildings or are there some with whom agreement has not been made?

Mr. H. A. Sams: (a), (h), (i), (k), (l), (m) and (o). Government have no information.

(b) Yes.

(c) From Rs. 364 to Rs. 500 a month.

(d) 3525 sq. ft. and 2367 sq. ft.

(e) The rent of the Sealdah Town sub-office is Rs. 200 and of the Simla Town sub-office Rs. 130 per mensem.

(f) Rs. 65 per mensem.

(g) Rs. 150 per mensem.

(j) In the case of the Dharamtala post office, as the accommodation was inadequate for the staff employed, more rent had to be paid for increased accommodation. In the case of the Sealdah office, the original building was in a dangerous condition and the office had to be removed at short notice. The rent charged for the only suitable building available was substantially in excess of the rent paid for the old building. As regards the Simla town sub-office, the present rent is less than formerly as explained in my answer at (e) and (g) above.

(n) Government do not consider that such an enquiry would yield any useful results, as the rent of postal buildings cannot be decided by any general rates, but only as the result of negotiations with individual landlords.

RECRUITMENT TO THE POSTAL DEPARTMENT.

169. ***Mr. S. C. Mitra:** (a) Is it a fact that it has been ordered by the Director General of Posts and Telegraphs that recruitment in the Postal Department will be made according to the Revenue Division?

(b) If so, will Government please state why the postmen of Calcutta are not recruited according to these rules?

Mr. J. A. Shillidy: (a) Yes.

(b) Government have no information, but enquiries are being made.

RETRENCHMENT OF HIGH OFFICIALS IN THE POSTAL DEPARTMENT.

170. ***Mr. S. C. Mitra:** (a) Has the attention of the Government been drawn to an article published in the October, 1930, issue of *Labour* under the caption "Retrenchment—How and where"?

(b) Will Government please state how many (i) Deputy Postmasters General of Post Offices (ii) Assistant Postmasters General of Post Offices, (iii) Assistant Directors General of Post Offices, (iv) Deputy Directors General of Post Offices and (v) Superintendents of Post Offices there are at present and how many there were in the year 1919-20?

(c) Will Government be pleased to state the reason of increase in the number of officers?

(d) Will Government place a statement on the table showing the expenditure incurred to maintain these officers now and what was the actual expenditure in the year 1919-20?

(e) Do Government contemplate to reduce the number of officers in the Postal Department?

Mr. J. A. Shillidy: (a) Government have seen the article in question.

(b) The information is as follows:

	At present.	In 1919-20.
Deputy Postmasters-General	14	10
Assistant Postmasters-General	30 (including one Assistant Director of Post and Telegraphs, Sind and Baluchistan.)	24
Assistant Directors-General	6	5
Deputy Directors-General	3	2
Superintendents of Post Offices	132 (including 7 reserve Superintendents of post offices and 8 City Superintendents of Post Offices.)	139 (including 2 personal Assistants to the Director-General.)

(c) The increase was chiefly due to the reorganisation of the administrative offices of the Posts and Telegraphs Department, which took into account the large increase in work.

(d) Government do not possess the information, nor do they propose to call for it, as its collection would involve an expenditure of time and labour which would serve no purpose.

(e) No such proposals are at present under the consideration of Government.

STAFF AND INCOME OF CERTAIN TELEGRAPH OFFICES.

171. *Mr. S. O. Mitra: (a) Will Government please state how many signallers and Telegraph Masters are there in (i) Trichinopoly, (ii) Madura, (iii) Cocanada, (iv) Vizagapatam departmental telegraph offices?

(b) What is the average income of these telegraph offices?

Mr. H. A. Sams: (a) In departmental telegraph offices signallers are designated telegraphists. The number of Telegraph Masters and telegraphists employed in the offices referred to is—

	Telegraph masters.	Telegra- phists.
Trichinopoly	2	16
Madura	2	31
Cocanada	1	7
Vizagapatam	1	23

(b) Average figures are not available. The estimated income for 1979-80 is:

	Rs.
Trichinopoly	17,629
Madura	12,516
Cocanada	51,229
Vizagapatam	23,963

CARRIAGE OF MAILS BETWEEN BOMBAY AND CALCUTTA.

172. *Mr. S. O. Mitra: (a) Will Government please state what amount is paid annually to the East Indian Railway for running the Imperial Indian Mail carrying outward and inward foreign mails between Bombay and Calcutta?

(b) Is it a fact that some years before two other special trains used to run between Bombay and Madras, and Bombay and Lahore, but that they have been discontinued?

(c) If so, why is this train still running between Bombay and Calcutta?

(d) Are Government prepared to discontinue this train and arrange to convey mails by Bombay Mails, which run between Calcutta and Bombay?

Mr. H. A. Sams: (a) The amount paid annually both to the East Indian and the Great Indian Peninsula Railways for running the Imperial Indian Mail carrying outward and inward foreign mails between Bombay and Calcutta is Rs. 2,14,844.

(b) The special trains between Bombay and Lahore and from Madras to Bombay have been discontinued, but a special train from Bombay to Madras is still running fortnightly in connection with the Straits Mails for which the territorial charges are recovered by the Indian Postal administration.

(c) and (d). The Imperial Indian Mail from Bombay to Howrah cannot be abolished as the load of additional bogie vans required for the conveyance of the inward foreign mail is too heavy for the ordinary mail trains to carry.

Moreover the conveyance of inward foreign mails by special train is necessary in order to expedite delivery of mails at Calcutta and to ensure connection with the steamer leaving for Burma at 8 hours.

As regards Calcutta—Bombay, the Bombay mail train leaves Howrah at 19-51 hours, while the Imperial Indian Mail leaves at 21-36 hours, thereby giving the members of the public a later hour of posting for outward foreign mails and ensuring connection of the Burma mail in case of arrival of the steamer late in the afternoon. It would not be possible to accelerate the Bombay mail train.

PUBLIC HOLIDAYS IN INDIA.

173. *Mr. Muhammad Anwar-ul-Azim: With reference to the Calcutta Gazette notification of November 6, 1930, will Government please state how the holidays therein have been calculated? On what basis the public holidays in India are distributed?

The Honourable Sir James Orerar: As stated in my reply to a similar question put by the Honourable Member on the 18th September, 1928, public holidays are declared by Local Governments under section 25 of the Negotiable Instruments Act, 1881, and are fixed at their discretion to suit the requirements of the province from all points of view.

UNSUITABILITY OF GOALANDOO GHAT FOR A RAILWAY AND STEAMER STATION.

174. *Mr. Muhammad Anwar-ul-Azim: Will Government please state how much does it cost the Eastern Bengal Railway to adjust the Railway Station at Goalandoo Ghat every year? Have they considered the feasibility of making Faridpur a permanent railway and steamer station, on the river Padma, instead of Goalandoo (Eastern Bengal Railway)? How much did the Eastern Bengal Railway spend during the last five years on account of the annual shifting of the Goalandoo Railway Station?

Mr. A. A. L. Parsons: I am making enquiries and a reply will be sent to the Honourable Member as soon as the requisite information has been collected.

Mr. S. O. Mitra: Will the Honourable Member place the information on the table of the House so that other Members may see it?

Mr. A. A. L. Parsons: I will certainly consider that.

Mr. S. O. Mitra: There are two months left and there is no hurry. It can certainly be placed on the table of the House.

Mr. A. A. L. Parsons: I have no objection to laying the information on the table of the House. But the question really asks us to consider alterations in the arrangements at these places, Goalandoo and so on. That of course may require rather careful consideration, and I can give no undertaking as to the exact date on which the information can be laid.

CLASSIFICATION OF MOSLEMS FOR THE CENSUS.

175. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how many representations they have received for not classifying the Moslems into various castes in the next census? What do they propose to do with them now?

The Honourable Sir James Crerar: Two, and one representation in the opposite sense. The census is a record of facts and the caste of any Muslim who gives it will be duly recorded.

LEASE OF LAND BY THE PORT COMMISSIONERS OF CHITTAGONG.

176. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state what control they exercise over the Port Trusts in India? Will the Honourable Member in charge of the Port Trusts kindly inform the House, whether he received any representation against a certain action of the Port Commissioners of Chittagong, regarding their leasing out a very valuable Port land to private individuals for only rupees nine hundred? Will Government ascertain through the Commissioner, Chittagong Division, whether that piece of land is not worth about a lac of rupees?

The Honourable Sir George Rainy: I would refer the Honourable Member to the Acts relating to the various Port Trusts in India which define the statutory powers of Government over the Port Trusts.

In December last, I received a telegram from the Honourable Member regarding the lease of certain land by the Port Commissioner, Chittagong. Although the telegram did not indicate the situation of the land, I presume the Honourable Member is referring to a plot of land adjoining the Port Commissioners' Office. I understand that the question of the lease of this land was referred to a special Committee and that the Port Commissioners, in accordance with the recommendations of that Committee, have let out the land in plots on leases for nine years at a rental of Rs. 965 per acre. In the circumstances, the Government of India do not propose to make the enquiry suggested by the Honourable Member. I may mention for the information of the Honourable Member that, under section 69 of the Chittagong Port Act, 1914, the Port Commissioners are empowered to lease immovable property for a term not exceeding 10 years without the previous sanction of the Governor General in Council.

ESTIMATED COST OF THE PROJECTED AERODROME AT CHITTAGONG.

177. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how much it will cost them to make the aerodrome at Chittagong? Will that be connected with Chittagong by any road? If so, who will bear its costs?

Mr. J. A. Shillidy: The estimated cost of the acquisition of land and the preparation of the aerodrome at Chittagong is Rs. 2,36,070.

*The aerodrome will not be connected by any road with Chittagong and the question of cost does not, therefore, arise.

Stores are taken to the aerodrome by means of the railway along the river bank.

Personnel travel by launch or sampan.

ROAD CONSTRUCTION IN BENGAL.

178. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how long it will take for the Bengal Government to finish their activities in connection with their road construction? Has any work been undertaken anywhere up to now? When was the money sanctioned by the Road Finance Committee of the Government of India?

Mr. J. A. Shillidy: Presumably the Honourable Member refers to road construction from the road development account. Bengal has a five-year programme but certain items therein will not be completed in that time. The Government of India are not aware whether any work has been undertaken, but presume such to be the case, as estimates amounting to approximately Rs. 18 lakhs have been sanctioned by the Local Government. Arrangements have been made for quarterly reports of expenditure. In the last part of the question the Honourable Member presumably refers to the advisory Finance sub-committee of the advisory Standing Committee for Roads of the Central Legislature. This sub-committee advised on certain items of the Bengal programme in April last. The first distribution of funds was made by the Government of India in July and the second in December last.

LOADING AND UNLOADING AT THE CHITTAGONG JETTIES.

179. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state who does the loading and unloading business at the Chittagong Jetties? How much annually does the Assam Bengal Railway pay to the coolie contractor for their "handling" works therein? Will the Member in charge of Railways kindly ascertain whether that cannot be worked more economically and bring a saving to the said Railway?

The Honourable Sir George Rainy: I am asking the Agent of the Assam Bengal Railway to supply the information for which the Honourable Member asks, and to look into the question whether any more economical arrangement is feasible.

RECRUITMENT OF CLERKS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

180. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state; (i) How many vacancies have occurred amongst the ranks of the clerks in the Bengal and Assam Postal Circle from 1st January, 1930, to 31st December, 1930, and how they have been filled up; and (ii) How many have gone to the minorities and depressed classes? Will Government kindly inform the House if the heads of Departments, viz., the Deputy Postmasters-General, Superintendents of Post Offices and First Class Postmasters, kept the Government orders in view at the time of making and filling those appointments?

(b) Will Government please state whether it is a fact that the Director General, Posts and Telegraphs, found during his last tour in the Bengal and Assam Circle that Government orders were not followed properly by the heads of Departments in making and filling the said appointments, mentioned in part (a)?

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Mr. J. A. Shillidy: (a) The information asked for by the Honourable Member is being collected and will be furnished to him in due course.

(b) I am informed by the Director-General that during his last tour in the Bengal and Assam Circle he found that careful attention was being paid to the orders of Government in regard to recruitment.

AUTHORITIES RESPONSIBLE FOR APPOINTMENT OF CLERKS AND PROBATIONERS IN A POSTAL CIRCLE.

181. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state who are the authorities primarily responsible for the appointments of clerks and probationers in a Postal Circle?

Mr. H. A. Sams: Superintendents of Post Offices and First Class Postmasters are responsible for the appointment of clerks. There is no special category of probationers.

COMMUNITIES REPRESENTED AMONG POSTMASTERS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

182. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly inform the House, how many Assistant, Deputy and Second Class Postmasters there are in the Bengal and Assam Circle, and how many of them belong to the majority community, the Depressed classes, the Sikhs, the Parsis, the Jains, the Buddhists, the Khasias, the Mughls and the Hindus?

Mr. J. A. Shillidy: A statement showing the distribution of the officers mentioned according to communities is placed on the table.

	Total.	Muslims.	Depressed class.	Sikhs.	Parsis.	Jains.	Buddhists.	Khasias.	Mughls.	Hindus.
Assistant Postmasters	8	...	...	...	...	...	...	...	...	...
Deputy Postmasters	24 (Includes one Anglo-Indian).	1	2	...	...	...	...	...	...	30
Second class Postmasters.	31 (Includes 'one vacant post).	1	...	...	...	...	...	...	...	28

RECRUITMENT OF STAFF ON RAILWAYS.

183. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state whether they have any effective say on the administration of State and Company-managed railways? Do the railway systems in India follow any method in the matters of recruitments of their staff, both superior and clerical?

Mr. A. A. L. Parsons: The reply to both enquiries made by the Honourable Member is in the affirmative.

RECRUITMENT OF MINORITY COMMUNITIES ON THE EASTERN BENGAL RAILWAY.

184. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state how many clerks there are in the office of the Agent, Deputy Agent, Traffic Manager, Deputy Traffic Manager, Chief Engineer, and the District Engineer, Eastern Bengal Railway, and how many of them were Moslems on 1st January, 1930 and on 31st December, 1930?

(b) Were the orders of Government in the matters of recruitments in these Railways communicated to them; if so, when and to what effect?

(c) Do these Railways also consider the question of "Majority" and "Minority" communities at the time of making recruitments?

Mr. A. A. L. Parsons: (a) Government regret they are not prepared to supplement with figures for individual offices the information in regard to communal representation in railway services, given in the Annual Administration Report on Indian Railways.

(b) Yes. The instructions to State Railway Administrations in regard to the policy of the Government in the recruitment of subordinate railway establishments are contained in Railway Board's letter No. 2395-B., dated the 23rd May, 1929, a copy of which is in the Library.

(c) Yes.

DIVISION INTO "MAJORITY" AND "MINORITY" COMMUNITIES.

185. ***Mr. Muhammad Anwar-ul-Azim:** With reference to the previous question, will Government kindly state when was this decision first introduced, i.e., the division into a "Majority" and "Minority" communities?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the statement of the policy of Government made by the late Honourable Sir Alexander Muddiman in the other House on 2nd March, 1925.

REPRESENTATION OF MAJORITY AND MINORITY COMMUNITIES IN CERTAIN PROVINCES.

186. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government kindly state who are the majority and minority communities in Baluchistan, North-West Frontier Province, Punjab and Bengal? Have they given effect to their declared policy of "not allowing the minority communities to preponderate" in these provinces in services under the control of the Central Government? If not, why not?

(b) Will Government please state who are the majority community in Burma? Which class of people preponderate in the services in Burma under the control of the Central Government? If the Burmans do not preponderate, what is the reason therefor?

The Honourable Sir James Crerar: (a) As the Honourable Member is no doubt aware, Muslims constitute the majority of the population in the four provinces mentioned. The declared policy of the Government of India is to prevent the undue preponderance of any one class or community in the services under its control. Chief Commissioners and Heads of Central Departments are aware of this policy, and I have no reason to doubt that they are giving effect to it as far as possible.

(b) This state of things is chiefly a legacy of the past, when there was a paucity of qualified Burman candidates, and I hope that it will be remedied as more qualified Burmans become available.

NON-TRANSFER OF THE DEPUTY POSTMASTER GENERAL, DACCA, AND RECRUITMENT OF MOSLEMS IN CHITTAGONG.

187. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government kindly state how long the Deputy Postmaster-General in a Circle is retained, specially in his own home Circle? How long the Dy. Postmaster-General at Dacca has been there?

(b) What has been the result of Government investigation with regard to the abolition of that office?

(c) Will the Member in charge of Industries and Labour kindly state whether the Buddhists in Chittagong District belong to the majority or minority communities? To what class the Moslems in Chittagong Division belong in the matter of recruitment to services, which are under the control of the Central Government?

Mr. J. A. Shillidy: (a) No period is fixed for the retention of a Deputy Postmaster-General in a Circle. The present Deputy Postmaster-General of the Dacca Range has been there since the 9th April, 1926.

(b) It has been decided that the Range office at Dacca should continue for the present.

(c) The Census Report for 1921 shows that Buddhists form a minority of the population in Chittagong District. For the purpose referred to by the Honourable Member, Moslems, whether of Chittagong or elsewhere, are treated as a minority community.

CATEGORIES, TRAINING AND EQUIPMENT OF TROOPS IN INDIA

188. ***Mr. S. C. Mitra:** Will Government please state:

(a) Whether for any purpose whatever the Regular British and Indian forces of the Army in India are divided into three categories of troops, viz., (1) the Covering Force; (2) the Field Army; and (3) the Internal Security Troops?

(b) If so,—

(i) is the training, equipment, internal organization and the numerical strength of units of various arms earmarked as Internal Security Troops in any way different from the training, equipment and internal organization and the numerical strength of the units of corresponding arms allotted to the Field Army?

(ii) is the strategic distribution, war organization and the mobilization arrangements of Internal Security Troops the same or based on the same principles as those for the Field Army; and

(iii) in the event of general mobilization, do the units belonging to Internal Security Troops, for the time being, complete their war establishments and constitute war formations at the same time and in the same manner as the units allotted to the Field Army?

Mr. G. M. Young: (a) Yes; the division of the Army into these three categories exists on paper, as a war measure. The allocation of individual units to them depends upon where each unit happens to be stationed at the time of mobilization.

(b) (i), (ii) and (iii). The training, equipment, internal organization and numerical strength of all units of the regular Army is uniform in peace time. On mobilization, the distribution, organization and other arrangements of units vary according to the role that each unit has to play. Units that become Internal Security units on mobilization do not constitute war formations.

STRENGTH OF INTERNAL SECURITY TROOPS.

189. ***Mr. S. C. Mitra:** (1) Will Government give the exact strength of the fighting troops of each arm set apart at the present moment as Internal Security Troops?

(2) Will Government state:

(a) Whether it is a fact that the Internal Security Troops are intended as a reserve for the Field Army; and

(b) if so, what are the reasons:

(i) for maintaining so large a reserve, and

(ii) for not organizing and constituting the Field Army on a more adequate scale?

Mr. G. M. Young: (1) The present arrangements contemplate the allocation of the following units to Internal Security duties on general mobilization.

British Cavalry—one regiment.

Indian Cavalry—nine regiments (2 squadrons each).

British Infantry—twenty-eight battalions.

Indian Infantry—twenty-seven battalions.

Armoured Car Companies—five.

(2) (a). Internal Security units are available for interchange, if necessary, with units returning from the Field Army for rest. They do not, however, form a regular reserve, and would not normally be drawn upon in war otherwise than in the manner I have stated.

(b) Does not arise.

Mr. B. Das: May I inquire if in the scheme which the Government of India submitted to the British Government before the Skeen Committee came into existence, there was a recommendation that the Internal Security Army should be quite different from the British Army?

Mr. G. M. Young: I am afraid I shall have to ask for notice of that question.

Mr. B. Das: Does not the Honourable Member remember what was the view of the Government of India that was submitted to the India Office before the Skeen Committee came into existence?

Mr. G. M. Young: Yes, Sir, I remember a good deal about it; but still I should like to have notice of a question to be answered in this House.

Mr. B. Das: May I know whether it was not the view of the Government of India that the Internal Security Army should be different from the British Army?

BASIS OF CONSTITUTION OF THE FIELD ARMY.

190. ***Mr. S. C. Mitra:** (a) Will Government state whether it is a fact that the Field Army is at present constituted on the basis that it represents the maximum number of troops and formations which can be sent out of India as an expeditionary force without endangering the internal and external security of India?

(b) If not, will Government state:

(i) whether the strength of the troops comprising the war formations bears a low proportion to the total strength of the Army in India; and if so, why; and

(ii) whether the whole of the Army in India is not uniformly organized for purposes of war, and if not, why not?

Mr. G. M. Young: (a) The Field Army is not in any sense an expeditionary force, but does represent the maximum force available in India, as a field army, for the defence of the frontier.

(b) Does not arise.

EQUIPMENT OF INTERNAL SECURITY TROOPS.

191. ***Mr. S. C. Mitra:** Will Government state:

(a) whether it is a fact that artillery, including medium and heavy artillery, forms part of the Internal Security Troops in provinces outside the North-West Frontier Province and Baluchistan; and

(b) if so,—

(i) how many units of each class of artillery are allotted to these troops; and

(ii) what are the tactical situations envisaged by the military advisers of the Government which may necessitate the employment of these arms in these provinces?

Mr. G. M. Young: (a) and (b) (i). With the exception of one mountain battery in Burma, no batteries of artillery of any kind form part of Internal Security formations. Small detachments, as in the case of other arms, are left at their stations when the Field Army is mobilized, and are classed among Internal Security troops: but these do not include heavy or medium artillery.

(b) (ii). None, so far as I am aware.

TROOPS USED FOR SUPPRESSION OF CIVIL DISORDERS.

192. ***Mr. S. C. Mitra:** Will Government state:

(a) on how many occasions troops were called out in compliance with requests of civil authorities for military aid in the nine Governors' Provinces during the year 1930;

(b) what was the strength of troops sent out on each occasion; and

(c) on how many occasions did they actually take part in the suppression of disorders and on how many occasions they only stood by?

Mr. G. M. Young: (a) 27.

(b) and (c). I am afraid that I cannot furnish the figures for occasions on which the troops were called out, but merely stood by. Troops took part in the suppression of disorders on six occasions only. I lay on the table a statement showing details of the troops employed on these occasions.

Details of six occasions on which Troops were used in aid of Civil Power in 1930.

1. Chittagong 19th April, 1930 and subsequent days—
100 East Frontier Rifles (Military Police).
100 Surma Valley Light Horse.
2. Sholapur 8th May, 1930 to 21st September, 1930—
1 Company Indian Infantry.
1 Battalion British Infantry.
3. Almora 27/28th May, 1930—
1 Platoon Indian Infantry.
4. Rangoon 27th May, 1930 to 8th June, 1930—
2 Companies British Infantry.
100 (Auxiliary Force, India).
5. Sukkur 7th August, 1930 to 18th August, 1930—
One Company British Infantry.
One Company Indian Infantry.
6. Tharawaddy 26th December, 1930 to 12th January, 1931—
3/20th Burma Rifles.
1 Company, 2/15th Punjabis.
1 Company, The Buffs.

TROOPS AVAILABLE FOR AIDING THE CIVIL AUTHORITIES.

193. ***Mr. S. C. Mitra:** With reference to paragraph 393 of the Regulations for the Army in India, will Government please state:

(a) whether any troops are temporarily or permanently earmarked for the specific purpose of complying with possible requisitions for military aid by the civil authorities;

- (b) if so, what is the strength of each arm of the fighting troops normally allotted to this duty; and
 (c) how, and by whom are the requirements of a given year or a given situation estimated?

Mr. G. M. Young: (a) None, Sir; as all troops are available for this purpose.

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

RESPONSIBILITIES OF CIVIL AND MILITARY AUTHORITIES FOR THE MAINTENANCE OF LAW AND ORDER.

194. ***Mr. S. C. Mitra:** Will Government please state.

- (a) whether the military commander of any area or station in India has any responsibilities with regard to the maintenance of law and order within that area or station except when the area or the station in question is under martial law or except when the military commander is requested by the civil authorities to come to their aid; and
 (b) if so, what is the nature of these responsibilities and what is the distribution of the responsibilities between the civil and military authorities?

Mr. G. M. Young: (a) None, Sir.

(b) Does not arise.

DUTIES AND RESPONSIBILITIES OF MILITARY OFFICERS IN RESPECT OF INTERNAL SECURITY.

195. ***Mr. S. C. Mitra:** (a) Will Government please state what is the nature of the duties in respect of internal security assigned to each of the following:

- (i) the Military Operations Directorate of the General Staff Branch at the A. H. Q.;
 (ii) the General Officers Commanding-in-Chief the Commands, and the General Officers Commanding the Districts in India;
 (iii) Brigade, Brigade Area and Station Commanders?

(b) Are Government aware that no responsibilities in respect of internal security are assigned to the Imperial General Staff, the General Officers Commanding-in-Chief the Commands, General Officers Commanding Divisions, and Brigade and Area Commanders in the United Kingdom?

(c) Will they state the reasons for which these additional and special responsibilities are assigned to the military advisers of the Government and the Military Commanders in India?

Mr. G. M. Young: (a) and (b). The duties assigned in ordinary times to all the authorities mentioned, whether in India or the United Kingdom, in respect of Internal Security, or aid to the civil power, are purely advisory. These authorities have no other powers or responsibilities unless and until the situation has passed beyond civilian control, and has been handed over to them.

(c) Does not arise.

APPOINTMENT OF INDIAN CHEMISTS TO POISON GAS AND ANTI-GAS APPLIANCE FACTORIES IN RAWALPINDI.

196. ***Mr. S. C. Mitra:** Will Government please state:

- (a) whether it is a fact that research in chemical warfare and manufacture of poison gas and anti-gas appliances are being carried on at the Assembly Factory, Rawalpindi, or in some other factory known as the Filter Factory, Rawalpindi or the Chemical Research Department, Rawalpindi; and
 (b) if so, are Government prepared to appoint qualified Indian Chemists in these factories?

Mr. G. M. Young: (a) No manufacture of gas, or research in connexion with such manufacture is carried on in India. Research in connection with protective measures against gas is carried on in India, as in other countries.

(b) Yes, Sir. Six qualified Indian chemists, including an Assistant Chemical Inspector, are employed at the Research Department, Rawalpindi.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

197. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that during the last 15 years or so, only one candidate with purely Indian qualifications has been admitted to the Indian Medical Service, and that practically all the appointments have been given to those possessing European qualifications? If so, why?

(b) Is it a fact that the Inter-Universities Conference at their Second Session held at Delhi, under the presidency of His Excellency Lord Irwin, passed a Resolution to the effect that in the interests of medical education in Indian Universities, the competitive examination to recruit men to the Indian Medical Service should be revived early, and that it should be held periodically in India, and that all candidates should possess medical qualifications registrable in India?

(c) Is anything being done to give effect to this Resolution, and to allay the feeling of deep dissatisfaction which exists in India against the present method of recruitment to the Indian Medical Service?

Mr. G. M. Young: (a) The reply is in the negative. 58 candidates, with Indian qualifications only, have been appointed to the permanent cadre of the Indian Medical Service since 1914: and I understand that three such candidates were recommended at the latest meeting of the Selection Board.

(b) The reply is in the affirmative.

(c) Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government. The question of qualifications is under consideration.

DEATHS OF POLITICAL PRISONERS IN JAILS.

198. ***Mr. Gaya Prasad Singh:** Will Government kindly state separately how many political prisoners, if any, have died in the different jails of centrally-administered provinces, giving the names of the prisoners.

the diseases of which they died, the steps taken by the authorities to afford them proper treatment, and the ultimate disposal of their remains?

The Honourable Sir James Crerar: The information is being collected and will be communicated to the Honourable Member when it is ready.

ACQUITTAL OF MR. ASAF ALI AND MR. FARIDUL HAQ ANSARI, CONVICTED UNDER THE CRIMINAL LAW AMENDMENT ACT.

199. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Lahore High Court has acquitted Mr. Asaf Ali, Bar-at-Law, and Mr. Faridul Haq Ansari, of Delhi, who were convicted by a Magistrate of Delhi, under section 16 (2) of the Criminal Law Amendment Act, 1908, on the ground that the convictions were illegal, as the notification of the Local Government declaring the Congress Associations unlawful was not published in the Government of India Gazette till the 27th September, 1930, and these convictions took place before that date?

(b) Is it a fact that this judgment of the High Court affects the cases of about 200 persons convicted under similar circumstances under the Criminal Law Amendment Act?

(c) What steps have been taken or are proposed to be taken to deal with cases of those referred to in (b) above?

(d) What is the name of the Magistrate of Delhi, who convicted Mr. Asaf Ali, and Mr. Faridul Haq Ansari?

The Honourable Sir James Crerar: (a) The facts are as stated, except that Mr. Farid-ul-Haq Ansari was not convicted until October.

(b) The actual number of persons affected is believed to be 148.

(c) I understand that applications for revision have already been made to the Sessions Judge in the ordinary course of law.

(d) The Additional District Magistrate, Delhi, before whom the legal point in question was not raised.

Mr. B. Das: In view of the fact that the judiciary all over India has shown their incompetency to understand the common law, will Government try to separate the judiciary from the executive, so that judicial functions can properly be exercised?

The Honourable Sir James Crerar: I cannot accept the Honourable Member's criticism of the judiciary.

Mr. Jagan Nath Aggarwal: Arising out of this question, in view of the fact that the convictions have been held to be illegal by the High Court, will the Government not move the High Court and itself move in the matter?

The Honourable Sir James Crerar: As regards the particular cases in point, I have already pointed out that proceedings are pending in Sessions Court. That being so, it is impossible to make any observations on a matter which is *sub judice*.

Mr. Jagan Nath Aggarwal: My submission is, when the High Court has held the convictions to be illegal, what is the point in waiting for the judicial proceedings to come to an end? It has been held that all cases stand on a par.

Sir Hari Singh Gour: Does the Honourable Member suggest that the Sessions Judge has got any power of acquitting any person in revision?

The Honourable Sir James Crerar: I understand that applications are pending in these cases in the court of Sessions Judge.

Sir Hari Singh Gour: But are they pending cases or cases of all convicted persons? In the case of the latter the only person who can deal with the matter is the High Court or the executive Government. The Sessions Judge has got no power.

The Honourable Sir James Crerar: I have given the Honourable Member the information in my possession. If he wishes any further information, I must ask him to give me notice.

Mr. B. R. Puri: May I know what is the nature of the proceedings that are pending in the Sessions Court?

The Honourable Sir James Crerar: I must ask notice of the question.

Mr. K. Ahmed: Is it not a fact, Sir, that the Sessions Judge has got the discretion to send the record to the High Court if necessary on revision? Is there not a section of the Criminal Procedure Code by virtue of which the Sessions Judge can again refer the matter to the High Court to alter the order if necessary?

(No answer was given.)

OUTBREAK IN BURMA.

200. ***Mr. Gaya Prasad Singh:** Will Government kindly make a statement on the strength of any report which they might have received from Burma, regarding the outbreak there with special reference to the causes leading to it, the approximate number of persons involved, the operations necessary to quell the outbreak, and the approximate number of casualties on both sides?

The Honourable Sir James Crerar: I lay on the table a statement which summarises the salient facts as so far ascertained. The Honourable Member will, of course, realize that the immediate concern of the Local Government has been to bring under control a serious rebellion, and that they have not yet been able to obtain full information regarding certain aspects of it.

Statement.

The outbreak started on an extensive scale, without any warning whatever, on the night of the 22nd December in the south-east of the Tharrawaddy district, where a large mob attacked two villages, killed two headmen and a forest deputy ranger and secured five guns. The same day a small police party came into contact with a mob of 400-500 men. On the 23rd evening news was received that two villages in the Insein district close to the Tharrawaddy border had been attacked and more guns looted, and the same night the railway station and the village of Ithya was raided by a gang of 60 to 80 men who destroyed the telegraph instruments, hauled the station master roughly and looted and set on fire a number of houses in the village. Two Indian shopkeepers were also murdered. On the 25th morning rumours were received, which were subsequently confirmed, that Mr. Fields-Clarke, a forest engineer, had been murdered, and the same day a party of military police came in contact with insurgents and inflicted some casualties on them. The same night several hundred insurgents attacked a post of 50 military police and suffered many casualties, a sub-divisional officer of the civil police being also killed in this engagement. It became necessary at this stage to ask for military assistance and the arrival of the troops had a good effect, but the nature of the country made it difficult for

them to get into close touch with any large body of rebels who mainly confined their activities to raiding at night and looting guns and ammunition. On the 29th a platoon of the Punjabis came into contact with 200 rebels near Udokwin and attacked them at long range. The following day the rebels raided the forest camp in Okkan reserve and a small party of them was attacked by the Punjabis near Sitkwin. On the 30th the rebels made an unsuccessful attempt to blow up a railway bridge near Inywa. On the 31st heavy casualties were inflicted on three parties of rebels numbering about 500, and on the same day the Burma Rifles encountered a small party at their headquarters at Alantaung punishing them severely and burning their palace and stores. The capture of their headquarters had an immediate effect on the rebels, a number of whom began to return to their villages but small parties still continued to carry on their raids. On the 2nd January, for instance, a party of 50 rebels came into contact with the Punjabis and were fired upon with good effect. On the night of the 3rd, about a hundred rebels attacked a village and were driven off by the civil police. About the same time a rising took place in the Yamethin district where 40 or 50 rebels raided several villages killing a headman and a police constable and seizing two guns and burning some houses. This rising however, ended rapidly with the surrender of the whole gang including the leader. A fresh outbreak occurred on the 7th January in the Pyapon district. The police went out and met about 600 rebels who advanced against them with banners flying, but were decisively defeated. The present position appears to be that the rebels have broken up into small gangs but are still in open rebellion in the Tharrawaddy District. The rebellion is being brought under control, but the danger of extension to other districts, though less than it was, has not disappeared.

2. The outbreak has exhibited some features common to past risings in Burma, but it has been on a larger scale and more elaborately organised. The object of the rebellion is to overthrow the established government. The information received shows that secret preparations for it have been in progress for some time and that the rebellion was not merely a local rising, but part of a definite plan to organise risings in different parts of Burma, and there is reason to believe that the terrorist party in Burma were privy to it. The approximate number of those who are known to have taken an active part in the rebellion is about 2,600. The approximate number of casualties on the side of the rebels may be placed at 300 or more killed, 130 wounded and 1,150—1,250 captured. Casualties amongst police and troops are 3 killed and 7 wounded. Other casualties are 1 forest engineer, 10 headmen and Government subordinates who have been murdered by the rebels. The operations have been carried out mainly by the military police, but the assistance of regular troops has been given as necessary.

USE OF MILITARY FORCES IN BIHAR AND ORISSA.

201. *Mr. Gaya Prasad Singh: Will Government kindly state on how many occasions in 1930, the military force was called out in the Province of Bihar and Orissa, giving separately the following particulars:

- dates, and places (village and district) where they were used, and their numbers?
- why were they called out, and what did they do? And on whose authority were they called out and employed?
- Had they to use their fire-arms, if so, on how many occasions, and with what result?
- what is the total cost which the operations have thrown on the Army expenditure?

Mr. G. M. Young: There were no occasions on which troops were called out in aid of the civil power in the province of Bihar and Orissa in 1930.

RECRUITMENT OF MUSLIMS TO THE POSTAL DEPARTMENT.

202. *Shaikh Fazal Haq Piracha: Will Government be pleased to state:

- What is the total number of posts of Superintendents of Post Offices in India and how many of them are held by Muslims?
- What is the total number of Departmental Officers in the Postal Department in India and how many of them are Muslims?
- What is the total number of probationary Superintendents of Post Offices in India and how many of them are Muslims?
- What measures, if any, have the Government adopted to help the Muslims to get their due share of posts in the Postal Department?

Mr. J. A. Shillidy: (a) The total number of posts of Superintendents of Post Offices, including those of the Railway Mail Service, is 180. Thirty of them are held by Muslims.

(b) I am sorry I have not been able to understand precisely what information the Honourable Member requires, but if he will explain this to me afterwards, I will endeavour to obtain it for him.

(c) The total number of Probationary Superintendents is now 12. Four of them are Muslims.

(d) Instructions have been issued to recruiting authorities to reserve one-third of the permanent vacancies which are filled by direct recruitment for members of the minority communities.

REVENUE AND EXPENDITURE OF BRITISH BALUCHISTAN AND NAMES OF PROMINENT PERSONS THERE.

203. *Seth Haji Abdoola Haroon: Will Government be pleased to—

- lay on the table a statement showing the total income and actual expenditure incurred on "Administration" in British Baluchistan during the financial year 1929-30, and separate figures of "Land Revenue", "Income-Tax", "Excise", "Stamp", "Forest" and other civil departments;
- state the total population in British Baluchistan; and
- state the names of those personalities in British Baluchistan whom Government have recognised as Sardars and Nawabs, with their respective private positions?

Mr. J. G. Acheson: (a) The figures required by the Honourable Member will be published in the Book of Detailed Estimates and Demands for Grants for 1931-32 which will be presented to the Legislative Assembly with the Budget.

(b) The population of British Baluchistan proper is about one and a quarter lakh. Possibly however what the Honourable Member has in mind is the entire area under British administration. The population of this area is a little over three and three-quarter lakhs.

(c) Two statements giving the required information, in regard both to British Baluchistan proper and the Agency Territories, are laid on the table.

STATEMENT 'A'.

List of Sardars of British Baluchistan.

District.	Title.	Name.	Private position.
Sibi (Sibi Tahsil) .	Khan Sahib	Sardar Samundar Khan.	Is head of the Barozai and Panni tribes of the Sibi Tahsil.
Sibi (Shahrig Tahsil) .	Khan Bahadur, M.B.E.	Sardar Wahab Khan.	Is head of the Panezai Kakars of the Sibi District.
Do.	..	Sardar Murad Khan.	Is Sardar of the Sarangzai Kakars of Shahrig Tahsil.
Loralai (Duki Tahsil) .	Sardar Bahadur	Sardar Nawab Khan.	Is Sardar of the Luni tribe of Duki.
Do.	..	Sardar Shahbaz Khan.	Is head of the Wanechi Pathans of Sinjawi.
Quetta-Pishin (Pishin Tahsil).	..	Sardar Gulam Muhammad Khan.	Is head of the Tarin tribe of Pishin.

STATEMENT 'B'.

List of the Sardars of Agency Territories.

Name of territory.	Title.	Name.	Private position.
Bori (Loralai District) .	Khan Sahib	Sardar Baz Muhammad Khan.	Is head of the Jogezei Kakars residing in Bori Tahsil.
Barkhan (Loralai District).	Khan Bahadur	Sardar Shah Ghani Khan.	Is tumandar or Sardar of the Khetran (Baloch) Tribe.
Musakhel (Loralai District).	Khan Sahib	Sardar Baz Khan.	Is Sardar of the Musakhel Pathans of Musakhel Tahsil.
Do.	..	Sardar Haji Qadir Khan.	Is Sardar of the Lehmani Pathans of Musakhel.
Do.	..	Sardar Allahdad Khan.	Is Sardar of the Jaffer Pathans of Musakhel Tahsil.
Zilla Saifulla (Zhob District).	Sardar Bahadur	Nawab Muhammad Khan, Jogezei.	Is head of all the Sanzarkhel Kakars of Zhob.

Name of territory.	Title.	Name.	Private position.
....	Sardar Bahadur	Sardar Zarghun Khan, Jogezei.	Is a prominent member of the Jogezei family and is regarded as next in importance to the head of the tribe.
Chagai	Khan Sahib	Sardar Taj Muhammad Khan.	Is head of the Sinjerani (Baloch) tribe.
Do.	..	Sardar Muhammad Ali Khan.	Is head of the Zaggar Mangal (Brahui) tribe.
Do.	..	Sardar Abdul Aziz Khan.	Is head of the Badini-Rakhshani Baluchs.
Do.	..	Sardar Mehrulla Khan.	Is head of the Jamaldini-Rakhshani Baluchs.
Nasirabad (Sibi District)	..	Sardar Rustam Khan.	Is head of the Jamali Baluchs.
Do.	Khan Bahadur	Sardar Sher Muhammad Khan.	Is head of the Umrao tribe.
Marri tribal area (Sibi District).	Khan Bahadur	Nawab Muhammad Mehrulla Khan.	Is Tumandar of the Marri (Baluch) tribe.
Bugti tribal area (Sibi District).	Sardar Bahadur, C.S.I., C.B.E.	Nawab Muhammad Mehrab Khan.	Is Tumandar of the Bugti (Baluch) tribe.
Kohlu (Sibi District) .	..	Sardar Dilshad Khan.	Is head of the Zarkhuna.

INSTRUCTIONS TO CENSUS AUTHORITIES *re* REGISTRATION OF CASTE.

204. *Mr. Gaya Prasad Singh: (a) Has any memorial been received by the Jat Pat Torak Mandal, Lahore, to issue necessary instructions to the census authorities not to insist upon the registration of caste in the case of those who do not want to have it recorded in the coming census returns?

(b) Are Government aware that societies like the Arya Samaj, Brahmo Samaj, Dev Samaj, Radha Swami Samaj, etc., do not believe in the caste system?

(c) Is it a fact that the Adhi Dharmies of the Punjab who do not believe in castes are not compelled to give their castes in the census returns?

The Honourable Sir James Ormer: (a) Yes—and the necessary instructions have been issued.

(b) Yes.

(c) There is no compulsion in the matter at all.

REMOVAL OF THE IMPERIAL LIBRARY FROM CALCUTTA TO NEW DELHI.

205. *Mr. S. C. Mitra: Will Government please state:
- Whether it was proposed to remove the Indian Museum and the Imperial Library from Calcutta to New Delhi after the transfer of capital from Calcutta?
 - If the Indian Museum is a grant-in-aid institution and not a Government institution as stated by Government in reply to my starred question No. 2 (a), dated the 14th July, 1930, in the Legislative Assembly, on what principle is the idea of removing it from Calcutta contemplated?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The question of removing the Imperial Library was considered by Government, but it was decided not to remove it. As regards the Indian Museum, the proposal to remove it from Calcutta does not appear to have been considered, as no papers in this regard are traceable.

(b) Does not arise.

INADEQUACY OF THE PROVISIONS OF THE PRESS ACT OF 1910

206. *Mr. K. P. Thampan: (a) Will Government be pleased to state whether they have received any representation from the Local Governments regarding the inadequacy of the provisions of the Press Act of 1910 to meet the prevailing conditions in their provinces and the imperative necessity for fresh legislation?

(b) If so, from what Local Governments?

(c) Will Government be pleased to lay on the table such correspondence?

The Honourable Sir James Orerar: The Press Act of 1910 was repealed in 1922. I presume the Honourable Member is referring to the correspondence with Local Governments relating to the necessity of measures for the better control of the Press subsequent to the lapse of Ordinance No. II of 1930. I regret that, as the papers are confidential, I am unable to comply with the Honourable Member's request, but I can inform him that Local Governments were unanimous in regard to the necessity of such measures.

DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

207. *Mr. S. C. Shahani: (a) Will the Government be pleased to state whether any action has been taken to give effect to the statements and promises contained in their communiqué dated the 6th January, 1930, wherein they definitely undertook adoption of measures for the development of the Indian Mercantile Marine, as soon as it had been possible for them to consider fully the issues raised in the discussions which took place at the conference convened by them on the 3rd January 1930? If not, what are the reasons?

(b) What steps do they propose to take for the development of the Indian Mercantile Marine and particularly towards the Indianisation of the coastal trade, in pursuance of the communiqué referred to above?

The Honourable Sir George Rainy: (a) and (b). On the 23rd September, 1929, in answer to a question by Sir Purshotamdas Thakurdas, I said that it was the earnest hope of the Government of India that a solution of the difficult question of promoting the development of the Indian Mercantile Marine might be found in a spirit of co-operation and good will. At the beginning of 1930, in the hope of bringing about such a solution, a Conference representative of the British and Indian commercial communities was held at Delhi under the Presidency of the Governor General. No settlement was reached at the Conference, and the following communiqué was issued on the 6th January, 1930:

"The Government of India will take into consideration at an early date the issues raised in the discussions which took place at the Conference on the development of the Indian Mercantile Marine. As soon as it has been possible fully to consider these issues, the responsibility will rest with the Government of India of deciding what action should now be taken and whether any useful purpose would be served by inviting the interests concerned to meet again".

Before any decision could be reached, it became obvious that the political atmosphere had become wholly unfavourable to a settlement by agreement, and the Government of India felt that no purpose could be served by re-opening the discussions. The problem, therefore, still remains unsolved. But the Government of India have not modified their opinion that what should be aimed at is a settlement by consent, and they are hopeful that, before long, there may be opportunities for renewed efforts in that direction.

It is obvious from the deliberations of the Round Table Conference that many important questions, in which both British and Indian commercial opinions are interested, will have to be discussed fully, and if they are approached in the spirit displayed at the Conference itself, agreement should be possible. Until it is clear that an agreed settlement cannot be reached, the Government of India would be reluctant to proceed with the question upon other lines.

GOVERNMENT SCHEME FOR THE INDIANISATION OF THE ARMY.

208. *Mr. Gaya Prasad Singh: (a) Is it a fact that about five years before the appointment of the Indian Sandhurst Committee, the Government had appointed a committee of military experts to advise within what time all officer ranks of the Indian Army could be filled by Indians?

(b) Did Government, in this connection, prepare and submit another scheme to the War Office in England? If so, were the two schemes laid before the Indian Sandhurst Committee; and if not, why not?

(c) Are Government prepared to lay a copy of their scheme on the table? If not, why not?

Mr. G. M. Young: (a) A committee was appointed by the Commander-in-Chief in 1921 to examine the question of progressive Indianization.

(b) and (c). The answer to the first part of (b) is in the negative. The latter part (b) and part (c) do not therefore arise.

Mr. Gaya Prasad Singh: The last part of (b) has not been answered—"If not, why not?". Why were the two schemes not laid before the Indian Sandhurst Committee?

Mr. G. M. Young: There was no second scheme.

Mr. B. Das: Does the Honourable Member deny the accuracy of the Press report that such a scheme was put before the Defence Committee of the Round Table Conference and that it was produced by the India Office?

Mr. G. M. Young: I have already said, Sir, that the answer to part (b) of the question is in the negative. There was the committee of military experts but Government did not formulate a scheme of their own.

Mr. B. Das: Does the Honourable Member deny the Press report that the scheme was produced before the Defence Committee of the Round Table Conference?

Mr. G. M. Young: I have not seen the Press report.

Mr. B. Das: Why did not the Honourable Member take action to deny it and issue a Press communiqué that the Government of India had not sent any such report?

Mian Muhammad Shah Nawaz: Is it not a fact that a scheme known as the Lawrence scheme was drafted before the matter was referred to the Sandhurst Committee? Was it placed before the Sandhurst Committee?

Mr. G. M. Young: I do not know about that scheme, Sir, it was not placed before the Sandhurst Committee.

Mr. Gaya Prasad Singh: Why was not that scheme placed before the Sandhurst Committee?

Mr. G. M. Young: I do not know, Sir.

Mr. Gaya Prasad Singh: Is the Honourable Member prepared to lay a copy of it now before the House?

Mr. G. M. Young: I am not quite certain to what scheme Honourable Members are at present referring. There was no scheme such as is described in this question.

Mr. Gaya Prasad Singh: Was there no scheme prepared at the instance of the Commander-in-Chief about four or five years before the appointment of the Sandhurst Committee?

Mr. G. M. Young: The scheme prepared at the instance of the Commander-in-Chief is the scheme referred to in this question; that was not the Government of India's.

Mr. Gaya Prasad Singh: Was that scheme placed before the Sandhurst Committee or not?

Mian Muhammad Shah Nawaz: Was not a certain scheme prepared by General Rawlinson?

Mr. G. M. Young: I have already said that no scheme of that kind was placed before the Indian Sandhurst Committee.

Dr. Ziauddin Ahmad: I, as a member, never heard of it.

DUMPING OF RUSSIAN SUGAR IN INDIA.

209. ***Lala Hari Raj Swarup:** (a) Has the attention of Government been drawn to the proposed import of Russian sugar in India at a rate below cost of production?

(b) Have Government any information as to what quantities are involved in case of such imports?

(c) Do Government realise the serious consequences to the indigenous sugar industry resulting from such dumping activities of foreign countries?

(d) Do Government propose to take any special steps immediately with a view to prevent the dumping of imported sugar on the Indian markets and, if so, what?

The Honourable Sir George Rainy: (a), (b), (c) and (d). Government are aware of the report of intended importations of Russian sugar into India. Their information is that business has so far been done in a consignment of about 6,000 tons, which is expected to reach India next month. The price at which this transaction is reported to have taken place is slightly below the current price for Java sugar, but Government have no information regarding the relation which this price bears to the cost of production in Russia. Government do not propose to take any steps in the matter immediately, but I would remind the Honourable Member that the question of protection to the Indian sugar industry is now under examination by the Tariff Board.

Lala Hari Raj Swarup: Will Government be pleased to state for how long has this Report been under examination by the Tariff Board?

The Honourable Sir George Rainy: I do not recollect, but I think the reference was made last spring.

Lala Hari Raj Swarup: Will the Government be pleased to invite the attention of the Tariff Board and ask them to submit their Report at an early date in view of the low prices of sugarcane?

The Honourable Sir George Rainy: Certainly, Sir; the Tariff Board are fully sensible of the importance of the early submission of their Report and are doing their best to let the Government of India have their Report at the earliest possible date.

Mr. B. Das: Is there any chance of that Report being discussed by this House in this session?

The Honourable Sir George Rainy: It is difficult to say, Sir.

INCOME-TAX ON INTEREST OF PROVINCIAL LOANS.

210. ***Lala Hari Raj Swarup:** (a) Will Government be pleased to state on what occasions and in what amounts income-tax has been charged from the Provincial Governments of the United Provinces and Bombay on their tax-free loans?

(b) Was the contribution discontinued for some years? If so, why has it been re-imposed?

The Honourable Sir George Schuster: (a) Under the terms of the notifications relating to these loans, the interest on the loans is not liable to income-tax but the Provincial Governments pay to the Government of India the amount of income-tax thereon. Information as to the amounts paid each year is being collected and will be furnished to the Honourable Member in due course.

(b) The contribution has not been discontinued.

PROVINCIAL LEGISLATION *re* LAND REVENUE SETTLEMENTS AND IRRIGATION RATES.

211. *Lala Hari Raj Swarup: (a) What is the present position with regard to the measures that were directed to be taken by the Joint Parliamentary Committee on reforms in 1919 for the enactment of legislation in the provinces to fix the principles of land revenue settlements and irrigation rates and to bring them within the purview of the Legislature?

(b) What are the provinces which have not yet passed legislation in this behalf and why?

(c) Have the Government of India urged the necessity of passing these enactments on the Provincial Governments which have not yet passed these Acts, before the advent of next reforms?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). Effect has already been given to the recommendations of the Joint Parliamentary Committee in the Punjab, the United Provinces and the Central Provinces. I would refer the Honourable Member to the legislation recently enacted in those provinces, from which it will be seen that provisions regarding the pitch of assessment, limitation of enhancement, and duration of settlement, have all now been embodied in law and are not left to be regulated by rules. Legislation on the subject has also recently been passed by the Assam Legislative Council, but has not yet received the assent of His Excellency the Governor. Similar legislation is under consideration in Bombay, and the necessary Bill will be introduced into the local Legislative Council in due course. The problems of Burma differ from those which confront Local Governments in the rest of British India and the Local Government have not yet found themselves in a position to introduce legislation on the lines proposed. As regards Madras, I would refer the Honourable Member to the reply I have given to Diwan Bahadur T. Rangachariar's question No. 89. I should add, for the information of the Honourable Member, that the Joint Parliamentary Committee made no reference to irrigation rates.

(c) I would refer the Honourable Member to my reply to part (b) of Raja Sir Vasudeva Rajah's question No. 35.

Lala Hari Raj Swarup: Is the Honourable Member aware that the U. P. Government presented a Bill before the U. P. Legislative Council in 1925 to bring the regulation of irrigation rates under purview of the Legislature and that the Member in charge of the Bill stated in the Objects and Reasons that the Bill had been brought forward in compliance with the recommendations of the Joint Parliamentary Committee on Reforms?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: No.

RAILWAY COMPANIES REMAINING TO BE PURCHASED BY THE STATE.

212. *Lala Hari Raj Swarup: (a) What are the names of railway lines which remain to be taken over by Government?

(b) When are they due to be taken over?

(c) What are the amounts of money required to be paid in each case?

Mr. A. A. L. Parsons: I place a statement on the table giving the required information. It will be seen that in most instances the purchase price cannot be stated with accuracy at present.

Serial No.	Railways	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
1	Assam Bengal	31st December 1941	£ 1,500,000	Share Capital.
2	Bengal and North-Western (including Tirhoot Railway).	31st December 1932	10,078,000	Estimated.
3	Bengal Nagpur	31st December 1950	3,000,000	Share Capital.
4	Bombay, Baroda and Central India.	31st December 1941	2,000,000	Ditto.
5	Madras and Southern Mahratta	31st December 1937	5,000,000 <i>plus</i> (any additional paidup Capital Stock).	Ditto.
6	Rohilkund and Kumaon (including Lucknow-Bareilly).	31st December 1932	1,834,000	Estimated.
7	South Indian	31st December 1945	1,000,000 <i>plus</i> (any further Capital raised by the Company).	Share Capital.
8	Chaparmukh-Silghat	31st March 1948	....	25 times average yearly net earnings during the last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
9	Katakhal-Lalabazar	31st March 1954	....	Ditto.
10	Mymensingh-Bhairab Bazar	31st March 1948	....	Ditto.
11	Mayurbhanj	31st March 1950	....	Ditto.

Serial No.	Railways.	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
12	Tapti Valley	31st March 1942	£	25 times average annual net earnings of the last 5 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
13	Ahmedabad-Prantij	31st December 1946		120 per cent. of Capital expenditure on the 31st December 1930 plus actual authorised Capital expenditure during the period between the 1st January 1931 and 31st December 1946.
14	Champaner-Shivrajpur Pami Light	31st March 1944		25 times average net earnings during the last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
15	Godhra-Lunavada	Do.		Ditto.
16	Nadiad-Kapadvanj	Do.		Ditto.
17	Sara-Sirajganj	30th September 1946		Ditto.
18	Khulna-Bagerhat	31st March 1948		Ditto.
19	South Bihar	30th June 1939		Amount provided for in contract.
20	Hardwar-Dehra	31st December 1939	684,580	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.

21	Dhond-Baramati	30th September 1944		Ditto.
22	Ellichpur-Yectmal	31st March 1947		Ditto.
23	Pachora-Jamner	31st March 1949		Ditto.
24	Pulgaon-Arvi	31st March 1947		Ditto.
25	Mirpurkhas-Khadro	31st December 1932		Ditto.
26	Tenali-Repalli	8th March 1946		Ditto.
27	Bezwa-da-Msalupatam	31st December 1938		Ditto.
28	Matheran Light	1st January 1940		Ditto.
29	Amritsar Patti	31st December 1935		25 times average net earnings during last 3 calendar years.
30	Hoshiarpur-Doab Branch (Jullunder-Mukerian and Phagwara-Rahon).	31st March 1946		25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
31	Mandra-Bahun	31st March 1947		Ditto.
32	Sialkot-Narawal	31st March 1946		Ditto.
33	Jacobabad-Kashmore	31st March 1945		Ditto.
34	Larkana-Jacobabad	31st March 1954		Ditto.
35	Podanur-Pollachi	15th October 1945		Ditto.
36	Timmavelly-Tiruchendur	24th February 1953		Ditto.
37	Barsi Light	1st January 1944		Total paidup Capital expended with the authority of Government.

Serial No.	Railways.	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
38	Bengal Doars (including extensions).	31st December 1933	....	1 $\frac{1}{2}$ ths of the invested Capital liabilities of the Company with regard to the original line, and 25 times average net earnings of last 5 years subject to a maximum of 120 per cent. of the total Capital expenditure and Capital liabilities and a minimum of such Capital expenditure and liabilities, as regards extensions.
39	Darjeeling Himalayan	4th May 1939	....	Value of the line as divided earning investment, with an additional bonus of 20 per cent. over and above such value.
40	Darjeeling Himalayan Railway Extensions.	31st March 1946	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
41	Dibru-Sadiya	5th February 1941	....	20 per cent. in excess of the value of the property as a dividend paying investment.
42	Ledo and Tikak Magherita Colliery	30th July 1931	....	On the termination of lease the Company may remove all railway and tramway lines including all other machinery if Government are not willing to purchase these.
43	Ahmadpur-Katwa	31st March 1948	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
44	Bankura Damodar River	31st March 1947	....	Ditto.
45	Dasghara-Jamalpurganj	31st March 1948	....	Ditto.
46	Burdwan-Katwa	31st March 1948	....	Ditto.
47	Futwah-Islampur Light	31st March 1948	....	Ditto.
48	Jessore-Jhenidah	31st March 1943	....	Capital expenditure since 25th September 1924 plus Rs. 10 lakhs.
49	Kalighat-Falta	31st March 1947	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of the total Capital expenditure and a minimum of such Capital expenditure.
50	Shahdara (Delhi)-Saharanpur Light	15th October 1935	....	25 times average net profits subject to a minimum of Capital expenditure and a maximum of 25 per cent. in excess of that sum.

NOTE.—Light Railways and Tramways built under orders of Local Governments have not been included.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President: I have to inform the House that the following five Members have been elected to the Standing Committee on Pilgrimage to the Hedjaz, namely:

1. Haji Chaudhury Muhammad Ismail Khan.
2. Kunwar Hajee Ismail Ali Khan.
3. Seth Haji Abdoola Haroon.
4. Shaikh Fazal Haq Piracha.
5. Mr. M. Maswood Ahmad.

APPOINTMENTS TO THE LIBRARY COMMITTEE.

Mr. President: I have also to inform Honourable Members that I have appointed Dr. Ziauddin Ahmad and Mr. C. S. Ranga Iyer to the Library Committee of the Indian Legislature.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning the 2nd February. The days appointed for Government business are Monday, the 2nd, and Wednesday, the 4th.

The first business on Monday the 2nd, will be the conduct of the elections for the Committee to examine the Report of the Tariff Board on the salt industry and to the Standing Committee on Roads.

The legislative programme will be as follows:

Motions will be made to take into consideration and, if those motions are accepted, to pass the following Bills:

- A Bill further to amend the Cantonments Act, 1924, for certain purposes.
- A Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.
- A Bill further to amend the Auxiliary Force Act, 1920, for a certain purpose.
- A Bill to make special provision for the administration of the port of Vizagapatam.
- A Bill to give effect in British India to the treaty for the limitation and reduction of naval armament; and
- A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

Motions will be made to refer to Select Committee the following Bills:

- A Bill to provide for the fostering and development of the gold thread industry in British India.

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- A Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India; and

- A Bill to define and amend the law relating to partnership.

So much of this programme as is not completed on Monday the 2nd, will be taken on Wednesday, the 4th.

Members are already aware that Tuesday the 3rd and Thursday the 5th have been allotted for the transaction of non-official business.

RESOLUTION RE AMENDMENT OF LEGISLATIVE ASSEMBLY ELECTORAL RULES.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I move the following Resolution that stands in my name. It reads thus:

"This Assembly recommends to the Governor General in Council that he may be pleased to amend rules 11 (8), 12 (2) and 14 (1) of the Legislative Assembly Electoral Rules in such a way as to make it clear that there should be no poll in cases where candidates in a constituency withdraw their candidature at any time before election, leaving a candidate or a number of candidates equal to the number of seat or seats to be filled by that constituency."

Sir, there has been a great deal of hardship to many candidates in the past on account of ambiguity in the existing rules. As far as these rules are concerned, they leave a great deal of doubt in the mind of the candidate when he stands for election, and he is also faced with a number of difficulties which suddenly appear before him on account of the ambiguity in the rules. Sir, these rules allow a candidate to withdraw, but the withdrawal is considered to be ineffective if it takes place after the next day after the scrutiny. It means that the candidate, who has actually withdrawn and who does not want to contest an election, is still in the field and the voters are allowed to vote in his favour, although he does not want anybody to vote for him. There is another anomaly in this, Sir, that a candidate who is left by himself in a constituency has to go through all the procedure of an election, incur unnecessary expenditure, put the voters to unnecessary hardship, drag them from their homes and bring them to the polling booths. The Government too have to incur unnecessary expenditure and botheration by spending money, sending polling officers to the polling stations, and in other ways incurring public expenditure. All these difficulties occur on account of the ambiguity in these rules. I do not know where these rules came from or how they were framed. Probably the framers of these rules did not pay much attention to all these possible difficulties with which the candidates would be faced. Nobody knows about these difficulties when they stand for election in the first instance, but in actual practice all these difficulties appear, and these are all due to the ambiguity in the existing rules. It is not only my own experience, but it is the experience of several Members of the Assembly and they have to enact a farce on many occasions. The easiest way for me to convince the House will be by taking up my own case and illustrating to the House where the difficulty lies and how it should be removed. In my case, the date of scrutiny was the 4th September, 1930, and the

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date of election, 26th September. According to the rules, a candidate who has got himself nominated should at the latest, withdraw on the 5th by 8 o'clock, that is, the next day after the scrutiny, and if he withdrew his candidature after that date, that would be ineffective so far as polling was concerned, that is, if he did not want to have any votes recorded in his favour. But the constituency was at liberty to go and vote for him. Although I was the only candidate, still arrangements had to be made for polling stations so that the voters might come and vote for anybody they liked. On the 5th September, there was a local holiday in Agra; the 6th was a gazetted holiday, and the 7th was a Sunday. The candidate, who knew that the Returning Officer was the District Magistrate, could not attend his office owing to the local holiday on the 5th, and neither of the candidates knew that the power of receiving withdrawals had been delegated by the Returning Officer to a Treasury Officer, because the Treasury was open on the day when there was no gazetted holiday. You cannot expect a candidate to go about searching and enquiring whether there was delegation of this power to anybody else or not. Naturally when he found that the office of the District Magistrate was closed on that day, the earliest date on which the withdrawal could be made was the 8th September. By that time, the candidate standing against me, learning that all the influential persons of the constituency were on my side, had decided that he would not stand and incur unnecessary expenditure, and would try and save his Rs. 500, which he had paid as security. He went and filed his withdrawal on the 8th September under the impression that it was quite effective. But he was told by the office of the District Magistrate that this was quite ineffective and that the election must take place. I went to Agra and I learnt also that the withdrawal was ineffective. Thereupon, I went and saw the District Magistrate and had a talk with him. He asked me, "Who else besides you is in the field?" I said, "Nobody else except myself; he has withdrawn." "There can be no election. You are the only candidate left in the constituency, and how can there be any election?" he said. I said, "But your office tells me that there will be an election." He said, "But I am not bound by their view. I must exercise my own discretion." I said "Yes, that is a sensible discretion and there can be no election." On this understanding I returned to my place from Agra, and when I reached my home, the first thing I got was a letter from the returning officer which was waiting for me and had arrived that very morning. I will read out what this letter says:

"I regret to inform you that on consulting the instructions of Government on the subject of election, I find that the withdrawal of Saiyid Athar is not valid and cannot be effective to obviate polling."

After I had left my constituency only the day before, I had to go back to it owing to this letter. The view which the District Magistrate had taken before in my presence was the most sensible one, and it ought to have been the law, and not the incorrect procedure as laid down in the instructions of Government. On the 10th I had to return back to my constituency. I knew for certain, and I had a talk with the candidate, and he told me that he was not going to stand at all, and that, as he had withdrawn he was not going to bother himself about it. He had let everybody know that he was not going to be in the field and that he was not going to poll any votes for himself.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Then why did he stand? (Laughter.) What was the reason of his withdrawal?

Mr. Muhammad Yamin Khan: As it happened, I saw the District Magistrate and I was told that all the 120 polling stations in my constituency would be managed and that people would be sent to those stations, which meant an unnecessary expenditure when the Government had come to know eighteen clear days in advance of the withdrawal of my rival. The interval was not a day or two; he withdrew on the 8th and the election was to take place on the 26th; and that left a clear margin of 18 days. But the instructions of the U P. Government were as follows:

"Withdrawals after the time prescribed must be disregarded for all purposes, namely, they will not prevent polling, and, consequently, should not be reported to Superintendent, Government Press."

According to these instructions, the returning officer was obliged to conduct the election. The papers had to be printed; arrangements at all the 120 polling stations had to be made; Government officers had to be sent there; the routine work of Government had to be suspended, and there had to be a general holiday in the constituency. The public were put to unnecessary botheration, public money was wasted, and public officers were put to the inconvenience of travelling to different polling stations, probably recording no votes at all at the polling booths. They had to sit there from morning till evening doing nothing and absolutely not seeing the face of anybody to go and poll there. That was the result

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Did he forfeit his deposit money?

Mr. Muhammad Yamin Khan: Yes.

Mr. S. C. Mitra: Is that not a check on these frivolous candidates?

Mr. Muhammad Yamin Khan: Yes, that is what I am coming to.

Mr. K. Ahmed: My Honourable friend is very sympathetic.

Mr. Muhammad Yamin Khan: As there was liberty for anybody to record his vote, although my rival candidate had withdrawn and was not standing at all, supposing I had sat down at home and only about four or five votes had been cast in my favour and a few more votes had been cast in favour of my opponent, then the result would have been that, although he had withdrawn, he would have been declared elected and not myself. But as a matter of fact, to protect myself against this contingency, I had to see that my agents were present at all the big polling stations—of course it was unnecessary to go to polling stations where there were only a small number of votes recorded—to ask people there to come and record their votes in order that I might not be taken by surprise somewhere else. Although I got more than 900 votes, still for my opponent, although he had withdrawn his candidature, there were seventeen people who came and recorded their votes. Suppose I had 12 Noon. polled only four or five votes in one place, then the result would have been that 17 votes would have got him elected and not me. That is the ambiguity of the rules. It happens that in some places a candidate does not want to contest an election and does not want to forfeit his Rs. 500 deposit money. He goes to the other candidate

[Mr. Muhammad Yamin Khan.] and says, "If you pay me Rs. 500, I won't poll in my own favour". If that man is willing to pay, then it will invalidate his election as it comes under corrupt practice. The other method is that the retiring candidate asks the other candidate to take the whole arrangement in his hand and poll at least one-eighth votes in his favour. That will mean an absolute farce. There is no proper election. Government are incurring a lot of expenditure. For what purpose? The candidate in the field gets seven votes and his rival gets one vote. This has happened in many cases. The whole farce has got to be enacted in the whole constituency in order to save Rs. 500 of the man who has withdrawn and in a constituency where there are 123 polling stations, you can imagine the trouble to the people in the rural area. They have to come from a distance of six or seven miles after stopping their work on the farms. Without any rhyme or reason these people are put to unnecessary botheration. These rules must be changed in order to save public money and to avoid inconvenience to all concerned, in order to save the election from becoming a farce. I do not want to go into many details. I think what I have said is sufficient to convince this Honourable House that there ought to be a great change in the rules. There is going to be a new constitution and there will be new rules framed and certain committees will have to go through all these things. My intention in tabling this Resolution was that the matter should be on record and it should be for the guidance of the committee which may frame the rules in future. The Committee will have to inquire into the defects in the working of the present rules so that there may not be any hardship later on. With these words I move my Resolution.

Mr. K. Ahmed: Sir, I have had considerable experience of elections even before the advent of my Honourable friend in this House. It has become customary in the country for the so-called public men to stand as candidates for election with a view to make money and leave the constituency in the lurch. My friend has put his case before the Assembly and I have thus got a golden opportunity to give him a suitable reply. I do not think I came here to make a speech nor did I read the text of the Resolution, but I have had the pleasure of hearing him at great length and I shall make a few remarks for the guidance of the Government before they compile their new set of rules under the Simon Commission's proposals. In every constituency nowadays, we find candidates submitting their nomination papers. Those nomination papers have to be scrutinized on a certain day, and after the scrutiny is held by the Returning Officer, 24 hours' time is given to the candidate to choose whether he will stand or not and find out whether his purse is long enough to fight the battle, or whether he will retreat. In these 24 hours the life of the candidate becomes miserable. Unnecessary persons come into the field without knowing the art of speaking and without knowing what to do and saying to the candidates, "If you give me so much I shall retire in your favour". Here is a friend of mine sitting behind me proposing this Resolution. In his province probably there is not so much corruption.

Mr. Muhammad Yamin Khan: I am glad there is no corruption in my province.

Mr. K. Ahmed: The population of Muslims is scattered in his province and they are very few indeed. My friend had only 120 polling stations. I have had the honour of representing a constituency in this Assembly for the last 11 years, in which there are as many as 516 polling stations and no less than 20,000 to 30,000 voters to vote; and if I count three or four votes from each polling station of my friend from Meerut, he will find about 360 or 480 votes, and that is the constituency he represents. (Laughter.) If he will allow me, I shall place the whole matter before the House. Then, Sir, the struggle of 24 hours is not limited, because there will probably be more than one in the field; for instance, one of the richest of men, a totally unfit person in comparison with the original candidate, (Hear, hear.) is approached, and he says, "My vote will be for Rs. 5,000". Now suppose you, gentlemen, come here and support me and write out a pamphlet like this—that I am a more worthy person than probably Sir Abdur Rahim (Hear, hear.), who, you know, may not pay even a thousand rupees, what is the good of my paying you Rs. 5,000? I would say, "Kindly, two of you gentlemen, write a good pamphlet and circulate it at your cost throughout the constituency that I, such and such, will be the rightful person to be voted for". What happens then? My conviction, Sir, is—and I am as much a lover of my community as anybody else—that this proposal should not be accepted. I do not know how my Honourable friend experienced any difficulties. I have respect for him, and I take it for granted that he has come here without the use of any illegal processes. (Laughter.) I take it for granted also that there is nothing behind my friend's intention in giving notice of a Resolution to the Secretary of the Legislative Assembly. Probably he thinks in his case it is quite right; that he had to undergo certain difficulties and inconveniences; but my friend is not realizing the situation of the other places and the undesirability of undesirables submitting nominations for election, and then withdrawing unnecessarily everything except the interests of their own, acting against the public policy, taking bribes from the opponents and having their withdrawal declared on receiving a large amount of money. That being so, it is undesirable that the Government should come forward to amend rule 11 or rule 11 (3).

Mr. Muhammad Yamin Khan: It is rule 11 (8).

Mr. K. Ahmed: I thought it was fresh in my mind,—only three months ago I was concerned. However, it does not matter. Well, if a man does not withdraw within 24 hours after the last scrutiny, then the election will be held. I know the difficulties of getting so many polling stations and polling officers to preside over those stations to record the votes are great; that the system is costly; and that Government do incur some cost in connection therewith. There is no doubt about that, but what about a candidate who has got a little money and who is not a worthy person, as I illustrated in one case, asking, say, Sir Abdur Rahim? He is not going to pay but his rival is paying say Rs. 5,000 to A, B and C, and they are willing to circulate a pamphlet in favour of the undesirable man. How will he stop that? I shall be glad if he will give me answer. He has got a reply to make I suppose after the closure, and I shall be delighted to hear if he can give any specific reasons in reply to the points I am raising against his Resolution. If the Government allow even another 24 hours, up to the 8th of September, my friend may say that on account

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of the holidays the courts were closed on the 6th and 7th, and on the 8th or on the following day of opening, probably my friend might explain the position to the Magistrate who is the Returning Officer, who hears at first sight that he is the only candidate, that is, the Mover of the Resolution, and that the other candidate has withdrawn. Well, he is probably a right-minded Magistrate or Returning Officer, and I probably should have done the same thing, but unfortunately, I have had to undergo difficulties and have probably, as a result of that little bit of experience, grown grey. (Laughter.) In that case the Magistrate, who will probably become a high officer a few days after, might say, "No, the rule is quite right, and the election must be held". Moreover, Sir, I should like, for the sake of safety and for the preservation of the rules, that they should be followed properly, and that there should be added—I am not giving notice of any amendment—a clause should be added to rule 11 that in the case of withdrawal, the Returning Officer will have the option or discretion to enter into the question whether the candidates withdrawing were the right candidates and were justified in withdrawing; whether any reasons are shown as to why they stood and why they were withdrawing; that sort of reason should be stated there. If that is done, this sort of illegality and this sort of difficulty that is put up against the election of the right men, so that many people now-a-days persist in this corrupt habit, will not occur, and that is the reason why I think my friend should put in a clause that, instead of removing the clause

Mr. Muhammad Yamin Khan: Sir, I am not removing any clause from the Bill. I only suggest that the ambiguity should be removed by Government.

Mr. K. Ahmed: There is no ambiguity. The ambiguity, if there is any, can be removed in the way I have suggested. Otherwise, you have a system under which undesirables come here, accept money and ask a constituency, the majority of whom are in the mofussil, wherefrom my friend comes, and who are led by maulanas and maulvies, which latter are trying now-a-days to come forward to stand as candidates, to vote for such and such persons. Sir, many of the latter class I had an opportunity to see in the year 1921 and later also. None of them are here in the Assembly today, and the cause of reform is advancing in this country, and the amelioration of those difficulties is steadily proceeding, so that better men are now-a-days coming to the Assembly, representing the people and the constituencies properly. I do not think, unless the rule is repealed on better lines than those my friend has suggested, any improvement of the system and of the rules of election to this Assembly or anywhere else will ensue. I, Sir, having undergone a lot of difficulties and botheration in connection with these election tactics, since the Minto-Morley Reforms, oppose the proposal, tooth and nail (Laughter), of my friend behind. Sir, he has said that the rule is absurd. I do not think there is any absurdity in the rules at all. If he had enlarged it a little more by extending the time by even another 24 hours after the scrutiny was over for the withdrawal, I suppose there would have been a larger amount involved, and an increment of the amount which one person bids against the other. That being so, Sir, I oppose the Resolution very strongly.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I think, it will not be out of order if I place before the House my personal experience. I and Mr. Ali Hassan Khan, Bar-at-Law, were the two candidates for the Patna and Chota Nagpur *cum* Orissa constituency. After the scrutiny, Mr. Ali Hassan Khan, Bar-at-Law, decided to withdraw. Sir, Patna is hundred of miles off from Ranchi, and the Returning Officer of my constituency was at Ranchi, and so Mr. Ali Hassan Khan submitted his withdrawal petition to the Extra Returning Officer, that is the District Magistrate of Patna, within the time. Sir, on account of some office work, the Extra Returning Officer could not wire the petition to the Returning Officer in time, and the withdrawal petition reached the Returning Officer an hour late. On account of this, the Returning Officer did not accept the withdrawal petition and announced that a poll should take place. Sir, the attention of the Returning Officer was drawn to the regulation regarding the election in Bihar and Orissa, and he was requested to ask the proper authority for the interpretation in regard to the power of an Extra Returning Officer. Unfortunately the Returning Officer asked the Local Government, and the reply was that this question should be asked of the Central Government as it was for the Assembly election. He was again requested to ask the proper authorities, that is, the Central Government, but he did not decide to ask the Government of India for interpretation. He replied to me that I might ask if I wanted. By that time the polling day was near at hand and the poll took place with a heavy loss to both the candidates, and the public also suffered a great deal of trouble. Sir, what is the benefit of forcing an election when the candidate does not decide to contest? All these troubles were due to the fact that the withdrawal petition reached the Returning Officer an hour late. With these words, I support the Resolution of my Honourable friend, Mr. Yamin Khan, that there should be some amendment of the rules.

Raja Bahadur G. Krishnamachariar: (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I most heartily support the Resolution as moved by my Honourable friend, Mr. Yamin Khan. I was exactly in the same boat as himself. Besides the trouble that he had enumerated, there are one or two other matters which took place in this election. As the House is aware, there was a general election this time and in the constituency where I had polled, we had an election for the local Legislative Council, and where the Assembly voters numbered about 500, the local Legislative Council voters were about 2,000. That was one booth. Another booth was the Muhammadan constituency, a third was the Indian Christian constituency and the fourth was the Legislative Assembly constituency. The Government deputed only one man to record the votes in all these four booths. So alternately people were passed in to record the votes, and when it came to my agent to get my votes recorded, he was told, "What does it matter; you can wait. The other candidate has withdrawn". With the result that in booth after booth there was trouble for my agent, and it was with very great difficulty that I was able to get my votes recorded. Another reason for my saying this was because of two circumstances. The one was an attempt by the opposing candidate—I do not know if he did it himself or somebody else did it on his account—to save or recover his deposit; and in order to do this some persons began to work for him. More than that, there was the blackmailer behind the booth,

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who said to every voter, "Don't believe that anybody has withdrawn; you go and vote for the other man". If the agent is out for getting the voters, that will give the blackmailer the chance of his life and the master is left alone. He tells this voter, "Don't you believe that the other candidate has withdrawn. That man is simply trying to humbug you". In that way, I had to fight this election between two fires. I cannot understand what trouble there is. If even the withdrawal had taken place 24 hours before the polling, the candidate's name at least must have been struck off from the list, even though arrangements had gone far. If the Government or the Returning Officer might give intimation to the polling officer that the candidate's name as already printed in the list might at least be struck off, the people would come to know that there was no one else. The result was that I had to spend a lot of money. I believe the other candidate also, although he said he had withdrawn, had to spend a lot of money not only in populous places but in out of the way places also where there was a chance of all sorts of corruption going on. I therefore very strongly support the Resolution and urge that some *via media* must be found out whereby, if there has been a withdrawal, there should be no polling at all.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, a good deal of personal experience has been communicated to the House, and Honourable Members have relied on personal reminiscences more than legal arguments in support of this Resolution. Unfortunately, I have no personal experience to offer. My seat was contested and nobody was desiring to withdraw from the contest. Therefore, I can very seriously look at the legal aspect of the question involved in this proposition. The proposition before the House is shortly this. First of all, there is the nomination of candidates. Twenty-four hours after, there is the scrutiny of these nomination papers. After the scrutiny, there is a period of twenty-four hours allowed for withdrawals, which in lay language means that if a person withdraws within that period of 24 hours, he gets his deposit back. If he withdraws after that period and any time up to the date of polling, then he forfeits that deposit. Therefore it may so happen, as it did happen in the last election, that from the time up to which the withdrawal is permitted, up to the date of polling, there was an interval of 15 days or more. Then there are candidates in the field who would like to withdraw, but they will not withdraw because they would forfeit the deposit. Ordinarily we find there are a number of people who would like to have a run for their money and they are very serious as candidates, but for others this difficulty comes in. The question of forfeiting their deposit is dangling before their eyes, and so they remain in the field. A kind of mock election, so to speak, takes place. The real voting goes to one person and he might be quite sure of getting in. But here is the second candidate, also a third candidate and these people, though they are willing to withdraw, yet would not withdraw because they would forfeit their deposit; otherwise they would be keen on withdrawal.

Mr. K. Ahmed: Then why should they stand at all?

Mr. Jagan Nath Aggarwal: Perhaps my Honourable friend will be able to say why. Perhaps to make money or things of that kind. If there is a chance of making money, they would like to make money, plus Rs. 500 deposit which they first made. I quite appreciate the sentiments underlying the proposition of my Honourable friend, Mr. Ahmed. My Honourable friend thinks that blackmailers would be in the field, and his complaint is that there will be more attempts for making money. All the same I am not prepared to go the whole hog with my Honourable friend, Mr. Yamin Khan, that, right up to the date of election, quite up to the date of polling, a man should be at liberty to withdraw, for then the sum would be much larger. The unscrupulous man will have a large margin to make money by blackmailing. This period of 24 hours is much too short. We are thus left in this predicament. Within 24 hours, this man drops out from the contest. If not, the serious candidate is pestered, and the whole machinery of election is pestered. I can assure you, though not from my own personal experience, but from the experience of many others who have been in the field that not all of them were out for making money. It was not in the interest of anybody to have the election. So if this man withdrew seriously, say a few days before the election, say three or four days after the scrutiny, he would not put everybody to the trouble of having this farce of an election gone through. I would therefore submit that it is because this rule 11 (8) gives only a period of 24 hours after the scrutiny—the period is much too short an interval for between this period and the date of election there are at times several weeks elapsing—it is because of this that many people, who would otherwise like to drop out, cannot drop out from the contest.

Mr. K. Ahmed: Then why not move for an extension of 48 hours instead of 24?

Mr. Jagan Nath Aggarwal: My friend opposite is very meticulous in apportioning time. I am not so niggardly in that line. I will say that we may allow something like a week, unless of course the period of polling is very much shorter. As a reasonable period, something like a week may be allowed within which withdrawals may take place. At present this rule is liable to cause unnecessary inconvenience, and blackmailing is not prevented. I therefore support this Resolution.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, I rise to endorse every word of Mr. Ahmad and I think he has put the position more clearly than the other side. Just as there is danger of anarchy being the order of the day if the British troops leave India today, corruption shall be the order of the day in the elections if we amend the rules in the manner Mr. Yamin Khan wants us to do. This year I fought three elections and I succeeded, and I have a good deal of experience in the matter. If we amend the rules in that manner, every Tom, Dick and Harry will stand and file his nomination paper, just depending on the chance of making some money out of the bargain and up to the very end the constituents will also be in a dilemma. The period of 24 hours is quite enough, because the time between the nominations and the scrutiny is also about two or three days, and the day of nominations is appointed about three weeks beforehand. So every person has sufficient time to make up his mind whether he is fit to stand, whether there is any chance for him in the election and whether he will be elected. In these circumstances, I think it is far better that the rules should stand as

[Sirdar Harbans Singh Brar.]

they are. I personally would like to have a rule that there should be no withdrawal and only those people should stand who have a mind to contest the election. Otherwise it will be making a farce of these things, and it will not be a good record for this Assembly to allow it. With these remarks, I beg to oppose the Resolution.

Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, with your kind permission, I would like to say a few words in support of this Resolution. This Resolution, though on the face of it, it appears to be simple, implies an important change in the Election Rules. As at present provided by rule 11 (8) of the Legislative Assembly Electoral Rules, only 24 hours are allowed to the candidate to withdraw himself from the day appointed by the Local Government for the scrutiny of nominations. This Resolution takes away such limit of time. It dispenses with a good deal of trouble and waste of time and energy, which would otherwise be caused to the candidate who was very earnest in seeking his election to the Assembly. It also does away with a good deal of tactics and underhand dealings sometimes displayed by the candidate who wants to get the upper hand in the election, by putting his rival candidate or candidates in a delusion and under a false impression that he has withdrawn from the contest, while really in his heart of hearts, he was trying to secure the seat in the Assembly for himself. The existing election rules are defective, inasmuch as a candidate may falsely give out to the public that he has withdrawn, by submitting his withdrawal of his candidature a little after the time specified for that purpose. The remaining candidate or candidates feel that there would be no actual polling for the candidate who has withdrawn beyond the formalities observed by the election rules. They consequently slacken their efforts, while the clever candidate who has technically withdrawn himself keeps a number of voters in reserve to take their rival candidate or candidates by surprise near the close of the polling. He thus secures a higher number of votes than his rival candidate or candidates. Thus, this candidate gets the seat without much effort. Such and other similar instances will amply prove that the present election rules are defective.

I do not see any reason why such a defective procedure should be adopted simply for the observance of technical formalities of the election rules, when the candidate has given out that he has really withdrawn himself. Further, I see no reason why the returning officers and other persons in charge of the polling should be put to any further trouble, when once the candidate has withdrawn. To quote my own instance, Rai Bahadur Triloki Nath Bhargava, who is at present a Member of this Assembly, wanted to contest the seat with me from the Lucknow Division. Later on he chose to represent another constituency. As he was late in submitting his withdrawal only by a few minutes, his application for withdrawal was rejected by the Returning Officer. To quote another instance of my province, of my friend, Mr. Rameshwar Prasad Bagla, the present Member. In spite of his avowed public declaration in the newspapers that he had really withdrawn in favour of Mr. Hoon, his rival candidate, the latter was put to a lot of trouble in organising the polls at various places in his large constituency. Such and other similar drawbacks exist in the present rule sought to be amended by the Mover of this Resolution.

I am no doubt conscious that a candidate, in order to harass his rival candidate or candidates, may up to the last moment persist in keeping his nomination if he is assured that he will get back his deposit. This drawback can easily be removed by carefully modifying rule 12 (2) so as to give him as little margin as possible for withdrawing his deposit.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): Sir, I am not going to take much of your valuable time, but I rise to oppose the Resolution. My friend, Mr. Yamin Khan, has put before us various so-called drawbacks and he thinks that, if these are removed, things will be all right in future. But the period of 24 hours is not the only period which candidates are allowed. Nomination papers are submitted, and after that scrutiny takes place, generally after three or four days. Candidates have thus sufficient time to decide whether to make a serious contest or not, and in that case even this period of 24 hours is more than sufficient. We know that in certain constituencies there are more than five hundred polling stations and there is a likelihood of candidates being set up by different parties, in order to get some money from the rival party or parties; and every arrangement will have to be made for all this polling in case the rule is extended as desired by Mr. Yamin Khan. Then in the nick of time if a candidate withdraws, all the efforts of the other candidates and of the Government officers will be of no use. So I think it is no use passing this Resolution. The rules as they stand at present are all right and I strongly oppose the Resolution.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, in the first place I should like to congratulate my Honourable friend, the Mover of this Resolution, for having discarded the back door of nomination, and fought a successful election contest. (Applause.) But I regret to say that his experience has been singularly unfortunate on which he has our warm sympathy. Those of us on this side of the House who have had to do much with election contests have not, I am glad to say, had such experiences. But I must say that I am not very much impressed with the arguments which my friend has advanced in support of his Resolution. The gist of the rules as at present framed is this: that within the time fixed for the nomination of candidates, each candidate will have to deposit a sum of Rs. 500 along with his nomination paper. These nomination papers have got to be scrutinised on a particular day fixed by the Local Government, and any candidate wishing to withdraw must do so within 24 hours after the time fixed for the scrutiny. Any withdrawal after that day will be invalid in law, and the candidate so withdrawing will forfeit his deposit money. (An Honourable Member: "Not necessarily.") This I submit is a very wholesome check. A candidate who is in the field must definitely know at the earliest possible moment who are his rival candidates. It sometimes happens that bogus or—I will not say bogus—frivolous candidates sometimes stand. (An Honourable Member: "Why bogus"?). Because, Sir, they stand up in order sometimes to practise blackmail upon those who really want to contest, and later on they withdraw. Now within these 24 hours they have to make up their minds whether to remain in the field or not. If this period is extended, there is a greater chance of the door being left open for blackmail.

[Mr. Gaya Prasad Singh.]

The other argument advanced by my Honourable friend is this, that if a candidate is not allowed to withdraw after the time fixed under the law the expenses incurred by the Government in arranging for the election will go in vain. This argument, Sir, does not appear to be sound. Suppose a candidate withdraws one day before the date fixed for polling. The Government will have all the same to incur expenditure connected with the election. They would have already sent the various officers to the different polling stations. The expenses would have already been incurred and the time of the public officers will have been wasted. Therefore, Sir, the rule as it stands at present does not on the whole inflict any undue hardship upon the candidates. I quite agree with my Honourable friend. Lala J. N. Aggarwal, who suggested that this period of 24 hours might profitably be extended.

Mr. K. Ahmed: Profitably? (Laughter.)

Mr. Gaya Prasad Singh: I would therefore, Sir, with your permission, like to move a formal amendment.

Mr. President: As the general feeling of the House is already known, I do not think it is necessary to do so now. But if the Honourable Member insists upon it, he may please himself.

Mr. Gaya Prasad Singh: If the feeling of the House is that the question might wait pending the revision of the rules in connection with the constitutional reforms, it is all right. But if it is the desire of the House to extend this period of withdrawal beyond 24 hours, I shall be quite willing to move a specific amendment to that effect. In this view of the matter, I will move that in sub-rule (8) of rule 11 for the words "In the afternoon on the day succeeding that appointed by the Local Government for scrutiny of nominations," the following words be substituted: "Within three days"; and the Resolution may be amended on these lines.

Mr. Muhammad Yamin Khan: On a point of order. I think that at this stage my Honourable friend should not be allowed to move an amendment of this kind of which I, as the Mover of the Resolution, had no notice whatsoever, because my idea is absolutely different from the criticism coming from my Honourable friend, and I am ready to meet his arguments. He has not understood my Resolution at all.

Mr. President: Order, order. The Honourable Member knows that any Member might move an amendment at any time, and when that amendment is actually moved any Member may object on the ground that two days' clear notice has not been given of that amendment. It will then be for the President to decide whether he will allow the amendment or not. I should in the first place like to know what the amendment is. The Honourable Member will please put it down on paper and hand it over to me.

(Mr. Gaya Prasad Singh then handed over the amendment to Mr. President.)

Mr. Gaya Prasad Singh: Sir, my amendment is to substitute the words "within three days of the day of scrutiny" for the existing words. I should like to make my position clear. I do not want to press this amendment if the feeling of the House is against it.

Mr. President: I take it that the Honourable Member does not wish to press the amendment?

Mr. Gaya Prasad Singh: No, Sir; but I oppose the Resolution.

The Revd. J. O. Chatterjee (Nominated Non-official): I think that the Resolution moved by Mr. Yamin Khan has served two useful purposes. Firstly, it provided the House with an opportunity to listen to the speech of my Honourable friend, Mr. K. Ahmed. Sometimes when business is likely to get very serious or dull such an entertainment as he provides is of great value, and I congratulate my Honourable friend that he is giving up his old practice of putting long supplementary questions for that of making speeches, and I hope he will continue it. Secondly, it has also given the House an opportunity to hear in very dramatic language the tremendous pitfalls that befall those who seek not the backdoor of nomination, but force the front door of election. After hearing of the awful difficulties that beset my Honourable friend, Mr. K. Ahmed, in his constituency—I think he was speaking about his own—and the tons of money that it requires to get in by that way and all the various devices and snares that one has to meet, I think, after all, it may be easier to get in by the back door of nomination. (Laughter). At all events, Sir, the ghastly picture that he has painted of corruption and other malpractices will probably bring the situation before the public eye, before this House and to the attention of those who will be framing the new constitution before long. I trust that they may, in their wisdom, be able to take such steps as will put an end to these malpractices and make it easier for candidates to fight an election.

Now, Sir, I oppose the Resolution because I believe that the Honourable the Mover, in his speech demolished as it were his own case by advancing arguments which just went to show that the best course would be to allow the rules to remain as they are now. For instance, the Mover's chief inconvenience was that he had packed up his luggage, which I suppose must have been very large, and that he had gone to Meerut all the way from Agra, and he was hoping that since he was unopposed he could remain in Meerut without worrying about his constituency. Now, Sir, I am quite sure it is the duty of a prospective Member that he should be as much as possible within his own constituency and get familiar with his voters. My friend considered it a very great hardship that he could not enjoy the fleshpots of Meerut and that he had to hurry back to the dusty roads of Agra. I am sure, however, that his electors in Agra must have enjoyed seeing him a second time though he may not have liked it himself.

He next mentioned the very great hardship of the rural population of his constituency being brought down to the 125 polling stations. Never having sought election myself, I do not know how far a polling station is situated from the various villages, but I presume it must have been some-where within ten or twenty miles from the voters place of residence. Now, Sir, democracy has its advantages, but every advantage must entail some

[The Revd. J. C. Chatterjee.]

responsibility. Moreover, it is all the more valuable if it is gained at some personal cost. It is well known that these rural electors are not very much in touch with either the Members they send up, or with their doings; and so if they are brought out once from the placid surroundings of their villages and taken to the polling booths, it not only gives them a little opportunity to see the larger world but also makes them feel that they are taking some part in the Government of their own country, and my Honourable friend as a public man ought to welcome that opportunity. It gave these people a feeling that they at least were connected with my Honourable friend, that they were sending him to the big House here and that they were doing something in the management and Government of their country. That is all for the good. If they had not been brought away from their places, if this unfortunate man—this candidate had withdrawn at the right moment—these people would never have come near a polling booth; and not being reading people, they would have known nothing about my friend or his doings here or the doings of this House. So I think it is all to the good and we should not worry about stopping the little outing of these village folk.

On the other hand, Sir, it seems to me in the picture given by my friend, Mr. K. Ahmed, that candidates should not be allowed to change their minds so often after they have once given in their names. But after all, Sir, if this particular gentleman had been allowed to withdraw after, not 24 but 36 hours, it is quite likely that he might have seen the folly of his ways and might have wanted to get in again; so, why deprive the poor fellow of the privilege of changing his mind a second time? At all events, the argument brought up by my friend, Mr. Yamin Khan, does not at all impress one; this change would interfere with the whole scheme of election rules.

Mr. Muhammad Yamin Khan: That is why they do not appeal to you.

The Revd. J. C. Chatterjee: Quite right; they do not appeal to me. It seems to me that the best thing would be to leave things as they are.

Finally, Sir, when we are going to have a new constitution, the whole question is bound to be gone into thoroughly. Where is the need of considering it at this eleventh hour and proposing such a Resolution? I think if the Honourable Mover possesses his soul in patience, by the time the new constitution is framed and comes into action, he may have rules which will be to his satisfaction when he stands again.

Mr. K. Ahmed: So you oppose the Resolution? Say so.

The Revd. J. C. Chatterjee: Yes, I have said so to begin with.

The Honourable Sir James Orerar (Home Member): Mr. President, I think that I shall not be incorrect in saying that the inconveniences and annoyances which the Honourable the Mover of this Resolution and some other Honourable Members have detailed to the House have been listened to with a very large measure of attention and sympathy. I hope that none of those gentlemen who have spoken on behalf of the Resolution will attribute to me on my part any lack of sympathy with their troubles on the ground that I do not deal with the Resolution either in very great

detail or at any considerable length. I think that two things have become apparent in the course of the debate: firstly, that there was a very genuine appreciation that the rules in some cases might operate with undue hardship in single or isolated instances. I think that was appreciated. But I think it was also appreciated that the whole body of our electoral rules constitute a very complex piece of machinery and that it may be that, if you make adjustments adapted solely and singly to one particular set of circumstances, which after all, to the best of my knowledge, was not one of very general experience; if you start making adjustments in this very complicated piece of machinery with a view to meet particular inconveniences, you may create disturbances in other directions which may be of an even more serious character. Something of that nature has at any rate been intimated to the House by some Honourable Members, who have spoken and who have not been able to agree to the fullest extent with the Honourable the Mover of the Resolution. I must point out that the rules themselves are very faithfully copied from the corresponding electoral rules in the United Kingdom, which have been framed in the light of the longest experience of parliamentary institutions that is on record in any country in the world, and therefore if we should precipitately depart in any important particular from those models, I think that this House and the Government ought to be very fully convinced that they are on perfectly sound ground in doing so.

Now, Sir, when I say so much, I do not intend either to criticise or indeed to express any definite dissent from the particular remedy which has been proposed by Mr. Yamin Khan. Other Honourable Members, who have spoken later, have suggested some other possible ways of meeting the particular inconveniences which the Honourable Member and those who think with him have proposed; and I certainly do see myself that to allow withdrawal entirely at the discretion of a candidate, whether he is a serious candidate or a candidate of a character which can be described as not serious, you may set up very serious inconveniences of a totally different character. It may be that the problem can best be attacked by considering whether some moderate extension of the period, as tentatively proposed by the Honourable and learned gentleman opposite might not be considered. We might consider further the particular question of the intervention of court holidays between the time of nomination the time of the scrutiny and the possible time for the withdrawal of a candidate—that is another aspect of the question which might be explored. I do not think however that it is necessary for me to go into the matter in very much greater detail, because I think that my Honourable and learned friend, Mr. Yamin Khan, himself recognised, in the closing words of his speech, that the present was not after all a very opportune time to ask the House or the Government to commit themselves to definite and detailed decisions on a question of this kind.

He recognised, as I think the House will generally recognise, that, with the constitutional changes now impending, this is hardly an opportune moment for undertaking an amendment of this kind.

Mr. B. Das: Quite so.

The Honourable Sir James Orerar: It is inevitable that, in consequence of the constitutional changes to which I have referred, the whole question

[Sir James Crerar.]

of the electoral rules merely as an incident of the much greater changes, must necessarily come under review, and this question is one which might properly at that stage come under review. My Honourable and learned friend did indeed intimate that his immediate purpose would be served if he had an opportunity to explain to the House and to the Government how, in his own particular case, the rule had, as he considered it, operated with hardship, on himself and not only on himself, but on every one concerned with the election arrangements, including the officers and voters in the constituency. It was his desire that the inconveniences which he pointed out should remain on record so that they could, in due course, and in due season, be properly examined. If that would satisfy the Honourable Member, in accordance with the general wishes of the House, I am very glad indeed to give the Honourable and learned gentleman the assurance that when these rules do come up for review, the particular aspects of the question that have been dealt with in the debate today will receive the most careful consideration. Consequently our position is that, though

Government could not, by accepting this Resolution or any specific amendment to it, commit themselves to the precise content of the Resolution, or to any such amendment, they are perfectly prepared to assure him—and that I think is the Honourable gentleman's main object—that this matter will remain on record, and that in due season and at the proper time it will be carefully and duly considered.

Mr. Muhammad Yamin Khan: Sir, I wish to make a few observations about certain matters to which reference has been made by certain speakers. I am sorry, Sir, that the exact significance of my Resolution had not been properly understood by certain Honourable gentlemen when they offered certain suggestions in the course of their speeches. When my Honourable friends, Mr. K. Ahmed and Sirdar Harbans Singh, opposed my Resolution, their principal idea was that no bogus people should come up in a constituency as candidates in order to extract money from the general candidates, and they considered that 24 hours' time was sufficient for any one to withdraw his candidature. There are two things, Sir, here, and that is the withdrawal of candidature and returning of the security money. The security money may not be returned, and I have got no quarrel about it. I have not suggested in my Resolution that the money should be returned to a candidate who withdraws his candidature after 24 hours; this has not been my desire at all. I think even if you give an extension of a few days more, that will not matter much. But what I suggested was that if a candidate withdraws his candidature *he should not be allowed to poll in his own favour*. My friends, Mr. K. Ahmed and Sirdar Harbans Singh, thought that my idea was that the candidate should be allowed to have his security money up to the date of the election. This was never my idea. . . .

~~Mr. K. Ahmed:~~ I did not say anything about that.

Mr. Muhammad Yamin Khan: This is defeating the very object of my Honourable friends if these rules remain in force. They think that no bogus person should remain in the constituency in order to extract money. But that is the very thing that is happening under the present rules, because if you do not allow a man to withdraw effectively or you even allow up to the date of the election the bogus man to record votes in his favour, he can go on asking the people to come to terms and pay as such amount

as he will demand.) I wanted to stop this in practice, and once there is withdrawal by a candidate, whether within the prescribed time or after it, *he should not be allowed to poll*. Of course, rule 11(8) is quite clear. It says:

"A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be re-nominated for the same election".

This is quite in order, but what is the thing that actually takes place? Withdrawal is not effective if it is not within a certain time. That leaves a loophole for the bogus man who has not withdrawn within 24 hours to remain in the field and harass the people who are genuine candidates in that constituency. My Honourable friend's object can never be served by these rules remaining as they are.

I should now like to refer to a small point which was raised by my Honourable friend, Mr. Gaya Prasad Singh. He thought that I was pleading for the security money being returned to the candidate. I do not wish that any security money should be returned beyond the prescribed time but what I want is this. As I have made it clear, there should be no poll taking; if once a candidate withdraws, he should be completely left out of account for all purposes, whether it is within 24 hours before the election or after the scrutiny. His name should be expunged from the papers, and if a vote is to be taken at all, it should be in favour of a man who has not withdrawn his candidature.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): How can you take a vote for an uncontested election?

Mr. Muhammad Yamin Khan: These are the things which I thought were necessary to remedy the present difficulties. But, Sir, in view of the speech made by the Honourable the Home Member undertaking to see that this matter shall remain on record and that in due season and at the proper time it shall be carefully considered, I do not wish to press my Resolution. My object has been gained by the undertaking given by the Honourable the Home Member, and I would therefore ask the leave of the House to withdraw my Resolution.

Mr. President: The question is that leave be given to Mr. Yamin Khan to withdraw the Resolution that stands in his name.

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

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.

RESOLUTION RE THE ROUND TABLE CONFERENCE.

Mr. K. O. Roy (Nominated Non-Official): Sir, I beg to move the following Resolution standing in my name:

"This Assembly recommends to the Governor General in Council that he may be pleased to place on the table of the House papers connected with the Round Table Conference".

[Mr. K. C. Roy.]

I have put forward this simple formula, common in all parliamentary countries, to elicit a debate on the Round Table Conference. Honourable Members are aware that this was the practice which was only recently followed in the House of Commons. That, Sir, is not my only excuse. I have got a bigger and a far larger plea. That plea is that the very conception of the Round Table Conference belongs to the Legislative Assembly of India. Its realisation belongs to the Governor General in Council and to His Majesty's Government. We owe a great debt of gratitude to the Viceroy of India for the memorable tour that he made in 1929 to the British Isles, when he conferred with the British Government then in power, with the British politicians, and with various other British interests in order to bring to fruition the suggestion made in this House in 1924.

I wish to take the House through the transactions of the Assembly in 1924. It was my Honourable friend, Diwan Bahadur T. Rangachariar, whose sudden indisposition has taken him to Madras, who raised the question of Dominion Status for India. The question of Dominion Status for India was instantly taken up by all India, not only by moderate minded politicians, not only by Moslem and Hindu public bodies, but also by the great Indian National Congress. What happened in that year is a matter of history. In that discussion many notable personages took part, some of whom are absent today, but among those who were on the stage then were my Honourable friends, Diwan Bahadur T. Rangachariar, Sir Malcolm Hailey and Pandit Motilal Nehru, who I am sorry to say is now stricken with illness and is now on his sick bed, and for whom we all pray for his early recovery.

What was the demand in those days? The demand was for the grant of Dominion Status and provincial autonomy and that a Round Table Conference should be held for that purpose. We had in those days a gentleman of great ability and of good parliamentary bearing, and an astute administrator, I mean, Sir Malcolm Hailey. He was the Leader of the House, and I have very rarely seen a man of his calibre and capacity in this or in any other country. Sir, he drew a fine distinction between responsible government and Dominion Status. I wish to find out today where is that distinction. That distinction has been completely wiped out by the findings of the Round Table Conference and the Premier's pronouncements, agreed to by the British Government and by the British public opinion. That fine distinction has ceased to exist. Then what did Pandit Motilal Nehru want? He said in no unmistakeable terms that the Congress wanted one thing, that is, self-government. Call it Dominion Status, call it by any other name, but he assured the House in 1924 that the Congress was not going to rest until that had been achieved. Sir, I am quoting from memory. Then he proceeded to say, "I do not want Dominion Status to be tied up in a bundle and given over to us". But he claimed that India was fit to shoulder the burden and they were prepared to take up that burden. What is the position today? Dominion Status has been tied up in a bundle and given to us. It will be for this House today to discuss that vital question and give an answer which this representative Assembly alone is in a position to give.

Sir, the Round Table Conference has laid a special responsibility on this House. That responsibility belongs to us because the conception of the Round Table Conference was ours. Now, Sir, look back only

six weeks ago. The Round Table Conference will be remembered in history as one of the greatest achievements of 1930. It was a great event. It was opened by His Majesty the King. His Majesty has evinced once more the deep and abiding interest which the Royal House of Windsor has taken in Indian affairs since the reign of Her Majesty Queen Victoria. I hope and pray that the Royal House will continue to take that abiding and enduring interest in the Indian Empire. The Conference was presided over by no less a man than Mr. Ramsay MacDonald, of world-wide reputation and the British Premier. The various parties in the British Parliament made it a point to send their choicest delegates, whose names are known all over the world. They had Lord Reading, an *ex-Viceroy* of India, who made a name for himself not only in this country but on the American continent. Then they had Lord Peel, who was for many years Secretary of State for India. They had Lord Lothian, who as Philip Henry Kerr did yeoman service during the Great War and who has proved himself a great friend of the Indian public and Indian public sentiments. These are among the men who constituted the British Delegation. Then who were our delegates? They were men who have left their names not only in administration, but in the annals of our country. Every one of them has a record of service of which we are proud. They have rendered an account of themselves of which any country ought to be proud, and we are proud of their achievements. We are proud of the fruits that they have earned in the Round Table Conference. We rejoice at their coming back to India, and when they come back we shall have the amplest opportunity to examine what they have brought. In the meantime, we shall not sit idle. What I feel is that we should not sit idle, but we must examine the findings of the Round Table Conference. We must examine the transactions as far as they are published in the Press, and consider what we have achieved. No doubt, all the papers are not available today, but a good deal has been published in the public print. We know the famous declaration which Mr. Ramsay MacDonald has made on behalf of His Majesty's Government, and we know the discussion that took place in the House of Commons two or three days ago. They give us sufficient material to produce an effective discussion in this House. The discussion may yield results; it may not yield results, but I have no doubt that it will find an echo not only in the hearts of men all over India, but also among people who are deeply interested in the transactions of the Round Table Conference. I know the limitations which I am going to place on this House. I know the difficulties of Members, but I appeal to them that they must make their voice heard not only here but also in England where they are at the present time busy with the consideration of Indian problems.

Now, Sir, what is the achievement of the Round Table Conference? Let me put it as briefly as I can before this House. I consider provincial autonomy as a settled fact. Provincial autonomy has come to stay. It was recommended not only by the Simon Commission but by the Governor General in Council and accepted by His Majesty's Government. There is no controversy; there can be no controversy about provincial autonomy. Our Indian Ministers, who functioned under the Montagu-Chelmsford Reforms, did yeoman service to their provinces; we are proud of their achievements. Some people might say that dyarchy has failed. Theoretically and technically it might have failed, but our Ministers produced wonderful results. They had their limitations; they had their difficulties;

[Mr. K. C. Roy.]

but the services which they rendered to India under the Montagu-Chelmsford Reforms will always be remembered as the beginning of a new era of constitutional development.

Next, Sir, responsibility at the centre has been agreed to. But it is made conditional on the formation of a Federal India. Federation is by no means a new idea. It is a thing with which we have long been familiar in the British Commonwealth. There is federation in Australia, in South Africa and in Canada. Before the War, there was a federation in Germany and in the United States there is still federation today. We have a lot of lessons to learn from them, and I hope we shall learn them to advantage. I welcome the idea of federation, but to make responsible government contingent on federation was an unwise decision. I have no doubt federation is coming. From the data I have in my possession, I know that a number of Indian States will come in and join the Federation. I am not a pessimist. Look forward to federation, but the contingent grant of responsible government on the basis of federation was a mistake which the Round Table Conference made, for which they will be held responsible.

Now, Sir, we have got responsibility in the centre. Now, what is the next thing that we have got? We have got a scheme of Dominion Status. What did the British Prime Minister say? He said that India will get the status of a Dominion in the British Commonwealth of Nations. If that is not a declaration of the grant of Dominion status, what else is it? I know, and most of my friends on the other side know, that India will accept no other status than Dominion Status. No secondary status will suit us or will do for us. We can have no other status but Dominion Status. I had very close and intimate connection with the representatives of the Colonies. I saw hundreds of them during my last visit to the Imperial Press Conference and I found that the only solution for India is the establishment of responsible government and the immediate grant of Dominion Status. I claim, Sir, thanks to the judicious and statesmanlike policy of His Excellency the Viceroy, that consummation has been fairly achieved, or is very near achievement. Now, Sir, these are the primary results of the first session of the Round Table Conference, results of which the British Government may be legitimately proud and the Government of India may be legitimately proud. We, Members of this House, are very justly proud of the achievements of our countrymen and those of the British delegates who participated in the Round Table Conference.

Now, Sir, much has been said about guarantees and safeguards. From my little experience as a Member of this House I believe very little in guarantees and safeguards. When I was in England in connection with the Montagu-Chelmsford Reforms, there were talks about guarantees and safeguards, and in fact the Government of India Act bristles with safeguards and guarantees. Have we respected them? It was understood that the Army was going to be the holiest of the holies. It was not even to be spoken of in whispers in this House. What has happened in connection with the Army? Beginning from the Commander-in-Chief, the Imperial General Staff, down to the humblest tommy or sepoy, we have discussed army affairs threadbare on the floor of this House and nobody was a bigger exponent of army affairs than my Honourable friend Mr. Jinnah, or Sir Hari Singh Gour and others. Did we respect the limitations provided against us in the Government of India Act? I am sure Sir we did not.

It is no use our making much of the safeguards and the guarantees. For myself, I have no faith in them. Time will wipe them away. Now, Sir, take the guarantees first. What are the guarantees? The Governor General is to be given exceptional powers. These exceptional powers are provided for in all constitutional enactments and all constitutional histories. If there is a breakdown in the constitution of India today, is the Government going to cease to exist? Can India by a magic wand be transformed into a Soviet system of administration? In almost all countries the Governor General and the Crown have exceptional powers. I see no objection to that. What are the exceptional powers that the Governor General will have? The Governor General has powers about the Army, with which I shall deal later. He shall have power about external relations. Why should we worry ourselves about it? Have we any external relations? None at present. We have internal political relations. Our external political relations are carried on by the British Foreign Office. It is a part of the British constitution. Even in the Dominions, foreign and political affairs are dealt with by the British Foreign Office. We have some tribes on our frontier practically, in the no man's land, and there the Governor General can declare peace or war. Have we any objection to give the Governor General powers in that respect? I find no mention of the retention of the Governor General's power to make war or peace. Neither the Prime Minister nor any of the other speakers have alluded to it, but I hope and trust that that power will be retained. We do not wish to be told by a body 5,000 miles away whether there is to be a small expedition in Waziristan. We are on the spot here to advise the Governor General, and it is a purely domestic problem. So is our relation with the Indian States. When the federation is duly constituted to which most of the leading Indian Princes have already given their assent, the problem will solve itself. The Governor General should have power to intervene in moments of emergency, in cases of questions of succession, inter-State disputes, and so on. As we develop our democracy in this House, as we develop our constitutional system, the Governor General will be slow to exercise his rights. Therefore, Sir, I welcome the advent of Lord Willingdon. He is coming to us with great Colonial and Dominion traditions. In him, we have a Governor General who will use his power with circumspection and justice.

Now, Sir, as regards the Army, the Governor General is to be given powers over the Army. Well, that is a very complicated question. Defence will be beyond the domain of the Federal Legislature. If that is the decision of His Majesty's Government, I regret it but at the same time, I do not demur to it. In the transitional stages of colonial development, in countries like New Zealand, Australia, in fact wherever there has been a period of transition, the Crown has held the responsibility for the Army, but from the proposition as it has been presented to us by the Press reports and by the pronouncements of Mr. Ramsay MacDonald, I fear there may be isolation of the civil government from the military. That should not be. It has been my life-long conviction that the civil government and the military government in India should go forward hand in hand, with progress on both sides. How are you going to co-ordinate the defence of the country with the civil administration? I have a suggestion to offer. I believe there must be a Minister of Defence, be he an Indian, or an Englishman. He must sit in this House. He must be in constant consultation with the Ministers who will be responsible for the civil government. I think the time has come when we must establish, once for all, what my

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[Mr. K. C. Roy.] friend, Sir Sivaswami Aiyar, called the supremacy of the civil authority over the Army. That consummation must be reached now. There must be a Defence Minister. On that there will be no difference of opinion. If you wish to secure a proper co-ordination between the civil and the military government, you will have to go a step forward. We must have a statutory Army Council. That must not be created by an Act of the British Parliament. It must be created by an enactment of this House. That Army Council should be 50 per cent. British and 50 per cent. Indian in composition. As time goes on, they will be able to formulate a national policy of defence, and when the transition period is over, the British Government will be able safely to hand over the Army and the defence of the country to the nationals of this country. That is a consummation which I wish for and which the majority of my countrymen welcome. Then, Sir, there comes the question of funds for the Army. There I feel no hesitation. Surely, my countrymen will not hesitate to take a very long view. They are not going to reduce the Army by fifty per cent. at once; they are not going to Indianize the Army by magic; they will certainly mark time; they will certainly go slow; and they will certainly put the interests of the country first and foremost. I do not entertain any doubt at all that the defence of the country against foreign aggression will be properly looked after by my countrymen.

Sir, what is the next safeguard? It is about finance. I am sorry that our Finance Member is not in his place today. I know he is very busy about this time of the year with his Budget, but I should have liked to see him in his place and had him listen to us. Sir, I have no fear about the safeguard regarding finance. No honest Indian will disown an honourable debt. An honourable debt will always be liquidated. How do we stand now? We have got our productive public debt and unproductive public debt. We incurred enormous expense years ago in connection with the Abyssinian campaign, in the Sudan, Burma and in many other places. It is of course a question to be examined, but I feel, Sir, whatever my friends who belong to the extreme school of political thought might say, no honest Indian will disown an honourable debt. I have no fear on that score. It is an essential feature of the constitution to enable the Secretary of State to fulfil his obligations. I have no fear about that, and we should not assume that there is a bone of contention here because we know that whatever public debts are lawfully incurred by the Government for the time being they will be honoured. Now, Sir, a good deal of criticism has been levelled at us as if the credit of the country would be absolutely gone if we had the control of the purse. Sir, I have seen financiers, even Indian financiers at work, and I think we have one of the ablest of Finance Ministers for many years, but what is the position of Indian credit today? For political and other reasons, Indian credit is at the lowest possible ebb. Sir, I have no fear that any Indian with a sense of responsibility to the Federal Legislature of the country will not fail to realize his great obligation in respect of the credit of the country, and will not fail to take every possible step to keep it high. Much has been said, Sir, about the institution of a Reserve Bank. My Honourable friend, Mr. Arthur Moore, two days ago said that it was a condition precedent to the establishment of responsible government in this country. Well, I did not find it anywhere said that it was to be a condition precedent to the introduction of responsible government. I have read the Prime Minister's speech . . .

Mr. Arthur Moore (Bengal: European): It is in Lord Reading's speech.

Mr. K. C. Roy: I must say Lord Reading was not speaking for the British Government but was expressing his own views. (Laughter.) Sir, we are all in favour of the institution of a Reserve Bank. Many of my friends, Mr. Shanmukham Chetty and others, will do their best to create a Reserve Bank and to ask the Assembly to bring it into being (Hear, hear); and we are going to give effect to that; we have no quarrel whatever on that score; the Reserve Bank Bill must come. Sir, I was talking to a few economists who visited India the other day, and they are all in favour of a Reserve Bank. Sir, we are all in favour of a Reserve Bank here. We want to see a Reserve Bank function from next year. But, Sir, there is one point on which I should like to be absolutely clear, and that is that the Reserve Bank must not be a part of the parliamentary enactment; it must be created by statute of this Legislature. We do not wish that the Reserve Bank conditions should be governed by any political considerations, but should only be governed by commercial, financial and economic considerations. (Hear, hear.) Sir, I yield to none in wanting a Reserve Bank; and if my Honourable friend, Sir George Schuster, will bring in a Bill towards the end of the Session, I think this House will give him all support.

Now, Sir, much uneasiness has been felt in England about the pay and pensions of officers and all those things. Sir, I can contemplate no other period where you will want the best officers, above all corruption, capable men who will not be liable to inducement. In no time, Sir, shall we want a better sort of men than we shall want for the transition period; and here, Sir, I want to say a few words about the Indian Civil Service, many of whom I have known for at least 30 years. Sir, they have done their best. Sir, it is they who have produced an Indian nation, and we have no quarrel with them here now (An Honourable Member: "Question.") Sir, on many points I do not agree with them; perhaps on a hundred points which arise, I do not agree with them on fifty but I know what they mean. They will go a long way with us: and, Sir, when in the years to come we have a federal constitution for India and a Federal Parliament and when we really have public life divorced from pure administration our public servants in India will receive a most honourable place in Indian history and in Indian tradition. Sir, it is a stigma on us that after 150 years of British rule British literature and British tradition, we are still divided into small religious communities. To me, Sir, the thing is incomprehensible. I would propose personally to give Muhammadans and Christians and the other minority communities all they want. Let them feel secure in religious worship and in everything else, and let them come forward and join the great national movement which is really to create a democracy of all communities. It is a matter of negotiation, it is a matter of treaty. Sir, the other day the Prime Minister said that he could not solve the Punjab question because of a difference in regard to one seat. I hope, Sir, the question will be reopened; and if there is one man in India who can solve this communal question, it is His Excellency the Viceroy. Sir, shortly after he assumed office, Lord Irwin took up this matter, but for some reasons or other it was temporarily dropped. If, however, our countrymen, when they come back from England, meet together under His Excellency the Viceroy, as they did the other day

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under Mr. Ramsay MacDonald, there will result a solution of our communal troubles. Sir, the moment the communal trouble is settled, there will be peace all round and no nervousness about safeguards on either side.

Now, Sir, I come to what we have so far achieved as a result of the Round Table Conference; and if I refer to it in any great detail, I hope the Treasury Members will not understand that I mean any reflection on them. I know they have had very hard and trying times. I know they have accepted many things which, left to themselves they would not have done. I want the House to conceive for one moment of the several responsible Ministers sitting on the Treasury Benches. What will be the position in the future? A responsible Home Member bringing in so many repressive laws will have to reckon with his constituency, with his own country, and with the world at large. He will have to discharge his responsibility to his own country. Contrast that with the present position, where the Home Member is responsible solely to an authority thousands of miles away. I do not wish to enlarge on this aspect. Now I want you to take into consideration the position of the responsible Minister in charge of Labour and Industries. He will not in future have to go to the Secretary of State for India, if there happens to be one, for the revision of the Stores rules; he will revise them here in consonance with the wishes of the Federal Assembly, and he will give effect to them. The responsible Minister in charge of Education, Health and Lands, dealing with our overseas problem will not have to go to the Colonial Office, he will not have to go to the British Government, he will have to deal with these questions himself on the spot. Really, Sir, the scheme outlined by the British Premier will revolutionise the whole system of our administration.

Sir, I have delayed the House longer than I had expected, much longer than I really wanted. But, Sir, the scheme is so big, the scheme is so vast that it cannot be disposed of in a few sentences. I feel, Sir, the position bristles with difficulties. Are we going to have a sovereign Parliament in the sense that is understood in most of the countries where there are sovereign Parliaments, such as Canada, Australia and New Zealand? Or are we going to have a subordinate Parliament? So long as we have a sovereign Parliament in the domain of our civil affairs during the transitory period, we ought to be satisfied. It is a question whether we are going to have a sovereign Parliament. But it is also a question for constitutional lawyers like my Honourable friends, Sir Abdur Rahim and Sir Hari Singh Gour, to settle. But I believe, Sir, we are going to have ample freedom, full freedom in the domain of our civil affairs subject to very minor temporary restrictions. If that is so, what is our response to the gestures of the British Premier. My own view is, humble as I am, that I should go out and take the olive branch held out to us by the Prime Minister. We should take what they have given us and build on it and thus make India the envy and pride of all nations. We have men, money and munitions. We can make ourselves felt and India put on the basis of a Dominion, protected by her own armies, her public services manned by her own sons, will be the biggest factor in the history of the world and it will be an example which Britain has shown, which will be almost without parallel in the

history of the world. I ask you, Sir, and the House to consider my harmless Resolution (Applause).

Mr. President: Honourable Members are aware that notice of several amendments has been received. I have given the best consideration to all these amendments and it appears to me that most of them are out of order having regard to Standing Order No. 33(1). If any Honourable Member wishes to address the Chair on the subject of relevancy, I will give him an opportunity before I give my ruling.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I have not the slightest doubt that your decision is strictly correct, but the fact is that my Honourable friend Mr. Roy's Resolution embodies a great deal more than appears upon its surface. It is only a technical way of raising a discussion, that is calling for papers, as Mr. Roy himself pointed out. If you give that consideration to the Resolution as moved by Mr. Roy, then I submit that all these amendments would be in order, because they deal with the same subject which has been the subject of recent decision by the Round Table Conference. At the same time, Sir, while taking that view, I may venture to submit—and I think some of my Honourable friends agree with me—that to-day seems to be singularly inopportune for the discussion of the conclusions of the Round Table Conference. Speaking for myself, I am not in possession of the authentic record which embodies the conclusions of that Conference. I questioned the Honourable the Leader of the House the other day, and we have been assured that the White Paper or the Blue Book as it is now called, would be available to us at the earliest moment possible. Then, Sir, I would ask, as I have asked before, the Honourable the Leader of the House to allot to us a day when we shall be able to give our considered judgment upon those conclusions of the Round Table Conference. That, Sir, is the position, and if the Honourable the Leader of the House will assure us that he will give us facilities, first by giving us at any rate a summary of the conclusions if not the White Paper which was presented to the House of Commons, and secondly, allot us a day for the discussion of the decision of the Round Table Conference, then our work at any rate for to-day would be greatly shortened.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): The Honourable Member has already moved his Resolution.

Mr. B. Das (Orissa Division: Non-Muhammadan): The amendment which I have given notice of is in order.

Mr. President: I will take each amendment in turn. I wanted general views to be expressed on all amendments because most of them are framed in a manner which appears to me as being beyond the Standing Order to which I have drawn attention. I wanted to hear your views. Let us now take each amendment in its turn. Diwan Bahadur Rangachariar has given notice of an elaborate amendment.

Mr. R. K. Shanmukham Ohetty (Salem and Coimbatore: North Arcot: Non-Muhammadan Rural): Sir, before you invite the Movers of the various amendments to show how those amendments are in order, and before you give your ruling, may I suggest, for the purpose of expediting our work and for the convenience of this House, that we might pursue in the first instance the suggestion thrown out by my Honourable

[Mr. R. K. Shanmukham Chetty.]

friend on my left. As has been pointed out by the Mover of the Resolution and also by my Honourable friend, Sir Hari Singh Gour, my Honourable friend Mr. Roy has tabled a technical motion which is well known in parliamentary parlance. It is open to this House, to have a comprehensive discussion on the various issues arising out of the Round Table Conference. But I would submit both to the Government and to my Honourable colleagues on this side, that at this stage the House will not be in a position to deal with the subject in a comprehensive manner for the simple reason that, beyond what appeared in the newspapers, we are not in possession of those documents with which alone we can contribute usefully to the discussion. I would therefore suggest that the Honourable the Leader of the House might inform us as to what he feels on the matter. If my Honourable friend, the Leader of the House, or my Honourable friend the Home Member will give us an assurance that, as soon as papers are available, they will be placed on the table of the House and made available to the Members, and that the Government, with your permission, will give us a day for a full-dress debate on the various issues arising from the decisions of the Round Table Conference, then I would venture respectfully to advise my Honourable friends on this side of the House to postpone the discussion for the present and have a full-dress debate at a later date. So, Sir, before you actually take up the various amendments and decide upon the procedure, I would invite the Honourable the Leader of the House to give his opinion on these suggestions.

Mr. B. Das: I think Mr. Roy's Resolution does not complete the picture without the amendment which I have brought forward.

Mr. President: I will deal with that amendment at the proper time. Two Honourable Members have asked for an expression of opinion from the Leader of the House. I should like to know whether he desires to comply with their request.

The Honourable Sir George Rainy (Leader of the House): I can promise that whatever papers constitute the record of the Round Table Conference will be laid upon the table of the House as soon as we are in possession of them and have had time to reprint them. It has been ascertained that if they were sent out in bulk from England by sea, it would take longer than if we get copies by air mail, and reprint. We are getting one consignment on the 2nd February and another consignment on the 9th February. There must be some short time after this, before the printing can be done. I think I have said in answer to my Honourable friend Sir Hari Singh Gour's short notice question, that if it is the general desire of the House, Government would certainly do all in their power to meet it. If the general desire is another day for discussion, I think, I can promise, Sir, that Government will find a day.

Sir Hari Singh Gour: May I ask the Honourable the Leader of the House, whether from the discussion that has taken place to-day and is taking place now, he would consider that there is a general desire on the

part of the House to discuss the decisions contained in the White Paper? If the Honourable Member will definitely promise us a day, we on this side, as my Honourable friend Mr. Chetty has assured the House, would like to curtail the discussion upon this motion.

The Honourable Sir George Rainy: I am prepared to say that I should think it very strange if, after the papers are laid there is not a general desire for discussion. (Laughter.)

Mr. President: That simplifies the procedure, and I take it that it is your pleasure that I should not go into details in dealing with the amendments.

Mr. B. Das: May I inquire if papers will be laid about what I ask for, namely, a general amnesty?

Mr. President: I cannot permit any further detailed discussion on this matter when the assurance has been given that all papers will be laid on the table.

The Honourable Sir George Rainy: I said all papers constituting the record of the Round Table Conference.

Mr. President: Yes, all the papers in connection with the Round Table Conference, which is the subject matter of the Resolution now before the House, will be made available to Honourable Members. The assurance cannot go beyond that.

Sir Hari Singh Gour: And a day will be given for discussion.

Mr. President: Yes.

The Honourable Sir George Rainy: Sir, may I add one word to what I have already said? I cannot say when the date will be, and if it is impossible to lay the papers before the commencement of the Budget discussions there may be difficulties as to whether we can fit it in before the conclusion of the Budget sittings. I only say that as a warning lest any one should feel afterwards that I had not dealt frankly with the House.

Sir Hari Singh Gour: I wish to point out in connection with what has fallen from the Honourable the Leader of the House that immediately after the Budget discussions close there is a general stampede in this House and Members disappear. I would therefore ask the Honourable the Leader of the House to fix an earlier date, if possible next month.

Mr. President: The earliest possible date is the only assurance which can be given.

Sir Hari Singh Gour: If a date is given towards the fag-end of the Session, it will be very difficult for the Members to remain here.

Mr. B. Das: Why do you shirk responsibility now?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, will the Honourable the Leader of the House be pleased to state, especially because of the fact that when the views of Parliament and the public in Great Britain and also in India are being expressed on this identical question, if he will seek the earliest possible opportunity of giving us a day?

Mr. President: That is the assurance.

The Honourable Sir George Rainy: I am quite prepared to say that. But the question is, when the papers will be ready to be placed on the table. The dates of the Budget have already been fixed, but I am fully sensible of the desire of the Honourable Members opposite to have the earliest possible day and I will do my best.

Mr. President: Then I take it that it is the general desire of the House that I need not proceed further in dealing with the question as to whether the amendments are in order or not. (*Honourable Members:* "Yes".) The discussion on the motion will now proceed.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, I am very thankful to you for giving me an opportunity to discuss the Round Table Conference. This Round Table Conference should, as a matter of fact have been held seven years ago, when Members of the Swaraj Party and the Independent Party joined together and passed a Resolution in this House. During these seven years which have passed since then there has unfortunately been in India a good deal of repression, and abnormal laws have been passed in the country. We have had Ordinances; and all these things have embittered the feelings of the people. During the last year, since Mahatma Gandhi started his non-violent campaign, nearly 60,000 people have been imprisoned, including women and children.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, on a point of order. Are we listening to arguments on the Resolution which has been adjourned or on the Resolution which the Honourable Member was to move?

Mr. President: The Resolution has not been postponed because there has been no motion to that effect.

Sir Hari Singh Gour: Sir, I understood that after the assurance given by the Honourable the Leader of the House, it was the intention of Honourable Members on this side of the House that the discussion on the motion should be postponed. I therefore formally move an adjournment of the discussion.

Mr. Muhammad Yamin Khan: Sir, the Honourable the Leader of the House has given an assurance that the papers about the Round Table Conference will be laid on the table and you have decided that the discussion will proceed then. The Resolution moved by Mr. K. C. Roy is nothing beyond that. I do not see then why the House should waste its time now.

Mr. President: Honourable Members will remember that this assurance requires to be confirmed by a vote on the Resolution before the House. The best procedure would be either to postpone its consideration or allow it to be put to the vote and declared carried. Either of these two ways would meet the situation. I cannot without a vote of the House, make a declaration as to the decision of the House.

Sir Hugh Cocke (Bombay: European): Sir, on that point I move that the question be now put.

The motion was adopted.

Mr. President: The question is:

"This Assembly recommends to the Governor General in Council that he may be pleased to place on the table of the House papers connected with the Round Table Conference."

The motion was adopted.

RESOLUTION RE POLICY OF REPRESSION.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, I beg to move the following Resolution:

"This Assembly recommends to the Governor General in Council the immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy."

Sir, after the announcement of the Prime Minister and the statement of the Viceroy, one might think that there was not much of a necessity to move this Resolution. But unfortunately I find that opinion in the country is not conciliated by the announcement of the Prime Minister. The announcement of the Prime Minister grants representative government in the Provincial Legislatures and, with certain safeguards in the Central Government. But the people have got certain objections to this. They feel that this conciliatory policy does not go as far as they would wish it to go. And the result is that we find still non-co-operation going on in the country. Sir, what is really required at the present moment, if the Government really want the country to co-operate with them in order that there might be friendly feelings between the Government and the people, is that they should grant an amnesty to all those political prisoners who have been convicted of non-violence. Sir, it is really very difficult to have that calm atmosphere unless those people who are suffering for their convictions, and who did not commit any acts of violence, are released from prison. It would be impossible for Mahatma Gandhi, or even the great leaders who are just out of jail, even if they wish, to bring friendly feelings. They could not possibly do so so long as the rank and file are rotting in the jails. You have also to consider that the feelings of the people in this country have been very much embittered during last year. Let me explain what has happened during the last year. I do not think I could impress upon you the tragic events which have been taking place, if they have not already been impressed upon every one. During last year in India more than 60,000 persons, including women and children, have been sent to jail. Not only that, there has also taken place beating in most of the places. Let me take a few examples. Take the case of Bombay where a number of brave Sikhs in the very beginning were beaten and beaten so much that blood came out from various parts of their bodies.

Mr. B. Das (Orissa Division: Non-Muhammadan): The same was the case in Calcutta.

Shaikh Sadiq Hasan: The same happened in different places. In Amritsar, I may tell you, and this I may tell you authoritatively because I was Chairman of that Committee which investigated the affairs over there, a committee consisting not of extremists, not men who were ever

[Shaikh Sadiq Hasan.]

imprisoned for breaking laws. What did we find there? We found that the police ran amok and beat people, innocent people, and every one who came in the way. Such was the condition in Amritsar. In Peshawar and the frontier, it is a ghastly tale. People speak of the murders committed by some of the Indians. I do deplore that such murders have taken place and the murder of a woman is an act of a brute. But I think it is no less brutal on the part of the Government that they have killed people and committed, as I consider, absolutely open murders. Sir, such is the feeling, and now, after the announcement of the Prime Minister, and just at the very time when the announcement is made, comes a great man of the Government, a gentleman who holds the highest position in the Punjab Government or rather the second highest position, I mean Sir Henry Craik. How is he reconciling the people over there? You would like me to read a few words he uttered, because I do not want to go into details. In his speech just on the very day or the previous day before the Prime Minister made his speech, he said this in the Legislative Council. Mind you, Sir, he was not only running down murderers, which I suppose would have been justified, but he was also referring to Pandit Jawahar Lal and Dr. Kitchlew, and saying that those people were inciting people to murder: "Conciliate. You may as well conciliate a mad dog or a wounded tiger as conciliate these people".

Mr. B. Das: Did he refer to Dr. Kitchlew and Pandit Jawahar Lal?

Shaikh Sadiq Hasan: Those murderers; those people who incite them are guilty and so on. I think he describes all of them.

Mr. B. Das: It is a white lie.

Mr. S. C. Mitra: The Member himself incites.

Shaikh Sadiq Hasan: Not only murderers but also those people whom he considers real murderers, are those who are inciting the people to do these deeds. Again he says, and I think every Englishman who has got any sense of justice should hang his head in shame when the second highest official in the Punjab says this thing, "There is, I say with regret, a reluctance on the part of the Courts to pass really deterrent sentences".

Mr. B. Das: That is British Justice!

Shaikh Sadiq Hasan: Well, Sir, you know what influence the official has got. When such a high official, who is the Home Member, says such things, can any Magistrate dare go against his will?

Mr. B. Das: And a Civilian Judge!

Shaikh Sadiq Hasan: I do not say that. I say Magistrate. I stick to my words. Again he threatens the Punjab with the most drastic laws. We are not afraid. If thousands have gone to jail, others can easily afford to go to jail. What I mean is that the spirit of conciliation is a great deal necessary if you want to remove those feelings which are existing amongst the people at the present moment. Up to this time, since last year, the normal laws have been suspended and the country is governed by abnormal

laws, by Ordinances. I suppose there have been about nine Ordinances issued by His Excellency the Viceroy. (*An Honourable Member:* "12".) Thank you very much for correcting me. Not only that, but the Press law, and all sorts of such laws which make the feelings of the people very much embittered. This great announcement of the Prime Minister has come, and I think the time also has come when we all, Indians, in the interests of our country should carefully consider it with an unbiassed spirit, as Mahatma Gandhi has said. But the fact is that Mahatma Gandhi is a different type of person from the ordinary human being. I consider him as a super-man. He is not like others. We people have not got the same control over our feelings as Mahatma Gandhi has got. Mahatma Gandhi can forget enmities. But can the millions of the people in India, whose sons, wives, daughters and relatives are in jails, can they ever forget easily all that they have suffered? There is only one way of conciliating them in order that they may consider the whole situation dispassionately, and that is by granting an amnesty to all those persons who have been convicted for non-violence.

One more word, Sir. On the very day when the announcement of the Prime Minister was made, we find beating taking place in Calcutta and perhaps also in Delhi as well. (*An Honourable Member:* "No, in Bihar.") In any case beating took place in Calcutta. Such a state of affairs is not conducive really to peace; and I am afraid that, unless the Government adopt a more conciliatory policy, the result will be that the very object of the Prime Minister's announcement will be defeated, because the people will not be able to consider all these matters in a dispassionate way.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the Resolution which my Honourable friend has moved wants the "immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy". When my Honourable friend gave notice of this Resolution, it was prior to many events which have happened since then, as the wording of the Resolution refers to the state of things which existed then. But, Sir, we find that there has been a certain change in the policy of the Government since that time; the outlook of the Government has materially changed, and we find that the leaders of the Congress have been released. As a matter of fact the persons really responsible for the state of affairs in the country which brought about this repressive policy are now at liberty. But the people who constituted their following are still in jail. That cannot be called a repressive policy which is being pursued now. A repressive policy was pursued till the release of Mahatma Gandhi and others. Since then there has been a change; that has been discontinued

Mr. B. Das: What about lathi charges in Calcutta?

Mr. Muhammad Yamin Khan: My friend has not brought out in the Resolution the only thing which ought to have been brought out. But he has clearly mentioned it in his speech. The thing that is required today is not the discontinuance of the repressive policy, but a general amnesty to all who are now in jail on account of this movement. That ought to have found a place in the Resolution; but of course he could not have put it in because this Resolution was sent in long before the situation changed.

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LEGISLATIVE ASSEMBLY.

[29TH JAN. 1931.]

[Mr. Muhammad Yamin Khan.]

I find, Sir, that the Prime Minister of England says in his speech, which is reported in the *Hindustan Times*—and that is the only way by which we can understand what is going on:

"I do not make that by way of a confession; but what we found as the weeks went on was that the situation changed, that new currents came into the scheme of events and that a certain movement"—(these words require very great consideration)—"took place in India and I should have been and my colleagues with me would have been blameworthy rather than praiseworthy, if we had stuck to the letter of the declaration made in circumstances which no longer existed."

Of course, Sir, I cannot understand those words "a certain movement took place in India" which frightened the Prime Minister, referred to anything else than the civil disobedience and non-co-operation movement, and the people being ready to go to jail for the sake of their country. That was the movement referred to by the Prime Minister, and that has brought about the change. This policy pursued by the Congress and by Indians has been really responsible for causing a change in the mind of the Prime Minister, and for the change in the outlook and in the whole scheme of the Round Table Conference as originally planned. ("Hear, hear" from the Nationalist Benches.) The original idea which the British Government and the Prime Minister had in the beginning was absolutely different; but when they came to know about events in India, that Indians were so ready even to go to jail, then they found that they must yield and they have yielded. ("Hear, hear" from the Nationalist Benches.) That is the change in the outlook that has been effected. I do not know what my friends in the Indian Government may be thinking about it, and what those people who have been supporting them throughout will be thinking at this stage—those people, I mean, who have been persistently and consistently supporting the British Government thinking that they were a strong Government and not thinking that they would leave them in the lurch, right in the middle of the ocean. Now, Sir, this has not brought about a change in the policy of the British Government at home, but this must have brought a change and must necessarily bring a change in the minds of those who have stood fast and supported the Government on every measure. They will think that there is no use fighting along with a retiring and beaten army; the Government have yielded and yielded rightly; and if they have yielded, they must yield properly with good humour ("Hear, hear" from the Nationalist Benches); they must not show that they are yielding half-heartedly. When the Prime Minister has dictated from Whitehall the policy that should be pursued here, it is no use making the position of the British Government in India very very weak and deplorable. The best policy which they can adopt at present is to yield gracefully and cheerfully. It will serve no purpose to keep those people in jail who only form the rank and file after letting out at large the chief persons who can find, not one or two, but thousands of people to follow them. Once these people are coming out, it is no good keeping the others in jail. They can find hordes and hordes of others ready to go to jail because there will be very few who will have any sympathy with the Government at this juncture. Nobody will come to their assistance; everybody will be ready to think that this is the victory of Mahatma Gandhi and others and therefore they must follow the armies which are going to win and the future government which is going to take the place of the present government. That is the change in the outlook of the country that has been caused in the country; and

for this nobody else is responsible but the Government; and if that is the situation, and if the Prime Minister has yielded to the circumstances, the British Government in India must also yield to the circumstances which are now existing in the country. There has undoubtedly been a change in the Round Table Conference, because people were ready to go to jail, but there is also a change brought about by the release of the political prisoners now in the country, and that is a circumstance which should not be ignored by the Government. They must cheerfully face that factor and must not ignore it. If the only object of the Government is to win the sympathies of the Congress, they can never gain their object by releasing only a few leaders of the Congress. The real sympathies of the Congress can be gained only by the release of all the prisoners who are now in jail. Of course, you have released Mahatma Gandhi first, but you cannot expect him to tell you that he will decide the future for himself. He will tell you that he cannot decide the future of the country himself; he will tell you that he cannot say anything about the declaration as long as his rank and file are in jail; that he is powerless to consider the question, and that he cannot express any opinion on the declaration of the Premier until he finds that all his friends who have suffered on account of his advice and policy are also set free. That will be the position which will be taken up by Mahatma Gandhi, and if it is allowed, then the tables will turn on the Government. They have released a few leaders in order to win the sympathies of the Congress, but that is not enough. The Prime Minister says—"I am ready to co-operate with them if they agree to co-operate with me". Of course, if he is anxious to have the co-operation of the Congressmen and the leaders, well let him have their co-operation. But I would warn Government that this co-operation will never be extended by the Congress until all the political prisoners are released. It is for the Government to choose their policy. It is not for me to suggest or dictate to them what policy they should adopt in this matter, but I say that whatever policy they might adopt, it should be consistent with one policy which they must pursue throughout, and they must show to the country that they are sincere and that they are releasing not only a few leaders but all the political prisoners who are now in jail. Sir, the rank and file can create no mischief in the country. They can only do such things as will be dictated to them or decided for them by the leaders. If the leaders want to change their present policy, the people will not pursue it, nobody will stand up and challenge the decision of the leaders of the Congress. In a great war the soldiers merely carry out the orders of their superior officers; the soldiers cannot forge or chalk out any particular policy; it is the officers who chalk out policies for the soldiers to follow, and the soldiers have merely to obey the commands of their higher officers. And I think, Sir, some words about policy should have found place in my friend's Resolution. Though the Resolution is somewhat unhappily worded, I think a change has been brought about in the country by the declaration of the Prime Minister, and I therefore support this Resolution.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, in supporting this Resolution, I am not quite sure whether I am not doing a bad turn to my own countrymen. A repression which has given rise to a measure which has infused in the people of this country a feeling of nationalism is a repression that ought to be welcomed by every patriotic Indian. But I feel that it should be our duty to beg and implore those who are at the helm of Government to give us further and bigger doses of repression than

[Mr. B. R. Puri.]

they have hitherto succeeded in doing, so that, after this repression is concluded, we might come out a clean and self-supporting nation. But, Sir, this repression, if it is carried to extremes—as I say it is being carried to extremes—must lead to one inevitable result, and that result will be this. If things are pushed to extremes, we shall come to a parting of the ways, we are bound to come to that, and once more we shall be “East is East and West is West”; we shall then have to say good-bye to you, and you will have to go back to your homes, sweet homes. That will be the position. As men of honour, we cannot accept that proposition. We have taken an oath, only the other day, of allegiance to the Sovereign, and I think it is our duty to the Government and also to our constituents to give a warning to the Government, that we honestly feel that the policy and methods which are pursued by the Government are the most suicidal methods which they could possibly conceive.

Let us, Sir, for a moment look at the past history and see what has given rise to this repression; what is the underlying cause, what is the justification for all this repression which is being carried on in the country? If I am not wrong, Sir, the position as it originated was somewhat like this. There was a clamour in the country, there was a demand by the people of this country that we are entitled to the free use of such a commodity as ordinary common salt, that it is the right of every Indian to have a free use of a commodity of this kind which is to be classed as one of the most elementary needs of a human being, and that the Government were not justified in taxing a commodity of that kind. That was, Sir, one item. The second item was, that people in this country hold that they have every right as patriotic Indians to support their own home industry. In pursuance of that they adopted, as they had every right to adopt, *Swadeshism*, and they preferred *Swadeshism* to *Bideshism*. We boycotted the British manufactures, and I claim, Sir, that not in any spirit of hostility but in a spirit of self-preservation, every man is justified in protecting his own home industry, and I think every Englishman would feel proud that he is born with that idea in his breast. Why do you blame us if we love our country more than any other country? Don't you do the same? Are you not animated with the feelings that you should promote the industries of your own country? Why should it be a sin if I feel in the same way and in the same strain as you do? You convert it into a breach of the law. You say that this is a violation of law and order. If I advise my own countrymen that they should refrain from resorting to drinks, that is turned into an offence. We have committed no offence as offences stand on the Statute-book. We have not been guilty of any dereliction or breach of any moral laws. Laws have been created for the occasion. Our advising the people to refrain from resorting to drink has been created into a law, and every Indian who loves his own home industry is an offender in the eyes of the Government. And how have those laws been created? They have been created in the shape of Ordinances which have been promulgated from time to time. Not that those laws have existed, but they have been made offences, they have been manufactured to meet the special occasions. Such laws we are told, Sir, we have broken, and thousands and thousands of our countrymen have been safely lodged inside the jails. Sir, the best intellect of the country is at the present moment inside the jail. The most patriotic men that India could possibly produce are at the present moment behind the bars. You

have not respected age; you have not respected sex; your police, whom you extol to the seventh heaven, are guilty of these *lathi* charges upon the backs of innocent women, girls, children, kids, a position of which any civilised Government ought to be ashamed. Such has been the state of affairs in this country. I say that every *lathi* that falls on the back of an innocent woman in this country is a nail in your coffin. You will have to pay for it dearly. You may feel secure for the time being, but, remember, there is always a lull before a storm. Carry on these methods for some time, and you will find that they will recoil on you with a terrific force. You will have to reckon that day also. That has been the conduct of your police. What has been your conduct? What is the Government's conduct? Such deeds being committed all over the country from one end to the other, right up from Peshawar down to the remotest southern point in Madras, and from Calcutta to Bombay there is not a single place, there is not a single town where such-like deeds or misdeeds or horrible deeds have not been perpetrated by your police. And what have you done? Have you had a word of solace for the afflicted people? Have you set up any enquiry or investigation into the conduct of any police officer? I challenge the Government to cite a single instance where the conduct of the police has been made the subject of any investigation in spite of the repeated demand of the people in that direction. I say that the Government have failed in their duty. If I were to cite instances, I could do so by scores, but one instance that I would particularly like to refer to is the instance of the police actually marching inside the premises of one of the great educational institutions in Lahore itself. I am referring now to the incident in the D. A. V. College, where when the professors were conducting their classes, the police were not content with subjecting people who had collected outside on the roads to *lathi* charges, but after giving them a beating, actually forced themselves inside the premises of the college. They did not content themselves with mere trespass, but they went inside the class rooms and gave a beating not only to the students, but they did not spare even the professors. This account is not a newspaper account. I happen to come from Lahore, and I can assure the House that I have got first hand information regarding this particular matter. As law-abiding people the D. A. V. College authorities, through their Advisory Council of whom I happen to be one, moved the Government that the conduct of these offending police officers should be enquired into and that the College authorities should be given an opportunity of prosecuting those people. What was the answer? Government did not see their way to grant the necessary sanction. We were estopped from having recourse to a legal remedy. Then where are we to go? What are we expected to do in the circumstances? The Press is gagged; there are your laws, your Ordinances. The platform is barred; section 124A and the platform are synonymous terms. The legal remedy, such as I have just now described, although it is provided in the Criminal Procedure Code, is never allowed to be resorted to. I would like the Government to give a single instance, as I have said before, where the Local Government have actually granted sanction to a private citizen to prosecute offending policemen, no matter how good his case may be. There is no case on record, at any rate, of which I am aware. In this particular case I submit that that remedy was denied. What are, then, the remedies left to the people? How are they going to ventilate their grievances? In ancient times there were Emperors—and I recall to my mind the name of Jehangir, who was the peoples' Emperor. He used to go about, invite people, and ask them what

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their grievances were. How are we to ventilate ours? What is the authority to which people, ordinary people, can go and place before them their troubles? I have shown you that personal approach is impossible. The platform is barred and the Press is gagged. The legal remedy is denied. And what are the people to do? Then you feel surprised that people resort to violence. Are they responsible for violence? Do they promote violence? You are the agents; you are the dread instigators of that violence,—not this side but that side of the House. And, I submit, that is a question for your very careful consideration. If these are the methods which have been employed by the Government, I should not wonder if their consequences are such that you might have to rue them one of these days. On the very day when we are told that there is a change of heart—we welcome that change of heart, we are grateful to you for that, but please don't take half-hearted measures—there was the unfortunate incident in Calcutta. The British people sometimes do things, but they always do them with bad grace. There is such a thing as settlement out of court. If my claim against you is good, why do you compel me to go to a law court, first of all to get a decree against you, then to put it in an execution court, and so on? If you think that my claim is good, why not settle it out of court? Why do you fight inch by inch in the hope that perhaps it might not occur to me, perhaps I might not like to press the matter, or perhaps that you might still be in a position to have your own way. No. Look at it from the abstract point of view and say that our claims are good and grant them ungrudgingly. Don't do it in a half-hearted manner. You say there is a change. I admit that there is a change, but is that change a change of the whole heart or of one ventricle only?

Mr. President: The Honourable Member's time is very nearly up.

Mr. B. R. Puri: If you order me, Sir, I will resume my seat.

Mr. President: You can go on for a minute or two and then conclude.

Mr. B. R. Puri: Well, one result of all this repression in a blindfolded manner has been that the Government have not waited and considered the steps that they did really adopt, whether those steps led to their own ruin or to the ruination of the people. I say a great man, one who was the great apostle of non-violence, a man who is even admired by people over there, even a man like Mahatma Gandhi had been put behind the bars. He is a great apostle of non-violence, and I say he is divine, he is a man who is worshipped not only in this country but in countries abroad—I say to shut up a man like him is a sin against the whole human race. I implore Government to have a careful consideration of the present situation and to see for themselves that the way and manner in which they are conducting these matters must lead to the ultimate ruin of their kind *in toto*. (Applause.)

Mr. B. Das: Sir, first of all, I must congratulate my Honourable friend Mr. Yamin Khan on his exceedingly friendly speech. We have heard him on another Resolution this morning, and it seems that, since then, my friend has gone over his reincarnation—from nomination to election—and has undergone a change of heart. Now, he is representing his constituency and reflecting the views of the millions of his countrymen. (Laughter.)

Sir, the object of this Resolution is the creation of a conciliatory atmosphere. I congratulate my Honourable friend Mr. B. R. Puri

on the very able speech that he has delivered just now—I can understand his feeling, coming as he does from Lahore which is so near to Peshawar and Amritsar. I am not here to recount tales of re-

4 P.M. pression. I am here to ask the Government of India and the British Government to create a conciliatory atmosphere. As I think of conciliation, my heart goes out to the Viceroy, that great Viceroy who recently came to us with a message of goodwill and ordered the release of 29 Congress leaders. I too hope that Lord Irwin will go down to history as the greatest Viceroy of India if he can settle permanently this difference between India and England and bring lasting peace between India and Britain. He is indeed a great Viceroy. The other day when he addressed this House he spoke of Mahatma Gandhi as a great man and he spoke of the Congress movement as the great Congress movement. I seldom found the Treasury Benches had the courage to say that. They will not say it, and even the Indian gentlemen who are in the Executive Council do not have the courage to say that the Congress movement is a great movement. Of course I am not asking that of my Civilian friends.

Sir, the Viceroy brought about a very conciliatory atmosphere, but what have my friends the Civilians done? Subhash Chandra Bose, known as King Subhas of Bengal, the Mayor of Calcutta, led a procession to the Ochterlony Monument; he wanted to celebrate the Independence Day. Was it not celebrated in Delhi? Was it not celebrated in Allahabad where Pandit Jawahar Lal Nehru addressed the audience? What did the police do in Bengal under the order of the Civilian Government there? It may be the Governor is a non-Civilian. They arrested him, he was beaten too, and they imprisoned him. I was very pleased to read today in the papers a statement from my friend Mr. C. C. Biswas, who is not here today. Every-body who knows Calcutta politics will realise that in politics Mr. Biswas and Mr. Subhash Bose are always at loggerheads. Mr. Biswas is reported to have said that it was an irony of fate that the good work of responsible statesmen in Whitehall and Delhi should be thus neutralised. Although Mr. Biswas had supported, on innumerable occasions, the Government's repressive policy, both in the Calcutta Corporation and outside, today he condemns that policy of Government and regrets that Civilians should have gone against the Viceroy and against the will of His Majesty's Government, against the Prime Minister, and should have created this situation. There has been a similar situation, I am sorry to say, in my own province of Bihar and Orissa, where innocent men have been killed by the action of the police. Police excesses were described in such detail by my friend Mr. Puri that I do not wish to go into it again.

I appeal to Government that all political prisoners should be released. They should be given a general amnesty. How can His Excellency the Viceroy or the British Government expect a better atmosphere by the release of 29 Congress leaders when 25,000 other workers are still rotting in jail. They are all leaders in their own sphere. Today Mahatma Gandhi cannot come and approach Lord Irwin and discuss possibilities of settlement, without those leaders coming out of jail and without getting their advice. After all, what is this All-India Congress Working Committee? It is merely the executive body of the Congress. The All-India Congress Committee, consisting of 350 people, is the deliberative body that gives orders to the executive committee, the All-India Congress Working Committee. What is the use of releasing only 29 gentlemen when over 320 are rotting today in jail? Each of them is a leader in his own province

[Mr. B. Das.]

and in his own sphere. Sir, I want all political prisoners to be released. I want the Moplah prisoners in Madras to be released too. It was not their fault that they were dragged into that incident. I want the Meerut prisoners to be released also. I cannot understand why the Government of India fight shy of communist agents. I once asked my friend the gallant Baronet Sir Victor Sassoon on the floor of this House whether he could show me a live communist. He said, "Come over to Bombay and I will show you one". I have not yet seen him. Russia has not grasped or swallowed the whole of India. Nor has Russia swallowed up England. What is the use of trotting out that bogey of communism? This Meerut trial is still continuing and I have not seen any communist aggression on India. I am grateful to my friend Haji Abdoolah Haroon for reminding me about the frontier prisoners. Patriots, as they all are, some of them died the death of martyrs in Peshawar. None of that crowd ran away. They were butchered and murdered by fire from the British soldiers. I read of one brave incident, though the Press was gagged at the time by the Ordinances,—a gallant Pathan having 21 bullets in his chest. Not a bullet was found fired at his back. Pathans, Sikhs, Hindus, all innocent but brave men were ruthlessly fired at and butchered. They were brave patriots all. I do not want to generate heat here. I ask the Government to grasp the situation in the light of the speech of His Excellency Lord Irwin and not to destroy that calm atmosphere which is so essential now.

Why are you afraid of the Congress? If they break the law, you can put them into prison tomorrow. Behave as honourable gentleman and think of the Congress men as honourable men. Give them a chance to prove that they are honourable men. Remove from your mind the suspicion that the Congress will destroy the foundation of your bureaucratic and imperialistic Indian Empire. I hope Honourable Members on the other side are reading the signs of the times. If he has the time, I would ask the Honourable the Home Member to read Mr. Montagu's diary, where Mr. Montagu had made strictures on the Civil Service; that that Service would not see into things and were like a stone wall. The Honourable the Home Member's Department is always guided by the police and the C. I. D. I would like to quote one little passage from Mr. Montagu's diary to show how ridiculous the C. I. D. can sometimes make the situation. Sir, it was Sir Sankaran Nair who, as a Member of the Viceroy's Executive Council, invited Lord Hardinge to dinner at Madras. He had wired to Mr. Bhupendra Nath Basu, now dead, to send some sweetmeats:

"One day in Madras Sankaran Nair was entertaining Hardinge to dinner. Basu was asked to send some Bengali sweets to grace the dinner. Basu sent a wire to Nair: 'The sweetmeats for the Viceroy will arrive tomorrow night.' The C. I. D., getting hold of this, of course stopped the telegram and the parcel" (Laughter), "and entered Basu and Nair as suspects, shadowing them for the rest of the time." (Laughter.)

Sir, my Honourable friend, Sir James Crerar, knows that according to the C. I. D., bombs are sweetmeats and sweetmeats are bombs; and so these two eminent men were shadowed. Sir Sankaran Nair is, I suppose, even today being shadowed. Sir, we are all being shadowed, the Ministers and the Leaders on this side, they are always receiving the closest attention from my friend, the Honourable Sir James Crerar's Department. Sir, that is the state of the atmosphere today. I ask my friends if they have read a recent book published in 1930 by Lieutenant-Colonel Osborne "Must England lose India?" Some time ago another civilian wrote a

book, "The Lost Dominion". Well, I do not know why these gentlemen are so friendly, especially one who was in military service in India, but then I always find that when Britishers retire from India, wisdom dawns on them, but, alas, it is then too late. (Laughter.) Well, my friend, Colonel Osborne—I mean, not my friend,—well, I have never met him—anyway he is now a friend of mine—has written one thing about the Britishers. One of the recommendations which he makes to his countrymen who are serving in India is:—

"Britishers, who after a few years' stay in India, have been found temperamentally incapable of getting on with Indians should be sent back to England." (Laughter.)

I hope therefore the Government of India, if they find some of their colleagues, some of their servants, are not falling into line with Mr. Ramsay MacDonald or Lord Irwin, will pack them off to England, on a proportionate pension, or on the full pension, or on compulsory retirement. (An Honourable Member: "As an undesirable commodity.") (Laughter.) Lieutenant-Colonel Osborne recommended fifteen points. Well, the book is here. Somebody however told me it was proscribed. I do not know. But I am quoting from the *Hindustan Review* of November—December 1930. It has fifteen points, not fourteen points. (Laughter.)

"The salaries of British officials in India should be reduced. If French officials in French-Asiatic and African possessions can work on £500 and £1,000, there is no reason why British officials in India should be paid more."

The last recommendation is:

"The Indian Penal Code should be humanised."

Sir, if that had been done, all these difficulties would not have happened. Sir, I appeal to the Indian Civil Service with folded hands: "Take your courage in both hands and act as gentlemen. Do not think of the past, of the imperialistic power you have enjoyed in India so far. I know some of you have lost your near and dear ones, and have buried them in this country. Some of you we regard and we respect, but do not think of the past power and position: think of the all powerful British Empire. India wants to remain part of the British Empire if you want to assist her and treat her as an equal, but if you want to crush us, you will never have India alongside the British Empire." Sir, the British Empire without India would be a third-rate kingdom like Holland, but, Sir, the British Empire with India as an equal partner shall go on for ever as the biggest empire the world has seen, a humanizing agency, civilizing humanity and the world. And if you, the Civilians in the Treasury Benches, fail in that great task, you are ungrateful to England, the country from where you have come here, and you are ungrateful to India, whose salt you are eating. (Cheers.)

The Honourable Sir James Crerar (Home Member): Mr. President, I was glad to hear the Honourable Member who has just resumed his seat preface his speech by saying that he recognized that the immediate necessity for India at this juncture was an atmosphere of tranquillity and conciliation. That, Sir, is a proposition I shall be the first to accept—indeed, it is one that I want the House to affirm. (An Honourable Member: "And to act upon it".) It appears therefore to me a matter for regret that the Honourable the Mover of the Resolution, and those who have spoken in support of it, should have selected this particular occasion,

[Sir James Crerar.]

this particular time and this particular juncture to move a Resolution of this character. I regret it because it does undoubtedly impose upon me a duty which I wish to discharge as adequately as I can and with as much regard for the ultimate object which Mr./B. Das himself set forth as our immediate objective; and in regard to all these necessities of the case, I shall speak I trust with the greatest possible restraint. I do not feel, however, Sir, that I can have any hesitation in saying that so far as the preface to the Resolution is concerned, Government, in the action which is denoted in the Resolution as repression, have only been concerned in discharging their first and most primary duty, and they have done it with the ultimate and ever-persisting desire to secure that, during these important periods of transition, there shall be freedom of expression for every variety of political thought on constitutional lines. Sir, the policy of Government, I submit, must be viewed as a whole; and its guiding feature, the centre of its policy for years past, has been the promotion of political progress in India by constitutional means and on constitutional lines. That policy still stands good; and I do not think that Honourable Members opposite, if they consider the matter in a calm and unprejudiced spirit, can deny that throughout these many years, though the pace may have been slower than many could have wished, that underlying policy has persisted. I think also that any unprejudiced and candid judge will admit that in very recent times, in the course of the last few days, His Majesty's Government and the Government of India have given very convincing proofs indeed of their goodwill towards India's political aspirations and of their desire to see them expeditiously fulfilled. Those, Sir, are propositions which I think will not be denied. Now, Sir, I think that the use of the word "repression" in the sense in which it is being employed in this Resolution misrepresents the steps Government have had to take, and is unfair as regards the policy of Government, which, as I say, has been directed towards the same object as the Honourable Member who preceded me has urged; and I particularly regret that, during the course of the debate, observations should have been made attributing to the public servants of Government, more particularly to the police force, a line of conduct not consistent with humanity and in excess of their duties. I do not propose to go in any detail into those allegations or those suggestions, but I feel that it is incumbent upon me, here and now, to say on behalf of the Government of India, that they wish to express their gratitude and their high sense of appreciation of the services of a force which has always shown the greatest courage and devotion to duty, and has displayed those qualities in a higher degree during the last year than at any other time that I know on record. (Hear, hear.) I must say this also, that the fact that the Government have had to employ extraordinary powers in order to maintain peace and order in this country has been a matter of great regret to them. They have done so in the discharge of their duty, for it is the primary duty of the Government to maintain the only possible conditions in which social content and political progress can ever be attained. I do not intend to speak at great length on this topic because I entirely agree with the Honourable gentleman who preceded me, that what we want now is a return to conditions of tranquillity. That is the greatest and most urgent thing now. (Hear, hear.) There is nothing which I desire less than by any word which I might say to do anything

which might be in any way prejudicial to those results. This restoration of tranquillity is a very urgent thing, and Government are very anxious to see that object attained. But, Sir, I think also that they are entitled to ask for the co-operation of this House, and I venture to ask Honourable Members opposite whether purely negative criticisms, such as we have heard merely unconstructive attacks upon the policy of the Government, are really likely to contribute to those ends. (Applause.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I must congratulate the Honourable the Home Member, especially after the very feeling speeches necessarily feeling, from this side of the House, on the great restraint that he exercised when he gave the reply. Sir, it is but natural, representing as we do the great feeling in the country, that we should give expression to that feeling here, and I am really pleased that Hindu and Muhammadan alike echoed the sentiments which weigh with their constituents with that simple candour which alone justifies their presence here. Sir, I concede that it is but natural for the Honourable the Home Member, entrusted as he is with the task of maintaining law and order in these very difficult and dubious times, that he should come forward and give his praise to the police officers. At the same time, it is equally natural for us whose constituents have been labouring under the lathi blows of the police, to speak as we have spoken. Sir, the Honourable the Home Member was pleased to take exception, I believe he took exception, to the manner in which Members on this side of the House at this time had chosen to speak. But, Sir, if they spoke in the manner in which they did, the responsibility for their speaking like that entirely rests on the manner in which the Government have been mishandling the situation (Hear, hear) and it is very creditable that my Honourable friend Mr. Yamin Khan, since his translation from the nominated zone to the elected sphere, should have improved in his manner of looking at things bureaucratic. Sir, I must respond to the appeal of the Honourable the Home Member for the co-operation of this House, and the best manner in which this House could respond to that appeal is by asking the Government to look at things through Indian spectacles. Sir, not only we are co-operating, but I should like to say even the Congress organisation with all the difficulties that a political organisation with a left wing movement has to face, is almost responding. The first response that came from the Congress, especially after the manner in which the Congress has been carrying on a crusade in the country and the manner in which that crusade was resisted by a policy of administration through Ordinances, the response that the Congress has given, I am afraid, has not been adequately appreciated by the Honourable the Home Member. For, Sir, there was not throughout his speech one single sentence to recognise how the Congress has altered its policy, as it strikes us and as it ought to strike any one who is able to look at things less through law and order spectacles. As soon as it received a telegram from England, the Working Committee of the Indian National Congress resisted, instead of yielding to the temptation of publishing their own verdict, whatever it might be, on the Premier's pronouncement. That, Sir, is an effort towards co-operation. That, Sir, is an act of response. It was easy for them to set the country on fire; it was easy for them to say, "Go on as you have gone ahead"; it was easy for them to wave the red flag and blow the bugle; but they did not do that. Like wise

[Mr. C. S. Ranga Iyer.]

statesmen—there can be no wiser statesmen today in the Congress ranks than Pandit Motilal Nehru and Pandit Madan Mohan Malaviya (Hear, hear)—long may they live and we hope and trust, and in this hope and trust I am sure even the Honourable the Home Member and the Honourable the Leader of the House will agree with me, that the Pandit may be spared long for the work of this country (Hear, hear)—like wise statesmen, both the Pandits, the sanest heads in the Congress, resisted the temptation of releasing their opinions to the country. That is an act of co-operation.

Mr. Arthur Moore (Bengal: European): May I ask the Honourable Member if he regards it as co-operation that Mr. Gandhi should announce that India is not to be allowed to have self-government till England has enforced prohibition upon India?

Mr. C. S. Ranga Iyer: As we are approaching the evening, I concede that the Honourable the Leader of the European/Group should be rather frightened of the talk of prohibition. (Laughter.) Even India has a right

Mr. Arthur Moore: I am only inviting a discussion upon it.

Mr. C. S. Ranga Iyer: Yes, even India has a right to go dry when the Indian people are represented in India's Parliament, as the American public are represented in the American Parliament. (Hear, hear.)

Mr. Arthur Moore: Why not leave it to India?

Mr. C. S. Ranga Iyer: Mr. Gandhi is aspiring to get for the United States of India to be the same rights, the same privileges and the same authority that the self-governing United States of America happens to possess. (Cheers.)

Mr. Arthur Moore: Then why ask England to enforce prohibition upon India?

Mr. C. S. Ranga Iyer: The Honourable Member, representing the European group, is perhaps thinking of the enforcing of prohibition through civil disobedience, which is a more civil way than declaring war. Mahatma Gandhi's method is I think the best method, unknown yet to the West, but I do hope, now that they are talking of disarmaments, they will begin to understand his principle and programme as at least one great Englishman, the greatest authority to-day in this country, appears to have understood it. (Hear, hear.) I would recommend to the European Association to study once again the reflections that the late Mr. Edwin Montagu had made upon them, as the interruptions of the Honourable the Leader of the European Association make me suspect that Mr. Montagu's reflections have made absolutely no impression upon them and that they are still continuing like the stick-in-the-muds unwilling to change and resisting all tendencies towards change.

Sir, coming now from this interregnum of interruption to the main issue which the Honourable the Home Member, with the responsibility attaching to his position, as contrasted with the irresponsibility which my friend's (Mr. Arthur Moore's) position over there (Laughter), so ably and so wisely put to us, I must develop my argument as to

what the Congress has done. I have already said the first thing, namely, their unwillingness to release, notwithstanding the temptation to do so as the leaders of a great movement, their opinion on the present situation and the pronouncement of the Prime Minister pending the arrival of the Indian delegates from England and consultation with them in regard to certain things which have happened in England, and of which they are as much unaware as we are in this House.

Now, Sir, the second gesture of co-operation which the Congress has made is the weakening of the whole Congress programme. I am not at present seeing week by week the reports of the Government of India communicated to Great Britain on the Indian situation; but if they indulge in that luxury of propaganda, they will be revealing that the movement has very considerably weakened since the release of the political prisoners. If you ask them to lay down their arms, I say you are asking them to do the impossible; for they are in the position not of constituted authority, to whom the whole administration from top to bottom is responsible, but they are in the disadvantageous position of rebels. And the same loyalty and the same discipline that you find in the administrative machinery, you do not find among rebels. Once they lay down their arms, they will be playing into your hands, and they know that they will be playing into your hands. Once they lay down their arms, they will not be able so hurriedly to revive the movement. It will be accepting what would be tantamount to nothing more than a dictated peace which you are trying to enforce. Sir, it is utterly impossible for the Congress at present to lay down their arms until they know exactly where they stand and know it beyond the cloud of words which the Prime Minister's statement has produced; until, as Sir Samuel Hoare truly said, the picture is fully filled. That is their position. They are responsible men, responsible to their own following whom you have not released. Is this an armistice, releasing the Generals and keeping their followers in prison? You were afraid of their followers; you want the Generals to repudiate their followers. This is a kind of thing which you cannot expect them to do. That way does not lie statesmanship. Once you have released Mahatma Gandhi, once you have released the members of the Working Committee, it is not either fair or just for you, it is not statesmanlike, it is not prudent, to keep their followers in jail. Sir, co-operation therefore must come from the Government themselves. Mahatma Gandhi is not today manufacturing salt as he was doing when you interned him; Mahatma Gandhi is not today raising his earthquake movement as he did when you interned him. Therefore my humble suggestion to the Government is to take their courage in both hands and do the right thing. I admit that this Resolution has wandered into regions which have been slightly altered, I should say very much altered, by the recent announcement, the generous pronouncement, the wise and statesmanlike move, releasing the leaders of the Congress. Follow it up and do not for a moment imagine that in the ranks of the Congress are blind followers. They are men who can think for themselves; they are not blind voting automatons; they are not nominated Members of the Central Legislature. (Laughter.) Sir, they think for themselves and they have not read, as some of us have read, the Premier's pronouncement. That opportunity has been denied to them because in their third class treatment they do not have the same facilities that some of the leaders enjoy. The Congress leaders are more

[Mr. C. S. Ranga Iyer.]

followers than leaders. If they had just adopted the attitude that my friend and leader Sir Hari Singh Gour adopts today, they would have the same following in the country that my friend and leader Sir Hari Singh Gour will have in the country. They are leaders today because they are representing in themselves a movement of which they are the leaders; and therefore if only you release the followers, as you must do for you cannot put back the hands of the clock, the followers will think for themselves, and I venture to think you can depend on the collective wisdom of the Congress; and if their collective wisdom is not as you and I expect it will be, then there will be dissension of opinion in their own ranks. Therefore wisdom and statesmanship alike will make you go forward in the bold direction in which you have taken the first step.

Sir, I once again thank, and I once again congratulate the Honourable the Home Member on the wisdom and restraint with which he has spoken, in the hope that he will follow up the courageous policy of the Socialist Government *cum* Conservative Viceroy and release all the political prisoners.

The Assembly then adjourned till Eleven of the Clock on Monday, the 2nd February, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 2nd February, 1931.

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

MEMBER SWORN:

Mr. Tarun Ram Phookun, M.L.A. (Assam Valley: Non-Muhammadian).

QUESTIONS AND ANSWERS.

SEIZURE BY THE POLICE AT THE GAUHATI POST OFFICE OF A PACKET RECEIVED FROM THE ALL-INDIA CONGRESS COMMITTEE.

213. *Mr. Gaya Prasad Singh: (a) Is it a fact that in September, 1930, a packet insured for Rs. 50 from the Acting General Secretary of the All-India Congress Committee, Allahabad, addressed to the General Secretary of the Assam Provincial Congress Committee was seized at the Gauhati Post Office by the police, while it was being delivered to the addressee?

(b) What did the packet contain?

The Honourable Sir James Orerar: I am informed that the packet was seized by the police after it had been delivered to the addressee. I regret I am not in a position to disclose its contents.

Mr. Gaya Prasad Singh: Sir, may I know whether the packet was returned to the man who despatched it or to the man to whom it was addressed?

The Honourable Sir James Orerar: My information is that it was delivered to the addressee.

LOSS OF INSURED ARTICLES IN THE RAILWAY MAIL SERVICE AT ITARSI.

214. *Mr. Goswami M. R. Puri: (a) Will Government be pleased to state whether there was any case of loss of insured articles in the Itarsi Railway Mail Service? If the answer be in the affirmative, what was the value of the insured articles lost?

(b) Will Government be pleased to state whether the case has since been detected and the articles delivered to their respective addressees? If the answer be in the negative, will Government be pleased to state the steps taken to compensate the owners for the loss?

(c) Will Government be pleased to state the names of the officials with their communities involved in this case and what disciplinary action has been taken against them?

Mr. J. A. Shillidy: (a) A case was reported on May 29th, 1929, of the loss at Itarsi of letters insured for Rs. 5,174-12-0.

(b) The reply to the first part of the question is in the negative. As regards the second part, the senders of the insured articles have been compensated for the loss.

(c) Government are not prepared to divulge either the names of the officials involved in this case, or the communities to which they belong. Disciplinary action has been taken either in the form of monetary recoveries or of stoppage of annual increments.

†215—219.

APPOINTMENT OF GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

220. *Mr. Goswami M. R. Puri: (a) Will Government please state if the guards in "A" grade of the Great Indian Peninsula 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: I have called for information from the Agent and will communicate with the Honourable Member on its receipt.

APPOINTMENT OF A TRADE COMMISSIONER FROM THE CENTRAL PROVINCES.

221. *Mr. Goswami M. R. Puri: (a) Will Government please state how many Trade Commissioners have been sent to foreign countries this year and how many do Government contemplate sending next year?

(b) Will Government please state whether Trade Commissioners sent to foreign countries include any nominated from the Central Provinces? If so, were they from the official class or from the business class?

(c) If reply to part (b) be in the negative, will Government please state why no person was appointed from the Central Provinces?

(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 business man from Central Provinces?

The Honourable Sir George Rainy: (a) One Indian Trade Commissioner will be appointed this year at Hamburg. When further appointments will be made depends upon the financial situation.

(b) The officer who has been selected for appointment at Hamburg does not belong to the Central Provinces. The latter part of the question does not arise.

(c) Nominations were invited from Provincial Governments and certain other authorities for the Trade Commissionership at Hamburg and the candidate who was considered best qualified for the post was selected.

(d) Different qualifications are required for different posts. So far as appointments 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 was open to business men in the Central Provinces to apply to the Commission when that body recently called for applications for the post of Trade Commissioner at Milan, and it will be open to them to do so in future if and when the Commission invites applications for any other post of Trade Commissioner.

† Questions withdrawn by the questioner.

ASSESSMENT OF INCOME-TAX FROM BUSINESS MEN.

222. *Mr. Goswami M. R. Puri: (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 interest 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 *bond fide* expenditure under head on an assessee's filing an affidavit as to the expenditure having actually been incurred in the interest of business?

The Honourable Sir George Schuster: With your permission, Sir, I will answer questions Nos. 222, 223 and 224 together as the answer is the same in each case. I invite the attention of the Honourable Member to the answer that I gave to an exactly similar question asked by Rai Bahadur L. Panna Lal on the 14th July, 1930.

ASSESSMENT OF INCOME-TAX FROM BUSINESS MEN.

†223. *Mr. Goswami M. R. Puri: (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-tax of that year?

(b) Will Government state on what principle is this *bond fide* expenditure not recognised?

(c) Are Government aware that much heart-burning has been caused by this method of determination of assessable income?

(d) Do Government intend to do anything in the direction of removing this disability of the assessee?

ASSESSMENT OF INCOME-TAX FROM BUSINESS MEN.

†224. *Mr. Goswami M. R. Puri: (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 profits to determine the income?

(c) Are Government aware that owing to the arbitrary application of flat rate of profit there is great discontent 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 business men formed at every place to advise the Income-tax Officer in the determination of the flat rate of profit?

† For answer to this question, see answer to starred question No. 222.

(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?

ASSESSMENT OF INCOME-TAX FROM BUSINESS MEN.

225. *Mr. Goswami M. R. Puri: (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 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). I refer the Honourable Member to the reply that I gave in this House to an unstarred question on the same subject asked by Sardar Sant Singh on the 28th January.

PASSES ISSUED TO SUBORDINATE RAILWAY EMPLOYEES.

226. *Mr. Goswami M. R. Puri: (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: I would invite the Honourable Member's attention to the reply given by me in Simla on the 14th July, 1980, to Rai Bahadur Lala Panna Lal's question No. 64 which was identical with the present question.

Mr. K. Ahmed: I rise to a point of order. Honourable Members giving notice of the same question, sometimes word for word, an identical question, and asking for answer from the Government is a matter of great regret.

Mr. Goswami M. R. Puri: May I know, Sir, if the Honourable Member is entitled to criticise another Honourable Member?

Mr. President: I am listening to the Honourable Member's point of order.

Mr. K. Ahmed: Now, Sir, the question therefore arises whether the Honourable Members, without disturbing the office, without disturbing the Honourable Members of the Treasury Bench, can put questions which have been answered. The Honourable Member who has put questions now knows that only a few months ago the same question was put, and there is no doubt that interested persons very often hand over the same copies of questions to send to the Secretary for answers.

Mr. B. Das: He was not a Member then.

Mr. K. Ahmed: He should not put the same question again in order to prevent all this unnecessary botheration. Repetition of same questions is not allowed unless one year has already elapsed.

Mr. President: I do not see that there is any point of order.

Maulvi Muhammad Yakub: Is it not a point of disorder?

Mr. President: Order, order.

Mr. K. Ahmed: If the same question is asked in the same Session or within a year—within a year, I think, is the rule or the Standing Order—that question cannot be put again, and it should not have been allowed.

Mr. President: It would be a very good thing for every new Member to look up all the proceedings of the Assembly ever since it was constituted. In that case he would be fully aware of everything that has gone before. But as that is rather a tall order.

Mr. K. Ahmed: The Rules and Standing Orders supplied to us, and I think, Sir, you have got a copy before you.

Mr. President: I have told the Honourable Member that it is not a point of order.

ADVISORY BOARDS ON RAILWAYS.

227. *Mr. Goswami M. R. Puri: (a) What is the existing arrangement for the provision of Advisory Boards in railways in India?

(b) What is the constitution of these Boards?

(c) What is the representation of the commercial and industrial classes on those Boards?

(d) Are Government prepared to consider the desirability of creating Advisory Boards in every division of Railway in case it has proved useful; where it exists at present?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply which I gave on the 14th of July, 1980, to an identical question put by Rai Bahadur Lala Panna Lal.

OVERCROWDING OF THIRD CLASS RAILWAY CARRIAGES AND PROVISION OF FANS IN INTERMEDIATE CLASS COMPARTMENTS.

228. *Mr. Goswami M. R. Puri: (a) Are Government aware that there is a good deal of overcrowding of third class carriages on all lines, especially on the Great Indian Peninsula Railway?

(b) Do Government proposed to issue instructions to the railway officers 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 a 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) The inconvenience of overcrowding in third class carriages has been reduced during recent years by the provision of more passenger coaches. Railways have been taking a periodical census of third class passengers in running trains, and of the actual seating accommodation, to enable an opinion to be arrived at as to what extra carriages may be required. These census figures indicate that the overcrowding in trains is decreasing and not growing and the question of the provision of an adequate number of trains and coaches is a matter which receives the constant attention of Railway Administrations. The census figures do not show that overcrowding occurs especially on the Great Indian Peninsula Railway, and the matter is one which receives the constant attention of the Great Indian Peninsula Railway Administration and of its Local Advisory Committee.

(b) Government are aware that Railway Administrations are giving 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 entrain 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 unscheduled train.

(d) Government do not propose to introduce fans in intermediate and third class carriages, at any rate, at present.

Mr. Gaya Prasad Singh: Is it not a fact that some of the Railway Administrations have cut down the number of trains on their systems recently?

Mr. A. A. L. Parsons: That is so, Sir, owing to a reduction in the traffic offering.

Dr. Ziauddin Ahmad: Has the Railway Board issued any orders not to overcrowd compartments in trains?

Mr. A. A. L. Parsons: The orders which have been issued either by the Railway Board or the Railway Administrations are those which I have described in my answer to the question, namely, a census is taken at regular intervals in order to see if there is any overcrowding in particular trains, and if it is proved that there is any overcrowding, necessary action is taken.

Mr. Gaya Prasad Singh: May I take it that the provisions of the Indian Railways Act are being applied to those railways on which overcrowding occurs?

Mr. A. A. L. Parsons: To which provisions does the Honourable Member refer?

Mr. Gaya Prasad Singh: To the provisions that the railways are to pay a penalty every day for each train on which overcrowding occurs?

Mr. A. A. L. Parsons: No, Sir. I think you may take it for granted that that provision is not being applied.

Mr. Gaya Prasad Singh: May I know the reason why?

Mr. A. A. L. Parsons: Because, as I have explained, the action we are taking to prevent overcrowding appears to Government to be sufficient, and therefore they do not propose to take further action at this stage.

Dr. Ziauddin Ahmad: Is any punishment prescribed for not observing these rules about overcrowding?

Mr. A. A. L. Parsons: I think there is some misunderstanding: at present there is no question of applying any punishment.

Dr. Ziauddin Ahmad: Is it left to the free will of the station staff whether they do observe or they do not observe the rules about overcrowding?

Mr. A. A. L. Parsons: I should not draw that conclusion myself.

Dr. Ziauddin Ahmad: But others do draw that conclusion.

APPOINTMENTS IN THE TRAFFIC DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

229. ***Mr. Goswami M. R. Puri:** (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 Great Indian Peninsula 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 prospect 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 pay 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 the same?

Mr. A. A. L. Parsons: (a) and (b). The information sought by the Honourable Member cannot be obtained except with considerable expenditure of time and labour, which Government regret they are not prepared to incur.

(c) I am sending the Honourable Member a copy of the instructions relating to this matter.

(d) Individual cases are considered on their merits. There are no rules.

ALLEGED RACIAL DISCRIMINATION IN THE PAY OF IMPROVERS ON THE BENGAL NAGPUR RAILWAY.

230. *Mr. Goswami M. R. Puri: (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 improvers recruited from "A" grade apprentices, a 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: With your permission, Sir, I propose to reply to this and the following question together.

The Honourable Member's attention is invited to my reply to questions Nos. 81 and 82 of Mr. S. C. Mitra of the 14th July, 1930, which are identical with his questions.

ALLOWANCES OF APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

†231. *Mr. Goswami M. R. Puri: (a) Are Government aware that two different scales of subsistence allowance have been fixed for the apprentices in the Kharagpur Railway Workshops, viz., (i) for the Anglo-Indian apprentices, Rs. 33 to Rs. 65 and (ii) 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 consider once again the anomaly and discrepancy in fixing those two separate scales of subsistence allowances for the apprentices 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 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?

TENURE OF OFFICE OF EXECUTIVE MEMBERS OF PROVINCIAL GOVERNMENTS.

232. *Mr. Goswami M. R. Puri: 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 Sir James Crerar: I would refer the Honourable Member to the reply given to U. Dwe's starred question No. 70 on the 14th July 1930.

† For answer to this question, see answer to starred question No. 230.

Mr. K. P. Thampan: May I ask whether, in Madras, the Honourable Sir Muhammad Usman, the Home Member, is proposed to be given a further extension of his office?

The Honourable Sir James Crerar: I have no information on that subject.

EARNINGS FROM DIFFERENT CLASSES OF PASSENGERS ON THE GREAT INDIAN PENINSULA AND BENGAL NAGPUR RAILWAYS.

233. *Mr. Goswami M. R. Puri: Will Government be pleased to state the amount of earning from the passengers travelling in first, second, intermediate and third classes of the Great Indian Peninsula Railway and Bengal Nagpur Railway for the year 1929-1930?

Mr. A. A. L. Parsons: In 1929-30, the earnings were as follows:—

	1st Class.	2nd Class.	Intermediate Class.	3rd Class.
	Rs.	Rs.	Rs.	Rs.
Great Indian Peninsula Railway	23,28,000	30,40,000	8,72,000	3,81,77,000
Bengal Nagpur Railway	7,76,000	8,75,000	16,83,000	1,93,74,000

Dr. Ziauddin Ahmad: Have the various classes of the travelling public, first, second, intermediate and third been a paying proposition to the Railway Board?

Mr. A. A. L. Parsons: I should not like to express an opinion on that merely in reply to a question.

INVESTMENTS IN POST OFFICE CASH CERTIFICATES AND INTEREST THEREON.

234. *Mr. Goswami M. R. Puri: (a) What is the total amount of investment in Post Office Cash Certificates in the year 1929-30?

(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?

The Honourable Sir George Schuster: (a) The net increase in the total of Post Office Cash Certificates outstanding in 1929-30 was Rs. 2,70,83,000. The total outstanding at the end of the financial year was Rs. 35,00,59,000.

(b) Rs. 78,20,000.

(c) The rate of interest now being paid on new Cash Certificates works out at 6 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., 5 per cent. if held for four years, 4½ per cent. if held for three years, 4 per cent. if held for two years and 4 per cent. if held for one year. No interest is repaid if the Certificate is cashed within a year.

Dr. Ziauddin Ahmad: This is the rate of interest which is officially allowed. But, can the Honourable Member tell me what is the rate of interest which the Government is actually paying on these Cash Certificates? It will probably work out to about 3 per cent. only.

The Honourable Sir George Schuster: The answer to that question depends on the actual encashments in any particular year, and we can only give an answer to that question in relation to a particular year for which the figures are available. The Honourable Member is, I am sure, aware of the new system of calculating interest on Post Office Cash Certificates, that is to say for calculating the amount of interest for which we make provision in the annual Budget, which I proposed to this Assembly last year. I am afraid I cannot answer the Honourable Member's question more exactly than that.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

235. ***Mr. Goswami M. R. Puri:** (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 the 1st October, 1929, and the 30th September, 1930, in each of the provinces of India? If not, are Government prepared to make an enquiry into the matter and lay the information on the table?

The Honourable Sir James Crerar: (a) The information is being obtained from the Local Governments, and will be supplied to the Honourable Member when it is received.

(b) I invite attention to the reply given by the Honourable Mr. Haig to part (b) of unstarred question No. 104 on the 16th July.

EXTRA EXPENDITURE AND FALL IN REVENUE CAUSED BY THE ACTIVITIES OF THE CONGRESS.

236. ***Mr. Goswami M. R. Puri:** 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 Sir George Schuster: With your permission, Sir, I shall deal with questions Nos. 236 and 238 together. As I stated a few days ago in reply to a question by Mr. B. Das, I hope to discuss the position at length in my budget speech. Meanwhile, I am afraid, the Honourable Member will have to be content with such information as is available in the published returns.

RAILWAY ACCIDENTS.

237. ***Mr. Goswami M. R. Puri:** Will Government be pleased to lay on the table a statement showing (a) the total number of railway accidents which occurred in India in the year 1929-30, (b) a statement from the Railway Board giving the results of the enquiries into those accidents made by the Government Inspector of Railways, and (c) compensation

paid to the injured and to the family members of the persons who succumbed on account of the same?

Mr. A. A. L. Parsons: (a) The total number of accidents of all descriptions on Indian Railways during 1929-30 was 23,526.

(b) Reports for the half years ending the 30th September, 1929, and the 31st March, 1930, of enquiries made by the Government Inspectors of Railways into accidents have been published, and copies of them are in the Library of the House.

(c) This information is not readily available and to collect and compile it would involve a considerable expenditure of time and labour.

DEFICIT IN CUSTOMS REVENUES.

†238. ***Mr. Goswami M. R. Puri:** Will Government be pleased to state the deficit in the Central Revenues, particularly Customs, during the last half-year (1st April to the end of September 1930) as compared with the corresponding part of the last year, and the estimate of receipt during the half year in question?

APPOINTMENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

239. ***Mr. S. C. Mitra:** (a) Will Government please refer to the reply given to my unstarred question of the 16th July, 1930, and state what is the number of appointments of (i) Yard Controller, (ii) Yard Foreman; (iii) Loco. Foreman; (iv) Transportation Inspector; and (v) Station Superintendent on the Great Indian Peninsula Railway?

(b) How many vacancies occurred in each of these appointments since the five recruits in question completed their training? How many of them have been filled by: (i) Europeans and Anglo-Indians; and (ii) by Indians? What appointments did they hold, and what special qualifications did they acquire before they were called upon to fill those vacancies?

(c) Will Government please also state whether the claims of the aforesaid recruits were considered in connection with those vacancies? If not, why not?

(d) If the answer be in the negative, will Government please state on what grounds the claims of these recruits were ignored?

(e) Is it not a fact that these recruits have been taken to hold appointments mentioned in part (a) above at an earlier age? If so, why have they been started so low as Goods Driver? What objection is there to their being appointed straight away as Yard Foreman, Loco. Foreman?

Is it a fact that they have been especially trained to hold those appointments?

(f) How far the plea of "no vacancies" is tenable in regard to the above posts? Is it a fact that the same plea may be advanced in regard to posts of Goods Drivers? If not, why not?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to answer this and question No. 240 together. I have called for certain information from the Agent, Great Indian Peninsula Railway, and will communicate with the Honourable Member on its receipt.

† For answer to this question, see answer to starred question No. 236.

APPOINTMENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

† 240. *Mr. S. C. Mitra: (a) What is the difference between the emoluments of a Yard Controller and those of a Goods Driver on the Great Indian Peninsula Railway?

(b) Will Government please state whether the posts of Station Superintendents have been abolished? If so, whether any new appointments have been created corresponding to those appointments? What is the designation of, and what rates of pay have been fixed for, these new appointments?

(c) Will Government please also state how the trained recruits referred to in the preceding question will attain the grade of Station Superintendents at existing rates of pay, if no corresponding appointments at these rates or higher rates of pay have been created or are not to be created?

(d) Will Government please refer to the reply given to my question No. 135 on the 16th July, 1930, and state why these recruits are further being tested as Goods Engine Driver when they have already passed as Goods Engine Drivers and have also worked in that capacity during the stipulated period of training in accordance with the terms of agreement?

(e) Is it a fact that the appointments such as those mentioned in part (a) of the preceding question on the Railway are some times kept vacant for years together, and acting arrangements are made to fill them up? Under whose authority are these acting arrangements made? Why do these acting arrangements remain in force for so long a period?

(f) How many such acting appointments have been made since these recruits have completed their training?

(g) Is it a fact that these men had been trained as mechanical engineers in some technical or engineering college for some years before their selection as Transport Apprentices? If so, why have these trained men not been provided with appointments as Assistant Loco. Foreman or other similar appointments? Have they, in addition to their training in a recognised institution, been trained for a further period of five or six years in the Railway itself?

ODDH AND ROHILKHAND RAILWAY STAFF EMPLOYED ON THE EAST INDIAN RAILWAY.

241. *Lala Brij Kishore: Will Government be pleased to state:

(a) whether employees of the old Oudh and Rohilkhand Railway are still employed on the East Indian Railway Administration at Calcutta and divisions outside the United Provinces; if so, what is their exact number;

(b) whether this staff desires a transfer to East Indian Railway divisions in the United Provinces; and

(c) whether any steps have been taken to transfer the staff wishing to return to the United Provinces as early as possible?

† For answer to this question, see answer to starred question No. 239.

Mr. A. A. L. Parsons: (a) Very elaborate enquiries would be necessary to discover exactly how many employees of the old Oudh and Rohilkhand Railway are serving within the United Provinces; and owing to transfers in the daily course of business, the information collected would be out of date before it was received. It can, however, be taken for granted that there are some such employees.

(b) This could only be ascertained by enquiries from each individual.

(c) Government have no doubt that the Agent and other officers of the East Indian Railway attempt to meet the wishes of individuals in this way, when they can do so without prejudicing public interests.

LOCAL RECRUITMENT OF SUBORDINATE STAFF OF RAILWAYS.

242. *Lala Brij Kishore: Will Government be pleased to state whether any instructions have been issued to the Agents of the State Railways to confine their selections for the posts of subordinate staff to the residents of provinces on which the railway system runs and where the staff is required to work?

Mr. A. A. L. Parsons: The answer is in the negative.

EXPENDITURE OF FINE FUNDS ON RAILWAYS.

243. *Lala Brij Kishore: Will Government be pleased to state:

(a) what is the amount of Fine Fund realised on each railway;

(b) what percentage of this Fund is realised from Indian staff;

(c) what percentage is spent for the benefit of Indian staff and under what heads;

(d) whether any steps have been taken to ensure a greater percentage of this fund being spent on the Indian Staff;

(e) how many Indian Institutions exist on each railway system and what is their membership;

(f) whether any difficulty has been experienced in opening out more Indian Institutes; if so, what; and

(g) whether in view of the social habits, environments and economic position of the Indian staff the desirability of spending the Fine Fund, on the Indian staff in some other way like better maternity provision, suitable health homes on the hills has been considered?

Mr. A. A. L. Parsons: (a) I am sending the Honourable Member a statement showing for Class I Railways the balance in the fund on the 31st of March, 1929, and the fines inflicted, bonuses forfeited, other credits, and interest on the balance during the year 1929-30.

(b) The accounts are not kept so that it is possible to give these figures.

(c) I am doubtful whether these figures are readily procurable, but I am making enquiries from Railway Administrations and will communicate the result to the Honourable Member.

(d) Yes, this is one of the objects of the Staff Benefit Fund which is about to be introduced in place of the Fine Fund.

(e) I am having this information collected for the Honourable Member.

(f) The Railway Board are not aware of any such difficulty, though it is possible that want of capital funds may have delayed the opening of Indian Institutes in certain places.

(g) I will send the Honourable Member a copy of the rules of the new Staff Benefit Fund which he will see permit expenditure on objects such as those he mentions.

Lala Brij Kishore: May I know, Sir, if the expenditure for running these institutions is wholly met by Government or the railway staff also has to contribute something?

Mr. A. A. L. Parsons: Do I take the Honourable Member to inquire whether these Indian Institutes are wholly maintained by Government? The answer, I think, is in the negative. They receive grants from the Fine Fund, or what will in future be known as the Staff Benefit Fund, but I believe the members also pay subscriptions.

GRANTS FOR EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

244. ***Lala Brij Kishore:** Will Government be pleased to state:

(a) whether it has issued any rules governing the grant of educational aid to children of the railway staff;

(b) whether under these rules Indian staff working on large stations where schools exist do not get any benefit; and

(c) whether Government propose to extend the benefit of its grants to this staff in some form?

Mr. A. A. L. Parsons: (a) Yes. The latest rules are in the Library. They are provisional and are liable to revision pending certain investigations that are at present being made.

(b) Yes, as assistance is limited to those cases where an employee is compelled to send his children away from the station at which he is posted, owing to the absence of a school or schools of requisite standard at that station.

(c) No.

Dr. Ziauddin Ahmad: Will Government be pleased to lay a copy of the rules on the table, with reference to part (a) of this question?

Mr. A. A. L. Parsons: I will see how long the rules are. Copies of the rules are in the Library, and it is open to question whether they should be printed also in the proceedings of the House.

HOUSE RENT GRANTED TO INDIAN STAFF ON THE EAST INDIAN RAILWAY.

245. ***Lala Brij Kishore:** Will Government be pleased to state whether a sum of Rs. 3 only is permitted as house rent to Indian staff on the East Indian Railway system, irrespective of their pay and place of service?

Mr. A. A. L. Parsons: Yes; the rule applies only to certain station staff under the old East Indian Railway rules not provided with free quarters.

ALLEGED INFECTIOUS DISEASE OF THE MACHINE FOREMAN, GOVERNMENT OF INDIA PRESS, CALCUTTA.

246. ***Mr. S. C. Mitra:** (a) Is it a fact that, in accordance with the Government Servants' Conduct Rules, the Civil Service Regulations, the Workmen's Compensation Act, and the Indian Factories Act, no Government employee suffering from infectious disease is allowed to remain in Government service?

(b) Is it a fact that Government have received a petition dated the 19th December, 1930, addressed to the Honourable Member in charge, Industries and Labour, through the Manager, Government of India Press, Calcutta, from one Abdul Halem of Bauria, Howrah, Bengal, alleging that Md. Ishaque, Machine Foreman of the Government of India Press, Calcutta, has been suffering from an infectious disease for the last three months?

(c) If the reply to part (b) is in the affirmative, will the Honourable Member be pleased to enlighten the House with the contents of the petition?

(d) If the reply to parts (a) and (b) be in the affirmative, will the Honourable Member be pleased to state what action Government have taken or intend to take in the matter? If not, why not?

Mr. J. A. Shillidy: (a) 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.

(b) No.

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

TEMPORARY POSTS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

247. ***Mr. S. C. Mitra:** (a) Is it not a fact that, in accordance with the Resolution in the Board of Industries and Munitions No. A-31, dated the 15th July, 1920, a Provident Fund has been established for the employees of the Government of India Presses who were recruited on or after the 15th July, 1920?

(b) Is it not a fact that there are numerous employees in the Government of India Press, Calcutta, who were appointed before the 15th July, 1920, and have been working as temporary hands for a considerable length of time?

(c) Is it not a fact that the temporary hands appointed before the 15th July, 1920, and who are still working in the Government of India Press, Calcutta, are neither entitled to medical leave nor leave on average pay?

(d) Is it not a fact that all temporary hands, appointed before the 15th July, 1920, and who have not completed twenty-five years' service, have to go without any benefit in the shape of either pension or Provident Fund in case of their retirement or reduction or death?

(e) Is it not a fact that the Manager, Government of India Press, Calcutta, received a petition, dated the 20th July, 1930, from the binders to be forwarded to the Honourable Member in charge, Labour and Industries, Government of India, through proper channel?

(f) Is it not a fact that the Manager, Government of India Press, Calcutta, noted in his order on the petition that he had already forwarded his recommendation for making nearly all the temporary posts in the Press permanent?

(g) If the answers to parts (a), (b), (c), (d), (e) and (f) are in the affirmative, will Government be pleased to state what action they intend to take to place the temporary hands of the Government of India Press, Calcutta, on a permanent footing? If not, what benefit, if any, Government intend to bestow on these temporary hands for their services rendered?

Mr. J. A. Shillidy: (a) Yes, it is a fact.

(b) Government have no definite information regarding the number of temporary hands in the Government of India Press, Calcutta, who were employed before the 15th July, 1920, and are still continuing on a temporary basis. There is, however, a regular temporary staff employed in the Press and the question of reducing its number and increasing the number of permanent hands is under the consideration of the Controller of Printing and Stationery.

(c) This is not correct. Temporary press hands recruited after the 22nd May, 1929, are, under orders specially relating to the Government of India Presses, allowed 16 days' leave on full pay per annum on medical or other grounds. Temporary press hands, recruited before that date, are allowed the option of either coming under these rules or of remaining under the old arrangements under which they were entitled to casual leave, plus the leave admissible to temporary Government servants under supplementary rule 285.

(d) Temporary hands employed before the 15th July, 1920, and who are obliged to retire before completing 25 years' service, are given a bonus by Government. When the service is terminated by death, the bonus is payable to the heirs.

(e) and (f). Government have no information.

(g) Does not arise.

PRESS WORK DONE UNDER CONTRACT BY PRIVATE PRESSES.

248. ***Mr. S. C. Mitra:** (a) Will Government be pleased to lay on the table a statement showing the amounts paid for work done under contract by private presses in the years 1920 to 1930 respectively?

(b) Is it not a fact that heavy reductions in the Government of India Press, Calcutta, are due to this system of placing contracts with outside presses?

(c) Will Government be pleased to state the reason why work is given out to private presses on contract?

(d) Was any work, which the Government Press at Calcutta are capable of doing, given out on contract to private companies during the period 1926 to 1930?

Mr. J. A. Shillidy: (a) The amounts paid to contractors for printing work in the years 1920-21 to 1929-30 are as follows:

	Rs.		Rs.
1920-21 . . .	6,23,564	1925-26 . . .	4,67,868
1921-22 . . .	8,03,672	1926-27 . . .	3,71,994
1922-23 . . .	5,64,241	1927-28 . . .	4,01,998
1923-24 . . .	2,58,868	1928-29 . . .	3,99,393
1924-25 . . .	2,48,886	1929-30 . . .	4,02,009

(b) No.

(c) The Government of India Presses are not capable of doing all the printing work required by Government.

(d) The attention of the Honourable Member is invited to the reply given to part (a) of question No. 8 asked in the Council of State by the Honourable Mr. G. S. Khaparde on the 18th August, 1926.

THE PRINTING CLEARING OFFICE.

249. ***Mr. S. C. Mitra:** Will Government be pleased to state:

- when the Printing Clearing Office was started;
- what is its function;
- what is the number of men working in it; and
- the number of officials which compose the management, their respective designations and salaries?

Mr. J. A. Shillidy: (a) 9th June, 1922. Since the 1st November, 1924, the designation of the Printing Clearing Office has been changed to Central Printing Office.

(b) Its principal functions are:

- to ensure an even flow of work to the various Presses;
- to regulate the printing and binding work of the Central Departments and offices, with a view to the prevention of unnecessary charge on this account;
- to scrutinize the charges for printing work done in private presses;
- to deal with questions relating to the administration of the Government of India Presses; and
- to reproduce the duplicating work required by Central Departments and offices at the headquarters of the Government of India.

(c) The total number of men employed, including gazetted officers, non-gazetted establishment and inferior servants, is 56.

(d) One Deputy Controller of Printing; the pay of the present incumbent is Rs. 750—50—1,000 plus Special pay of Rs. 150—10—200—250 per mensem.

One Assistant Controller of Printing, Rs. 600—40—800 per mensem.

REDUCTIONS OF STAFF IN GOVERNMENT PRESSES.

250. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the number of reductions carried out in the Simla, Delhi and Calcutta Government Presses in the years 1922 to 1930, respectively, together with the time of such reductions?

(b) Will Government be pleased to state the names of the private contractors with whom Government have entered into contract from the years 1922 to 1930 with dates?

(c) Is it a fact that the Honourable Mr. H. A. F. Lindsay, in answer to question No. 149, dated the 20th September, 1922, stated in the Council of State that as regards the printing of work for which the Government of India had entered into contract with private contractors, it would not be possible to have the printing work done at the Government presses without committing a breach of the contract?

(d) Will Government be pleased to state whether the practicability of providing employment for the reduced hands by reducing the amount of work given out to private contractors has been considered?

(e) Is it not a fact that the Honourable Mr. A. H. Ley stated in his reply to question No. 8, dated the 18th August 1926, in the Council of State that the Government Presses have equipment of the proper type for the work given to contractors?

(f) Is it a fact that the Honourable Mr. A. H. Ley stated in the Council of State in answer to question No. 8, dated 18th August 1926, that there has been a reduction in expenditure under the head "Payment to Contractors"?

(g) If the answer to part (f) is in the affirmative, will Government be pleased to state the agencies which are responsible for the reduction in expenditure under the head "Payment to Contractors"?

Mr. J. A. Shillidy: (a) and (b). The Government of India regret that they cannot undertake to collect the information asked for by the Honourable Member, as it would involve an amount of time and labour disproportionate to the result.

(c) Yes.

(d) The Honourable Member appears to be under the misapprehension that the placing of work with private contractors has resulted in a reduction in the number of hands in the Government of India Presses. This is not the case, and the question of reducing the amount of work given out to private contractors with the object of providing employment for retrenched hands does not arise.

(e) and (f). The answer is in the affirmative.

(g) The reduction in expenditure under the head "Payment to Contractors" was due to the following causes:-

(i) Since 1924-25 forms of the Posts and Telegraphs Department only are being printed by the contractors while in previous years all stock forms were printed by them.

(ii) A Central Forms Press was established in 1924;

(iii) The Central Forms Store, which was created in 1923, exercises strict control over the printing and consumption of forms.

EARNINGS OF GOVERNMENT OF INDIA PRESS EMPLOYEES.

251. ***Mr. S. O. Mitra:** (a) Is it a fact that the compositors, distributors, binders, pressmen and machinemen of the Government Presses at Calcutta, Simla, Delhi and Aligarh are all in the superior service?

(b) Is it a fact that the class and class rates of the compositors, distributors, binders, pressmen and machinemen of the Government Presses at Calcutta, Simla, Delhi and Aligarh were the same till June 1928?

(c) Is it a fact that the class and the class rates have been made different on and from June 1928?

(d) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state reasons thereof?

(e) Is it a fact that both the inkmen and galley-proof pressmen of the Government of India Press, Calcutta, were in the inferior service till 1920?

(f) Is it a fact that the earnings of the inkmen were more than the galley-proof pressmen at the Government Press at Calcutta?

(g) Is it a fact that the Galley-proof Pressmen were placed in the superior service after 1920?

(h) Is it a fact that according to the rules the employees, the earnings of whom exceed Rs. 15 per mensem, are to be regarded as superior servants?

(i) Is it a fact that the earning of the Inkmen varies from Rs. 25 to Rs. 35 per mensem?

(j) Is it a fact that the Inkmen are still in the inferior service?

(k) If the answers to parts (a) to (j) are in the affirmative, will Government be pleased to state the reasons for placing the inkers in the inferior service?

Mr. J. A. Shillidy: (a) Yes.

(b) to (d). The attention of the Honourable Member is invited to the reply given by Sir Bhupendra Nath Mitra to his starred question No. 724 in the Legislative Assembly on the 21st March, 1930.

(e) Yes.

(f) Government have no information.

(g) Yes.

(h) Yes, subject to exceptions.

(i) Government have no information.

(j) Yes.

(k) The work of inkmen is of a mechanical nature not involving any particular skill.

EARNINGS OF GOVERNMENT OF INDIA PRESS EMPLOYEES.

252. ***Mr. S. O. Mitra:** (a) Is it a fact that, on recommendation of the Piece-Workers' Committee of 1922, Government accepted the principle that necessary steps should be taken to keep the earnings of the piece-workers of the Government Presses constant?

(b) Is it a fact that the earnings of the compositors, distributors, and the hand press section of the Government of India Press, Calcutta, are daily decreasing?

(c) Will Government be pleased to lay on the table a statement showing the earnings of the distributors, pressmen, and inkmen of the Government of India Press, Calcutta, for the years 1925 and 1930, respectively?

(d) If the answers to parts (a) to (c) are in the affirmative, will the Honourable Member be pleased to state the reasons for the fluctuations in the earnings and the steps taken to put a stop to such fluctuation?

Mr. J. A. Shillidy: (a) Certain recommendations were made by the Piece-Workers' Committee, 1922, with the object of avoiding undue fluctuations in the wages of piece-workers in the Government of India Presses, and the recommendations were accepted by the Government of India.

(b) No.

(c) Government regret that they cannot undertake to collect the information asked for.

(d) Does not arise.

LEAD-POISONING OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

253. ***Mr. S. C. Mitra:** (a) Are Government aware that the Secretary Press Employees' Association of Calcutta, a registered body under the Indian Trade Unions Act stated in their memorandum to the Royal Commission on Labour that 25 per cent. employees of the Government of India Press, Calcutta, are suffering from lead-poisoning?

(b) Will Government be pleased to state how many cases have been examined in the Government of India Press, Calcutta, during the last three years by the Government doctor?

(c) Will Government be pleased to state:

(i) the result of such examinations;

(ii) how cases of lead-poisoning have been detected: and

(iii) how many have been discharged on pension or have been awarded compensation under the Workmen's Compensation Act on the ground of lead-poisoning?

Mr. J. A. Shillidy: (a) No.

(b) None.

(c) (i) and (ii). Do not arise.

(iii) None.

ABOLITION OF THE PIECE-WORK SYSTEM IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

254. ***Mr. S. C. Mitra:** (a) Is it a fact that the Government of India have recently abolished the piece-system in the East Indian Railway and Eastern Bengal Railway Presses at Calcutta?

(b) Is it a fact that the piece-system is still in vogue at the Government of India Press, Calcutta?

(c) Is it a fact that the employees of the Government of India Press Calcutta, submitted a memorial to the Government for the abolition of the piece-system in the Government of India Press, Calcutta, so far back as 1920?

(d) If the replies to parts (a), (b) and (c) are in the affirmative, does Government intend to abolish the piece-system in the Government of India Press, Calcutta? If not, why not?

Mr. J. A. Shillidy: (a) The piece-system has not been abolished in the East Indian Railway and Eastern Bengal Railway Presses at Calcutta but since the 1st November, 1930, all employees in these Presses have been placed on monthly rates of pay. The piece-work system is, however, being applied to specified classes of employees side by side with the monthly rates of pay, and extra payment is made to men who are able to turn out work the piece values of which exceed their monthly rates of pay.

(b) Yes, for certain classes of industrial employees.

(c) Yes.

(d) Does not arise.

PAY OF FORME-CARRIERS AND LABOURERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

255. ***Mr. S. C. Mitra:** (a) Is it a fact that both the forme-carriers and labourers of the Government of India Press, Calcutta, were on the same status before 1920?

(b) Is it a fact that after general revision in 1920 the pay of the forme-carriers was enhanced to Rs. 20—1—30?

(c) Is it a fact that the labourers were allowed the maximum Rs. 18?

(d) If the answers to parts (a), (b) and (c) are in the affirmative will Government be pleased to state the reasons of this discrimination?

Mr. J. A. Shillidy: (a) Prior to 1920 forme-carriers and labourers were on similar rates of pay though not identical.

(b). No. The pay of forme-carriers was enhanced to Rs. 20—1—30 in 1928.

(c) No. The maximum pay of labourers is Rs. 19.

(d) The reason for giving higher pay to forme-carriers is that some skill and experience is required of them while none is required of labourers.

ESTABLISHMENT OF A PROVIDENT FUND FOR GOVERNMENT OF INDIA PRESSES.

256. *Mr. S. C. Mitra: (a) Is it not a fact that Government in their Resolution No. A-31, para. 21, dated the 15th July 1920, Department of Industries and Labour announced the establishment of a Provident Fund and all men with the exception of day extra men, who join the Government of India presses will be required to join this Fund?

(b) Is it not a fact that the Government subsequently, in their Resolution No. A-204, dated the 5th August, 1930, decided that not only the day extra men but the inferior servants also would not be allowed to join this Provident Fund?

(c) If the answers to parts (a) and (b) are in the affirmative, will the Honourable Member be pleased to state the reasons thereof?

Mr. J. A. Shillidy: (a) The Honourable Member's information is substantially correct with the exception that the announcement was not of a Provident Fund, which had been created, but of a Provident Fund which was to be created.

(b) Yes. But this was a re-affirmation of a decision originally made in 1922.

(c) It was found impracticable for administrative reasons to admit the inferior servants of the Government of India Presses to the benefits of a contributory Provident Fund. These men will of course continue to enjoy the alternative benefit of being eligible for pension on the same basis as other inferior Government servants.

GRIEVANCES OF MONO-CASTERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

257. *Mr. S. C. Mitra: (a) Is it a fact that the mono-casters of the Government of India Press, Calcutta, have to work standing in close proximity to the heated furnace in which type materials are constantly melting?

(b) Are Government aware that the gases generating out of this melting process seriously tell upon the health of the mono-casters?

(c) Is it a fact that few of the mono-casters can avail themselves of pension?

Mr. J. A. Shillidy: (a) The duties of the mono-casters in the Government of India Press, Calcutta, require that they should work in proximity to the heating furnace, but do not require that they should stand.

(b) No. The gases are drawn off by an electrically driven "Exhaust system".

(c) No.

RESOLUTION PASSED BY THE PRESS EMPLOYEES' ASSOCIATION, CALCUTTA.

258. *Mr. S. C. Mitra: (a) Is it a fact that Government received from the Honorary Secretary, Press Employees' Association, Calcutta, a copy of the resolutions passed at the annual general meeting of the Association held under the Presidency of Mr. J. N. Basu, M.A., B.L., Solicitor M.L.O., and a delegate to the Round Table Conference, drawing attention of the Government to resolutions Nos. 6, 7, 8, and 9?

(b) If the answer is in the affirmative, will the Honourable Member be pleased to state what action has been or is being taken in the matter?

Mr. J. A. Shillidy: (a) Government have received a copy of the resolutions referred to.

(b) No action has been taken. The Association is not recognised by the Government of India.

MEDICAL LEAVE FOR PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

259. *Mr. S. C. Mitra: (a) Will Government be pleased to state the amount of medical leave granted to the piece-workers appointed in the Government of India Press, Calcutta, after 15th July 1920?

(b) Is it a fact that no medical leave is granted to the piece-workers appointed after the 15th July, 1920? If not, why not?

Mr. J. A. Shillidy: (a) and (b). Permanent piece-workers employed in the Government of India Presses, who are not classed as "inferior", earn leave on medical certificate on half average pay at the rate of one month's leave for every complete period of 11 months' duty, and as regards incomplete periods, one day's leave for every 11 days' duty. The leave is cumulative and is granted only when no average pay leave is admissible. Temporary piece-workers are granted 16 days' leave on full pay in a year to cover absences on account of holidays, sickness or leave. No distinction is made between the piece-workers recruited before or after the 15th July, 1920.

APPOINTMENT OF SUPERINTENDENT OF EDUCATION, DELHI AND AJMER-MERWARA.

260. *Lala Jagan Nath Aggarwal: (a) Is it a fact that as a result of the recommendations of the Committee presided over by Lord Inchcape to abolish the post of Educational Commissioner with the Government of India, Government decided not to have a separate Superintendent of Education for Delhi and Ajmer-Merwara, but combined the post of the Superintendent of Education, Delhi and Ajmer-Merwara with that of the Educational Commissioner with the Government of India?

(b) Is it a fact that Mr. J. A. Richey carried on satisfactorily the duties of the combined post with the assistance of the Head Master of the Government High School, Delhi, a senior officer of the Provincial Educational Service, who received a small allowance for his work as Assistant Superintendent?

(c) Do Government now intend to revive the post of Superintendent of Education, Delhi and Ajmer-Merwara as a separate post?

(d) If so, will Government kindly indicate in what respects the work and responsibilities of this combined post have increased of late so as to necessitate the revival of a separate post?

(e) In view of the country's finances this year and the desirability of effecting retrenchment in all directions, are Government prepared to consider the advisability of continuing the present arrangement till financial conditions improve?

(f) If the answer to part (e) be in the negative, are Government prepared at least to postpone action in the matter of filling up the separate post of Superintendent of Education, Delhi and Ajmer-Merwara, till this House has had an opportunity of knowing and discussing the next Budget, particularly the demand relating to Delhi and Ajmer-Merwara?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) No; both Mr. Ritchey and Mr. Littlehales, the present Educational Commissioner with the Government of India, found that the arrangement prevented them from doing justice to the duties of either appointment.

(c) Yes; the Centrally administered areas in Central India which do not at present possess any satisfactory inspecting machinery of their own will also be added to the Superintendent's charge.

(d) The expansion of education in these areas has entailed increased work and responsibility. But, apart from this consideration, the present arrangement, under which the Educational Commissioner holds collateral charge of the duties of Superintendent of Education for Delhi and Ajmer-Merwara, which was adopted as a measure of economy, has not proved to be in the best interests of educational administration in these areas. Both the auxiliary Committee of the Indian Statutory Commission and the Primary Education Committee have recommended its termination.

(e) No; the appointment of a whole-time Superintendent of Education for these areas, in particular the backward areas of Ajmer-Merwara, is necessary in the interests of efficient educational administration.

(f) Arrangements have been made to fill the post and I trust the Honourable Member, on studying the subject, will arrive at the conclusion that it is desirable to fill it.

TRAINING OF INDIANS AT THE SECURITY PRINTING, INDIA, CURRENCY NOTE PRESS AND CENTRAL STAMP STORES.

261. ***Mr. K. P. Thampan** (on behalf of Dewan Bahadur T. Rangachariar): (a) Will Government be pleased to state, who is the officer-in-charge of the administration of the Security Printing, India, Currency Note Press and the Central Stamp Stores, situated at Nasik Road? How long has he been in charge, his age, length of service, and qualifications?

(b) How long has the institution or institutions been in existence; how many persons have been trained in the institutions for becoming qualified as officers in the several Departments?

(c) Will Government be pleased to place on the table a list of apprentices, so trained for the last ten years, showing their nationality, and the present posts held by such apprentices?

(d) Will Government be pleased also to place on the table a list of officers in the various Departments of that institution drawing Rs. 200 and upwards, per mensem, stating their nationality, qualification, length of service and the terms on which they were first entertained?

(e) Will Government be pleased to state how many officers were entertained on a five-year contract system; and whether any of them are retained after the five-year period, giving reasons for such retention, if any?

(f) Was it the intention of Government, in importing officers from abroad on a five-year contract basis, that they should, in the meanwhile, train Indians so as to qualify them, to take up those posts?

(g) Will Government be pleased to lay on the table a list of apprentices now being trained in the various Departments of the institution, showing their nationality and qualifications?

The Honourable Sir George Schuster: (a) Colonel Sir George Willis (late Royal Engineers), who has been in charge since the beginning of the building of all three establishments. His age is 55 years, length of service 35½ years; his qualifications are his experience of administration of security establishments as Deputy Master and Master of the Indian Mints for nineteen years, and his close connection with and study of the subject of security printing from 1914 to the present time.

(b) Security Printing has been in existence for five years, the Currency Note Press and Central Stamp Store for nearly three years. Eight persons who have been trained have been given posts in the operative Departments and it is proposed to fill all future vacancies from the same source if suitable candidates are forthcoming. One other person trained in Security Printing has received an appointment under the Controller of Printing and Stationery.

(c), (d), (g). Statements containing the required information are laid on the table.

(e) Eleven officers have been entertained on five-year agreements from England, of whom four have completed their first term. Of these Government have decided to retain three, with their consent, in view of their specialised knowledge. One has returned to England on completion of his first term. Another, who has not completed his five years, is under notice of discharge on account of reduction of establishment. Of the remainder, only those whose work is specially valuable will be considered for retention on the termination of their first agreement.

(f) The answer is in the affirmative.

Serial No.	Name.	Nationality.	Date of Appointment.	Qualification.	Remarks.
1	Mr. F. G. Cockett	European	11th January 1926	Senior Cambridge and scholarship.	Completed and proceeded to England.
2	V. R. Godbole	Hindu	1st June 1927	First year Arts	In England for further studies in the printing line as a State scholar.
3	D. Skinner	Statutory Indian	13th June 1927	8th Standard.	
4	E. Griffin	Do.	14th June 1927	7th Standard.	
5	L. Bessent	Do.	15th August 1927	(Metric class).	
6	P. W. Adams	Do.	4th November 1927	7th Standard.	
7	J. E. Lobo	Indo-Portuguese Christian.	6th December 1927	Metric.	
8	W. M. H. Corby	European	3rd January 1928	8th Standard.	
9	D. P. Gaynor	Statutory Indian	3rd January 1928	Do.	
10	S. Desilva	Do.	12th March 1928	7th Standard (Metric class).	
11	V. R. Hildreth	Do.	18th June 1928	Junior Cambridge.	Discharged.
12	J. V. Hate	Hindu	10th September 1928	First Year Arts.	
13	S. V. Upadhye	Do.	8th October 1928	8th Standard.	
14	F. T. Jones	Statutory Indian	17th January 1929	Metric.	Promoted from B Grade.
15	V. T. Rege	Hindu	1st August 1929	3 years training in England.	
16	Shafi Ahmed	Muslim	3rd September 1929	Do.	
17	Sultan Ahmed	Do.	3rd September 1929	7th Standard.	Discharged. Resigned.
18	B. A. Deshmukh	Hindu	29th November 1929	Metric.	Resigned.
19	T. Bessent	Statutory Indian	20th January 1930	Do.	
20	A. C. Fernandez	Christian	10th February 1930	3rd year V. J. Technical School Examinations.	Promoted to A Grade on 1st August 1929 (vide 15 above).
1	Mr. Y. S. Sant	Hindu	1st November 1927	6th Standard.	Discharged.
2	V. T. Rege	Do.	12th March 1928	4th Standard.	
3	B. S. Chitnis	Do.	10th September 1928	S. L. C.	
4	Karna Singh	Sikh	10th September 1928	Do.	
5	B. Nandlal	Hindu	3rd October 1929	Do.	
6	Tinkari Mukherji	Do.	11th February 1930	Do.	

As the duration of apprenticeship is 4½ years and as none of the present apprentices have finished their training no appointments from among the apprentices have so far been made.

LIST OF OFFICERS DRAWING RS. 200 AND UPWARDS PER Mensem.

SECURITY PRINTING DEPARTMENT.

Gazetted Officers.

Serial No.	Name.	Designation.	Present pay.	Nationality.	Qualification.	Length of Service.	Terms and Grade on which first entertained.	Remarks.
1	Colonel Sir George Willis, C.I.E., M.V.O.	Master	3,675	European	Royal Engineers, M. I. Mech. E. & M. I. E. (Ind.), 19 years' experience in Indian Mints.	36 Yrs.	Pay of Sir George Willis is personal.	
2	Lt.-Colonel W. E. Perry, M.C., R.E.	Deputy Master	1,700 100 special pay. £30 overseas pay.	Do.	Royal Engineers and Survey Department of India with experience of map printing.	26 nearly.	Pay is personal to Lt.-Col. W. E. Perry.	
3	M. G. W. Ooster	Deputy Controller of Stamps.	1,250	Do.	Hon'ble trained printer. Transferred from office of Controller of Printing and Stationery.	21	Rs. 800—1,400	

LIST OF OFFICERS DRAWING RS. 200 AND UPWARDS PER MENSEM—contd.

Non-gazetted Officers.

Sl. No.	Name.	Designation.	Present Pay.	Nationality.	Qualification.	Length of service.	Terms and Grade on which first entertained (in S.P.I.)	Remarks.
			Rs.			Y. M.		
<i>Security Printing, India.</i>								
1	Mr. F. G. Cockett	Chief Supervisor, Printing.	1,200	European	Home Training	7 0	Contract for 1 year. Contract for 5 years. Rs. 1,000—50—1,200 with free quarters.	On leave.
2	Mr. E. A. Batchelor	Supervisor, Letterpress.	800	"	Ditto.	5 6	Contract for 5 years. Rs. 600—40—800 with free quarters.	
3	Mr. S. K. Bose	Junior Supervisor, Printing.	230	Indian	Full apprenticeship in India and local training.	5 6	Assistant Suvr., Printing, Rs. 100—10—150—15—300.	At present officiating as Suvr., L.' Press, on Rs. 440 per mensem.
4	Mr. K. N. Sathe	Ditto	215	"	Locally trained	5 0	Assistant Storekeeper, Rs. 100—10—150—15—300	
5	Mr. H. W. Barr	Engraver	1,250	European	Home training	5 6	Contract for 5 years Rs. 1,000—50—1,200 with free quarters.	Includes Deputation period for study at the Royal Mint.
6	Mr. T. E. Jones	Supervisor, Workshop.	700	Anglo-Indian.	Fully trained Mechanical Engineer.	10 0	Supervisor, Workshop, Rs. 450—50—750.	
7	Mr. J. V. Hildreth	Chief Supervisor, Control.	1,000	"	Long Mint Experience.	26 0	Chief Supervisor, Control, Rs. 750—50—1,000.	

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8	Mr. A. E. Bulmer	Storekeeper	380	European	Trained Military Storekeeper.	6 0	Store-keeper, Rs. 300—20—400	
9	Mr. V. R. Shivapurkar.	Office Superintendent.	325	Indian	Transferred from Currency Office.	15 0	Superintendent, Rs. 250—15—400—25—550.	
10	Mr. A. K. Narasimhachariar.	Head Accountant	260	"	Trained in Commercial Audit work.	5 0	Head Accountant, Rs. 200—15—500	
11	Mr. G. D. Agarkar	General Cashier	230	"	Previous Government Accounts office experience.	21 0	Accounts Clerk Rs. 60—6—120—5—200.	Transferred from A. G.'s office, Bombay.
12	Mr. H. Rees-Jones	Storekeeper	340	Welsh	Locally trained	3 0	Store-keeper, Rs. 300—20—400	
13	Mr. M. S. Srinivasan.	Assistant Controller of Stamps.	205	Indian	Graduate of the Madras University. Previous Government office experience and local training.	5 0	Correspondence Clerk, Rs. 40—4—160.	Now officiating as Dy. Controller of Stamps on Rs. 500 per mensem.
14	Mr. R. J. Allison	Senior Supervisor, Offset.	750	European	Home training	3 0	Senior Supervisor, Offset, 5 years Agreement.	Under notice.
15	Mr. H. A. Gilderaleeves.	Junior Supervisor, Offset.	650	"	Ditto	2 2	5 years agreement.	
16	Mr. H. H. Johnson	Ditto	480	"	Locally trained	3 0	Daily paid.	
17	Mr. W. S. C. Macey	Ditto	520	"	Home training	3 2	5 years agreement.	
18	Mr. R. N. Price	Junior Supervisor, L'Press.	520	"	Ditto	3 2	Ditto.	
19	Mr. W. H. Jones	Junior Supervisor, Guillotine.	520	"	Ditto	3 3	Ditto.	
20	Mr. H. E. Smith	Junior Supervisor, L'Press.	520	"	Ditto	3 2	Ditto.	
21	Mr. B. L. Weir	Ditto	440	Statutory Indian.	Locally trained	2 11	Daily paid.	

QUESTIONS AND ANSWERS.

LIST OF OFFICERS DRAWING RS. 300 AND UPWARDS PER Mensem—contd.

Serial No.	Name.	Designation.	Present Pay.	Nation-ality.	Qualification.	Length of service.	Terms and grade on which first entered (in C. N. P.)	Remarks.
Currency Note Press—Contd.								
22	Mr. T. E. Ley	Assistant Supervisor, Offset.	205	European	Mint and local training.	2 11	Daily paid.	
23	Mr. G. K. Griffin	Assistant Supervisor, Gullotine.	220	Statutory Indian.	Locally trained.	3 1	Ditto.	
24	Mr. T. I. Archer	Junior Supervisor, Engraving.	520	European	Home training.	3 0	5 years agreement.	
25	Mr. Indu Medhav Das.	Assistant Supervisor, Engraving.	205	Indian	Undergraduate & trained in Ger. Mint.	2 11	Rs. 175—15—325.	
26	Mr. P. H. Peacock	Storekeeper	340	European	Locally trained.	2 11	Rs. 300—20—400.	
27	Rao Bahadur Vasudev Anant.	Chief Supervisor, Control.	850	Indian	Previous service in Mint.	23 7	Rs. 750—50—1,000	Transferred from post of Bullion Keeper, H. M.'s Mint, Bombay.
28	Mr. N. G. Wandrekar.	Junior Supervisor, Control.	230	"	B.A.	9 8	Rs. 200—15—350—20—550.	
29	Mr. B. S. Jakkli	Ditto	230	"	Undergraduate	9 4	Ditto.	
30	Mr. G. H. Kapadia	Ditto.	230	"	B.A.	5 4	Ditto.	
31	Mr. G. K. Bhagwat	Ditto	230	"	Undergraduate	5 1	Ditto.	
32	Mr. S. C. Ganguli	Ditto	230	"	B.Sc.	2 2	Ditto.	
33	Mr. T. N. Adwani	Ditto	230	"	B.Sc.	2 2	Ditto.	

LOSSES INCURRED AT THE SECURITY PRINTING AND CURRENCY NOTE PRESSES AND DISCRIMINATION AGAINST INDIAN APPRENTICES.

262. *Mr. K. P. Thampan (on behalf of Dewan Bahadur T. Rangachariar): (a) Who are the officers holding the position of Chief Supervisor of Control in the Security Printing and the Currency Note Press, respectively; has any security been taken from each of them; and if no security is taken from either of them, will Government please state the reason therefor?

(b) What is the extent of the loss incurred by Government by the theft of currency notes in 1928? Was any enquiry held in respect of that loss, and if so, will Government kindly state whether any of the officers were found guilty of stupidity, insufficient supervision, or carelessness; and what was the punishment awarded for such carelessness?

(c) What was the salary they were receiving at that time and what is the salary they are receiving now?

(d) Is it a fact that under the standing orders issued by the Master, Europeans and Anglo-Indians need not possess any educational qualification; whereas the Indian apprentices have passed the Matriculation Examination, subject also to an age limit? If so, what is the reason for this distinction?

(e) Have the Government of India received complaints from the Indian employees and apprentices in those institutions of unfair and harsh treatment at the hands of the European superior staff? What action was taken on those complaints, if any—whether any enquiry was held thereon, and if so, with what result?

The Honourable Sir George Schuster: (a) In Security Printing, Mr. J. V. Hildreth; in the Currency Note Press Rao Bahadur Vasudev Anant. From the former no security has been taken in view of his long previous service in the Mint and the security which Government holds in the form of his earned pension; in future appointments of persons not thus qualified, security will be required. Moreover the products of Security Printing, stamps, postal stationery and stamped papers, though valuable, are not readily convertible in any quantity into cash, whereas in the Currency Note Press all the products are legal tender and therefore the Chief Supervisor, Control, of that Press gives a security of Rs. 90,000.

(b) The losses of notes in 1928 were 155 of Rs. 10 and one of Rs. 100. The nett loss after recoveries was Rs. 1,272-8-0. The Master held an enquiry and reported to Government that the theft in the case of the Rs. 10 notes was due to insufficient supervision, stupidity and carelessness on the part of the probationary Chief Supervisor, Control, and a probationary Assistant Supervisor. They were both removed from their posts, the former being reverted to his previous employment as a letterpress printer and the second to the daily paid establishment.

(c) The probationary Chief Supervisor, Control, was receiving Rs. 850 while on probation as part of the pay of the post, Rs. 750—50—1,000. He now receives as a letterpress supervisor Rs. 440 in the grade of Rs. 400—40—560. The Assistant Supervisor was receiving Rs. 100 in the grade of Rs. 100—10—150—15—300; after a period on daily wage he has now been appointed probationary junior Supervisor Printing on Rs. 135 as part of the pay of the post Rs. 200—15—350—20—550.

(d) No.

(e) No complaint has been received by the Government of India, though I may mention that I personally have received an anonymous communication. It is obviously impossible to take action on such communications.

APPOINTMENT OF INDIAN CHRISTIANS AS TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

263. ***The Revd. J. O. Chatterjee:** (a) Will Government be pleased to state the number of Traffic Inspectors on the operating side of the North Western Railway, according to communities to which these Inspectors belong?

(b) Is it a fact that no Indian Christians have been so far appointed Traffic Inspectors on the operating side of the North Western Railway?

(c) If the answer to part (b) is in the affirmative, are Government prepared to consider the reasonable claims of the Indian Christian community, for representation in this particular branch of the North Western Railway?

(d) Will Government be pleased to furnish a comparative statement, showing the number of European, Anglo-Indian, Hindu, Muhammadan, Sikh and Indian Christian Traffic Inspectors and senior subordinates, who have either been posted or earmarked for Gazetted rank on the North Western Railway?

Mr. A. A. L. Parsons: (a) Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in Railway Services given in the Annual Administration Report on Indian Railways.

(b) Government understand that since 1920 no one, who can be identified as an Indian Christian, has been appointed as a Traffic Inspector on the North Western Railway.

(c) Promotion to the class of Traffic Inspector is made from classes below, with due regard to seniority and merit and not on communal considerations.

(d) No subordinates are earmarked for promotion to gazetted rank. The selection of subordinates for promotion to gazetted rank is made by the Railway Board from recommendations made periodically by Railway Administrations.

The Revd. J. O. Chatterjee: May I ask what the Honourable Member means by the description "No one who can be identified as an Indian Christian"?

Mr. A. A. L. Parsons: To answer the Honourable Member's question as it was put, it would be necessary to make inquiries from each Traffic Inspector as to what his religion was.

The Revd. J. O. Chatterjee: Are not the employees of the railway required to declare their nationality as well as their religion?

Mr. A. A. L. Parsons: I am afraid I shall have to ask for notice of that.

ABOLITION OF THE OFFICES OF THE DEPUTY CONTROLLER OF CURRENCY IN INDIA.

264. ***Mr. S. G. Jog:** (a) Will Government be pleased to state whether there were three offices of the Deputy Controller of Currency in India?

(b) Has one of them now been abolished and by doing so, is any saving effected?

(c) Will Government be pleased to state what will be the annual saving if the remaining two offices are abolished?

(d) If the answer to part (b) is in the affirmative, are Government prepared to take steps to abolish the remaining two by transferring the work to the Currency Offices, as in Cawnpore and Lahore, in order to effect a saving in view of the present financial position? If not, why not?

The Honourable Sir George Schuster: (a) Yes.

(b) The post of Deputy Controller of the Currency, Northern India, was abolished in July, 1928. The annual saving is roughly Rs. 44,000.

(c) This part of the question apparently contemplates the abolition of the two offices and not merely the abolition of the posts of the Deputy Controllers. It would be quite impossible to do without the administrative work done by these officers, and I am unable to see how any other suitable arrangements could be made. It is impossible to estimate savings in a hypothetical contingency which could never arise.

(d) When the post of the Deputy Controller of the Currency, Northern India, was abolished, his duties in connection with local resource were only partially transferred to the Currency Officers in Cawnpore and Lahore, the control over the more important questions being transferred to the Deputy Controller of the Currency, Calcutta, to whom the whole of the work of Government securities was also transferred. In addition to their work in connection with local resource and Government securities, the Deputy Controllers of the Currency, Bombay and Calcutta, have very important duties in connection with the administration of the general currency policy of Government, such as liaison with the Imperial Bank and the banking and commercial community generally, transactions connected with sterling remittance, etc. The Deputy Controller of the Currency, Calcutta, has also to act for the Controller when he is on tour. These duties could not possibly be transferred to Currency Officers, nor can any retrenchment of these posts be considered while Government retain responsibility for the management of the currency. Government, therefore, do not consider it necessary to examine the possible annual saving if these two offices were abolished and their duties transferred, because they are convinced that any direct saving would be much less than the losses which they would incur if the posts were abolished.

Mr. S. G. Jog: Who was the occupant of the post that was abolished? Was he an Indian, Anglo-Indian or European?

The Honourable Sir George Schuster: As far as I understand the question it is, when one of the Deputy Controller's offices was abolished, who was the officer holding that post? I am afraid I must have notice of that question. It happened before my time. I do not know who was holding the post at that time.

DEFECTIVE RAILROAD SUBWAY BETWEEN BADAMI BAGH AND LAHORE RAILWAY STATIONS.

265. *Mr. B. R. Puri: (a) Are Government aware of the fact:

- (i) that railroad subway No. A/6 between the Badami Bagh and the Lahore Railway Stations is too narrow for general traffic;
- (ii) that owing to the low level of the said subway, water collects there during the rains and that, as a result, pedestrians find it impossible to pass through the subway; and
- (iii) that owing to the said defects, the people belonging to such neighbouring villages as Bhamman-Khokhran, Jhuggian, Karaul and Bela Basti Ram have no convenient outlet or passage for their goods and that they are being put to much inconvenience?

(b) If the answer to part (a) is in the affirmative, are Government prepared to consider, at an early date, the removal of the aforesaid defects?

Mr. A. A. L. Parsons: Government are not aware of the position, but have sent a copy of the Honourable Member's question to the Agent of the North Western Railway for his consideration.

PROVISION OF A CHILDREN'S WARD AT THE PESHAWAR HOSPITAL IN MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

266. *Mr. B. R. Puri: (a) Will Government be pleased to state whether it is a fact that the Government of the North-West Frontier Provinces have agreed to construct a children's ward in the local hospital at Peshawar in memory of the minor children of Sardar Ganga Singh, Supervisor, Government Military Dairy Farm, Peshawar, who were shot dead by a European soldier during the recent Peshawar disturbances?

(b) If so, what amount of money are Government prepared to spend in this direction and when is the work of construction likely to begin?

Mr. J. G. Acheson: The information will be conveyed to the Honourable Member as soon as a reply is received from the Chief Commissioner, who has been addressed.

Mr. B. Das: May I suggest that the reply be published in the Assembly Debates. It should be laid on the table and not communicated to the Honourable Member.

Mr. J. G. Acheson: If there is no objection to that, I propose to do so.

HIGH BANK RATE IN INDIA.

267. *Lala Hari Raj Swarup: (a) Are Government aware that the bank rate in the United States of America and France has come down to 2 per cent. and in England to 2½ per cent.?

(b) Are Government further aware that it has recently been raised to 7 per cent. in India by the Imperial Bank?

(c) Are Government in a position to state any special reasons why there is such a great difference between the Indian and the foreign bank rates?

The Honourable Sir George Schuster: (a) The bank rate of the New York Federal Reserve Bank and of the Bank of France is 2 per cent. and that of the Bank of England is 3 per cent.

(b) Yes.

(c) The bank rate is adjusted according to the financial conditions of the country concerned. If the Honourable Member will consult Table XIV of the monthly Bulletin of the League of Nations—which I shall be pleased to show him—he will find an interesting statement of the bank rates in various countries, and will see that many countries have as high or higher bank rates than India.

Dr. Ziauddin Ahmad: Is the financial credit of India so bad as to necessitate the raising of interest to 7 per cent.?

The Honourable Sir George Schuster: It is not a question of the financial position of India in the sense to which the Honourable Member refers. It is a question of the position of the money market and the exchange position which necessitate some regulation of the bank rate.

Dr. Ziauddin Ahmad: Are not these regulated by the Government themselves?

The Honourable Sir George Schuster: As I understand the question, it is "Are not these regulated by the Government itself?" I presume the Honourable Member refers to the bank rate. The bank rate is the bank rate of the Imperial Bank of India and is fixed by the Directors of the Imperial Bank of India. In the present conditions in India, as the Honourable Member is very well aware, unlike conditions in most countries, the duty of currency control is in the hands of the Government, and the duty of credit control and the control of the money market is in the hands of the Imperial Bank. In countries where there are Central Banks, these two duties are united. It is, as I think everybody agrees, very desirable that these duties should be united. That is one of the strong reasons for setting up a Reserve Bank in India. At present the two duties being in the hands of separate authorities, it is of course necessary that these two authorities should act in close consultation, and the Government, as currency authority, is in close consultation with the Managing Governors of the Imperial Bank and seeks to obtain their co-operation in a common policy.

Sir Hari Singh Gour: Seeing that the establishment of a Reserve Bank in India is necessary, what steps does the Honourable Member propose to take to establish such a bank?

The Honourable Sir George Schuster: I do not think, in answer to a supplementary question on a matter of this kind it is really conducive to the interests of the conduct of the ordinary business of this House that we should enter into a long debate on the question of the formation of a Reserve Bank for India. The Honourable Member is fully aware of my own attitude on this question and of the Government's policy on this question. In answer to a supplementary question the other day, I stated that in my opinion and speaking on behalf of the Government of India, it was most desirable that a Reserve Bank for India should be set up at the earliest possible moment. I pointed out that it was a matter not merely of formal arrangements but of material arrangements, which

were not in all cases matter of great ease. I am quite convinced that this House and the country will have early opportunities of considering the setting up of a Reserve Bank. If there is anything that I can do to expedite that desirable consummation, I can assure Honourable Members that I will do it.

Dr. Ziauddin Ahmad: What was the amount of the reserve balance of the Imperial Bank which necessitated the raising of the bank rate to 7 per cent.?

The Honourable Sir George Schuster: I understand the Honourable Member, Sir, to ask me what was the state of the cash balance of the Imperial Bank at the time when the bank rate was put up to 7 per cent. I am afraid I must have notice of that question, as I should not like to answer it incorrectly, and have not got the figure in my head at the time.

Seth Haji Abdoola Haroon: Is it a fact that, on account of the borrowings of Government and of the issue of Treasury Bills, the bank rate was raised to 7 per cent.?

The Honourable Sir George Schuster: Again, Sir, I am not quite certain that I understood the question, but I think the purport of it was to ask me whether the necessity for putting up the bank rate to 7 per cent. was caused by the borrowings of the Government of India.

Seth Haji Abdoola Haroon: Yes.

The Honourable Sir George Schuster: I think the most accurate answer that I can give to that question, Sir, is to say that the two have no connection at all.

Dr. Ziauddin Ahmad: Did Government approve of the action of the Imperial Bank in raising the bank rate to 7 per cent.?

The Honourable Sir George Schuster: Yes, Sir.

Seth Haji Abdoola Haroon: Are Government paying at present 6½ per cent. for Treasury Bills?

The Honourable Sir George Schuster: That is about the rate which is at present paid by the Government on three months Treasury Bills.

COST OF THE MEERUT CONSPIRACY CASE.

268. ***Lala Hari Raj Swarup:** (a) Will Government be pleased to state which Government is bearing the cost of the trial in the conspiracy case at Meerut?

(b) What amount of money has so far been spent?

The Honourable Sir James Orerar: (a) Expenditure on all matters connected with the case, which are dealt with by the Government of the United Provinces with their ordinary machinery and as a matter of routine is met by that Government. All other charges are met from Central revenues.

(b) The approximate expenditure up to the end of 1930 amounted to Rs. 7,82,000.

Mr. Jagan Nath Aggarwal: May I suggest to the Government the desirability of withdrawing the prosecutions in the present case?

EXPENDITURE BY GOVERNMENT ON THE INDIAN BROADCASTING COMPANY.

269. ***Lala Hari Raj Swarup:** (a) Will Government be pleased to state how much public money has been spent on the Indian Radio Company since it has been taken over by Government?

(b) When was it taken over by Government?

(c) What have been the results of its working under the charge of Government.

Mr. J. A. Shildy: (a), (b) and (c). I presume that the Honourable Member is referring to the Indian Broadcasting Company, the assets of which were purchased by Government for Rs. 3,00,000 in March, 1930. A statement showing the financial results of the working of the Indian State Broadcasting service from April 1st, 1930, when Government assumed direct control, to September, 1930, has already been placed on the table of the House in reply to part (a) of question No. 134 by Mr. K. C. Roy on the 28th January, 1931.

FRANCHISE OF INDIAN SETTLERS IN FIJI.

270. ***Mr. Gaya Prasad Singh:** (a) Are Government aware of the proceedings of the Round Table Conference of the Indian community in the Fiji Colony, a report of which is published in the *Tanganyika Opinion*, weekly edition, dated the 17th January, 1930, at page 16?

(b) Has the attention of Government been drawn to the fact that the Indian community in Fiji have unanimously asked for a common electoral roll?

(c) Are Government aware that in protest against the application of a communal franchise in Fiji, the three nominated Indian members of the Legislative Council resigned their seats?

(d) What steps have Government taken so far to bring the Indian community of Fiji on to a basis of common electoral roll with the Europeans, and what further steps do they intend to take for the purpose?

(e) Has the attention of Government been drawn to the motion on common franchise in the Fiji Legislative Council brought by Mr. Vishnu Deo and the debate thereon published in the *Tanganyika Opinion* of the 27th February, 1930, at pages 5 and 6?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) So far as Government are aware, the demand for a common electoral roll has the support of the bulk of the Indian community in Fiji.

(c) Yes.

(d) Government are giving their most careful consideration to this matter, and are not losing sight of it.

(e) The Honourable Member is presumably referring to the *Tanganyika Opinion* of the 7th February, 1930. Government have seen it.

APPOINTMENT OF A TRADE COMMISSIONER IN EAST AFRICA.

271. *Mr. Gaya Prasad Singh: Will Government kindly state when the appointment of Trade Commissioner in East Africa is to be made, in the interests of overseas trade there?

The Honourable Sir George Rainy: Government are not in a position to say when the appointment of an Indian Trade Commissioner in East Africa will be made, as progress with the recently sanctioned scheme for the appointment of Indian Trade Commissioners abroad has been delayed by the existing financial stringency.

DIFFICULTIES OF DECK PASSENGERS TRAVELLING BETWEEN BOMBAY AND EAST AFRICA.

272. *Mr. Gaya Prasad Singh: (a) Has the attention of Government been drawn to the Memorandum on the difficulties of deck passengers voyaging between Bombay and East Africa, presented by the Social Service League of Mombassa to the Passengers and Traffic Relief Association of Bombay, as published in the *Tanganyika Opinion*, dated the 2nd May, 1930, at pages 4 and 5?

(b) Will Government state what steps they have so far taken and what steps they further propose to take to remove the grievances of the deck passengers?

(c) Are Government prepared to sponsor an Indian steamship company to run its vessels between Bombay and East Africa?

The Honourable Sir George Rainy: (a) Government have seen the memorandum referred to.

(b) The attention of the Honourable Member is invited to the reply to part (d) of unstarred question No. 185 published at pages 1117-1118 of the Legislative Assembly Debates, dated the 27th February, 1930.

(c) No proposal for the grant of financial assistance to an Indian line of steamers between Bombay and East Africa is under consideration by the Government of India.

RAID ON A MOSQUE IN TANGANYIKA.

273. *Mr. Gaya Prasad Singh: (a) Has the attention of Government been drawn to the following:

(i) a leading article under the heading "Tanga Mosque Sensation" published in the *Tanganyika Opinion*, dated the 13th June, 1930, at page 5;

(ii) a report of the proceedings of a mass meeting published in the same paper at pages 8 and 9 in regard to the outrage on a mosque at Tanga in the Tanganyika territory; and

(iii) the text of a telegram from Tanga published in the same paper at page 12 under the heading "Tanga Bohra Mosque Raided by the Armed Police with Fixed Bayonets and Shoes on";

in which it is stated that while the Bohra community of Tanga was busy in their mosque in performance of religious worship on the tenth Moharrum day, the Superintendent of Police suddenly appeared in that sacred place

with shoes on, and asked the worshippers to disperse, and eventually called the armed police with fixed bayonets and used unwarranted force to disperse the peaceful worshippers, including women and children?

(b) Have Government taken care to ascertain the facts of this occurrence, the steps taken against the offending police officer to punish him, and asked for a guarantee for the non-recurrence of similar outrages.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Immediate action was taken by the Governor of Tanganyika, who appointed a senior Magistrate to enquire *inter alia* into all the circumstances connected with the action of the police, and particularly of the Acting Superintendent. The order appointing the Commission of Enquiry was published in the *Tanganyika Territory Gazette Extraordinary* of the 12th June, 1930. Government have not seen the Commission's findings, but it appears from a report in the *East African Standard* of the 2nd August, 1930, that the officer concerned was removed from his command at Tanganyika.

SETTLEMENT IN THE KENYA HIGHLANDS AND UNION BETWEEN TANGANYIKA AND KENYA.

274. *Mr. Gaya Prasad Singh: (a) Has the attention of Government been drawn to the opinion of the Executive Committee of the East African Indian National Congress, Nairobi, on the two White Papers issued by the Imperial Government in East Africa as published in the shape of resolutions in the *Tanganyika Opinion*, dated the 4th July, 1930, at page 8?

(b) Do Government propose to ask the Imperial Government to re-open the question of throwing open the Kenya Highlands to all non-native communities for settlement?

(c) Has the attention of Government been drawn to the *Tanganyika Opinion*, dated 4th July, 1930, at page 8 publishing a text of the cable sent by the Tanganyika Indian Association to the Secretary of State for the Colonies expressing their opinions on the two White Papers?

(d) Are Government aware that the Indian community of Tanganyika is opposed to any kind of closer union with Kenya, whether administrative, political or economic?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) No such proposal is under consideration at present.

(c) The Honourable Member is presumably referring to the telegram reproduced on page 12. Government have seen it.

(d) The statement made by the Honourable Member may be taken as correct, if the views of the Indian Association, Dar-es-Salaam, represent the views of the Indian community of Tanganyika as a whole.

INDIAN REPRESENTATION BEFORE THE JOINT PARLIAMENTARY COMMITTEE ON EAST AFRICA.

275. *Mr. Gaya Prasad Singh: (a) Has the attention of Government been drawn to page 10 of the *Tanganyika Opinion*, dated the 7th November, 1930, to a Reuter's news under the heading "East African Indian Representation"?

(b) Will Government state what arrangements have been made by them to make their representations before the Joint Parliamentary Committee on East Africa?

(c) Have Government made necessary arrangements through the Tanganyika Indian Association, Dar-es-Salaam, and the East African Indian National Congress, Nairobi, to enable co-operation between the witnesses of the Government of India, and those of Tanganyika and Kenya, so far as the combined demands of the colonial East African Indian community are concerned?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Subject to the Joint Select Committee's agreement to the suggestion of the Government of India that they may be permitted to present their case through a representative, the Right Honourable Srinivasa Sastri will be deputed for the purpose.

(c) The Government of India have no information whether the Tanganyika Indian Association and the East African Indian National Congress have been invited to give, or have made arrangements to offer, evidence before the Joint Parliamentary Committee. In case either or both institutions are represented, our representative will be duly requested to maintain close touch with them and to give them all the assistance he can.

GRIEVANCES OF INDIANS IN TANGANYIKA.

276. ***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the following:

- (i) a report of the speech of the Chairman of the Reception Committee of the Tanganyika Indian Conference held at Dar-es-Salaam on the 28th and 29th December, 1930, as published in the *Tanganyika Opinion*, dated 2nd January, 1931, at page 3;
- (ii) a report of the speech of the President of the said Conference as published in the same paper at pages 8 and 9; and
- (iii) the text of the 21 resolutions passed at the same Conference and published in the same paper at pages 10 and 11?

(b) What steps have Government taken, or do they propose to take, with reference to matters mentioned above?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) The resolutions have not yet been communicated by the Conference to the Government of India. According to the report in the Press, to which the Honourable Member has invited my attention, the resolutions cover a variety of subjects, with many of which the Government of India are not concerned. The Government of India will communicate to their representative before the Joint Select Committee of Parliament such of the resolutions as appertain to matters that will be considered by the Committee.

OBJECTION BY INDIANS TO FILMS PRODUCED IN DAR-ES-SALAAM.

277. ***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 21st February, 1930 (pages 12-13), in which it is stated that the "Light of Asia" film which was exhibited, in Dar-es-Salaam, was strenuously objected to by the Sinhalese Buddhist Association, as containing matters, some of which were incorrect, and some objectionable from the religious point of view?

(b) Are Government aware that the picture was banned in Ceylon, in Zanzibar, and other places where a Buddhist population exists?

(c) Are Government aware that there are no Indians appointed on the Film Censor Board in Dar-es-Salaam to protect the legitimate religious susceptibilities of the Indians, which are outraged by the production of objectionable pictures by non-Indian film companies? Have Government taken any steps, or do they propose to take any now to safeguard the interests of the Indians in this respect?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Government have now seen this report.

(b) and (c). Government have no information beyond what is contained in the report, to which the Honourable Member has drawn their attention. No representation from the Indian community in Tanganyika has been received.

Mr. Gaya Prasad Singh: Now that the attention of the Government has been drawn to that matter, what steps do Government propose to take with regard to it?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: To try to acquire knowledge.

Mr. Gaya Prasad Singh: Will they try to have sufficient accurate knowledge in order to be able to take some practical steps in the matter so as to prevent a recurrence of such incidents?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That we always do. (Laughter.)

SEARCH OF THE DAUGHTER OF THE LATE MAULANA MUHAMMAD ALI BY THE RAILWAY POLICE.

278. ***Maulvi Muhammad Yakub:** Is it a fact that the daughter of the late Maulana Muhammad Ali, while going to Rampur from Delhi, on receiving the news of her father's death, was searched by the Railway Police at Moradabad, at the instance of some excise official of Ghaziabad? If so, what action was taken by Government in the matter? Do Government propose to move the United Provinces Government in the matter, in order to vindicate the honour of the bereaved lady?

The Honourable Sir James Orerar: I have asked for the full facts of the case from the Local Government and will inform the Honourable Member of the result as soon as possible.

Maulvi Muhammad Yakub: Will Government be pleased to lay the reply on the table of the House instead of informing me individually?

The Honourable Sir James Orerar: I shall be prepared to consider that when I am in receipt of the full information.

Mr. Amar Nath Dutt: Are not Government under an obligation to lay the reply on the table of the House so that we may have an opportunity of putting supplementary questions?

Mr. Gaya Prasad Singh: Have not all other Members got the right to know the answer to every starred question, which can only be done if the answer is laid on the table of the House, instead of being communicated only to the individual Member putting the question?

The Honourable Sir James Orerar: I shall very carefully consider all these suggestions when I am in receipt of the full information.

Mr. Gaya Prasad Singh: Sir, we have a right to know the replies; it is not a matter merely for the Honourable Member's consideration.

PAY OF TEACHERS IN EAST INDIAN RAILWAY SCHOOLS.

279. ***Maulvi Muhammad Yakub:** (a) Will Government be pleased to state if all the East Indian Railway High Schools have been allowed time-scale of pay as in the Local Government Schools?

(b) Will Government be pleased to state if all the East Indian Railway Middle Schools have been put in the same category as the High School with regard to scale of pay?

(c) If the answer to part (b) be in the negative, do Government propose to sanction for the two Railway Middle Schools of the United Provinces (Bareilly and Mughal Sarai) the same scale of pay as that of the East Indian Railway High School?

Mr. A. A. L. Parsons: (a) Yes, subject to the condition that the new rates of pay are applicable only to such of the existing incumbents as possess educational qualifications equivalent to those laid down by the Local Government for teachers on corresponding rates of pay. But I would add with reference to this condition that the Agent, East Indian Railway, has recently been empowered to extend the benefit of the new rates of pay to particular teachers not so qualified when this is considered to be justified on account of the character of the work of the individual.

(b) and (c). I have made enquiries and will communicate with the Honourable Member later.

ENSUING PUBLIC SERVICE COMMISSION EXAMINATION.

280. ***Mr. Bhuput Sing** (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Is it a fact that an examination by the Public Service Commission for the recruitment of the ministerial staff of the Government of India and attached offices is going to be held in February next?

(b) Is it a fact that departmental candidates will also be allowed to sit for the examination?

(c) Will Government be pleased to state the class of candidates who are being treated as departmental candidates?

(d) Is it a fact that many candidates who did not conform to the age restrictions imposed by the Public Service Commission nor to the educational qualifications were allowed to sit at the last qualifying examination held for departmental candidates?

(e) If the answer to part (d) above be in the affirmative, will Government be pleased to state the reasons why they were allowed to appear?

(f) Do Government propose to extend the same concession to persons similarly placed and who are working in the Government of India Secretariat and attached offices and who desire to appear at the ensuing examination? If not, why not?

(g) Will Government be pleased to state the educational qualifications, period of service, and special qualifications if any of Messrs. Moti Ram, Abdul Latif, Feroze Jang, Gajjan Singh, N. K. Puri, Amar Nath Dhonn, S. C. Seth, R. R. Seth and Mr. Abdul Haq, clerks of the Army Headquarters, who were allowed to sit at the last qualifying examination and will they be pleased to state the reasons whether any preferential treatment was accorded to them? If so, why?

(h) Will they be pleased to state the reasons in each case why they were permitted to sit for the Third Division test of the Public Service Commission in the last departmental examination as a special case?

(i) Is it a fact that there are several clerks in the Government of India offices who hold substantive appointments and who do not possess the educational standard required by the Public Service Commission?

(j) Is it also a fact that such clerks are not being allowed to sit in the ensuing Public Service Commission examination, which will be held for the departmental candidates, on the ground that they are age-barred or are educationally below the standard required by the Public Service Commission?

(k) Is it a fact that many of them are working in the Government of India offices for periods ranging over years?

(l) If the answer to the part (k) is in the affirmative, do Government propose to exempt them from the Public Service Commission examination and confirm them in their posts? If not, why not?

(m) Is it a fact that several departmental candidates, having the necessary educational qualifications, but age-barred, being above 24 years of age, are permitted to sit only for the Third Division Examination?

The Honourable Sir James Orerar: (a) Yes.

(b) Yes, provided they satisfy the rules as to age and educational qualifications which are applicable to external candidates.

(c) Any person who is permanently or temporarily employed in the Government of India Secretariat or its attached offices.

(d) The condition regarding age was relaxed in one case only, so far as I am aware, while the condition in respect of educational qualifications was relaxed in several cases.

(e), (g), (h) and (i). The Public Service Commission are empowered to admit to the examination persons with educational qualifications other than those prescribed and to exempt from the examination, or to admit to a particular division, persons who, by reason of their previous record, can in their opinion properly be exempted or admitted as the case may be. I am satisfied that this discretion has been exercised properly. No useful purpose will be served by calling for the details asked for in part (a).

(f) No. The concession was granted for special reasons which do not apply in the case of a competitive examination.

(i) It is possible, but any such person must have been recruited before the Staff Selection Board was instituted or have received exemption on special grounds.

(j) and (k). Yes.

(m) The matter is under consideration.

UNSTARRED QUESTIONS AND ANSWERS.

ILLNESS OF SIR NORMAN BOLTON, LATE CHIEF COMMISSIONER, NORTH WEST FRONTIER PROVINCE.

147. **Mr. Bhuput Sing:** Will Government be pleased to state:

(a) Whether Sir Norman Bolton, late Chief Commissioner, North-West Frontier Province was ailing before the Peshawar disturbances?

(b) How many hours after the disturbances did he leave Peshawar?

(c) To whom did he make over charge of his office when he relinquished it?

(d) The details of the letter or telegram by which he made over charge?

Mr. J. G. Acheson: (a) No, Sir. Sir Norman Bolton had been in charge of heavy responsibilities as Chief Commissioner, North-West Frontier Province, for seven years, but there was no reason to anticipate the grave breakdown which compelled him, under medical advice, to leave Peshawar on 30th April, 1930.

(b), (c) and (d). Sir Norman left Peshawar for England seven days after the outbreak of the first disturbances, having made over charge to Mr. Latimer, then Revenue Commissioner, North-West Frontier Province. The report of the transfer of charge does not contain any further details.

PEACE PROPOSALS OF SIR TEJ BAHADUR SAPRU AND MR. M. R. JAYAKAR.

148. **Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state at whose initiative peace proposals were undertaken with Mahatma Gandhi and other Congress leaders by Sir Tej Bahadur Sapru and Mr. M. R. Jayakar? Was it at the instance of His Excellency the Viceroy or of their own accord?

(b) Will Government be pleased to lay on the table the whole correspondence that passed between His Excellency the Viceroy, Sir Tej Bahadur Sapru and Mr. M. R. Jayakar on the one hand and Mahatma Gandhi and Congress leaders on the other?

The Honourable Sir James Orerar: (a) and (b). I would refer the Honourable Member to the correspondence which has already appeared in the Press, and particularly to Sir Tej Bahadur Sapru's letter dated the 18th July, and to His Excellency's reply of the 16th July, 1930, to which there is nothing to add.

IMPROVEMENT OF THE BRIDGES OVER THE RIVERS POONPOON AND MORHAR.

149. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state if their attention has been drawn to resolution No. 45 of the proceedings of an ordinary meeting of the Patna District Board held on the 25th July, 1928?

(b) If reply to part (a) be in the affirmative, will Government be pleased to lay on the table a copy of the said resolution?

(c) Do Government propose to take steps, as requested by the Patna District Board, for the improvement of the bridges on the river Poonpoon and Morhar on the Patna-Gaya Railway line in such a way that carriages may pass over them like the Railway bridge over the Ganges at Benares?

Mr. A. A. L. Parsons: (a) and (b). No.

(c) I am making enquiries and a further communication will be made to the Honourable Member.

APPOINTMENT OF NON-MUSLIM CLERKS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

150. **Mr. S. C. Mitra:** Are Government aware that in the clerical branch of the Government of India Press, Simla, all the posts in the upper grade are held by Muslims and is it a fact that one of them fell vacant recently on transfer of the Stationery Keeper to the Government of India Press, Aligarh? If so, do Government contemplate to issue instructions to the Manager of the said Press to see that this post is given to the community that remains unrepresented in the upper grade now?

Mr. J. A. Shillidy: The three upper grade posts are held by Muslims. That of Stationery Keeper was filled by the promotion of the seniormost man, who was the only one qualified. Government do not propose to issue any further instructions in the matter.

APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

151. **Mr. S. C. Mitra:** Is it a fact that when any officiating or permanent chance occurs in the clerical branch of the Government of India Press, Simla, the claims of many clerks are overlooked as there is kept no gradation list; if so, are Government prepared to instruct the Manager of the Press to see that the claims of senior clerks are considered first when filling such vacancies and that a gradation list is kept for open inspection?

Mr. J. A. Shillidy: The reply to the first part of the Honourable Member's question is in the negative; the latter part of his question does not therefore arise.

EMPLOYMENT OF SIKHS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

152. **Mr. S. C. Mitra:** Is it a fact that in the Government of India Press, Simla, there are only half a dozen Sikhs, out of which only two or three are in regular posts; if so, are Government prepared to instruct the Controller of Printing and Stationery to issue orders to the Manager of the Press to see that a suitable number of the Sikh community is employed in each and every section of the Press?

Mr. J. A. Shillidy: There are eight Sikhs employed in the Government of India Press, Simla, of whom five are on the regular establishment, two are on probation and one is officiating in a leave vacancy. The Honourable Member's attention is invited to the latter portion of my reply to question No. 82.

REDUCTION OF EXPENDITURE ON THE EAST INDIAN RAILWAY.

153. **Lala Brij Kishore:** Will Government be pleased to state:

- (a) whether they have appointed any officer or officers to effect economy on the East Indian Railway Administration by reducing posts;
- (b) what expenditure has been incurred in the form of salaries and travelling allowances of these officers and their staff;
- (c) what savings have been effected by these officers under the following heads:
 - (i) Senior scale officers, (ii) junior scale officers, (iii) subordinate cadre but posts held by European and Anglo-Indian staff, (iv) subordinate cadre but posts held by the Indian staff and (v) menial staff;
- (d) whether any staff has been thrown out of employment or given compulsory leave as a result of these economies; and
- (e) whether instructions have been issued to the Agent and these officers that this staff is provided first in vacancies occurring?

Mr. A. A. L. Parsons: (a) Government appointed two officers to investigate and report on the possibility of reducing the periodical returns prepared by State-managed railways and to make proposals for revising procedure with a view to effecting economies in establishment charges and contingencies. These officers have so far been employed on the East Indian Railway only.

(b) The expenditure to the end of the current financial year is estimated at Rs. 1,14,000.

(c) The proposals already made by these officers are calculated to secure an annual reduction of expenditure of Rs. 1,20,000 in establishment charges alone. No reduction in the posts borne on the superior cadre have been made, but it is understood that some reduction will be proposed. As regards the posts in the subordinate cadre and in inferior service, I have called for information showing the total number of posts in each of these classes brought under reduction, and will communicate with the Honourable Member when it is received. Information as to what communities held these particular posts has not been called for as proposals for the abolition of particular posts are made without any reference to the community to which the holder belongs.

(d) I have no information whether any staff have already been thrown out of employment, but I would mention that instructions were issued by the Railway Board to the Agent, East Indian Railway, that in all cases where he accepted the recommendations of the officer on special duty he should bring surplus posts under reduction, and discharge the individuals who held such posts, unless other employment can be found for them. Instructions have also been issued to the Agent to grant to such staff as

may have to be discharged on reduction of establishment, the leave standing to their credit on the termination of their services upto the maximum of four months.

(e) Particular instructions to this effect have not been issued as regards this case, but under general instructions the Railway Administration is expected to consider the claims of such persons in preference to others. In order that this may not be lost sight of, the Agent's attention will be drawn to the Honourable Member's question and my reply.

MANAGEMENT OF THE BUDDHA GAYA TEMPLE.

154. **Lala Brij Kishore:** Will Government be pleased to state:

- (a) whether they have received any representation from the Buddhist community of India, Burma and Ceylon with regard to the possession and management of Buddha Gaya Temple;
- (b) whether Government have taken or propose to take any steps to satisfy the legitimate grievances of the Buddhist community in the matter?

The Honourable Sir James Orerar: (a) No.

(b) Does not arise.

BUDDHA RELICS.

155. **Lala Brij Kishore:** Will Government be pleased to state:

- (a) whether any relics of Lord Buddha are in their possession;
- (b) whether any requests have been received for its proper enshrinement in India;
- (c) whether Government have taken or propose to take any step to ensure their early enshrinement in India; and
- (d) what conditions if any are imposed for the grant of these relics for purposes of worship?

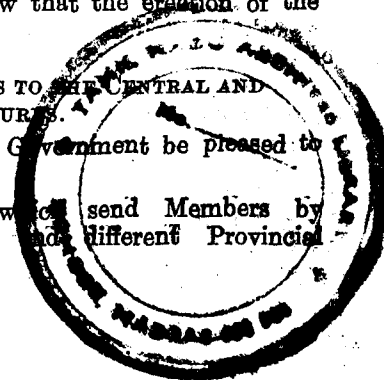
The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Of the several Buddhist relics excavated by the Archaeological Department, one from Taxila in the Punjab and another from Nagarjunikonda in the Madras Presidency could be identified with a certain measure of probability as relics of the Buddha himself.

(b), (c) and (d). Such requests were received in 1916 from the Mahabodhi Society of Calcutta and the Bengal Buddhist Association. Government expressed their willingness to present three relics to the former and one to the latter, provided that a guarantee could be given that the relics would be enshrined in worthy viharas and adequately safeguarded, and provided that the shrines were constructed before the relics were distributed. The Mahabodhi Society has repeated its request, now that the erection of the vihara at Sarnath is nearing completion.

MEMBERS RETURNED BY JOINT ELECTORATES TO THE CENTRAL AND PROVINCIAL LEGISLATURES.

156. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to lay on the table the following information:

- (a) names of the special constituencies which send Members by joint electorate to the Central and different Provincial Legislatures; and



- (b) the number of Muslim and Non-Muslim Members returned by each of these constituencies respectively since the inauguration of the present reforms?

The Honourable Sir James Orerar: (a) The information required by the Honourable Member is contained in the Electoral Rules for the Central and Provincial Legislatures and the Schedules thereto.

(b) I would refer the Honourable Member to the election returns, copies of which are available in the Library of the House.

CURTAILMENT OF SPECIAL ALLOWANCES TO GOVERNMENT SERVANTS OF NON-ASIATIC DOMICILE.

157. Seth Haji Abdoola Haroon: (a) Will Government be pleased to state the average annual expenditure involved in granting special allowances to men of non-Asiatic domicile in the Imperial service under the heads (i) overseas pay, (ii) exchange compensatory allowance and (iii) free passage for Government servants and their families?

(b) Are Government aware that (i) overseas pay and (ii) free passages were recommended by the Lee Commission only as a temporary measure to meet the increased cost of living and rates of passage? Are Government aware that the cost of living and passage rates have come down? If so, do Government propose to do away with these allowances and, if so, from what date?

(c) Are Government aware that in many cases the allowances drawn by officers amount to between 60 to 70 per cent. of their substantive salary? In view of the financial stringency are Government contemplating the desirability of curtailing these allowances to a minimum?

(d) Have Government any schemes for effecting retrenchment in the various Departments, and if so, what are they?

The Honourable Sir George Schuster: (a) Figures collected in 1926 showed that the actual cost of Lee Concessions to the All-India Services in 1924-25 and their estimated cost in 1925-26 were 49.83 and 54.19 lakhs respectively. Of these amounts only 3.94 and 4.91 lakhs in each year fell upon the Government of India; the balance being a charge upon local Governments. The payments in question were not confined to officers of non-Asiatic domicile. Some of them were made to officers domiciled in Asia. These figures were given in Sir Basil Blackett's reply to questions Nos. 96, 431, and 489 on the 25th January, 1926. I would invite the Honourable Member's attention to the explanations given by Sir Basil Blackett in his reply.

Possibly these figures will suffice for the Honourable Member's purpose as they cover very much the same ground as the particulars for which he has asked. If he is not satisfied, the exact figures for which he asks will be collected, but the work of collection will occupy several months.

(b) Overseas pay was introduced in 1919, several years before the appointment of the Lee Commission as a result of whose recommendations a small increase only was made in the maximum rate of this allowance. Free passages were sanctioned on the recommendation of the Lee Commission, which justified its proposals mainly on the ground that rates of pay were insufficient to cover the cost of passages. In regard to the various considerations which influenced the Lee Commission in making their recommendations, I would refer the Honourable

Member to Chapters VI and VII of their report, from which he will see that the increased cost of living was only one factor of several that were taken into account.

(c) The reply to the first part of the question is in the negative. As regards the second part please see the reply to (d).

(d) I hope to deal with the question of economy in my Budget speech.

RECRUITMENT OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

158. Seth Haji Abdoola Haroon: Will Government be pleased to state:

(a) the number of recruitments made in the North Western Railway under various classes of clerical and technical Departments during the period 1st April, 1929 to 31st March, 1930;

(b) how many of such posts were advertised in the newspapers;

(c) the number of Muslims who applied for these posts, (1) from all Divisions and (2) from Karachi Division;

(d) the number of Muslims selected and the number of Muslims selected from Karachi Division;

(e) the number of Muslims appointed or entertained in the Training School?

Mr. A. A. L. Parsons: The information asked for is not available and Government do not consider that its value would be commensurate to the labour and expense of its collection.

SHARE OF SURPLUS PROFITS AND NET EARNINGS PAID TO RAILWAY COMPANIES AND NATIVE STATES.

159. Mr. M. Maswood Ahmad: Will Government please state:

(a) on what principle the shares of surplus profits are paid to Railway Companies; and

(b) on what principle the shares of net earnings are paid to Indian States?

Mr. A. A. L. Parsons: The division of surplus profits in each individual case is governed by the terms of the contract. A summary of these terms is contained in the "History of Indian Railways", a copy of which is available in the Library. The principles in general are as follows:

In the case of the principal State-owned Company-managed railways, the surplus profits are divided between the Government and the Company in the ratio of their respective shares of capital in the undertaking.

In the case of branch lines owned by Companies and built with financial assistance from Government, the surplus profits, after paying a fixed rate of interest on capital, are divided equally between Government and the Company.

In the case of branch lines owned by Companies and built without financial assistance from Government, the whole of the surplus profits are paid to the Company.

When a line is constructed partly in an Indian State, and the State makes a contribution to the capital expenditure, the net earnings or losses are divided between Government and the State in proportion to the capital contributed by each.

GRATUITY PAID TO AN OFFICER OF THE RAILWAY INSPECTION DEPARTMENT.

160. **Mr. M. Maswood Ahmad:** (a) Is it a fact that a gratuity of about Rs. 22,000 was paid to an officer of the Railway Inspection Department on retirement in the current financial year?

(b) If the reply to part (a) be in affirmative, will Government please state the name and post of the officer who received that amount?

Mr. A. A. L. Parsons: I understand a retiring gratuity of Rs. 25,000 has been sanctioned for Mr. Buyers, Senior Government Inspector of Railways, Circle No. 5, Bombay.

CONTRIBUTIONS PAID FOR PROVIDENT FUND FOR ESTABLISHMENT IN THE RAILWAY BOARD.

161. **Mr. M. Maswood Ahmad:** (a) What amount was actually paid as contribution to the Provident Fund for non-pensionable establishment under the Railway Board, the Railway Inspection Department and the Railway Audit Department in the year 1929-30?

(b) What are the names and posts of the officers under the Railway Board, the Inspection Department, and the Audit Department who received gratuity in the year 1929-30 and what amount each of them received?

Mr. A. A. L. Parsons: (a) The figures readily available show the total amounts of expenditure in 1929-30 on Provident Fund bonus and gratuities under the Demands Railway Board, Inspection and Audit, were Rs. 57,000, 16,000, and 57,000 respectively.

(b) The information is not available and cannot be obtained without an amount of labour incommensurate with the advantage likely to be gained by its collection.

TYPES AND CLASSES OF LOCOMOTIVES ON INDIAN RAILWAYS.

162. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to say how many types and classes of locomotives, boilers, carriages, luggage and brakes and wagons are used on different Indian railways?

(b) What is the difference between the different types and classes of rolling stock and what are their special peculiarities?

(c) What was the total number of different types and classes of locomotives, boilers, carriages, luggage and brakes, and wagons at the end of the year 1930 under the different railways?

Mr. A. A. L. Parsons: (a) It would be impossible, without an exceedingly laborious census, to discover the exact number of types of locomotives, boilers, etc., in use on all the railways of India. In all cases they probably number over 100, and in some, carriages for example, very many more.

(b) It is impossible to give this information without an elaborate technical exposition accompanied by drawings of each type.

(c) Information as to the number of locomotives, boilers, etc., of different types and classes in service at the end of 1930 is not available, but the figures for 31st March, 1930, were as follows:

about

9,474 locomotives,

9,668 locomotive boilers, including those in locomotives,

22,829 carriages, luggage and brakes,

225,926 wagons.

NUMBER OF MUSSALMANS IN THE TELEGRAPH AND TELEPHONE DEPARTMENTS.

163. **Mr. M. Maswood Ahmad:** Will Government be pleased to state:

(a) What was the total number of telegraphists, Telegraph Masters and Telegraph Superintendents as well as the total number of employees of the engineering branch of the Telegraph and Telephone Department at the end of the year 1930?

(b) What was the total number of the various appointments held by the Mussalmans in the Telegraph and the Telephone Departments?

Mr. H. A. Sams: (a) and (b). Information asked for by the Honourable Member is available up to the 31st March, 1930, and is being furnished to him separately.

PROPORTION OF APPOINTMENTS HELD BY MUSSALMANS IN THE RAILWAY DEPARTMENT.

164. **Mr. M. Maswood Ahmad:** Will Government be pleased to say what was the proportion of the various appointments held by Mussalmans in the Railway Department at the end of the year 1930?

Mr. A. A. L. Parsons: I would refer the Honourable Member to Appendix "F" in Volume I and to Appendix "C" in Volume II of the Railway Board's Report on Indian Railways for 1929-30, copies of which are in the Library. They give the latest information available.

APPOINTMENT OF INDIANS IN THE CARRIAGE AND WAGON SHOPS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AT AJMER.

165. **Mr. Gaya Prasad Singh:** (a) Will Government please state the number of Indian (excluding Anglo-Indian) Foremen, Assistant Foremen, Head Chargemen, in the Carriage and Wagon Shops, Bombay, Baroda and Central India Railway, Ajmer, on the 31st December, 1925, and on the 31st December, 1930?

(b) Will Government please state the steps taken so far by the Carriage and Wagon Superintendent, Bombay, Baroda and Central India Railway, Ajmer, for Indianization of the higher services in his department?

(c) Will Government please lay on the table a statement showing separately the number of apprentices trained and absorbed in the higher services by (1) the Loco. Department and (2) the Carriage and Wagon Department of the Bombay, Baroda and Central India Railway at Ajmer, during the last five years, and the present pay of those retained in services, explaining the difference, if any, in the system obtaining in the two departments of the Bombay, Baroda and Central India Railway?

Mr. A. A. L. Parsons: (a) Government regret that they are not prepared to supplement with figures for individual offices or posts the information in regard to communal representation in railway service given in the Annual Report on Indian Railways.

(b) and (c). I have called for the information and will communicate with the Honourable Member on its receipt.

LAKE OF SECOND CLASS COMPARTMENTS ON THE FUTWAH-ISLAMPUR RAILWAY.

166. **Mr. Badri Lal Rastogi:** (a) Are Government aware that there is no second class carriage or compartment in the Futwah-Islampur Railway, and in absence of this, the intermediate class or first class compartments are sometimes packed to their utmost capacity?

(b) Do Government propose to take immediate steps to remove the grievance of the second class passengers by supplying a second class compartment in that Railway?

Mr. A. A. L. Parsons: (a) and (b). Government are aware that there is no second class carriage or compartment on this short narrow gauge feeder line of 27 miles. They have received no complaints of overcrowding of the intermediate or first class compartments, but will bring the Honourable Member's question to the notice of the Managing Agents.

CONVEYANCE OF PASSENGERS IN WAGONS ON THE BUKHTIARPORE-BIHAR LIGHT RAILWAY.

167. **Mr. Badri Lal Rastogi:** (a) Are Government aware that in the Bukhtiarpore-Bihar Light Railway passengers are conveyed by trucks and wagons which are meant only for carrying goods?

(b) Do Government propose to take immediate steps to put a stop to this risky process of conveying passengers in wagons by adding to the number of carriages?

Mr. A. A. L. Parsons: (a) Messrs. Martin and Company, who are Managing Agents of the Bukhtiarpur-Bihar Light Railway, were requested in 1926 to report to the Railway Board every case in which it was found necessary to carry passengers in goods vehicles, and the Railway Board cannot trace that any report of such an occurrence has been received from Messrs. Martin and Company since then.

(b) The matter is being referred to Messrs. Martin and Company, and on hearing from them, I will communicate with the Honourable Member.

LAKE OF WAITING ROOMS AT THE BUKHTIARPORE-BIHAR LIGHT RAILWAY STATIONS.

168. **Mr. Badri Lal Rastogi:** (a) Has the attention of Government been drawn to the fact that there is not a single waiting-room for first and second class passengers at any of the stations of the Bukhtiarpore-Bihar Light Railway?

(b) Do Government propose to remove this grievance of the public by constructing at least four waiting rooms for 1st and 2nd class passengers at four stations, viz., Bukhtiarpore Junction, Behar, Nalanda and Rajgriha?

Mr. A. A. L. Parsons: Government are not aware of the situation. Two copies of the question are being sent to the Railway Administrations concerned for their consideration.

LENGTHY HOLD-UP OF TRAFFIC AT A LEVEL CROSSING.

169. **Mr. Badri Lal Rastogi:** (a) Are Government aware that the whole traffic is held up, sometimes for an hour continuously, at the crossing of the railway line near the Bukhtiarpore Junction Station on the East Indian Railway and is a great inconvenience to the public in general?

(b) Are Government prepared to take immediate steps to construct an underground bridge for the traffic?

Mr. A. A. L. Parsons: (a) and (b). The Honourable Member presumably refers to road traffic held up at a level crossing. Government have received no complaints on this score, but if there is inconvenience to road traffic, the matter might suitably be taken up by the Calcutta Advisory Committee of the East Indian Railway.

ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

Mr. President: The House will now proceed to elect ten Members for 12 Noon. the Committee to examine the Report of the Tariff Board on the salt industry. There are 16 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.

I should like to inform Honourable Members that Sirdar Harbans Singh Brar has withdrawn his candidature since.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): I understand my name is also included in the list of candidates for the Committee. I beg to withdraw from the election.

Mr. President: Mr. S. C. Sen has also withdrawn his candidature.

(The ballot was then taken.)

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON ROADS.

Mr. President: Order, order. Members will now proceed to elect six Members to serve on the Standing Committee on Roads. There are 15 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.

I should like to inform Honourable Members that Mr. K. P. Thampan, one of the candidates has now withdrawn.

Mr. B. N. Misra: Sir, I also inform you that I withdraw.

Mr. President: Mr. K. P. Thampan and Mr. B. N. Misra have both withdrawn.

(The ballot was then taken.)

THE GOLD THREAD INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy, (Member for Commerce and Railways): Sir, I move that the Bill to provide for the fostering and development of the gold thread industry in British India be referred to a Select Committee consisting of Mr. W. Alexander, Kunwar Raghubir Singh, Mr. A. Das, Rai Sahib Pandit Hari Das, Mr. K. P. Thampan, Mr. Muhammad Azhar Ali, Mr. N. N. Anklesaria, Mr. R. K. Shanmukham Chetty and Maulvi Muhammad Yakub with instructions to report on or before the 12th February, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

[Sir George Rainy.]

I do not think it will be necessary, Mr. President, for me to speak at any great length about this Bill. The reasons for the provisions which it contains are set forth clearly in the Tariff Board's Report—not a very long one which is in the hands of Members, and I do not doubt that most of them have read it. Those who were Members of the last Assembly will remember how the inquiry into this matter originated. When last year's Finance Bill was before the House, one of the provisions it contained was the imposition of a duty of four annas an ounce upon silver bullion.

(At this stage, Mr. President vacated the Chair which was taken by Mr. Deputy President.)

It was then represented that the imposition of this duty might have a detrimental effect upon those industries in India for which silver is a raw material and a modification was therefore made in the Bill by which articles made of silver and liable to the 30 per cent. import duty under the luxury schedule were subjected also to an additional duty of 8 per cent., making 38 per cent. in all. That duty, was to remain in force up to the 31st March, 1931, and meanwhile a Tariff Board inquiry was to be held to determine whether or not this increase of duty should be permanent, and whether these industries required protection. The result of this inquiry is the Report which is in the hands of Honourable Members. The Tariff Board's recommendations and the provisions of the Bill are limited to what is called the gold thread industry. No application for protection was received by the Tariff Board for protection in respect of articles other than gold thread and such things as lametta, which are not exactly gold thread but are connected with it, and therefore this Bill contains no provisions relating to the manufacture of silver plate or similar articles.

One interesting feature of the gold thread industry is this. It is I think the first industry which the Tariff Board has investigated where the conditions are largely those of a cottage industry. It is true that small factories exist, particularly at Surat, but a great deal of the gold thread made in India is produced on a cottage industry basis. Now, when that is so, it is obvious that the Tariff Board cannot have the same facilities for obtaining accurate figures as they have when they are dealing with a large organized industry where the manufacturers have a skilled accounting staff and are in a position to determine accurately what their costs are. Nevertheless, I think, the Tariff Board adopted the right method when, in the course of their inquiry at Surat, they assembled together a number of manufacturers, went into the whole question very closely in oral discussion, and eventually arrived at the figures which the Board believed to be reasonably accurate and which the manufacturers themselves were prepared to accept. That is, I think, the only possible method you can adopt when you are investigating the question of protection for an industry that works on a very small scale such as I have described. But when I talk of a small scale, I would not be misunderstood. Each individual unit of the industry is small, but the aggregate of all the units has become considerable. The Tariff Board estimate that the value of the gold thread manufactured in India in a single year may be as much as a hundred lakhs and that there may be as many as ten thousand men employed. That is by no means a negligible value or a negligible amount of employment.

When the Tariff Board discuss the question why the industry has grown rapidly in the last ten years, they admit, and indeed every one must admit, that the raising of the duty from 15 per cent. to 30 per cent. some eight years ago must have had a strong tendency in that direction. But they draw attention to another fact which has also to be taken into account. They point out that simultaneously with the growth of the Indian production there has been an increase in imports, eight or nine years ago prices were very much higher than they are today, yet nevertheless the actual value of the imports has not gone down; but has gone up, and must therefore represent a larger quantity.

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

It is necessary at this point, however, to distinguish. In Northern India the Board find, and I think their reasoning is cogent, that the indigenous product already commands the whole market, that the imports of real gold thread from abroad are negligible, and that the price of gold thread in that part of India today is no longer regulated by the cost of importation, but is regulated by internal competition between the Indian manufacturers themselves. Therefore, if they are correct, as I believe they are in that finding, in Northern India where these conditions prevail, the manufacturer cannot be assisted, nor can the consumer be prejudiced by the raising of the duty. The duty has in fact ceased to be effective in the sense which a protective duty ought to be, and the whole problem of protection for the industry is narrowed down to this, that even with the help of the 30 per cent. duty, the manufacturers in Northern India have so far failed to capture the market in the Madras Presidency. Therefore, the effect which Government hope for from this measure is that, with the imposition of the additional duty, it will be possible for the Indian manufacturer of gold thread gradually to supply the demand which comes mainly from handloom weavers in the Madras Presidency. Now, on this point I should like to say one thing. If the manufacturers carry on as they are doing at present, without trying to improve their methods and if it is not found possible to give them assistance by the provincial Departments of Industries, then I could not feel sanguine that the manufacturers in Northern India would capture the Madras market. My reason for saying so is this, that the gold thread that is used in the Madras Presidency is used mainly for high class handloom made goods, which sell at comparatively high prices, and where quality is of first class importance. At present, the Board tell us, the handloom weaver in the Madras Presidency does not find that the Indian made gold thread is suitable for his requirements, partly because the gold thread they import from abroad—from France for example,—is generally of a better quality, and partly owing to the lack of uniformity of the Indian gold thread so that the weaver never knows what he is getting. Therefore, in effect, what the Board hope for, and what Government hope for is not that the Indian manufacturer will be able to sell in Madras gold thread of a quality no higher than he produces today; what they hope for is that, under the stimulus of the duty and with the assistance of the provincial Departments of Industries, he will take serious steps to improve his methods to attain a higher standard and a greater degree of uniformity. If that is so, then I think within the period of ten years for which it is proposed that the higher duty should remain in force, I have every hope that he will be able to capture the market in Southern India.

[Sir George Rainy.]

When the Tariff Board came before Government, Mr. President, they considered very carefully the effect it might have upon the handloom weaving industry in Southern India. They had hoped that all that could be said on behalf of that industry would have been brought prominently to the notice of the Board in the course of its inquiry. Owing to some accident the letter which was addressed to the Director of Industries, Madras, as I have recently been informed by the Madras Government, did not reach that officer, and no evidence was tendered by the provincial Department of Industries on that subject. On the other hand, I think it is clear from paragraph 22 of the Report that the Board appreciated the importance of this aspect of the question and did their best to find out all that was necessary on the subject. I am informed by my Honourable colleague, Sir Joseph Bhole, that the firm of Messrs. Pearce Leslie and Co., who are mentioned in that paragraph of the Report, are in close and intimate touch with the handloom weaving industry in Southern India, and probably have more full information as to the conditions prevailing than any one else would be likely to have. Now, what is brought out in that paragraph is this. The Board took as example a particular kind of silk sari made at Salem, which contains, according to the information they received, more gold thread than any other of the products of the handloom in Southern India. What they found was this that the sari would sell at Rs. 116, with the existing duty, on gold thread and that if the duty was raised to the extent recommended by the Board, the price would have to be increased to Rs. 119, that is, by something less than 3 per cent. I think it is a fair conclusion from that that the effect on the handloom industry, which it is always our duty to safeguard as much as we can, is not likely to be serious as a result of this increase in the duty on gold thread. If Government had not felt reasonable satisfaction on that point, they would not have placed this Bill before the House.

I do not know, Sir, that I need go in any detail into the figures as to the amount of protection required. I have always found it very difficult, in speaking on protection questions in this House, when it comes to figures, because when other people are speaking about figures I always find great difficulty in understanding them and I always fear that other Members would find equal difficulty in understanding me. But what, in effect, it comes to is this. The Board found that the fair selling price of gold thread of the quality necessary to displace the imported gold thread in Southern India was Rs. 41-9-0 per marc of 8 ounces, that the price of the imported product on which the duty was assessed was Rs. 25-4-0, and that the amount of the additional duty required was Rs. 12-5-0, which is approximately 48 per cent., and the Board rounded off that figures to 50 per cent.

Before I sit down, I should like to say a word or two about the reason why we have agreed with the Board that not only gold thread proper—perhaps I ought to have explained earlier that this gold thread would be more accurately described as gilt thread because the precious metal principally employed is silver, and gold is used only as a thin outer film—but in addition to this gold thread proper, there is a great deal of what is called half fine imitation gold thread, where the silver is replaced by some base metal and the silding is retained and imitation gold thread where no precious metal is used at all. There were two reasons why it was decided that it would be advisable to make the half fine imitation and the imitation

gold thread subject to the 50 per cent. duty. One is an administrative reason, which is fully explained by the Board. If the imitation gold thread contains any precious metal at all, it becomes subject to the 30 per cent. duty. Traders represented that this was not quite reasonable, and Government fixed a limit of one per cent. and undertook to ignore smaller quantities than that. But this did not solve the difficulty and a series of cases began to occur which involved a great deal of trouble, because it was necessary to determine by chemical examination what, in fact, was the percentage of gold or silver in the thread. But apart from that, the Board found that the half fine imitation gold thread and the imitation gold thread do actually compete with the lower qualities of the gold thread made in India. For these two reasons it was thought right that the imitation and half fine imitation gold thread should both be subject to the 50 per cent. duty.

The details of the Bill, Mr. President, can, of course, be more appropriately considered in Select Committee; but I should like to say that the sum and substance of the Bill is contained in clause 5, which is the main operative section. Clauses 2, 3 and 4 are merely drafting matters which have had to be put in in what looks rather a complicated form, because of the fact that the additional duty imposed last year will expire on the 31st March next, that this Bill may possibly become law before that date and that we have to provide for that contingency. That creates a somewhat complicated problem for the draftsman. But, as I have said, the sum and substance of the Bill is contained in clause 5.

Sir, I move.

The motion was adopted.

THE STEEL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India be referred to a Select Committee consisting of Mr. E. F. Sykes, Sirdar Harbans Singh Brar, Mr. B. N. Misra, Pandit Satyendranath Sen, Mr. S. G. Jog, Mr. B. Sitaramaraju and Maulvi Muhammad Yakub, with instructions to report on or before the 12th February, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

This Bill does not raise any important question of principle, and, indeed, it may be described as a small appendix to the Steel Industry (Protection) Act of 1927. It originated in a request by a particular firm which has undertaken the manufacture of such things as rivets, fish bolts, gibs, cotters and keys,—which I understand are fastenings used for iron and steel sleepers. The firm represented that, whether they bought in India or abroad, the price of the steel they bought for making these things was increased by the amount of the protective duties imposed by the Act of 1927. On the other hand the duty on the finished products when imported from abroad was either only 10 per cent. *ad valorem*, or, if they came within the protective schedule, it was, in fact, not sufficient to compensate the Indian manufacturer for the cost which he had to

[Sir George Rainy.]

incur in the duty on his materials. The Tariff Board inquired into the matter and they found that in fact that was the case. In some cases, as for instance, fish bolts and nuts, the duty was only 10 per cent. whereas the duty on the material from which the fish bolts were made was very much higher. I do not think that I need weary the House by going into the details which are fully set forth in the Tariff Board's Report, but I ought to explain that there are two groups of materials dealt with. The first includes bolts and nuts, fish bolts and nuts, dogspikes, gibs, cotters and keys. These are the ones of which I have already spoken and all that we propose to do is to fix the duty at such a level that the Indian manufacturer will not be handicapped by the fact that there is a protective duty on his raw material. The other group consists of chrome steel switches and crossings and stretcher bars. The reason why these were not included in the Act of 1927 was that at that time chrome steel was not made in India, and it is only quite recently that the Iron and Steel Company at Jamshedpur have begun to manufacture chrome steel, and I am glad to say that the results have been satisfactory. While they were making this inquiry, this fact came to the notice of the Board and quite properly they included it in their Report. Once chrome steel is made in India, there is no reason why chrome steel switches and crossings should not be treated for protective purposes exactly as any other switches and crossings, and as time goes on, this may be a matter of increasing importance, because where traffic is very dense, the wear and tear on switches and crossings at junctions becomes very great, and at such places I think railways in all countries are tending more and more to use something harder than the ordinary mild steel switch and crossing. For that reason, Sir, these were included in the Bill. I do not think I need add anything further in moving my motion. I have already said that no important question of principle is involved and the Bill is simply an appendix to the Act of 1927.

The motion was adopted.

THE INDIAN PARTNERSHIP BILL.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I rise to move that the Bill to define and amend the law relating to partnership be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Mr. S. C. Sen, Sir Hari Singh Gour, Mr. L. V. Heathcote, Sir Abdur Rahim, Rai Sahib Harbilas Sarda, Lala Rameshwar Prasad Bagla, Mian Muhammad Shah Nawaz, Lala Jagan Nath Aggarwal, Mr. S. C. Mitra and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, I do not think that at this stage we should have a debate at any length on the Bill which is now before the House. I think, however, it is due to the House that I should explain to them why at this stage I am making a motion for Select Committee in respect of this Bill and not for circulation. The Bill, it is quite true, is a Bill of very considerable magnitude, and ordinarily we should have made a motion for circulation in respect of it. The actual position is this: that the Bill being

of considerable magnitude, it will not be possible to find time during the Session, either in Delhi or in Simla, for a Select Committee to sit and examine this Bill. It is therefore desirable that the Bill should be referred to a Select Committee which will be able to meet in Simla, and having met in Simla, it should be able to go on in the comparatively peaceful atmosphere in Simla with the consideration of this Bill from day to day and complete its deliberations. In order to enable this to be done and at the same time in order that the members of the Select Committee may have before them a proper statement of all the opinions of the bodies who ought to be consulted, Government will now, if the House accepts this motion, proceed to the circulation of the Bill by executive order, so that when the Select Committee meets in Simla, they will have before them all the necessary opinions. I do not think, Sir, it is necessary for me to speak at any great length on the Bill itself, but at the same time the Bill is one of considerable magnitude and I do not think I should entirely refrain from making remarks on it. Honourable Members will remember that one of the most important pieces of legislation passed by this House recently was a Bill to regulate the sale of goods. That Bill took out from the Contract Act and enlarged a certain section of the law. The Bill now before us proposes to do the same thing with another section of the Contract Act, that is to say, with Chapter XI of the Contract Act, which deals with the law relating to partnership. The law relating to partnership, as dealt with in the Contract Act, is contained in 27 very brief sections of that Act; and it does not profess to be a complete statement of the law of partnership, as these provisions were embodied in the law as far back as 1872, since which time there has been a tremendous increase in the development of business organization in India: and the time, it is felt, has come when the Contract Act should be relieved of those provisions, and that a separate enactment should be made containing, if not completely at any rate something far more near to being complete, the law of partnership, and that, Sir, is the primary object of this Bill. The new provisions of the Bill, Sir, are largely modelled on, if not the form at any rate the substance of, the English Partnership Act of 1890, and Members of the Select Committee will I trust make, if they have not already done so, a very careful study of that Act before applying their mind to the Bill before the House. The Act, it may be said, falls naturally into seven parts, the first of which is preliminary and the second is of the nature of definitions. The third chapter of the Act deals with the relationship of partners to one another, the fourth with the relations of partners to third parties, the fifth to incoming and outgoing partners, and the sixth deals with the dissolution of firms. Added to these is another chapter, which is so intimately bound up with the law of partnership that it was felt that it should be included in the same Bill, and that is, Sir, the chapter dealing with the registration of firms. The idea of registering firms, either compulsorily or by making it optional, has been before the Executive for a great many years, and actually there was a Bill to that effect brought forward in Burma. We are now taking steps to add these provisions to the Bill relating to partnership, and I may say here, without going into any detail on the subject, that the distinctive feature of this chapter is that it makes the registration of firms optional. But while it is making the registration of firms optional, it will, we hope go a long way to making the registration of firms of any magnitude at all a matter of course, and this we hope will be done by the inducements

[Sir Lancelot Graham.]

held out for registration. I do not propose, Sir, to go into this in detail. I think I have now said enough to ask the House to join me in sending this Bill to a Select Committee, which will meet in the circumstances described by me. Sir, I move.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I move that the name of Rai Bahadur Pandit T. N. Bhargava be added to the Committee.

Sir Lancelot Graham: Sir, I naturally do not wish to put myself in the invidious position of opposing the addition of any Member, but it would have been more convenient for me if the name had been suggested to me at an earlier stage of the proceedings. However, I agree to the addition of the name proposed.

Mr. S. O. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, at this stage it is unnecessary for me to deal with the provisions or with the principles underlying the Bill, but there is one matter which I trust will be dealt with in the Select Committee, and that is a matter which is now covered by the English Act on limited partnership. Sir, you know that capital in this country is very shy and people do not wish to invest their money in partnership with others who are capable of doing business. That can be avoided by inserting in this Bill the provisions of the limited partnership Act in England, which have been found to be very useful. The English Act relating to partnership, referred to by Sir Lancelot Graham, did not deal with that subject because there is already a statute there dealing with that, and I trust in the Select Committee Members will deal with that matter; and with these observations, I support the motion.

Mr. President: The question is:

"That the Bill to define and amend the law relating to partnership be referred to a Select Committee consisting of Dewan Bahadur T. Rangachariar, Mr. S. O. Sen, Sir Hari Singh Gour, Mr. L. V. Heathcote, Sir Abdur Rahim, Rai Sahib Harbilas Sarada, Lala Rameshwar Prasad Bagla, Mian Muhammad Shah Nawaz, Lala Jagan Nath Aggarwal, Mr. S. C. Mitra, Rai Bahadur Pandit T. N. Bhargava and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned for Lunch till half past Two of the Clock.

The Assembly re-assembled after Lunch at Half-past Two of the Clock, Mr. President in the Chair.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): With your permission, Sir, I desire to move that the Select Committee to which this Assembly referred the Indian Merchant Shipping (Amendment) Bill be instructed to present its Report not later than Monday, the 9th February, 1931.

I think Honourable Members will remember that when I moved my motion for referring that Bill to a Select Committee, I said that I would wish to ascertain the views of the Committee on the question whether the Bill should be reported and proceeded with this Session, or whether the papers should be circulated before the Committee considered the Bill. I have consulted the Members of the Select Committee and the general opinion is that the Bill ought to be reported as soon as possible and should be proceeded with this Session. Accordingly, as no time limit was fixed in the original motion, I have now moved the motion which I have read, namely that Committee should report by Monday, the 9th February.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move that the Bill further to amend the Cantonments Act, 1924, for certain purposes, be taken into consideration.

Sir, this Bill consists of a number of minor amendments on points of administrative detail or on drafting points, the necessity of which has become apparent during the last few years either on the recommendation of the Local Government or in some other manner. The amendments have no common principle underlying them and, with the exception of clauses 4 and 5 which go more or less together, they have nothing in common with each other. I think therefore, Sir, it might suit the convenience of this House better if, with your permission, instead of speaking on the points raised in the various clauses now, I were to offer a short explanatory statement of the intentions of the Government when we come to deal with the Bill clause by clause. I have in mind, especially, the three clauses of which notice of amendment has been given, but if any Honourable Member desires further information beyond what is given in the Statement of Objects and Reasons on any other clauses, I shall of course be very glad to supply that information.

Sir, I move.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Mr. President: Clause 6. There is an amendment by Rai Sahib Pandit Hari Das.

Rai Sahib Pandit Hari Das (Ambala Division: Non-Muhammadan): Sir, I beg to move:

"That clause 6 be omitted and the subsequent clauses be renumbered accordingly".

Sir, I have personal knowledge of a good many of the cantonments scattered over the Punjab, and I think that any measure that is calculated to affect the income of these cantonments should be very carefully considered before the House gives its assent to it. If these words are omitted, it means that Government will have the authority to exempt goods that may not belong to Government but to any other private

[Rai Sahib Pandit Hari Das.]

agency. The idea is to extend the operation of these exemptions. The need for funds is always very great, especially when questions arise such as some expansion in education or some request to meet the most elementary requirements of schools maintained or aided by Cantonment Boards, or some improvement in sanitation, or of the roads leading to Indian locations, if I may so call them. They are so dirty and so miserable that a visit to them, when contrasted with the places where the more favoured people reside, is a very depressing experience. When attention is drawn to such requirements the want of funds is always pleaded. So, what I mean to say is that, if this measure leads to a further dwindling down of the funds then better not pass it. With these few words, I beg to oppose the proposed change in the Regulations and move my amendment.

Mr. G. M. Young: Sir, I think I should perhaps give an account of how section 99A, which it is proposed to amend, came into being. Originally under the Cantonments Act, 1910, Government had the power by notification to exempt not only persons, but also property, and not only the property of the Secretary of State. This provision followed that of the various Municipal Acts. I may cite, for instance, section 71(1) of the Punjab Municipal Act which runs as follows:

"The Local Government may by order exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property."

That is how the situation stood before the enactment of the Cantonments Act, 1924. When that Act was passed, for some reason, probably oversight, no power of exemption was reproduced, either of persons or of property. Very shortly after this Act had been passed this defect in its provisions became apparent. Accordingly an amendment Act was passed in 1926, which inserted the existing section 99A. Section 99A runs thus:

"The Local Government may by notification in the local official Gazette exempt either wholly or in part from the operation of any tax proposed under this Act any person or class of persons or any property or goods or class of property or goods belonging to the Secretary of State for India in Council."

It is not clear why opportunity was not taken to restore the provisions of the old Cantonment Act as they stood, and incidentally to keep the Act in harmony with provincial Municipal Acts in this respect. It may have been due simply to the fact that it was the necessity of exempting Government military goods from octroi that led to the amending Act, or it may have been that at the time of passing the Act it was thought that the exemption of any person or class of persons would be sufficient to cover exemption of property owned by those persons or class of persons, and that the only reason for bringing in goods which were the property of the Secretary of State in Council was the doubtful propriety of regarding the Secretary of State for India in Council as a "person" within the meaning of the section. However that may be, Government are informed by their draftsmen that, as the section now stands, it is impossible to exempt any property or goods other than those belonging to the Secretary of State for India in Council. Now, the object of the amendment moved by Government is not to open the door to exemption on a large scale and thereby, as my Honourable friend suggested, reduce the income of Cantonment Boards. The object is simply to provide means of relieving

individual cases of hardship. Cases might quite easily arise where exemption from some tax in respect of goods or property was required.

Sir Hari Singh Gour: (Central Provinces Hindi Divisions: Non-Muhammadan): Give us an example.

Mr. G. M. Young: Supposing, for instance, there was in a cantonment a private hospital which was doing good work, and it was desirable to exempt medical stores belonging to that hospital, which was not a Government institution, from octroi tax; the Cantonment Board might desire to do that. And I should like to point out further that this is not an indiscriminate power that we are asking for. In the first place, the cantonment authority will itself be disinclined to grant a large number of exemptions, because it will thereby reduce its own income. In the second place, the Local Government, to whom the cantonment authority has to make the recommendation, will not have any desire to grant a large number of exemptions because, although such action would not affect its own pocket directly, it might lead the way to, or form a precedent for, similar exemptions in municipalities, and thereby reduce the income of its local self-governing institutions. In the third place, the Government of India are not in the least interested in granting a large number of exemptions, because when there is any deficiency in the income of the Cantonment Board, that deficiency has to be made good from the Army Estimates. So that all the parties concerned are interested, and rightly interested, in maintaining the revenues of the Cantonment Boards, so as to have as much money as is available for the purposes which my Honourable friend mentioned. This is, as I said, simply a proposal to give power of exemption in cases of individual hardship, and not to confine this particular kind of exemption to goods which belong to the Secretary of State. As I have pointed out, the power of exempting persons already exists. This is simply following the same analogy in respect of goods, going back to the original state of affairs in cantonments, and following what is the present state of affairs in municipalities. I trust that, after what I have said, my Honourable friend will be prepared to accept this explanation and withdraw his amendment.

Rai Sahib Pandit Hari Das: Sir, I have listened with great interest to the explanation which has been furnished by my Honourable friend the Army Secretary. There is a good deal of force in his explanation. But what troubles me is that, in the absence of definite instructions to those who administer these laws, these wishes may be mere pious wishes and the discretion that we are now giving them might be used in an indiscriminate way.

Mr. President: Order, order. The Honourable Member has no right of reply.

Rai Sahib Pandit Hari Das: Sir, I was just going to beg the leave of the House to withdraw my amendment.

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

Mr. President: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. President: The question is that clause 7 stand part of the Bill.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, I beg to move:

"That in clause 7 for the words 'or a sergeant' the words 'or an Inspector' be substituted."

Sir, this clause seeks to amend section 236 of the Cantonment Act, 1924, which reads as follows:

"1. Whoever in a cantonment loiters for the purpose of prostitution . . . shall be punished, etc., etc.

2. No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer . . . or of a police officer not below the rank of a Sub-Inspector, etc., etc."

After the word "sub-inspector" the clause seeks to add the words "or a sergeant". Now, Sir, I originally proposed an amendment to the effect that, instead of the words "or a sergeant" the words "or inspector" should be substituted. I will explain to you my reasons for the amendment, and the subsequent change which I submit with your leave may be permitted in this amendment. The House will notice that this is one of those sexual offences in which it is very easy to make a charge and equally difficult, perhaps more difficult, to disprove it. The word of one person weighs against the word of another. In such cases it should be jealously guarded that no one is permitted to make any accusation on frivolous grounds. Now, it was with that idea in my mind that I objected to the institution of these complaints by any person below the rank of a sub-inspector. I thought that we would be making it open to any havildar employed in the Cantonment, whose action in this matter cannot be subject to scrutiny, to make a complaint, and that it would lead to very frivolous complaints. In that view I proposed that the institution of these complaints should be by persons of the class of a sub-inspector or inspector. Since then I am told that my object would hardly be achieved by moving the amendment of which I had first given notice, because I am told that in some places these sergeants are above the rank of sub-inspectors. So what I intended by having the word "inspector" is served by having the word "sergeant", because there is no uniformity in the nomenclature of the police in the various cantonments all over British India. Therefore, it was thought desirable to have a formula which will serve the same object and which ensures that persons who institute these complaints or who are authorised to institute these complaints should be responsible persons. With that end in view, with your permission, I have drafted an amendment which reads like this:

"That at the end of clause 7 the following be added, namely:

'and after the words "Officer Commanding the station" where they occur the second time, the words "with the concurrence of the District Magistrate" shall be added'."

In other words, the position comes to this, that the initiation of these complaints would be left to police officers not below the rank of a sub-inspector or a sergeant but they shall be authorised by the Officer Commanding with the concurrence of the District Magistrate. The civil authorities as represented by the District Magistrate would have some say in the appointment of these sergeants or sub-inspectors who will be authorised to institute these complaints, and I submit that my object will be achieved by having the concurrence of the District Magistrate in the

appointment, so that he would not be an ordinary sergeant but would be some person whom the Officer Commanding will approve and who shall be appointed with the concurrence of the District Magistrate. I submit that this amendment will achieve the purpose I have in view. I move the amendment.

Mr. G. M. Young: On behalf of the Government I am quite prepared to accept this amendment.

Mr. President: The question is:

"That at the end of clause 7 the following be added, namely:

'and after the words "Officer Commanding the station" where they occur the second time, the words "with the concurrence of the District Magistrate" shall be added'."

The motion was adopted.

Mr. President: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. President: Clause 8.

Lala Jagan Nath Aggarwal: Clause 8 of the Bill adds a section, 286A, to the Cantonments Act, which says:

"The Cantonment Authority may empower any of its officers to exercise or perform all or any of such powers or duties of an Executive Officer under this Act as the Governor General in Council may, by notification in the Gazette of India, specify in this behalf."

From the Statement of Objects and Reasons we understand that in small cantonments there is sometimes one Executive Officer doing duty in more than one cantonment, and they say it is inconvenient to have an Executive Officer coming to a cantonment after the lapse of some weeks or months, and therefore the need has been felt that in these small cantonments the other officers in the cantonments should be authorised to carry out the duties of an Executive Officer. The object of my amendment is that not only the officers employed by the Cantonment Authority should be enabled to do these duties, but any member of the Board may be authorised to perform these functions of an Executive Officer. My point is this. The officers of the Cantonment Board sometimes may be persons in very ordinary positions, who will not be able to realise their responsibility to an elected Board, and it will be just as well to authorise the members of the Board to carry out these duties. I therefore move the amendment which runs as follows:

"That in clause 8 before the word 'officers' the words 'members or' be inserted, and after the word 'perform' the words 'in the absence of the Executive Officer from the Cantonment' be inserted."

Mr. G. M. Young: I am willing to accept the amendment proposed by my Honourable friend, with one small addition later in the clause. The amendment which he has proposed has brought to notice the fact that there is nothing in the clause itself which indicates that these duties are only to be delegated in the absence of the executive officer from the cantonment. The Statement of Objects and Reasons itself shows exactly what was required by this amendment, but as has been pointed out to me, once the

[Mr. G. M. Young.]

Bill has become law, the Statement of Objects and Reasons goes, so to speak, into the blue, and those who administer the law do not know anything about it. It would be clearly undesirable, I think, to use these powers of delegation while the executive officers are in the cantonment, that is to say, to empower the cantonment authority to entrust to persons who are officers of the cantonment authority or members of the Cantonment Board, the powers which are rightly now performed by the executive officers. Therefore I would be prepared, on behalf of the Government, to accept an amendment that ran as follows:

"That in clause 8 before the word 'officers' the words 'members or' be inserted, and after the word 'perform' the words 'in the absence of the Executive Officer from the Cantonment' be inserted."

Lala Jagan Nath Aggarwal: I think that is what the real intention of my amendment is.

Mr. President: The question is:

"That in clause 8 before the word 'officers' the words 'members or' be inserted, and after the word 'perform' the words 'in the absence of the Executive Officer from the Cantonment' be inserted."

The motion was adopted.

Mr. President: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. M. Young: Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN TERRITORIAL FORCE (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move that the Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose, be taken into consideration. The object of this Bill is to regularise extra voluntary training. Selected personnel, officers and non-commissioned officers are permitted to perform voluntary training in addition to the compulsory training prescribed by law; but there is no provision in the Act which regularises such training; and as a consequence, such persons, performing such training, do not come under the Indian Army Act, and it is doubtful whether they can legally be paid. The training has been going on for several years and no difficulty has arisen actually, but the fact remains that there is a defect in the law which this Bill seeks to cure.

Sir, I move.

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. M. Young: Sir, I move that the Bill be passed.

The motion was adopted.

THE AUXILIARY FORCE (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move that the Bill further to amend the Auxiliary Force Act, 1922, for a certain purpose, be taken into consideration. This Bill also seeks to cure a small defect in the law as it now stands. The Act does not entitle the Governor General in Council to make regulations prescribing the pay and allowances of all persons enrolled under the Act, but only of those who are liable to perform military service. Members of the force who are between the ages of 16 and 18 years are not liable to perform military service; they are liable to perform military training. The result is that, when they come to camp, no allowances are payable to them. This is a purely unintentional circumstance in the wording of the Act, and, as a matter of fact, during past years allowances have been regularly paid to these persons. The error was discovered in audit, and Government now have to ask this House to make the necessary amendment to the Act.

Sir, I move.

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. M. Young: Sir, I move that the Bill be passed.

The motion was adopted.

THE VIZAGAPATAM PORT BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill to make special provision for the administration of the port of Vizagapatam be taken into consideration. This measure is a very simple one. It proposes to transfer from the Local Government to the Government of India, with certain exceptions, all the powers vested in the Local Government at present under the Indian Ports Act, and the Madras Outports Landing and Shipping Fees Act. When it was decided some five years ago to undertake the construction of a new port at Vizagapatam, Vizagapatam was declared to be a major port. Since then the position has been that the legal powers of administration were vested in the Local Government, who acted merely as the agents of the Government of India. Very much the same legal position exists in the case of five other major ports, Calcutta, Bombay, Madras, Karachi and Rangoon. But there is this difference, that whereas these great ports have their Port Trusts to whom in very large measure the administration of the port is committed, at Vizagapatam there is no Port Trust, and indeed on the scale on which the port existed prior to the commencement of construction of the new harbour, it would not have been possible, I think,

[Sir George Rainy.]
to constitute a Port Trust. For the last four or five years we have been able to carry on without too much difficulty with the system I have described, that is the legal powers in the hands of the Local Government, and the ultimate control in the hands of the Government of India, but I do not think it will be possible to carry on in that way much longer, for the construction of the harbour has now reached an advanced stage. It was opened last November to lighter traffic, and it is expected that ocean-going steamers will be able to enter the harbour towards the end of 1932. As a result of these big changes, there will be a good deal to do in the way of introducing revised shipping charges under the Landing and Shipping Fees Act, and a good deal of rule-making to undertake. It does not seem possible or desirable that this should nominally be done by the Local Government, who are merely acting as the agents of the Government of India, and it was, therefore, thought desirable that at this stage these powers should be transferred to the Government of India. At the same time, it was decided that we had better not attempt to meddle at present with the port health powers, because the general question how port quarantine and port health generally is to be administered is still under consideration. We found it was not likely that leaving these powers to the Local Government would cause any practical inconvenience, but all the other powers are being transferred to the Government of India. I think, that, Sir, is sufficient to explain to the House what the provisions of the Bill are.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, coming as I do from Vizagapatam, it gives me great pleasure to welcome this Bill, not because it is going to give us anything more at present than the mere transfer of the powers of the Local Government to the Government of India, but I see in this Bill the hope that the scheme for the development of the Vizagapatam port is at last nearing completion. This port of Vizagapatam, Sir, though situated in the province of Madras, is, by its position on the coast, intended to serve the needs of more than one provincial area, inasmuch as the opening of the Vizianagram-Raipur Railway will directly connect the Central Provinces with this port, and those areas which are now inhabited mostly by the Oriya people on the borders of the Madras Presidency will also receive the benefits arising out of this development. Therefore, Sir, I feel that the control and administration of this port should, without further delay, be entirely vested in the Government of India, inasmuch as the port is to serve more than one provincial area.

Sir, in this connection I must say that it is a long time since the development of this port has been taken on hand, and the Vizianagram-Raipur Railway, which is to open up tracts of land in the Central Provinces, is not yet completed. Neither is the Vizagapatam Harbour, which is a main feature of this development, completed. We are told, Sir, that the construction of this harbour will have sufficiently advanced before the close of the next year so as to allow ocean-going steamers to enter the harbour. Sir, so long ago as 1924, in answer to my father in this House, Sir Charles Innes, the then Commerce Member, while admitting that there had been considerable delay even then with regard to the development of this port, assured him that rapid progress would be made. Seven years have since elapsed, and neither the railway nor the harbour is completed. I hope the Government of India will be pleased to take such early steps as are necessary to complete the construction at an early date,

Just one word more, Sir, and I have done. The Honourable the Commerce Member says that there can be no Port Trust for the present. I hope that if these harbour works are completed as early as possible, the Honourable the Commerce Member will see his way to create a Port Trust with adequate Indian representation to safeguard the interests of the people living there.

Mr. S. C. Shahani (Sind: Non-Muhammadan Rural): Sir, I think the installation of Loud Speakers would be a great improvement.

The Honourable Sir George Rainy: Sir, my friend expressed regret,—and I must try to prove myself a loud speaker if we have none at present—that we had not finished the harbour at Vizagapatam as rapidly as we had hoped. I hope he will take this Bill as a harbinger of the dawn, for if we did not think that the time of opening was approaching, we should not have taken the trouble to transfer the powers.

Then another point to which he referred was about a Port Trust in Vizagapatam. I do not think he quite understood what I said on that subject. What I said was this, that on the scale on which the Port of Vizagapatam existed before we began construction, that at that time I did not think it would have been possible to constitute a Port Trust. But undoubtedly what we aim at, as soon as the new port is completed, will be the constitution of a Port Trust. Only I think it will be desirable that the construction should be completed first and that we should be in a position to hand over the port to the future Trust as a going concern. There would be some difficulty, I think, in making the transfer until then, but undoubtedly what we shall aim at is the constitution of a regular Port Trust.

Mr. President: The question is:

"That the Bill to make special provision for the administration of the port of Vizagapatam taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL.

Mr. G. M. Young (Army Secretary): Sir, I move that the Bill to give effect in British India to the Treaty for the Limitation and Reduction of Naval Armament be taken into consideration.

Sir, the first international treaty for the limitation of naval armaments was signed at Washington in 1922. India was a party to that treaty, and so, in due course, the Indian Naval Armament Act of 1923 was passed.

[Mr. G. M. Young.]

by the Indian Legislature to give effect to it so far as India was concerned. In 1930 a second treaty for the limitation of naval armaments was signed in London. India was a party also to that treaty, and it now becomes necessary to give effect to its provisions by law in India.

The object of this Bill is to effect that, by amendment of the Indian Naval Armament Act of 1923. I do not think, Sir, that I need dilate upon the actual provisions of the Bill. They do not affect India at present, for we have no vessels that exceed the limits proposed by this Bill; it is, however, necessary for India, as a party to the treaty, to give legal effect to its provisions.

Sir, I move.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the provisions of this Bill which is supposed to give effect to the limitation and reduction of naval armaments were settled by the League of Nations at Geneva. My Honourable friend Mr. Young said that India was a party to it. I wish to record the protest of India, as represented by this side of the House, that India has never been any party, though the Government of India had been represented at the League of Nations, to any such proposal, because those gentlemen who represented India at the League of Nations have not been permitted by the Government of India and the British Government to represent the view point of India.

Mr. Arthur Moore (Bengal: European): This is not the League of Nations. This is the London Conference.

Mr. B. Das: It may be the London Conference, but it is all the same as it met at the instance of the League of Nations. But what I wanted to draw my Honourable friend Mr. Moore's special attention to, because he controls the best press in India, is that if the European nations to-day are thinking of reduction of armaments, I ask, does India get a chance to speak out its mind? The Indian delegates—I do not care who they are, they may be even ex-Executive Councillors—represent the Government on the Treasury Benches, and do not represent the views of the people of India. India is suffering under a heavy burden of army expenditure. I want to record that protest. I do not want, and this is not the time, to discuss the point that India is suffering from heavy defence charges, because probably there will be another Round Table Conference soon in India, where we will discuss these things and where we will say what is the limit of money that India is prepared to spend on defence. If the League of Nations can sit in arbitration, why should not the League of Nations be asked to decide the total amount of expenditure that India should spend on its defence? To-day we spend 55 crores of rupees; it is nearly 40 per cent. of the total amount that is at the disposal of my Honourable friend Sir George Schuster. I feel that India cannot afford such heavy expenditure. I have heard it stated at Geneva, when I was a visitor there, that India is mistrusted by the other European nations because India is considered as the handmaid of England, and whatever England orders the Indian delegates cast their votes accordingly. I hope the day will come when the representatives of the Government of India will speak out their honest mind about the defence of India, but I think the time is coming very shortly when we shall have to go into it in detail. (An Honourable Member: "Is it coming soon?") It is not

coming? I hope it is coming, but whatever Bill my Honourable friend Mr. Young may bring forward he should not take it that India was a party to this agreement. As long as you do not reduce the expenditure on the defence of India from Rs. 55 crores to the limit of Rs. 25 crores, till then you cannot have consent from this side of the House. We have to agree to it because we have no other alternative.

Mr. Arthur Moore: I quite sympathise with Mr. Das's point about the representation. I quite agree, and I think His Excellency the Viceroy in a speech in Simla himself drew attention to the fact that, although India was represented at the League of Nations, and although every care was taken to see that the representatives were able to speak and to adopt a line which would receive support in India, still the fact did remain that the selection of those representatives did not lie in India but ultimately rested with the Secretary of State. That is a perfectly good point, but I would remind Mr. Das that what we are discussing is the navy and naval armaments, and this is a Bill which is being passed to bring India into line with an agreement to reduce naval armaments. But so far as India is concerned, it is not applicable at all, first of all, because this House has refused to create an Indian navy. . . .

Mr. B. Das: All the same it exists.

Mr. Arthur Moore: . . . and secondly, because India does not contribute to the upkeep of the British Navy. Therefore, I think that Mr. Das's protest is, in this particular instance, singularly beside the point.

Sir Ham Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I had not intended to intervene in this debate, but I find that my Honourable friend Mr. Moore is going entirely off the track in this matter. Any student of constitutional law knows that with the Resolution passed at the War Conference of 1917, India was admitted to the Imperial Conference, and when the Imperial Conference of 1918 ratified India's permanent admission to the Imperial Conference, India became an international State and it was in consequence of that position that India was called upon to sign the Treaty of Versailles. In 1920, when the League of Nations was started, it was under the Covenant of the League of Nations that only self-governing countries were entitled to be its members, and India became its original member. That international status, which India acquired in consequence of the Resolution passed at the War Conference of 1917, ratified in the Imperial Conference of 1918 and given effect to in the League of Nations in 1920, placed India exactly in the same position as other self-governing Dominions of the British Commonwealth, and it is in consequence of that international status which India achieved, that she was invited to be a signatory to this London Naval Pact. That being the position, what we on this side of the House have been complaining of, and that complaint has been reiterated ever since the inauguration of the Legislative Assembly in 1921, is that if India is to have an effective representation in international conferences, the people of this country must be consulted. And who are the people of this country except the representatives of the country in this House? That, Sir, has been the grievance of the people of India. That has been the grievance of three Assemblies, and I am sure it is the grievance of this

[Sir Hari Singh Gour.]

Assembly as well. That is what Mr. Das has been trying to bring to the notice of the occupants of the Treasury Benches. They select their men to go to the League of Nations to sign a treaty in London and go to the Conference in Washington and elsewhere, but they are not our representatives. They are not the true representatives of this House. So far as the other self-governing Dominions are concerned, they are represented by their Prime Ministers and other Ministers of the Crown. So far as India is concerned, we are not treated on the same footing as the other self-governing Dominions. That, I think, is the position which this House takes in respect of its representation in international conferences, and it is that protest which we on this side of the House wish emphatically to lodge before this Bill becomes law. We have no grievance against this law at all. As the Honourable Mr. Young pointed out, the signature to this treaty and our enactment of this measure is purely a formal matter. We have not got ships of that tonnage and consequently we lose nothing by signing this treaty, but that is not the point. The point is this. A treaty has been made by a representative who is not the accredited representative of this Indian Parliament and in matters of international conferences, it is the representatives of this House who should represent India, in the same way as the representatives of the self-governing Dominions are the representatives of their respective Parliaments. That, Sir, is our grievance, and that is the grievance to which my Honourable friend Mr. B. Das has given expression, and I think he has done a public service in informing the occupants of the Treasury Benches and the House generally how dissatisfied we are with the representation of India, not only in the League of Nations but in the Imperial Conference and in all international conferences, in which all the members of the British Commonwealth are invited to take part.

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): Sir, I oppose this Bill.

Mr. G. M. Young: With reference to what has fallen from my Honourable friend Sir Hari Singh Gour, so far as I am aware, the representatives of the various nations at these treaties and conferences were not the representatives of their Parliaments but the representatives of their Governments. So far as India itself is concerned, India's representative at the first of these treaties was the Right Honourable Srinivasa Sastri, and, at the second, Sir Atul Chatterjee, the High Commissioner for India. I cannot see what objection could be taken to either of these two gentlemen representing the Government of India on those occasions.

Mr. President: The question is:

"That the Bill to give effect in British India to the Treaty for the Limitation and Reduction of Naval Armament be taken into consideration."

The motion was adopted.

Clauses 2, 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. G. M. Young: Sir, I move that the Bill be passed.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, at this late stage when the Bill is about to be passed, I have one observation to make in order to clear up the position which apparently seems to be a little clouded. Speaking of India's representation, the Government has named Sir Atul Chatterjee. But, the complaint of my Honourable friends Sir Hari Singh Gour and Mr. B. Das is that India is really not represented. Those who happen at the present moment to govern this ancient land very unjustly proclaim before the world that India is represented, while the fact remains that the alien Government sends its nominee, and that is what Sir Hari Singh, in his forcible speech, wanted to bring home to the Official Benches. It was unnecessary for Sir Hari Singh Gour and Mr. Das to do so, because the Government want to shut their eyes to the real facts and try to justify themselves before the world. It suits the Treasury Benches to keep up the appearance and show to the world that India is represented, while they know in their heart of hearts that it is not India but British Imperialism that is represented there. No Englishman, if he is really honest and if he is really truthful, should take shelter under this cloak. That is my criticism on the observations made by the Official Benches.

The Honourable Sir George Rainy (Member for Commerce and Railways): There is one point which I should like to make in reply to my Honourable friend, and that is to point out that it is not British India which is a member of the League of Nations but India. That being so, it is clear that only the Crown can appoint the representatives of India. I think it is well to remember that, because it is sometimes forgotten, but my Honourable friends opposite may rest assured that we understand what their point is. All it amounts to is this—that they want the Government of India to be responsible to the Legislature. That is a demand of which even the Government of India have heard in the last few months.

Mr. President: The question is:

"That the Bill to give effect in British India to the Treaty for the Limitation and Reduction of Naval Armament be passed."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration. I think the object of this Bill is very clearly explained in the Statement of Objects and Reasons, and perhaps the best thing I can do is to read from that Statement:

"Under sub-section (1)(e) of section 58 C of the Indian Income-tax Act (XI of 1922), a private provident fund must be vested in two or more trustees. It appears desirable to amend the Act so as to enable the Official Trustee to be appointed sole Trustee of the fund, should those concerned desire to appoint him."

[Sir George Schuster.]

Sir, I move.

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 Sir George Schuster: Sir, I move that the Bill be passed.

Mr. President: The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd February, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 3rd February, 1931.

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

MEMBER SWORN:

Sir Zulfiqar Ali Khan, Kt., C.S.I., M.L.A. (Nominated Non-Official).

QUESTIONS AND ANSWERS.

EXAMINATIONS OPEN TO ACCOUNTANTS.

281. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that candidates who hold substantive posts in the Accounts Service under the Government are allowed to sit for the Subordinate Accounts Service Examination till the age of 30?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether men having the requisite educational qualifications will be allowed to sit for the examination for all the higher divisions that will be held by the Public Service Commission in the near future? If not, why not?

The Honourable Sir James Ormer: (a) No age limit is prescribed for candidates appearing for the Subordinate Accounts Service Examination, admission to which is confined to men already employed in Accounts offices, who have put in some years of service.

(b) Does not arise.

REDUCTION OF STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

282. ***Mr. S. G. Mitra:** (a) Has the attention of Government been drawn to the article "Retrenchment" on page 83 of the *Indian Post* of September 1930?

(b) Is it a fact that a copy of the Memo. No. 10-F.B.S./30, dated the 8th September 1930 issued by the Director General of Posts and Telegraphs was furnished to the Union?

(c) Will Government please state whether the sense of the passage "A contented and loyal staff is a most valuable asset, etc." in that Memo was what was actually desired by the Director General in regard to the whole staff of the Department, including the Director General's own office?

(d) If so, will Government be pleased to say whether in respect of his own office the Director General has made a drastic reduction of staff without reducing the work with the result:

(1) that due to that drastic reduction effected already on the recommendation of Rai Bahadur J. P. Ganguly the staff of some of the Branches of the Director General's office are over-

- (2) that the staff is, therefore, unable to cope with the work demanded from them at the present rate;
- (3) that due to excessive labour to which they were subjected some of the assistants of that office fell seriously ill and met premature deaths; and
- (4) that thus working under various disabilities a few senior assistants of that office have taken pension early and a few others have applied for pension?

Mr. J. A. Shillidy: (a), (b) and (c). The reply is in the affirmative.

(d) Government are satisfied the reductions made in the establishment were justified, and have no reason whatever to believe that they caused any serious consequences to the health of the staff, or led to premature retirement in the manner suggested.

REFUSAL OF HOLIDAYS AND LEAVE TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

283. ***Mr. S. C. Mitra:** (a) Is it a fact that due to the reduction of staff of the office of the Director General of Posts and Telegraphs without reduction of work, as was admitted by Government in reply to part (b) of starred question No. 309 in this Assembly on the 18th July 1930, the staff of that office is being compelled to work very hard and extra hours in season and out of season and:

- (1) that ordinarily principal holidays are denied to them by office orders to that effect;
- (2) that privilege leave when it falls due is not granted even if they fall ill and not without production of a medical certificate from the Civil Surgeon;
- (3) that a certificate from the registered medical practitioners if submitted by the staff is not accepted and counter-signature on it from the Civil Surgeon is insisted upon invariably in every case; and
- (4) that in cases of leave granted on medical certificates the clerks concerned are served with notices afterwards to join office earlier?

(b) Will Government be pleased to say in this connection:

- (1) in how many Branches of the Director General's office were the staff altogether denied leave even on closed days during the last Christmas holidays by an Office Order and what are those Branches;
- (2) whether that Office Order was prepared by the Chief Superintendent of the office or by any officer on his own responsibility;
- (3) whether that Office Order was approved by the Director General himself, if not,
- (4) who among the officers of that office took upon himself the responsibility and on whose recommendation, and
- (5) whether any officer finally approved that Office Order without taking the Director General's approval? If so, who?

(c) Is it a fact that a clerk of that office, working under the Chief Engineer, having suddenly fallen ill this month, has applied for leave supported by a certificate from the Civil Surgeon, and has been proposed to be called upon to explain why he should not be punished?

Mr. H. A. Sams: (a) No.

(1) No.

(2) and (8). The facts are not as stated by the Honourable Member.

(4) No.

(b) (1) None.

(2) to (5). Do not arise in view of reply to (b) (1).

(c) An explanation has been called for from the Assistant concerned for leaving heavy arrears in his work, but not for going on leave.

INCREASE OF WORK IN THE POSTS AND TELEGRAPHS DEPARTMENT.

284. ***Mr. S. C. Mitra:** (a) Are Government aware of the fact that the work of the Posts and Telegraphs Department has grown to a great extent on account of the introduction of the Air Mail Service greeting telegrams and owing to some other activities?

(b) If so, will Government be pleased to state serially, from the beginning of 1928, the various new measures adopted and steps taken with a view to improve the financial condition, referring to the Director General's circulars announcing the introduction of such measures, etc.?

Mr. J. A. Shillidy: (a) No.

(b) The question does not arise.

"CHARACTER SHEETS" MAINTAINED IN GOVERNMENT OFFICES.

285. ***Mr. S. C. Mitra:** (a) Will Government be pleased to say whether in any of the offices of the Government of India and their attached offices there is a system of maintaining a document called "Character Sheet" showing confidential reports in respect of each individual of the non-gazetted establishments?

(b) If so, what are the names of those offices and what is the procedure adopted in maintaining those documents and particularly what is recorded in them?

The Honourable Sir James Ormer: (a) and (b). A record of the work and character of the ministerial establishment is maintained in most of the Departments of the Government of India Secretariat. These are submitted periodically to a superior officer of the Department, who records his opinion. His remarks are shown to the official concerned.

LEAVE RULES FOR SUBORDINATE ESTABLISHMENT IN THE GOVERNMENT OF INDIA OFFICES.

286. ***Mr. S. C. Mitra:** (a) Will Government be pleased to say:

(1) whether the certificates given by a registered medical practitioner in respect of subordinate establishment in the Government of India offices are accepted as valid in granting leave?

(2) whether counter-signature from the Civil Surgeon is or is not required on that certificate?

- (3) how many months' leave is granted to the said staff on the certificate of a registered medical practitioner, if counter-signature from the Civil Surgeon is not required; and
- (4) in case if counter-signature from the Civil Surgeon is required, how many months' leave is granted?

(b) Will Government be pleased to lay on the table the rules governing the grant of privilege leave in the ordinary course and on medical certificates and say particularly whether in the Secretariat and attached offices of the Government of India privilege leave is granted to the subordinate staff generally on medical certificate?

The Honourable Sir George Schuster: On the assumption that the Honourable Member's question relates to the subordinate establishment of the Government of India whose pay is debitable to civil estimates the reply is as follows:

- (a) (1) Yes.
- (2) Such counter-signature is not normally required, but it is open to the authority competent to sanction leave to secure a second medical opinion from an Agency or a Civil Surgeon if it so desires.
- (3) and (4). The Honourable Member is apparently inquiring regarding leave on average pay. Under the proviso to Fundamental Rule 81 (b) (ii), a maximum of 8 months' leave on average pay, if due, may be granted at any one time, on production of a medical certificate. The counter-signature by an Agency or a Civil Surgeon of the medical certificate does not affect the period of leave.
- (b) The Honourable Member's attention is invited to sections I—IV of chapter X of Part IV of the Fundamental Rules, a copy of which I place on the table.† Departments of the Government of India grant leave on average pay freely without medical certificates during seasons of the year when there is no great pressure of work. For reasons which the Honourable Member will appreciate, they cannot in general spare their staff during the latter part of the Delhi season, except in cases of genuine sickness.

ALLEGATIONS REGARDING PROSECUTION OF THE OFFICIALS OF THE BHAGYAKUL POST OFFICE.

287. ***Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to an article published in the October 1930 issue of *Labour* under the caption of "A Glimpse into the Postal Administration"?

(b) Will Government be pleased to state whether any enquiries have been made about the serious allegations that were made therein against the mode of investigation of Mr. I. B. Sen, the Investigating Inspector?

(c) Is it a fact that in the Bhagyakul (Dacca) insured loss case, officials of the Bhagyakul (Dacca) Post Office were prosecuted and at last acquitted after prolonged trial?

† The copy of the rules was placed in the Library of the House.

(d) Will Government be pleased to state why the matter was not investigated by the Divisional Superintendent?

(e) Did the Superintendent instruct the police of Tarpassa to search the mail cabin of the steamer? If not, why not?

(f) Is it a fact that Mr. I. B. Sen requested Mr. Lalit to depose on the lines suggested by him, which he did not comply with and as a result he was dismissed?

(g) Are Government prepared to consider the question of paying compensation to the poor officials who were prosecuted and acquitted and of reinstating Mr. Lalit?

Mr. J. A. Shillidy: (a) Yes.

(b) Yes.

(c) and (d). The case against three officials was first enquired into by the Divisional Superintendent; subsequently an investigation was carried out by the police. As a result, these three officials were prosecuted in the Magistrate's Court. Of the three, the Magistrate acquitted two and committed one to the Court of Sessions where he was acquitted.

(e) Government have no information.

(f) No.

(g) No.

CLERICAL APPOINTMENTS IN THE POST OFFICE.

288. ***Mr. S. C. Mitra:** (a) Will Government be pleased to submit a statement showing the number of candidates for clerical appointments recruited in the Calcutta General Post Office and the Alipore and Howrah Post Offices, who are still on the waiting list?

(b) Will Government be pleased to state as to how many vacancies existed in those post offices up to December, 1930?

(c) Will Government be pleased to state further as to why, in spite of vacancies, the candidates were not confirmed in those posts and did the Postmaster General, Bengal and Assam Circle, demand any explanation from the Presidency Postmaster, Calcutta, or Postmasters, Alipore and Howrah, for not providing these candidates with appointments within six months of the completion of their training?

(d) Is it a fact that Government contemplate filling up those vacancies by Lower Division clerks, who will be recruited from the rank of postmen and discharge those candidates who have been recruited for clerical appointments?

(e) If so, will Government be pleased to state why they will discharge the men who served the Department for years?

(f) What do Government propose to do in their case in future?

Mr. H. A. Sams: The information is being collected and will be communicated to the Honourable Member in due course.

APPOINTMENT OF HEAD CLERKS TO THE SAVINGS BANK DEPARTMENT OF THE CALCUTTA GENERAL POST OFFICE.

289. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state whether the work of the Savings Bank Department is similar in all post offices in India?

(b) Is it a fact that there are four Head Clerks on selection grade pay in the Savings Bank Department of the Bombay General Post Office where there are 17 clerks, and there are only two Head Clerks on selection grade pay in the Savings Bank Department of the Calcutta General Post Office where there are 28 clerks?

(c) If so, will Government be pleased to state the cause of such difference in these two offices?

(d) Is it a fact that Mr. G. V. Bewoor in his report on Time Test has recommended six supervisors for the Savings Bank Department of the Calcutta General Post Office?

(e) If so, will Government be pleased to state whether they propose to increase the number of selection grade Head Clerks of the Savings Bank Department of the Calcutta General Post Office? If not, why not?

Mr. H. A. Sams: (a) The answer is in the affirmative.

(b) In the Bombay General Post Office there are four Head Clerks in the Selection Grade and 21 time-scale clerks. The position in the Calcutta General Post Office is as stated by the Honourable Member.

(c) The number of Selection Grade posts is determined solely with reference to the number of charges of sufficient importance to justify a pay above the time-scale.

(d) The facts are not quite as stated by the Honourable Member. As an appendix to his Report Mr. Bewoor compiled a statement showing the result of the application of his recommendations to certain Departments of various post offices. In the case of the Savings Bank Department of the Calcutta General Post Office this result gave a staff of 6 Supervisors.

(e) I am unable to make any such statement.

INCOME AND EXPENDITURE OF THE POSTAL AND TELEGRAPH DEPARTMENTS.

290. ***Mr. S. O. Mitra:** (a) Will Government be pleased to supply a statement showing actual income and expenditure of the Post Office and Telegraph Department separately of the year 1929-80 and the approximate income and expenditure of the year 1980-81?

(b) Will Government please further state whether there has been any fall in the income of the Department?

(c) Is it a fact that Government want to effect some retrenchment to meet the deficit?

(d) If so, on what lines?

(e) Do Government propose to abolish certain posts of gazetted officers? If not, why not?

Mr. J. A. Shukla: (a) and (b). The income in 1929-80 was Rs. 11,80,00,000 and the expenditure Rs. 11,90,00,000. The income and expenditure for 1980-81 will be made available to the Honourable Member with the publication of the Budget figures. Government anticipate a considerable fall in the revenue of the Department.

(c), (d) and (e). Every effort is being made to curtail the working expenses of the Department in a manner consistent with efficiency. The exact nature of these proposals I am not yet in a position to announce.

ARRESTS UNDER REGULATION III OF 1818.

291. ***Mr. Gaya Prasad Singh** (on behalf of Mr. B. Das): Will Government be pleased to state how many persons have been arrested under the Regulation III of 1818 during the last seven months?

(i) What are their names and places of residence?

(ii) Where have they been detained since the time of their arrest?

(iii) What were the reasons for their arrest?

(iv) What allowances have been granted to each of them for their food, other necessities and dependants, if any?

The Honourable Sir James Orerar: (i) Three persons. Their names are Ghulam Muhammad Aziz, Abdul Waris, and Malik Fazal Elahi. The first two belong to Amritsar District and the last to Lahore.

(ii) In the Punjab.

(iii) I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh's question No. 48 on the 27th January.

(iv) A lump allowance of Rs. 60 on first admission into jail to meet expenditure on necessary articles, a monthly allowance of Rs. 82 and a daily allowance of Rs. 1-6-0. An allowance of Rs. 60 a month has been sanctioned for the family of Ghulam Muhammad Aziz. As Fazal Elahi and Abdul Waris are reported to have no family or relation dependent on them, no family allowances have been sanctioned for them.

ARREST AND HANDCUFFING OF MR. M. F. QURBAN AT LAHORE.

292. **Mr. Gaya Prasad Singh** (on behalf of Mr. B. Das): (a) Is it a fact that Mr. Malik Fuzl-i-Ilahi Qurban of Lahore, one of the victims of the Regulation III of 1818, was roped and handcuffed by the police when arrested at his residence at Lahore?

(b) If so, did Government punish the police officer who was responsible for roping and handcuffing Mr. Qurban?

(c) Are Government aware of the fact that before his arrest Mr. Qurban had visited Meerut, twice in connection with the defence work of the accused of the Meerut conspiracy case, and had accepted the office of the Secretary of the Meerut Prisoners' Defence Committee?

(d) Are Government aware of the fact that while at Meerut the local police one morning entered the room of Mr. Qurban and roped and handcuffed him and then let him off after a time?

(e) Is it a fact that Mr. Qurban was arrested to be detained under Regulation III of 1818 at a time when he had gone back to Lahore from Meerut to bring his luggage in order to live at Meerut permanently as a Secretary of the Meerut Prisoners' Defence Committee?

(f) Is it a fact that the accused in the Meerut conspiracy case made a statement in the court that the Government arrested Mr. Qurban in order to terrorise those persons who wanted actively to help the accused in their defence?

The Honourable Sir James Orerar: I am making enquiries and will communicate the result to the Honourable Member in due course. But there is no foundation for the suggestion that action was taken against him under Regulation III of 1818 in connection with any activity on behalf of the Meerut case under trial prisoners.

FACILITIES GRANTED TO PRISONERS CONFINED UNDER REGULATION III OF 1818.

293. *Mr. Gaya Prasad Singh (on behalf of Mr. B. Das): (a) Will Government be pleased to state what facilities have been granted to the State prisoners referred to above regarding (i) interviews with their friends and relatives, (ii) newspapers and literature, (iii) writing and receiving of letters and (iv) walking in the open air?

(b) What is the size of the rooms or cells where they are living and how many doors or windows does each of these rooms contain?

(c) Are they shut up in rooms or cells? If so, where?

(d) Are the abovementioned State prisoners keeping good health? What were their weights at the time of their arrest and what are their present weights?

The Honourable Sir James Crerar: (a) There is a special Code of Rules for persons confined under Regulation III of 1818 under which they enjoy special concessions in the matter of interviews, literature, letters and exercise and recreations. I am enquiring from the Local Government what precise facilities are being given to these prisoners.

(b) and (c). I have no information. I shall, if the Honourable Member so desires, make enquiries and inform him of the result.

(d) I have received regular reports about the state of health of one of the prisoners, Abdul Waris, who since his arrest has gained in weight—his weight on admission on 5th December, 1930, being 135 lbs. and 144 lbs., respectively. I have not received regular reports about the other two but I have asked for them and shall communicate the result to the Honourable Member in due course.

RETIREMENT OF FIREMEN ON THE GREAT INDIAN PENINSULA RAILWAY.

294. *Mr. Goswami M. R. Puri: (a) Are Government aware that there has been very little recruitment of men to posts of "A" grade firemen on the Great Indian Peninsula Railway during the last five years?

(b) Is it correct that a number of posts originally allotted to "A" grade firemen were filled in by reducing sanction of "A" grade firemen and proportionately increasing the number of "B" and "C" grade firemen?

(c) How many applications for "A" grade firemen's posts were received on the Great Indian Peninsula Railway and how many applicants were non-Christians?

(d) Will Government state the number of firemen engaged in "B" and "C" grades on the Great Indian Peninsula Railway during the last five years? How many of the new recruits were non-Christians?

(e) Is it correct that the sanctioned number of "A" grade firemen has been reduced? Did Government ascertain, before reducing the number, that no suitable candidates were forthcoming for these appointments, by advertising the vacancies in the newspapers? If not, why not?

(f) Is it correct that a number of "B" and "C" grade firemen were engaged at Bhusawal and Nagpur during the recent Great Indian Peninsula Railway strike, over and above the sanctioned strength and that each such fireman is now being treated as equivalent to two "D" grade firemen or firemen in respect of pay and that a large number of posts of "D" grade firemen or Agwalas have thus been absorbed or held in abeyance?

(g) Are Government aware that previously the recruitment of firemen on the Great Indian Peninsula Railway was being done by the late Loco. Superintendent, Parel and that now these posts are filled by Divisional officers?

(h) If reply to part (g) is in the affirmative, are Government prepared to issue instructions to the Great Indian Peninsula Railway authorities that, in future, the recruitment of firemen shall be made by open competition, that recruitment shall be made by only the Head of the Department, namely, the Chief Transportation Superintendent, Bombay and that vacancies must first be advertised in newspapers?

(i) Will Government state the number of "A" grade firemen working in the Great Indian Peninsula Railway on the 1st April, 1924, and the 31st December, 1930?

Mr. A. A. L. Parsons: I have called for information from the Great Indian Peninsula Railway Administration and will communicate with the Honourable Member on its receipt.

PENALISING OF STRIKERS ON THE GREAT INDIAN PENINSULA RAILWAY.

295. *Mr. Goswami M. R. Puri: (a) Are Government aware that the Agent, Great Indian Peninsula Railway, laid certain obstacles in the way of registration of their names by the Great Indian Peninsula Railway strikers by insisting upon their fulfilling certain conditions not mentioned in the Government of India Railway Board's communiqué, dated the 1st March, 1930?

(b) Did Government receive any such representation from the strikers before the 15th March, 1930? If so, what steps were taken by Government?

(c) Are Government aware that the names of all such persons who were refused registration on the Great Indian Peninsula Railway waiting list were subsequently entered by the Agent of the Great Indian Peninsula Railway on a separate waiting list and is this list now being called "B" list?

(d) If so, do Government propose to issue orders that all such men who were refused registration for various reasons be now placed on the first Great Indian Peninsula Railway waiting list?

(e) Are Government aware that a Boardman at Nagpur, who was engaged during the Great Indian Peninsula Railway strike, was transferred to the D. V. S. Office, Nagpur, even though there were men on the first and second list?

(f) Will Government state the number of clerks directly engaged either by the D. V. S., Nagpur or C. T. S., Bombay, that are now working in the D. V. S. Office, Nagpur? Will Government say why these men were engaged in preference to strikers?

(g) Are Government aware that a number of persons engaged during the strike were those who were once in the employ of the G. I. P. Railway and who had severed their connection with the Railway due to discharge on account of frauds, etc., dismissal and medical unfitness?

(h) Are Government prepared to order that the record of every employee newly engaged during the strike be investigated, and all such persons who once left the service due to one of the above reasons be discharged forthwith?

Mr. A. A. L. Parsons: (a) No. If the question refers to the condition that a striker whose place had been permanently filled must vacate his quarters as a preliminary to his name being put on the waiting list, I would refer the Honourable Member to the reply to Mr. Aney's short notice question on the 25th March, 1930, and to Diwan Chaman Lal's supplementary questions. As was then explained, this condition was not mentioned in the communiqué but was a matter of an ordinary business arrangement necessary in order that the permanent incumbents might be provided with housing accommodation and the work of the Railway should go on.

(b) No such representation can be traced.

(c) Under the orders of the Railway Board a register of candidates for employment (not a separate waiting list) has been opened in which the names of strikers not placed on the waiting list who apply for employment are entered.

(d) Government are unable to agree to such men being placed on the waiting list, but as an act of grace they have issued orders that such of them whose names have been registered for employment should be offered employment by the State-managed Railways in India in preference to outsiders but after the men placed on the waiting list.

(e) No. The Agent's attention has, however, been drawn to this part of the question.

(f) I have called for this information and will communicate with the Honourable Member in due course.

(g) and (h). No. An extract of these questions will, however, be sent to the Agent who will doubtless take such action as may be considered necessary.

APPOINTMENT OF "NUMBER TAKERS" ON THE GREAT INDIAN PENINSULA RAILWAY.

296. ***Mr. Goswami M. R. Puri:** (a) Is it correct that on the 1st December, 1930, or about that date nine Number Takers of Nagpur, Great Indian Peninsula Railway, were discharged as inefficient Number Takers?

(b) If so, will Government please state the date on which these Number Takers were examined?

(c) Will Government please state the total number of Number Takers examined on the date on which the above nine were examined?

(d) Is it correct that all the Muhammadan Number Takers who were examined on about that date were passed, while all those who were Hindus were failed and discharged?

(e) Is it correct that their examiner was a Muhammadan who is Head Clerk of the Movement Section of the D. V. S. Office, Nagpur?

Mr. A. A. L. Parsons: I have called for the information and will communicate with the Honourable Member on its receipt.

DISCHARGE OF CERTAIN GREAT INDIAN PENINSULA RAILWAY STRIKERS AT NAGPUR.

297. ***Mr. Goswami M. R. Puri:** (a) Is it a fact that 28 Satyagrah strikers of Nagpur who had been taken back by the Great Indian Peninsula Railway were some time back discharged by the Divisional Transportation

Superintendent, Nagpur, with one month's pay in lieu of notice without assigning any reason?

(b) Are Government aware that prosecutions against these strikers were withdrawn by the Local Government of Nagpur and that they were unconditionally released at the end of April, 1930?

(c) Are Government aware that such summary discharge from service is against the orders governing discharge and dismissal of railway employees issued by the Railway Board in November, 1929 and brought into force from 1st January, 1930?

Mr. A. A. L. Parsons: (a), (b) and (c). I have called for the necessary information and will communicate with the Honourable Member in due course.

ABOLITION OF THE CREW SYSTEM OF TICKET CHECKING.

298. ***Mr. Goswami M. R. Puri:** (a) Will Government state the total expenditure incurred by the Great Indian Peninsula Railway on the crew system from its very beginning up to the 31st December, 1930?

(b) Will Government state how long this system will remain in force?

(c) Will Government state the total income derived from the crew system?

(d) In view of the need for retrenchment, will Government state if they contemplate issuing orders for the abolition of this system forthwith?

Mr. A. A. L. Parsons: (a) and (c). Figures up to the 31st December, 1930, are not available but, on hearing from the Great Indian Peninsula Railway on this point, I will communicate with the Honourable Member.

(b) I am not in a position to say at present. The question is under consideration.

(d) The question whether the crew system on the Great Indian Peninsula Railway should be continued is under consideration.

EXPENDITURE INCURRED ON THE NEW NAGPUR DIVISIONAL TRANSPORTATION SUPERINTENDENT'S OFFICE.

299. ***Mr. Goswami M. R. Puri:** (a) Are Government aware that an extra expenditure of Rs. 50,000 (Fifty thousand) per annum is being incurred by the Great Indian Peninsula Railway owing to the opening of the new Nagpur Divisional Transportation Superintendent's office, as particularised below:

	Rs.
(1) D. V. S. at Rs. 1,900 per month.	22,800
(2) One Chief clerk at Rs. 240 per month.	2,880
(3) House rent at Rs. 600 per month.	7,200
(4) Officer's house allowance at Rs. 1,000 per month.	12,000
(5) Peons, Travelling Allowance, etc., Rs. 500 per month.	6,000
Total.	50,880

(b) Is it a fact that the office of the District Transportation Superintendent, Nagpur, was abolished in 1924 on the plea that it was not necessary and the district was absorbed in Bhusawal Division? Will

Government say if they have considered the possibility of redistributing the Great Indian Peninsula Railway Divisions with a view to save the extra expenditure?

Mr. A. A. L. Parsons: (a) and (b). The formation of the new Transportation Division at Nagpur at a cost of Rs. 65,000 approximately is a part of measures of re-organisation of the Transportation Department of the Great Indian Peninsula Railway which are calculated to lead to annual net economies of several lakhs of rupees. Some part of these economies, roughly about 5 lakhs per annum, has already been secured.

In regard to the first part of (b) of the question I have called for information and will communicate with the Honourable Member on its receipt.

INDEBTEDNESS OF MR. J. C. O'LOUGHLIN, POSTMASTER, DELHI.

300. ***Mr. B. Sitaramaraju** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that Mr. J. C. O'Loughlin, Postmaster, Delhi, is in grave financial embarrassment?

(b) Is it a fact that his pay is under attachment?

(c) What is the total amount of attachment still outstanding against him?

(d) Was this fact brought to the notice of the Director General of Posts and Telegraphs?

(e) If so, what action was taken by the Director General?

(f) Is it a fact that in the Post Office Department when the pay of an official of the subordinate service is under attachment, ordinarily he is not placed to work there where monetary responsibility is involved?

(g) Is similar procedure followed in case of Gazetted Officers? If not, why not?

Mr. J. A. Shillidy: The matter is under investigation.

APPOINTMENTS IN THE CORRESPONDENCE DEPARTMENT OF THE CALCUTTA GENERAL POST OFFICE.

301. ***Mr. B. Sitaramaraju** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that it has been ordered by the Director General, Posts and Telegraphs, in the Circulars No. 16 and 17, dated the 18th August, 1960, that some junior officials below 35 years of age will be nominated to sit for the lowest Selection Grade examination?

(b) If so, what will be the minimum qualification of those officials?

(c) Will Government be pleased to state how many applications from the intending candidates were received by the Presidency Postmaster, Calcutta and how many of them were from graduates and undergraduates?

(d) How many graduates were there in the Correspondence Department, Calcutta, General Post Office (both permanent and reserve) at the time of selection?

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

(b) Passing the first efficiency bar.

(c) and (d). Government have no information and they do not propose to call for it, as the selection of junior officials was left entirely to the discretion of the Head of the Circle concerned.

APPOINTMENTS IN THE CORRESPONDENCE DEPARTMENT OF THE CALCUTTA GENERAL POST OFFICE.

302. ***Mr. Bhuput Sing** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that the Office Superintendent of the Correspondence Department, Calcutta General Post Office, invited applications from all the graduate clerks and reserve clerks?

(b) Will Government please state, how many applications reached the Presidency Postmaster?

(c) Is it a fact that some of the applications were withheld by the Office Superintendent?

(d) Are Government prepared to investigate the matter?

Mr. H. A. Sams: (a) to (c). Government have no information.

(d) If the facts are as alleged by the Honourable Member in part (c) of his question, it is open to the officials concerned to represent their cases through the usual channels.

APPRENTICES AT THE NASIK-ROAD SECURITY PRINTING PRESS.

303. ***Maulvi Muhammad Yakub:** What is the total number of apprentices in the Nasik Road Security Printing, India, Currency Note Press Department? How many of them are Indians and how many Europeans and Anglo-Indians? And how many of them are in Classes A and B?

The Honourable Sir George Schuster: The Honourable Member is referred to the statement I laid on the table in reply to question No. 261 yesterday.

HOUSES BUILT FOR THE MASTER AND STAFF OF THE NASIK-ROAD SECURITY PRINTING PRESS.

304. ***Maulvi Muhammad Yakub:** What is the cost of the house occupied by the Master of the Press at Nasik Road? Was it built at a cost of Rs. 1,10,000? Is it also provided with a ball room? What was the cost of building the houses for the Deputy Master and the other which was some time ago occupied by his Personal Assistant? What was the cost of the other houses built for the European Staff? Are Government aware that the quarters built for the Indian employees are very unsanitary and inconvenient and are not provided with even a sink for water?

The Honourable Sir George Schuster: The cost of the Master's house was Rs. 1,17,000. It is not provided with a ball room. The Deputy Master's and the Personal Assistant's houses cost Rs. 76,000 each. The cost of the remaining European quarters, including another gazetted officer's quarter, was approximately Rs. 5,40,000, to accommodate a personnel of thirty with their families. Owing to the necessity for providing a source of supply of stamps and currency notes at a time when building costs were very high, these houses cost some 35 per cent. more than would be the case were they to be built now.

It is not a fact that the quarters for the Indian employees are either unsanitary or inconvenient. Only the latest 3rd and 4th grade quarters are not provided with water and a sink. This was intentional, as it was found that in the older quarters which had water supply and sinks, the

occupants allowed unsuitable waste to accumulate in an insanitary manner. Water supply and washing places, separately for men and women, are provided in close proximity to the new 8rd and 4th grade quarters.

COMPLAINTS AGAINST THE EUROPEAN AND ANGLO-INDIAN EMPLOYEES AT THE NASIK ROAD SECURITY-PRINTING PRESS.

805. *Maulvi Muhammad Yakub: (a) Are Government aware that there are general complaints by the Indian employees of the Nasik Road Security Printing India Currency Note Press Department against the ill-treatment and use of indecent language of the European and Anglo-Indian employees?

(b) Are Government prepared to appoint a mixed committee of officials and non-official Members of this House to enquire and investigate the grievances of the Indian Staff of the above named Department?

The Honourable Sir George Schuster: (a) No.

(b) No.

APPOINTMENTS IN THE INDIAN POLICE SERVICE.

806. *Rai Bahadur Sukhraj Rai (on behalf of Kumar Gupteshwar Prasad Singh): (a) Will Government be pleased to state what percentage and how many posts are filled in the Indian (Imperial) Police Service (senior scale, not inferior scale) by the officers promoted from the Provincial Police Service in each province now? What is the total number of senior scale posts in the Indian Police Service in each Province?

(b) Is it not a fact that, according to the Lee Commission recommendation, 20 per cent. of these superior posts ought to be held by officers promoted from the Provincial Police Service?

(c) If so, will Government state why there is difference between the figures in different provinces?

(d) Do Government propose asking the different Provincial Governments to fill up the necessary number of existing and future vacancies owing to proportionate pension retirements and other unforeseen casualties to bring up the percentage to 20 wherever this has not been reached?

The Honourable Sir James Ormer: (a) I place a statement on the table giving the information. In addition to members of the Provincial Service who have been substantively appointed to superior posts in the Indian Police Service, there are of course officers who are officiating in permanent and temporary superior posts, the details of which will be found in the Provincial Civil Lists.

(b) The Lee Commission recommended that in future 20 per cent. of the posts in the Indian Police Service should be filled by promotion from the Provincial Services, instead of 11 per cent. as had been the rule previously, but they did not recommend that this should be done within any specified period. They estimated that under their scheme a cadre of 50 per cent. Europeans and 50 per cent. Indians would be attained in the course of 25 years. It has always been the intention that the 20 per cent. proportion should be filled as rapidly as possible, consistently with avoidance of injustice to the existing members of the Service, and for this purpose certain executive instructions have been laid down.

(c) The state of promotion in the Indian Police Service cadre varies in different provinces, which accounts for the difference in the proportion of promotions in them.

(d) All Local Governments are required to undertake an annual examination of their cadres. The figures I have given show that satisfactory progress is being made in this matter, except in Burma, where conditions are exceptional, and I do not consider it necessary to issue any further instructions.

STATEMENT.

Province.	Total No. of Superior posts.	No. of superior posts		Percentage of Col. 3(a) to Col. (2) (in round figures).
		(a) substantively filled.	(b) ultimately to be filled.*	
1	2	3		4
Madras	43	6	9	14
Bombay	46	6	9	13
Bengal	60	8	12	13
United Provinces	64	10	13	16
Punjab	82	8	11	13
Burma	46	3	9	7
Bihar and Orissa	34	4	7	12
Central Provinces	32	5	6	16
Assam	15	3	3	20

* 20 per cent. of column (2) except in the combined cadre of the Punjab, Delhi, North-West Frontier Province and Baluchistan where the percentage prescribed is 16.

PROMOTION TO THE INDIAN CIVIL SERVICE OF OFFICERS OF THE PROVINCIAL CIVIL SERVICE.

307. *Rai Bahadur Sukhraj Rai (on behalf of Kumar Gupteshwar Prasad Singh): (a) What percentage and how many posts out of those in the senior scale of the Indian Civil Service are now held by officers promoted from the Provincial Civil Services in the Judicial and Executive branches respectively?

(b) How many senior scale posts are there in the Indian Civil Service in each province, in Executive and Judicial branches respectively?

(c) Is it not a fact that, according to the Lee Commission recommendations, 20 per cent. of the senior scale posts ought to be filled by promotion from the Provincial Civil Services?

(d) Do Government contemplate impressing on the various local Governments the necessity of filling up the necessary number of existing and immediately future vacancies by promotion of Provincial Civil Service officers, in order to make Indianisation of these services effective?

(e) What was the percentage and how many posts (the actual number) of the superior scale in the Indian Civil Service and Indian Police Service are held by members of the Provincial Civil Services, Judicial and Executive branches respectively, and the Provincial Police Service in each province at the time the Lee Commission recommendations were published?

(f) How many senior scale posts were there in the Indian Civil Service (Judicial and Executive branches respectively) and Indian Police Service in each province at the time the Lee Commission recommendations were published?

The Honourable Sir James Orerar: (a) and (b). A statement is laid on the table.

(c) Yes, but their recommendation was accepted with the modification that the 20 per cent. should include posts filled by direct recruitment from the Bar. I would invite the Honourable Member's attention in this connection to the reply given by the late Sir Alexander Muddiman to part (c) of Mr. K. C. Neogy's question No. 1871 on the 24th March, 1926.

(d) The Lee Commission did not recommend that the full 20 per cent. of superior posts should be listed immediately, but that a cadre of 50 per cent. Europeans and 50 per cent. Indians should be attained by this and other methods in 15 years. It is the policy of Government to fill the 20 per cent. as rapidly as possible, consistently with avoidance of injustice to existing members of the service, and to this end executive instructions have been laid down. The Honourable Member will see from the statements that considerable progress has been made in this respect. I may mention that, in addition to the posts shown in the statement, which have actually been listed, a considerable number of Provincial Civil Service officers officiate in superior posts.

(e) and (f). Two statements are laid down on the table. These give the figures of January, 1924, five months before the publication of the Lee Commission's Report.

Statement showing the number of superior posts (including listed posts) in the Indian Civil Service and their distribution between the executive and judicial branches on the 1st January, 1924.

Province.	Number of superior posts including listed posts.		Total.	Number of listed posts.		Total.	Percentage.	
	Executive.	Judicial.		Executive.	Judicial.		Executive.	Judicial.
Madras	65	28	93	5	6	11		
Bombay	45	30	75	2	3	5		
Bengal	56	42	98	6	6	12		
United Provinces	76	36	112	4	8	12		
Punjab	53	28	81	6	7	13		
Burma	65	24	89	7	7	14		
Bihar and Orissa	43	18	61	5	2	7		
Central Provinces	41	15	56	3	4	7		
Assam	21	*	21	1	*	1		
Total	465	221	686	39	43	82	8.4%	19.5%

*No separate judicial cadre. Includes posts recruited from the Bar.

Number of Government of India posts

Total number of superior posts—(465 plus 221 plus 80)

Percentage of all listed posts on total number of superior posts

60

746

11%

Statement showing the number of superior posts (including listed posts) in the I. C. S. and their distribution between the executive and judicial branches on 1st January, 1931.

Province.	Number of superior posts including listed posts.			Number of listed posts.			Percentage.		
	Executive.	Judicial.	Total.	Executive.	Judicial.		Executive.	Judicial.	Total.
					P. C. S.	Bar.			
Madras	66	32	98	7	7	4	18.7%	26.6%	17
Bombay	46	33	79	4	5	3			
Bengal	55	46	101	7	8	4			
United Provinces	76	38	114	8	8	1			
Punjab	53	31	84	8	5	2			
Burma	65	26	91	9	5	3			
Bihar and Orissa	43	20	63	5	2	2			
Central Provinces	40	15	55	5	6	Nil			
Assam	23	*	23	3	*	*			
Total	467	241	708	56	45	19	12%		

*No separate judicial cadre.

Number of Government of India posts

Total number of superior posts (467 plus 241 plus 61)

Percentage of all listed posts on total number of superior posts

61
769
15.6%

Indian Police Service.

Province.	Total number of superior posts in the Indian Police Service on the 1st January, 1924.	Actual number of superior posts in the Indian Police Service reserved for members of the Provincial Police Service on the 1st January, 1924.
Madras	41	3
Bombay	45	6
Bengal	60	6
United Provinces	62	4
Punjab	60	5
Burma	51	3
Bihar and Orissa	36	3
Central Provinces	31	3
Assam	15	2
	401	35

Percentage of posts reserved for Provincial Police Service officers to total number of superior posts 8.7

REMOVAL OF THE NON-OFFICIAL CHAIRMAN AND MEMBERS OF THE BEAWAR MUNICIPAL COMMITTEE.

308. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Local Government of Ajmer-Merwara, by a special notification, have removed Mr. Nathulal Ghiya, the non-official Chairman and Messrs. K. L. Varma, Vishnulal Rawat, B. K. Sircar and Tarachand four elected members of Beawar Municipal Committee on the allegation that their continuance as Chairman and members of the Committee was undesirable?

(b) If so, will Government please state the grounds on which their continuance on the committee was considered undesirable and prejudicial to public interest?

(c) Will Government also state why when one non-official Chairman was removed, another non-official Chairman was not allowed to be openly elected by the Municipal Committee, but Rai Bahadur Kishenlal, Extra Assistant Commissioner, Beawar, was appointed Chairman by the Local Government?

Mr. J. G. Acheson: (a) Yes.

(b) Continuance of Mr. Nathulal Ghiya on the Beawar Municipal Committee was considered undesirable and prejudicial to the public interest as

he was sentenced to six months' imprisonment under Section 4 of the Prevention of Intimidation Ordinance, 1930. The other four elected members were removed as they were involved in political activities to the detriment of constructive work for the Municipality.

(c) The appointment of Rai Bahadur Kishenlal as Chairman of the Municipal Committee was made at the express request of members of the Committee, who represented the unsatisfactory state of the municipal finances and urged the appointment of an experienced official.

TRANSFER TO "C" CLASS OF "A" CLASS PRISONERS IN THE AJMER CENTRAL JAIL.

309. *Mr. Gaya Prasad Singh: Is it a fact that nine political prisoners in Ajmer Central Jail have been transferred from "A" to "C" class from 16th December, 1930? If so, will Government kindly state its reasons?

The Honourable Sir James Crerar: I am making enquiries and will communicate the result to the Honourable Member.

ESTABLISHMENT OF A CENTRAL BANK AND TRAINING OF INDIANS IN BANKING.

310. *Lala Rameshwar Prasad Bagla: (a) In view of the fact that the contract with the Imperial Bank of India is to expire this year, will Government be pleased to state whether they propose to establish the new Central Bank as recommended by the Young Commission and supported by the Simon Commission and the Government of India despatch?

(b) Will Government be pleased to state the actual number of the staff officers which the Imperial Bank of India has recruited from England or other foreign countries and why this unprecedented procedure was followed when a number of probationary assistants were being trained by the Bank itself?

(c) Have Government considered the advisability of sending a certain number of qualified young men of India every year to study foreign methods of banking, as is being done by the Bank of Japan?

The Honourable Sir George Schuster: (a) As regards the agreement with the Imperial Bank of India, I would refer the Honourable Member to my reply on 27th January to Mr. B. Das's question No. 72, and to my further replies to supplementary questions then put.

(b) If the Honourable Member will state the period to which his question refers, I will endeavour to obtain the information from the Imperial Bank of India.

(c) The question of banking education for Indians is one of the questions which have been specially referred to the Banking Enquiry Committee. I prefer to await their recommendations before replying to this question.

CURRENCY AND EXCHANGE POLICY OF GOVERNMENT.

311. *Lala Rameshwar Prasad Bagla: (a) Will Government be pleased to state the total quantity of silver sold, with corresponding rates, and the total amount of deflation that the Government has brought about in the currency?

(b) What steps, if any, do Government contemplate to take in order to mitigate the general slackness in the trade and commerce of the country?

(c) Is it a fact that manipulations of various kinds were resorted to by Government with a view to maintain and thereby justify the eighteen pence ratio?

The Honourable Sir George Schuster: (a) Last March I announced details of the sales of silver up to the end of February, 1930. While I was prepared on that occasion to give a review of the Government's policy over a period of years, I think it would be contrary to the public interest that any close record of current transactions should be published. I can, however, inform the Honourable Member that no contracts for the sale of silver have been made by the Government since the middle of October last. The recent slump in the silver market cannot therefore be said to have been immediately affected by the action of the Government of India.

(b) The real causes of the present trade depression are unfortunately beyond the control of the Government of this country.

(c) Government in their capacity as currency authority, and in order to maintain stability of the exchange value of Indian currency, have taken measures of the kind normally employed by currency authorities in all countries with stabilized currencies.

FLOTATION OF THE NEW STERLING LOAN.

312. *Lala Rameshwar Prasad Bagla: (a) Do Government remember the pledge given by the then Finance Member, Sir Basil Blackett, on the floor of the Assembly against the policy of outside borrowings?

(b) If so, why in violation of that pledge, were the Government out to float the new sterling loan to the gigantic extent of 33½ crores in the London market at such a high rate of interest?

(c) Could not Government borrow the desired sum at a lower rate in India?

(d) Were Government aware, before raising the new loan, that the whole country disapproved of the terms of its issue?

The Honourable Sir George Schuster: (a) Government are not aware of any pledge of the nature referred to in the question. On the contrary, Sir Basil Blackett repeatedly indicated in his speeches that the resources of the Indian market would probably have to be supplemented by borrowing abroad.

(b), (c) and (d). The attention of the Honourable Member is invited to paragraphs 72 to 82 of my speech introducing the Budget for 1929-30, and to my reply to Dr. Ziauddin Ahmad's starred question No. 13 on the 26th January, 1931.

PROTECTION FOR THE COTTON TEXTILE INDUSTRY.

313. ***Lala Rameshwar Prasad Bagla:** (a) Are Government aware that in spite of the protection afforded to the cotton textile industry by enhancing the import duty last year, the said industry has been all along experiencing a continued depression?

(b) Will Government be pleased to state if they are contemplating to afford further protection to the said industry either by way of raising the import duty by 5 per cent. without any preference to British piece-goods, or by way of adequate reduction of freight charges all over the country?

The Honourable Sir George Rainy: (a) The Government of India are satisfied that any depression existing in the cotton textile industry since the duties were enhanced is not ascribable to importations from abroad.

(b) Government have no proposal for according further protection to the cotton textile industry under consideration at present.

PROTECTION OF THE HOSIERY INDUSTRY IN INDIA.

314. ***Lala Rameshwar Prasad Bagla:** (a) Will Government please state the name or names of the country or countries from which India imports hosiery and the quantity and value of the hosiery imported?

(b) Are Government aware that a number of Indian hosiery factories have recently been closed down owing to foreign competition particularly that of Japan which has flooded the Indian markets with cheap products?

(c) Do Government know that the cost of production of hosiery in India is about 25 per cent. higher than the rate at which Japanese manufactures are sold in India?

(d) If the reply to parts (b) and (c) is in the negative, are Government prepared to institute an enquiry in the matter?

(e) If the reply is in the affirmative, what steps do Government contemplate to take to save this industry?

The Honourable Sir George Rainy: (a) The information is contained in the Sea-borne Trade Accounts, copies of which are available in the library.

(b) and (c). Government have received representations which contain statements to that effect and ask for protection to the hosiery industry.

(d) and (e). The representations are under consideration.

EXPORT OF INDIAN PIECE-GOODS.

315. ***Lala Rameshwar Prasad Bagla:** (a) Will Government be pleased to place before the House a statement containing the names of the countries to which Indian piece-goods are exported and the total value of such piece-goods?

(b) What measures, if any, have Government so far adopted in order to stimulate the export trade of Indian piece-goods?

(c) Will Government please state the methods adopted for the publicity of the Indian manufactures in the various foreign markets which are the main customers of Indian products all over the world?

The Honourable Sir George Rainy: (a) The Honourable Member is referred to the Annual and Monthly Accounts relating to the Sea-borne Trade and Navigation of British India, copies of which are in the Library.

(b) In 1928 an Indian Trade Mission was sent to certain countries in the Near East and in Africa to make a survey of their potentialities as markets for Indian cotton goods and to make recommendations for the encouragement of the export of cotton manufactures from India. As an outcome of their recommendations and of the proposals submitted by the High Commissioner for India and the Director General of Commercial Intelligence and Statistics, Calcutta, a scheme has recently been approved for the appointment of Indian Trade Commissioners abroad, full details of which are set forth in the proceedings of the meeting of the Standing Finance Committee held on the 16th January, 1930 (Vol. IX No. 13).

(c) The attention of the Honourable Member is invited to Chapters VI to VIII of the Report on the work of the Indian Trade Commissioner in London during the years 1928-29 and 1929-30, a copy of which is in the Library.

PROTECTION AND ENCOURAGEMENT OF THE INDIAN CINEMA INDUSTRY.

316. ***Lala Rameshwar Prasad Bagla:** (a) Will Government please state the total number of American film companies which have established their offices in India?

(b) Are Government aware that these foreign companies, with their infinite resources and strong financial support, have been doing great injury to the infant cinema industry of India?

(c) What action do Government contemplate to take in order to save the cinema industry of India from the foreigners?

(d) Are Government prepared to consider the desirability of appointing a committee to draw out a scheme to be put into operation in order to encourage the said industry?

Mr. J. A. Shillidy: (a) Government have no information.

(b) and (c). The Indian Cinematograph Committee referred to the danger of non-Indian control of the Cinema trade and industry, and in paragraph 170, the Committee suggested that Government should arm themselves with legislative powers to exclude foreign concerns from operating in the country. The recommendations of the Committee contained in Chapter IV of their Report, such as the introduction of the "quota system", registration of producers, exhibitors, renters, importers and distributors, etc., were all designed to safeguard the indigenous industry against foreign aggression. But no action on these recommendations has been possible, as most of them hinged on the formation of a Central Cinema Bureau under the Central Government, as proposed in Chapter III of the Report, which did not find favour with most of the Local Governments and trade interests consulted. I would in this connection remind the Honourable Member that, under the present constitution "development of industries" is mainly a provincial transferred subject.

(d) Government do not consider that any useful purpose would be served by appointing another committee, as suggested by the Honourable Member.

FALL OF EXPORTS AND IMPORTS.

317. ***Lala Rameshwar Prasad Bagla:** Will Government be pleased to state the actual amount of fall in the export and import trade of India since the inauguration of the civil disobedience movement?

The Honourable Sir George Rainy: The Honourable Member is referred to the monthly Accounts relating to the Sea-borne Trade and Navigation of British India, copies of which are in the Library.

FALL IN REVENUE OF CENTRAL AND PROVINCIAL GOVERNMENTS.

318. ***Lala Rameshwar Prasad Bagla:** (a) Will Government be pleased to state if there has been any fall in the income of Provincial and Central Governments since the inauguration of the civil disobedience movement?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state the actual loss sustained by the Central Government and the Provincial Governments separately and how much has been shared by each province?

The Honourable Sir George Schuster: (a) Revenue returns up to date for the current year show a falling off as compared with the previous year.

(b) I place on the table a statement showing the actual revenue figures for the Central Government and each Provincial Government for the first eight months of the years 1929-30 and 1930-31.

Statement comparing the total Revenue (Excluding Refunds and Working Expenses) of the Central and Provincial Governments during the first 8 months of 1929-30 and 1930-31.

(In lakhs of rupees.)

Government.	8 months actuals, 1929-30.	8 months actuals, 1930-31.
India	76.48	67.24
Madras	7.82	(Approximate.) 7.29
Coorg	7	6
Bombay	8.34	7.31
Bengal	6.46	5.27
United Provinces	7.55	7.09
Punjab	6.98	6.48
Burma	3.66	3.66
Princely States	1.8	1.7
Bihar and Orissa	3.14	2.82
Central Provinces	2.36	2.28
Assam	1.50	1.48

IMPORTATION OF TIBETAN SALT.

319. ***Lala Rameshwar Prasad Bagla:** (a) Is it a fact that, in Kumaon Division, Tibetan salt is still imported in large quantities?

(b) Is Tibetan salt a contraband salt?

(c) Is it a fact that the Salt Act is not in force in Kumaon Division?

(d) If it is in force, will Government be pleased to point out the Notification whereby the Salt Act came into force in that Division?

The Honourable Sir George Schuster: (a) Government have no exact up-to-date records, but according to such information as they possess, it is most improbable that large quantities are imported. I have, however, called for further information.

(b) Salt duty has not been levied on Tibetan salt imported into Kumaon in the past. It is not, therefore, treated as contraband.

(c) and (d). The Salt Act is applicable to the Kumaon Division under section 1 of the Indian Salt Act, 1882.

RECRUITMENT OF THE INDIAN MEDICAL SERVICE.

320. ***Lala Rameshwar Prasad Bagla:** (a) Is it a fact that a Sub-Assistant Surgeon is eligible to be taken into the Indian Medical Service Corps?

(b) If so, what salary do Government propose to give him in that capacity?

(c) Are Government aware that a large number of private practitioners with high medical qualifications are yet unemployed and are easily available for direct appointment, and yet is it a fact that Government consider it advisable to re-inforce the Indian Medical Service by Sub-Assistant Surgeons?

(d) Will Government please state if there has been any representation made to them by the Sub-Assistant Surgeons on their inclusion in the Indian Medical Service?

Mr. G. M. Young: (a) Sub-Assistant Surgeons are eligible for appointment to the Indian Medical Service, if they possess the requisite professional qualifications.

(b) The same as other members of the Indian Medical Service.

(c) The policy of Government is to select the most suitable and highly qualified candidates, irrespective of the class from which they are drawn. No special preference is given to Assistant or Sub-Assistant Surgeons; and, as a matter of fact, no Sub-Assistant Surgeon has been appointed.

(d) No.

NUMBERS OF PERSONS ARRESTED AND CONVICTED FOR POLITICAL OFFENCES.

321. ***Lala Rameshwar Prasad Bagla:** (a) Will Government please state the exact number of people arrested and convicted for various political offences and under the various ordinances in each province of India since the inauguration of the civil disobedience movement till the 10th of January?

(b) Will Government enunciate their policy which guided them to classify prisoners in A, B, and C classes respectively?

(c) Will Government please state the number of political prisoners all over India, who have been placed in B and C classes?

(d) Will Government be pleased to state what extra expenditure each Provincial Government has to bear approximately for the maintenance of an additional number of political convicts since the inauguration of the civil disobedience movement?

The Honourable Sir James Crerar: (a) I would refer the Honourable Member to the reply given by me to Sardar Sant Singh's question No. 12 on the 26th January, 1931.

(b) I would invite the attention of the Honourable Member to the communiqué of the Government of India issued on the 19th February, 1930.

(c) and (d). The Honourable Member presumably refers to prisoners convicted in connection with the civil disobedience movement. I am collecting the information in regard to the classification of such prisoners and will communicate it to him in due course. I have no information of the additional cost incurred by Local Governments on account of such prisoners and do not think there would be any practical value in obtaining it.

PROFITS ON SILVER AND NICKEL COINS.

322. ***Mr. Bhuput Sing:** Will Government be pleased to state:

(a) the number of rupees and small silver and nickel coins minted at Calcutta and Bombay between 1920 and 1930;

(b) the amount of profit that has accrued to the Currency Department in the process of minting thereof; and

(c) the way in which the profits have been accounted for?

The Honourable Sir George Schuster: (a) The figures are given in the reports of the Controller of the Currency copies of which are in the library of the House.

(b) and (c). There were no profits on the coinage of rupees and small silver. The profits on the coinage of nickel are credited to the revenues of the Government of India under the head XXVIII, Mint. The amounts will be found in the Finance and Revenue Accounts of the Government of India, copies of which are in the Library of the House.

TENDER VALUE OF SOVEREIGNS IN INDIA.

323. ***Mr. Bhuput Sing:** Will Government be pleased to state:

(a) the real tender value of sovereigns in India; and

(b) whether the value set upon them is absolutely reciprocal?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to section 2 of the Currency Act (IV of 1927).

UNPROTECTED RAILWAY TRACKS ON THE EAST INDIAN RAILWAY.

324. ***Mr. Bhuput Sing:** Will Government be pleased to state the portions on the East Indian Railway (either on the main or branch line) where the railway track is unprotected by wire-fencing on either side?

Mr. A. A. L. Parsons: I regret that the information is not available.

PROVISION OF A THROUGH TRAIN *via* BANDEL-BARHARWA.

325. ***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether there is any through train to Delhi running from Howrah, which goes *via* Bandel-Barharwa?

(b) If the answer to part (a) is in the negative, are Government prepared to advise the East Indian Railway management to book some such train to and fro in the preparation of their future time tables for the convenience of through passengers on that section?

Mr. A. A. L. Parsons: (a) No.

(b) Government cannot take part in the preparation of time tables. I will have a copy of the Honourable Member's question sent to the Agent of the East Indian Railway for information and for the consideration of his Administration.

PROVIDENT FUND FOR GOVERNMENT SERVANTS.

326. ***Mr. N. R. Gunjal:** (a) Will Government be pleased to state whether they have drawn up any definite scheme of Provident Fund, as proposed by the Honourable Mr. Vedmurti in the Council of State in 1924?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state when it is likely to be introduced?

(c) Will Government be pleased to state whether the scheme will be made applicable to the menial staff working under the Government of India?

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

The Honourable Sir George Schuster: (a) and (b). I would refer the Honourable Member to my reply to Sardar G. N. Mujumdar's question No. 100 given on the 28th January, 1931, which answers these points in substance.

(c) and (d). The question of admitting inferior servants of the Government of India to a Provident Fund or to benefits of a corresponding kind has been engaging the attention of Government for some time; but it is considered that a decision should now be deferred until the Report of the Royal Commission on Labour becomes available.

PENSION RULES FOR MENIAL STAFF OF THE CURRENCY OFFICE, BOMBAY.

327. ***Mr. N. R. Gunjal:** (a) Will Government be pleased to state whether it is a fact that a definite promise was given to the menials of the Bombay Currency Office that their pension rules would be revised when the pension rules of the Bombay Government were revised?

(b) Will Government be pleased to state whether they are aware that the Bombay Government have now revised the pension rules of their menial staff since April 1929?

(c) If the answer to part (b) is in the affirmative, will Government be pleased to state whether the same rules will be applied to the menials of the Currency Department? If not, why not?

The Honourable Sir George Schuster: (a) No.

(b) Yes.

(c) I would refer the Honourable Member to the reply given to question No. 268 by Mr. N. M. Joshi in September, 1928. The scheme of temporary increase in small pensions referred to therein has since been extended up to the 31st October, 1931, and the question of the permanent revision of the pension rules of inferior servants under the Government of India is still under consideration. The Government of India cannot find themselves to follow absolutely the practice of Local Governments in such matters.

RECOMMENDATIONS OF THE CURRENCY STAFF ENQUIRY COMMITTEE.

328. ***Mr. N. R. Gunjal:** Will Government be pleased to state whether the recommendations made by the Currency Staff Enquiry Committee, will be given effect to from the next official year (April 1931)?

The Honourable Sir George Schuster: The recommendation of the Committee, for an increase of pay of shroffs in the Bombay Currency Office, which has been accepted by Government and approved by the Standing Finance Committee, will be given effect to from the 1st March, 1931, a similar readjustment in the scales of pay of shroffs in all the Currency Offices being made from the same date.

INSTRUCTIONS TO INCOME-TAX OFFICERS.

329. ***Dr. Ziauddin Ahmad:** (a) Have Government issued instructions to the Income-tax officers, which do not form part of the Income-tax Act?

(b) If so, will Government please lay a copy of such instructions on the table?

(c) Have Government specified assessable and non-assessable incomes in any circular letter? Is the circular letter published in the Gazette of India? If not, will Government lay a copy of the circular letter on the table?

The Honourable Sir George Schuster: (a) and (b). The Central Board of Revenue issues instructions from time to time to Commissioners of Income-tax in regard to the administration of the Act. The Board also exercises rule-making powers under the Act. The rules framed by the Board and the gist of such of its other instructions as are of general interest will be found in the Income-tax Manual, a copy of which is in the Library of this House.

(c) I do not know what letter my Honourable friend has in mind. No such circular letter has been issued by the Central Board of Revenue.

Dr. Ziauddin Ahmad: Did the Central Board of Revenue issue a letter to the income-tax officers, specifying that certain classes of income should be considered as assessable and some other kinds as non-assessable?

The Honourable Sir George Schuster: If the Honourable Member will put before me any evidence of the letter which he has in mind, I shall be very glad to answer questions in relation to it.

REPORT ON THE WORKING OF THE CREW SYSTEM.

330. ***Dr. Ziauddin Ahmad:** (a) Did Government appoint any committee or depute any individual to report on the working of the crew system?

(b) If so, will Government lay the report on the table?

(c) Was the report discussed by the Railway Board and what was its decision?

Mr. A. A. L. Parsons: (a) Government appointed a Committee to report on the working of the crew system on the East Indian Railway.

(b) and (c). The Report is at present under the consideration of the Railway Board and a decision has not yet been arrived at. After a decision has been arrived at, I will have a copy of the Report placed in the Library. I will also send the Honourable Member a copy.

Dr. Ziauddin Ahmad: Will the Honourable Member send a copy now?

Mr. A. A. L. Parsons: We are not prepared to send a copy until we have arrived at a decision on the report, which I expect, will take place in the course of the next week or two.

Dr. Ziauddin Ahmad: Will he also give a copy of a similar report on the G. I. P. Railway system?

Mr. A. A. L. Parsons: There is no such report.

NON-RELEASE OF KHAN ABDUL GHAFFAR KHAN, A POLITICAL PRISONER IN BAD HEALTH.

331. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the Government released some political prisoners on account of ill-health?

(b) Is it not a fact that Khan Abdul Ghaffar Khan is not in good health?

(c) Will Government be pleased to give reasons for not releasing Khan Abdul Ghaffar Khan, when other prisoners were released under similar conditions?

The Honourable Sir James Crerar: (a) A few prisoners convicted of offences in connection with the civil disobedience movement have been released on account of the state of their health.

(b) and (c). No; his health is reported to be quite good.

RELEASE OF POLITICAL PRISONERS IN THE NORTH WEST FRONTIER PROVINCE.

332. ***Dr. Ziauddin Ahmad:** (a) Are Government contemplating releasing more prisoners in the near future?

(b) Are Government prepared to include the prisoners in the North West Frontier Province sent to jail for a similar offence?

The Honourable Sir James Crerar: The Honourable Member will no doubt realise that the policy of Government in this respect must depend on the manner in which the situation develops but no question of discrimination between provinces would be involved.

APPOINTMENT OF LOCAL BODIES IN THE NORTH WEST FRONTIER PROVINCE.

333. ***Dr. Ziauddin Ahmad:** (a) Have Government sanctioned the appointment of local bodies in the North-West Frontier Province?

(b) Will the non-official elected members be in a majority in these local bodies?

(c) If the answer to part (b) be in the negative, will Government give reasons for adopting a practice different from that in other provinces?

(d) Are Government prepared to reconsider the matter?

(e) Have elections for local bodies been held? If not, why not?

(f) When will the elections be held?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b), (c) and (d). It has been decided that the District Boards and Municipal Committees, the members of which, with the exception of the Peshawar Municipal Committee, have hitherto been entirely nominated, shall consist of nominated and elected members in equal numbers. This the Honourable Member will recognise is a good advance in the liberalisation of their constitution.

(e) and (f). The elections have not yet been held as the necessary preliminaries are still in progress. They will be held in the beginning of June, if it is not found possible to complete the preliminaries before then.

Dr. Ziauddin Ahmad: In all other provinces the elected members in local bodies are in a majority. That being so, will the Honourable Member please say why a different practice is being adopted in the North West Frontier Province?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: In all the provinces there have been non-official members in a majority for a long time, while here there has been no elected member on any local body except in Peshawar, right up till now.

Seth Haji Abdoola Haroon: Is it because Government consider that this province is a backward one that they are not giving a majority of elected members in the local bodies, or is it for some other reasons?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: There is no such idea of backwardness, in particular; the only idea in support of this action is whether there ought to be advance by steps or by leaps?

Mr. K. Ahmed: What is the percentage of elected members and the nominated members now?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: There is no percentage of elected members, there being none.

Mr. K. Ahmed: What is the proportion of members and how many of them really represent the people?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Don't quite follow. As to representation that is a matter for guess, because there is no election.

Mr. K. Ahmed: When there have been so many Resolutions passed in this Assembly and other places and on the public platform, when will the Government think over this question?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I shall be grateful if the Honourable Member will refer me to the Resolutions passed by the Assembly or by the Council of State on the subject.

Mr. K. Ahmed: Are not the Government aware of the fact that in so many public places and Legislatures Resolutions were passed and memorials were sent to the Government and the Government have done nothing so far?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am aware of one representation which was made by the people of the Frontier Province to their Chief Commissioner in the beginning of July, 1930, in response to which a promise was made that the constitution of the local bodies would be liberalised, and the present measure that I have indicated is in pursuance of that promise.

Mr. K. Ahmed: Is it not a fact that, in this very Assembly some time ago, and within my knowledge for the last eleven years, Government made a promise throughout the régime of Sir Denys Bray who was then sitting here, and that promise has not been fulfilled?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member's knowledge is what is called *sina basina* (handed-on unrecorded): I have not seen yet any record of it.

Mr. K. Ahmed: Is that my fault or the fault of the other side?

Maulvi Muhammad Shafee Daoodi: Do not the Government recognise that the population of the province is more homogeneous and more suited to democratic forms of institutions than others?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That is a point on which Government are not interested to make any denial.

Dr. Ziauddin Ahmad: Did not the Government promise to the Frontier Province people that they would enjoy the same liberties and the same rights as are being enjoyed by the Punjab, and is it now the practice in the Punjab to have an equal number of elected and nominated members on local bodies?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have already admitted that in other provinces the elected element in local bodies preponderates, but in the Frontier Province till now there has been no elected element whatsoever, and in order to make good this defect Government have already decided that the constitution of local bodies shall be liberalised, and a certain measure of liberalisation has taken place, or at all events, is in the course of taking place. I trust that Honourable Members will recognise that that certainly is a very desirable thing.

Dr. Ziauddin Ahmad: The Honourable Member did not reply to the first part of the question; did not the Government promise the people of the Frontier Province that they would enjoy the same rights and privileges as were enjoyed in the adjacent province of the Punjab, and if so, why is this right denied to them?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable the Chief Commissioner's reply to the representations made to him by the people of the Frontier Province was published broadcast, and therein it was definitely stated, so far as I can now recollect, not having the statement before me, that in the activities of beneficent Departments every effort would be made, subject to finances being available, to raise the standard of efficiency in the said Departments to the same level as prevails in the adjoining districts of the neighbouring province. That is as far as I can recollect, and I have no doubt every effort is being made by Government during the preparation of their Budget which the Honourable Members will recognise is a deficit Budget, to work up to that promise.

Dr. Ziauddin Ahmad: Sir, we do not recognise the Chief Commissioner of the N. W. F. P., because that province is administered directly by the Government of India. I would like to know what the Government of India have done to fulfil the promises made to the people of the N. W. F. P. at the time of the separation of the province by Lord Curzon in 1901?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: My researches have not gone back to that date.

Sir Abdur Rahim: Are the people of the N. W. F. P. satisfied with what the Government have done for them in this matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have not had opportunities really of ascertaining the views of the people of the North West Frontier Province recently; by recently I mean during the last three or four months, the period during which the proposals for advance have been matured by the Local Government. I shall indeed be very glad to get into touch with that opinion in case it is ascertainable.

Mr. K. Ahmed: Is it not the reason why in Peshawar and throughout the N. W. F. P. and further on towards Kabul all this disorder has taken place and Government are experiencing considerable trouble? Are Government aware that all this trouble and disorder is due to the non-fulfilment of their promise; all this chaos and disorder is due to their not being in touch with the public opinion in the N. W. F. P.? When do they propose to remove all the difficulties of the people of the N. W. F. P. and get rid of all their troubles and thus avoid the squandering of public money for maintaining a huge military force at an enormous cost?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am afraid, Sir, we are getting beyond the scope of the subject matter of the question.

Mr. Muhammad Yamin Khan: May I ask if the Honourable Member has read the debates in this House on the frontier policy question, when the late Lala Lajpat Rai, the Leader of the Nationalist Party, was here, and he supported that Resolution? Has he also read the debate which took place last year during the Budget session on a cut on the frontier policy?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Sir, not in this connection.

Dr. Ziauddin Ahmad: Two more supplementary questions, Sir. The Government promised, in reply to my question at the Simla Session, that they would establish these local bodies at an early date and allowed seven months to elapse. We still hear that they will be started in June next. I would like to know the cause of this abnormal delay.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: What the Honourable Member has stated is perfectly correct. It was intended last July, when the Assembly met, that these institutions should be started at an early date. It is for the Honourable Members to say whether the passing of the last seven months, due to the abnormal conditions prevailing in that province, can be dubbed as undue delay, or is justified.

Dr. Ziauddin Ahmad: We are not satisfied with the answer. My second supplementary question is

Mr. President: Next question please.

CONTINUED APPLICATION OF MARTIAL LAW IN THE NORTH WEST FRONTIER PROVINCE.

334. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the North West Frontier Province is administered directly by the Government of India?

(b) Will the Government be pleased to give an example of a province where martial law has been applied for a longer period than in the North West Frontier Province?

Mr. J. G. Acheson: (a) Yes, Sir.

(b) In the Madras Presidency during the Moplah disturbances Martial Law actually remained in force for a longer period than has been the case in the Peshawar District.

THE BANK RATE IN ENGLAND AND IN INDIA.

335. ***Dr. Ziauddin Ahmad:** (a) What is the rate of interest of the Imperial Bank of India now?

(b) What is the rate of interest of the Bank of England on the same date?

(c) Is there a marked difference in the rates of interest? If so, why?

(d) What was the Imperial Bank of India reserve on the day the rate was increased from 5 to 6 per cent?

The Honourable Sir George Schuster: (a), (b) and (c). I would refer the Honourable Member to my reply to Lala Hari Raj Swarup's question No. 267 on 2nd February, 1931.

(d) The bank rate was raised from 5 to 6 per cent. on the 20th November, 1930. The Imperial Bank's cash on the 14th November and on the 21st November was 24,89 lakhs and 20,27 lakhs respectively.

RESHUFFLING OF THE ADMINISTRATIVE AREAS OF STATE-OWNED RAILWAYS.

336. ***Dr. Ziauddin Ahmad:** (a) Are Government aware that the organisation of the Post and Telegraph offices is provincialised?

(b) Have Government ever considered the desirability of reshuffling the administrative areas of State-owned railways and making them coincide with the provincial areas?

Mr. A. A. L. Parsons: (a) The reply is in the negative.

(b) No; and Government do not consider that any re-arrangement of the railway systems on the basis suggested would be practicable.

Dr. Ziauddin Ahmad: The reply to part (a) of this question is in the negative, that is, there is no provincial organization in the Posts and Telegraphs Office. Do I understand that?

Mr. A. A. L. Parsons: The Honourable Member's question should, I think, be put, after due notice, to my Honourable friend Mr. Sams. I derived the information from his Department on which I gave a reply to part (a).

Dr. Ziauddin Ahmad: I did not follow the reply.

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

337. ***Dr. Ziauddin Ahmad:** (a) Have the Government of India addressed any letter to the Government of the United Provinces about the purchase of the Bengal and North Western Railway and the Rohilkund and Kumaon Railway?

(b) Have Government received its reply? Will the Government be pleased to lay it on table?

(c) Have the Government of India asked the United Provinces Government to find out the opinion of the United Provinces Legislative Council about the purchase of the Bengal and North Western Railway?

(d) Have the Government of India suggested the extension of the contract of the Bengal and North Western Railway for another period of 50 years?

(e) Are Government considering the flotation of a loan in India, or both in India and England for the purchase of the Bengal and North Western Railway?

The Honourable Sir George Rainy: (a) Yes.

(b) A reply has been received and will be made available to the Committee which, as I mentioned in answer to the Honourable Member on the 26th of last month, I hope the House will appoint, to examine the whole question. Pending that examination, I do not think it desirable to lay papers.

(c) I understand that His Excellency the Governor of the United Provinces in Council has decided, at the suggestion of the Government of India, to give the Legislative Council of the United Provinces an opportunity to discuss the question.

(d) No.

(e) Consideration of this question must obviously await the decision which may be reached after the examination by the Committee.

Mr. Gaya Prasad Singh: When does the contract with the Bengal and North Western Railway terminate?

The Honourable Sir George Rainy: It does not terminate automatically. I think the position is that the Government of India can terminate the contract by giving notice before the 31st December next.

Mr. Gaya Prasad Singh: Do Government realise the necessity of settling this question far in advance of the time when the contract is due to terminate by giving notice?

The Honourable Sir George Rainy: I think, Sir, it is desirable to reach a decision on that question as soon as possible. I admit that.

Maulvi Muhammad Shafee Daoodi: Do Government propose to take any steps to terminate the contract?

The Honourable Sir George Rainy: What I indicated in reply to an earlier question put a few days ago by my friend, Dr. Ziauddin Ahmad, was that Government would propose before the end of this year, the appointment of a Committee to examine the question of what should be done in this matter.

APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES IN RAILWAYS.

338. ***Seth Haji Abdoola Haroon:** (a) Is it a fact that, with the exception of one officer on training, there is not a single Muslim superior officer in the Audit Department of Railways?

(b) Is it a fact that there is not a single Muslim in the Audit Department of Railways as (a) Assistant Audit Officer (b) Senior Accountant, and, if so, what steps do Government propose to take to have Muslims represented in this Department?

(c) Is it a fact that there has never been a Muslim Officer in the Office of the Accountant General, Railways (now Director of Railway Audit), and, if so, are Government prepared to take steps to appoint a Muslim Officer in this office?

The Honourable Sir George Schuster: With your permission, Sir, I will answer questions Nos. 338 and 339 together. Information is being obtained and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES IN RAILWAYS.

†339. ***Seth Haji Abdoola Haroon:** (a) Will Government please state if a Muslim has ever been appointed as (i) Audit Officer; (ii) Assistant Audit Officer; (iii) Senior Accountant; (iv) Junior Accountant; and (v) Sub-head

†For answer to this question, see answer to starred question No. 338.

to remove communal inequalities in the Railway Audit and Accounts Department? If so, please state number of each class?

(b) If not, do Government propose to consider the feasibility of such a step?

APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES IN RAILWAYS.

340. *Seth Haji Abdoola Haroon: Is it a fact that not a single Muslim has ever been appointed as an officer or as a Superintendent in the Railway Clearing Accounts Office? Is it also a fact that there is not a single Muslim Officer or Senior Accountant in the accounts offices of all State Railways except the North Western Railway, and all Company railways without exception? If so, why?

Mr. A. A. L. Parsons: I am not aware of the position on Company-managed railways, but with regard to the Railway Clearing Accounts Office, and other Railway Accounts Offices, the answer is in the negative.

PUBLICATION OF FIGURES OF ACCOUNTS DEPARTMENTS OF RAILWAYS.

341. *Seth Haji Abdoola Haroon: Will Government please take steps to publish separately figures of accounts departments of Railways in the Report of the Railway Board in the same way as the figures of Agency, Engineering, Transportation, Commercial, Mechanical Engineering and Stores Departments are published?

Mr. A. A. L. Parsons: The statement of gazetted officers in Departments employed on Railways published as Appendix F to Volume I of the Report by the Railway Board will in future show separately, the number of officers of the Railway Accounts Department.

LACK OF MUSLIM OFFICE SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY.

342. *Seth Haji Abdoola Haroon: (a) Is it a fact that there is not a single Muslim Superintendent in the headquarters office of the North Western Railway?

(b) Is it a fact that there is not a single permanent Muslim Office Superintendent in the whole of the North Western Railway system?

Mr. A. A. L. Parsons: (a) and (b). The reply is in the affirmative.

LOWER GAZETTED POSTS ON THE NORTH WESTERN RAILWAY.

343. *Seth Haji Abdoola Haroon: Will Government please state how many lower gazetted posts have been created on the North Western Railway in the years 1930 and 1931:

(a) in the Commercial Department,

(b) in the Transportation Department,

(c) in the Way and Works Department,

(d) in the Mechanical Department,

and how many of these posts have been given to Indians,

(i) to Muslims and (ii) to Non-Muslims?

Mr. A. A. L. Parsons: In December, 1930, six Commercial Superintendents' posts in the subordinate service were converted into Lower gazetted posts. No permanent promotions have been made to fill the posts, but the holders of the posts abolished have been appointed to officiate in the new posts pending the Agent's recommendation how they should be filled permanently.

In 1931, as a result of the revision of the cadres, provision has been made for 58 posts in the lower gazetted service. For a large part these replace existing posts in other services. They come into being on the 1st March, 1931, and the Agent's proposals for filling them are awaited.

APPOINTMENT OF MUSLIM OFFICERS ON STATE RAILWAYS.

344. *Seth Haji Abdoola Haroon: Will Government please state what steps have been taken by them to give effect to the promises made by the Honourable Sir George Rainy and Mr. Hayman in their speeches made on the 24th February, 1930, on the floor of this House regarding appointment of Muslim Officers on State Railways?

Mr. A. A. L. Parsons: A memorandum giving the information asked for by the Honourable Member is under preparation and, when ready, will be placed in the Library of the House. I will also send him a copy.

Seth Haji Abdoola Haroon: And not to all the other Members?

Mr. A. A. L. Parsons: I think it will be rather a long memorandum. I am going to place copies in the Library and send the Honourable Member himself a copy.

APPOINTMENT OF MUSLIM OFFICERS AND CLERKS IN THE HEADQUARTERS OFFICES OF THE NORTH WESTERN RAILWAY.

345. *Seth Haji Abdoola Haroon: Is it a fact that (a) there is not a single Muslim Officer or an Office Superintendent or even a Head Clerk in the whole of the Personal Branch of the Headquarters Offices, North Western Railway, Lahore, (b) the percentage of Muslim clerks in this branch is lower than their percentage in the Agent's Office as a whole?

(c) If so, are Government prepared to issue instructions to the Agent to have the Muslims fairly represented in all the grades of this Branch?

Mr. A. A. L. Parsons: (a) The reply is in the affirmative.

(b) The reply is in the affirmative.

(c) Promotions to higher grades are made with reference to seniority and merit without regard to communal considerations.

CONSTRUCTION OF THE BOMBAY-SIND DIRECT RAILWAY.

346. *Seth Haji Abdoola Haroon: Will Government be pleased to state when it is proposed to start the construction of the Bombay-Sind direct railway?

Mr. A. A. L. Parsons: I would refer the Honourable Member to my answer to Mr. Lalchand Navalrai's starred question No. 84 on the 20th January, 1930.

RETURN TO INDIA OF MAULVI OBAIDULLAH SINDHI.

347. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state:

- (i) Whether they are aware that Maulvi Obaidullah Sindhi (resident of Sialkot) had emigrated from India to Afghanistan more than 15 years ago?
- (ii) Whether it is a fact that Maulvi Obaidullah has remained all the past 15 years as a destitute stranger in one or the other foreign country either in Asia or in Europe?
- (iii) Whether they are aware that at present Maulvi Obaidullah is residing at Mecca in the Hedjaz and is anxious to return to India?

(iv) Whether there are any such serious charges against the said Maulvi Obaidullah as to prevent his return to India? If there are, what are they?

(b) Will Government be pleased to declare whether they will or will not allow his return to India?

The Honourable Sir James Orerar: (a) (i) and (ii). I am aware that Maulvi Obaidullah went to Afghanistan in 1915 and thereafter to Moscow and other countries, but I am not aware that he has been destitute.

(iii) I am aware that he is in the Hedjaz but I have no information about his anxiety to return.

(iv) There are serious charges against him which I am not in a position to disclose at this juncture.

(b) The Government of India will take all the circumstances connected with his case into consideration if and when he applies for facilities to return to India.

But I am not in a position to make any statement at present what their decision would be if that case arose.

Maulvi Muhammad Shafee Daoodi: Is the policy of Government of keeping the charges made against Maulvi Obaidullah secret a desirable policy?

The Honourable Sir James Orerar: The circumstances regarding those charges are matters of very great intricacy and I do not think that it would be in the public interest to make any statement with regard to them.

Maulvi Muhammad Shafee Daoodi: But as the thing took place fifteen years ago, is it not now only a matter of history, and do not the Government think that the disclosure of the charges would satisfy the people as to the real objection of the Government?

The Honourable Sir James Orerar: I hope the Honourable Member will accept my assurance that, to the best of my judgment, it would not be in the public interest to make a statement.

APPOINTMENT OF MUSLIMS IN THE CUSTOMS DEPARTMENT.

348. *Seth Haji Abdoola Haroon: Will Government be pleased to state what action, if any, the Collector of Customs, Karachi, has taken or proposes to take to give effect to the recommendation contained in the Government of Bombay's Notification No. 2810, dated the 5th February, 1925, regarding the appointment of Muslims in the Customs Department?

The Honourable Sir George Schuster: The orders issued by the Bombay Government have no application to the recruitment of services or posts in Departments under the Central Government and no change in the existing orders is contemplated pending the completion of the examination of the effect of those orders, which is now in progress.

ELECTION OF MEMBERS TO THE SALT INDUSTRY COMMITTEE.

Mr. President: I have to inform the Assembly that the following Members have been elected to the Committee to examine the Report of the Tariff Board on the salt industry, namely:

1. Mr. L. V. Heathcote.
2. Mr. B. Das.
3. Mr. N. N. Anklesaria.
4. Mr. R. K. Shanmukham Chetty.
5. Mr. C. C. Biswas.
6. Nawab Major Malik Talib Mehdi Khan.
7. Mr. G. Morgan.
8. Mr. S. C. Shahani.
9. Seth Haji Abdoola Haroon.
10. Mr. S. C. Mitra.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON ROADS.

Mr. President: I have to inform the Assembly that the following Members have been elected to serve on the Standing Committee on Roads, namely:

1. Rao Bahadur M. C. Rajah.
2. Mr. L. V. Heathcote.
3. Lieutenant Nawab Muhammad Ibrahim Ali Khan.
4. Mr. B. Rajaram Pandian.
5. Mr. M. R. Goswami Puri.
6. Rao Bahadur S. R. Pandit.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that the Bill further to amend the Special Marriage Act, 1872, be taken into consideration.

[Sir Hari Singh Gour.]

Sir, if this were not a new House, I would not have detained the House very long, but I have to explain to the House the reason why I have sponsored this Bill which had been introduced in the late Imperial Legislative Council as far back as 1868. Sir, at that time the Bill was not introduced by a private Member, but it was introduced by that very eminent lawyer, Sir Henry Maine, who was then the Law Member of the Government of India, and if Honourable Members will indulge me, I will point out to them the necessity which then existed and the necessity which has since been strengthened and reinforced with the passage of time. Sir Henry Maine in 1868 felt that there was a necessity for the establishment of a general civil marriage law in this country, and in introducing his Bill, he pointed out that as the Government of India were religiously neutral, it was the duty of the Government of India to establish a neutral marriage law. That Bill was under discussion from 1868 to 1872, when it was enacted in a restricted form, popularly known as the Brahmo Marriage Act. But the necessity for a general civil marriage law had long been felt in this country, and in 1908, Mr. Bhupendra Nath Basu re-introduced the Bill which had been, as I have pointed out, first introduced by the then Law Member in 1868. That Bill was circulated, but after circulation, Mr. Bhupendra Nath Basu left the Imperial Legislative Council and the Bill itself was shelved. Mr. Patel, when he was a Member of the Imperial Legislative Council, again revived it, and later on, in 1921, Sir, I re-introduced the Bill, and it was circulated, and after collection of opinions in the provinces it was referred to a Select Committee. But my Muhammadan friends in those days objected to the inclusion of their community in that Bill, and out of deference to them I cut them out as well as a few other communities and it became then enacted as the Special Marriage Act of 1923, which legalises marriages between Hindus, Buddhists, Sikhs and Jains.

Now, the necessity which existed for the establishment of a general marriage law in 1868 is a necessity which, as I have said, has grown greater with the passage of time. Let me summarise the views of that eminent jurist, Sir Henry Maine, as given by him in his speech on that Marriage Bill in 1868. He said that the Government of India had passed a *Lex Loci* Act the object of which was to give every person the freedom of conscience. As a necessary corollary of the passage of a *Lex Loci* Act the Government of India were bound to pass a civil marriage law. This is what he says:

"It is incredible to me that, except by an oversight, they should have expressly provided for the protection of the right of inheritance, but should have omitted to provide for the right of contracting marriage, without which that inheritance cannot arise."

Then, turning to the religious argument, he says that the Hindu marriage and the Muhammadan marriage and the other communal marriages are sanctioned by local usage, and because they are sanctioned by customary usage, they are only legal within the area where the custom operates. They have no international validity, and therefore, so far as the marriages in India under the personal laws of the parties are concerned, while they are perfectly good within India, the moment people go out of India those marriages are open to question. In a very recent case reported in Law Reports, 1930, probate page 217, this very question was discussed at very great length, and the principle that was laid down in that case is this. The Judges said marriage in Christendom and indeed

in the civilised part of the world means a monogamous marriage, marriage of one man to one woman to the exclusion of all others. Any marriage that takes place in violation of this principle is not a marriage within the meaning of law. That, I submit, is the principle which they enunciated here.

An Honourable Member: Which High Court?

Sir Hari Singh Gour: The English High Court, and here is a book by Mr. Geary on "Marriage and Family Relations".

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Who is he? We have not heard of him.

Sir Hari Singh Gour: I will lend my book to you.

Mr. Amar Nath Dutt: I want to know his credentials.

Sir Hari Singh Gour: His credentials are unquestionable. He is a barrister of the Inner Temple. This is what he says:

"A marriage when a former husband or wife is alive is null, as well by the spiritual as by the Common Law, and they are not husband and wife *de facto*. For polygamy and polyandry are forbidden by Christianity and the law of England and every other civilised country and the law of England will not recognise a Mormon or polygamous marriage."

That was laid down as far back as 1888 by the Court of Chancery, and as I have pointed out, that principle was re-established and reaffirmed in the later case to which I have referred. I would not have drawn Honourable Members' attention to this fact were it not for the fact that a very large number of Indians migrate to South Africa and other parts of Europe and America.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): It would be wise on your part if you were also to migrate to South Africa. It will be useful to you as well as to the House.

Sir Hari Singh Gour: Now, as regards the law that is applicable, the principle of marriage law on the Continent of Europe, in England and America and in South Africa, and indeed so far as I am aware in all the British Dominions, is a statutory marriage to the exclusion of all parochial, customary or local marriages. Consequently, when Indians go to South Africa, the one question with which they are confronted is: Is your marriage registered under any statute? And if it is not registered, a great deal of difficulty arises as to the recognition of these matrimonial ties not sanctioned by the law of the land, and that is exactly the case in the whole of Europe where no marriage is recognised unless it is a statutory marriage, which means a marriage under the civil law. I therefore submit that, apart from the other questions to which I shall presently refer, a statute must be enacted in this country for the purpose of registering marriages, marriages which would be good not only in India but throughout the civilised world. That, I submit, is the prime necessity of the State, and it was pointed out by Sir Henry Maine in his opening speech to which I have referred. This is what Sir Henry Maine points out:

"But the theory which imposed religious marriage in Europe has never had any counterpart in India. In European countries the legislator believed or professed to believe that some one religion was true and could alone impart efficacy to the rites by which marriage was celebrated. That was his justification, whatever it was worth

[Sir Hari Singh Gour.]

For the protection of that one religion and in its interest, he compelled everybody to submit to its ceremonial. But there never has been anything like this in India under the British Government and whatever were the theory of the Muhammadans, there was nothing like it in their practice. It is a famous saying of a well known French Statesman, that 'the law should be atheistic'. Well, if the expression be permissible, the law of marriage has in this country always been atheistic, in the sense that it has been perfectly indifferent between several religions of which no two could be true. One may be true but not two. This peculiarity of Indian law results in the rule that a man may at pleasure desert the religion in which he was born and contract a civil marriage. A Hindu can become a Christian or a Muhammadan, or he may adopt the Fetichism of the Kols or Santhals and he can contract a lawful marriage. But if he stops short of that, as the law stands, marriage is denied to him. Take the case of a Hindu becoming Muhammadan, a kind of conversion which goes on every day of our lives. The convert is compelled by the principles of his new religion to regard the faith of his ancestors as hateful and contemptible. But if he does not go so far as that, if he retains some tenderness for his old faith, and continues to regard it as not absolutely evil, he is debarred from all share in the fundamental institution of organised civil society. Such a state of the law is unexampled in Europe. Nothing in the Western World has any relevancy towards it or bearing on it."

Honourable Members will thus see that, looking at the question from a constitutional point of view, it was the duty of every State to provide a non-denominational marriage law, and I therefore submit that Sir Henry Maine was perfectly right in 1868 when he introduced his civil marriage law. I venture to submit that it was the duty of the Government, after the lead given by Sir Henry Maine, to push on with the enactment of the civil marriage law. I have told you that the Government were guilty of the abnegation of their duty in not doing what I submit it was their duty to do. It was left to the enterprise of private Members, and three Honourable Members whose names I have mentioned ventured to fill this lacuna in the civil law of India. I therefore submit that, so far as *a priori* considerations are concerned, I have made out an unanswerable case for the establishment of a civil marriage law in this country. Then, Sir, civil marriage law, as I have said, exists in the whole of Europe, and as Honourable Members are aware, it exists today in the two large Moslem countries of Turkey and Egypt. India is the only country east of Suez where we have not got a purely civil marriage law.

Maulvi Muhammad Yakub: What is your authority for saying that such a marriage law exists in Turkey and Egypt?

Sir Hari Singh Gour: My friend, Maulvi Muhammad Yakub, was a Member of this House when the Turkish deputation came to this country and I am perfectly certain that his memory cannot be short when those members of the deputation asked their co-religionists to support a purely civil marriage law because it was the law of Angora.

Maulvi Muhammad Yakub: They never did so; at any rate I have no information about it.

Sir Hari Singh Gour: Very well, you can inquire.

Maulvi Muhammad Yakub: But you should quote the authority.

Sir Hari Singh Gour: Then, Sir, I pass on now to the present law of the country. What I am trying to do is not to introduce an innovation in the marriage laws of this country. If a Hindu or a Muhammadan wishes to marry outside his community, he is entitled to do so everywhere outside India. In England he can contract a civil marriage. He can contract a civil marriage on board a British ship, let us say three miles out of

Bombay or Calcutta, or out of any of the British Indian ports, because a British ship is in the eyes of the law a floating island and subject to the English law on the high seas. Consequently an Indian too, if he wishes to contract a civil marriage, is today entitled to contract a civil marriage anywhere outside the territorial waters of India.

An Honourable Member: That is nowhere stated.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Will it be recognized as a lawful marriage in India?

Sir Hari Singh Gour: My friend asks me whether it will be recognized as a lawful marriage in India. A civil marriage, Sir,—and my friend is a barrister, he ought to know—

Maulvi Muhammad Yakub: But you are also a barrister.

Sir Hari Singh Gour: creates an international status and is quite good all over the world.

An Honourable Member: Except in India.

Sir Hari Singh Gour: And I hope I have tried to point out that it is only a civil marriage that is a good marriage throughout the world because it has the sanction of the Legislature. Any other form of marriage, whether under the Hindu or the Muhammadan law or under any personal law of the parties, is not a marriage which is recognized and of that universal vogue throughout the world: and it is for that reason that Sir Henry Maine in 1868 wanted to endow you with a civil marriage law, and it is for that reason that subsequent attempts have been made by non-official Members to supply this defect in the Indian legal system. Now, I think I have said enough on the question of the history of this Bill and on the point that, in trying to enact this law we are following the good example of all the other civilized countries of the world. I have further pointed out that the establishment of a civil marriage law in India will only remove a territorial disability which exists here, and that the right of an Indian to contract a civil marriage is inherent and can be enforced everywhere outside British India. That being the case, I cannot understand the attitude of my opponents; and I cannot allow my motherland to be under this perpetual scourge and disability that an Indian who can marry and exercise his ordinary civil right outside India, the moment he puts his foot upon his own land, becomes immediately clothed with this disability and is not able to do what he is free to do anywhere outside his own country. That, I submit, is a disability which every patriotic Indian should combine to remove from his country, and therefore, Sir, I ask the concurrence of this House in removing this blot not only upon the Indian Statute-book but upon the fair name of India. (An Honourable Member: "Oh"! (Laughter.) Then we shall be asked— I have no doubt that some of my friends on both sides of the House must be indulging in what I may call the personal equation—and my Muhammadan friends especially must be asking, how is this Bill to be reconciled with their own religious laws? That, Sir, is a perfectly just argument of my friends. Now, Sir, I wish to convince my friends. Take the case of the Mussalmans. So far as they are concerned, they will probably see from my Bill that it is a purely voluntary Bill, that it is an optional Bill which does not compel anybody to marry under the Bill or

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not marry at all. Therefore, I submit that, so far as my Mussalman friends are concerned they need not be in that trepidation in which my friend, Maulvi Muhammad Yakub, finds himself, because he has been making frantic efforts and going about with a sheet of paper in his hand to his co-Mussalman friends and asking them to sign in advance their death warrant and say that whether they are convinced by my arguments or not, they will oppose this Bill.

Maulvi Muhammad Yakub: As you have been asking all the other Members to support you.

Sir Hari Singh Gour: I have never asked any of them to do a wrong thing.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): I think according to my friend the only fault of Muhammadans is that they believe in their own religion?

Sir Hari Singh Gour: I am afraid Maulvi Muhammad Yakub was internally conscious of the weakness in his case, and he thought that he must take time by the forelock because, if he lets the other Honourable Members hear the reasons given in support of the Bill, they may find themselves converted to my view; and it is to prevent them.

An Honourable Member: There are a very few of them.

Maulvi Muhammad Yakub: Is it for the first time that you are wasting our time by asking us to hear those reasons?

Mr. President: Order, order.

Sir Hari Singh Gour: It is for the purpose of preventing Honourable Members from becoming converts to my view that my esteemed friend, Maulvi Muhammad Yakub, has taken time by the forelock; but I assure him in all sincerity that if he would only calmly consider the merits of this Bill, he will find that there is everything to support that Bill and nothing to oppose it.

An Honourable Member: Certainly not.

Sir Hari Singh Gour: Have not my Mussalman friends, brothers, sisters and daughters to marry? Is it not that with the growing tide of public opinion, my Mussalman friends, along with the Hindus, would like to institute the system of monogamous marriages? Sir, a monogamous marriage is at the present moment in this country impossible under the personal laws, the communal laws of both Hindus and Muhammadans; and if you make a civil marriage optional, they can have a civil marriage in which monogamy is enforced; and I ask my Mussalman friends to seriously consider this aspect of the question.

Mr. D. K. Lahiri Chaudhury: What about the Hindus? I ask my Honourable friend to say whether he is a Hindu or not.

An Honourable Member: He is not.

Mr. President: The Honourable Member may be allowed to continue his remarks.

Sir Hari Singh Gour: Now that is the first point. Now take the other point. It is stated in the Statement of Objects and Reasons that supposing my Mussalman friends will say that "We are entitled under the *Shariat*, under our own law, to marry a believer in one God, and consequently Mussalmans are entitled to marry a Christian or a Jew because they are both monotheists". But where is the law in this country which will permit them to marry her? It is the behest of the scribe, which cannot be enforced in this country because there is no marriage law. If therefore, my Muslim friends want to marry the monotheists, then this law will give them the power to do so.

The third point is this. My Muslim friends will note that, at the present moment under the Customary law which has eclipsed and obscured the purity of their Koranic law, the various sub-sects of the Muslims are not entitled to intermarry. Now, Sir, my Bill gives them that liberty. It is not a question that this Bill compels anybody to marry outside his caste or to marry outside his creed. It provides you with a machinery for the purpose of contracting a monotheistic or monogamous marriage at your pleasure and at your discretion. Therefore, I submit, it is only a source of strength to the people of this country, and I cannot understand how any caste or community should object to it.

Then, Sir, my Honourable friend, Mr. Jayakar, who spoke on this Bill on the last occasion in this House, appealed to the people of this country that with the growing sense and feeling of nationality, at any rate let all Indians be one upon this statute. I ask my Muslim friends, I ask every one in this House, whether the time has not come for bringing this unifying measure on to the Statute-book, which compels nobody, but which at any rate establishes the theoretical equality of all kinds and conditions of people in this country. I therefore submit that there can be no reasonable objection to the passing of this measure. I will only ask Honourable Members seriously to consider and not to run away with their passions or with their prejudices. If they seriously consider and indulge in argument and reason, they will very soon find that there is absolutely nothing that they should take objection to in this perfectly innocuous and innocent measure intended to arm the people of this country with a right which all civilised people possess outside India and which Indians acquire the moment they leave India.

Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Special Marriage Act, 1872, be taken into consideration."

Mr. Krishnamachariar has given notice of an amendment for circulation.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I first oppose the motion for consideration of the Bill, then take the result and decide whether the amendment for circulation should be moved or not?

Mr. President: This is the Honourable Member's opportunity to move his amendment. If no amendment is moved, the voting will be for and against the consideration of the measure and at that stage, if the motion for consideration is passed, then it means that the Bill has been accepted by the House. The Honourable Member is perfectly free either to move or not to move his amendment.

Raja Bahadur G. Krishnamachariar: In the circumstances, I do not propose to move my amendment for circulation. Sir, this amendment of the Special Marriage Act has been a hardy annual since 1921, and howmuchsoever you try to suppress it, it always rears its head again and again. So I consider that now that an occasion has arisen, it should be beaten with a big stick and laid to rest once and for all so that we may not hear of it again (Hear, hear). For these reasons, I do not propose to move my amendment for circulation, but straightaway proceed with the motion for opposing the consideration of the motion made by my Honourable friend, Sir Hari Singh Gour. Sir, we have been treated to flights of international status and conditions existing in England and in all civilised countries. It is a very good essay or sermon, but I am a plain man coming from rural parts and quite content with the status that India at present possesses so far as these subjects are concerned, quite content with what we already have, with what our ancestors have already given us and which I hope our descendents, as long as the sun and the moon last will keep dear.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Then why do you want Dominion Status?

Raja Bahadur G. Krishnamachariar: Personal status and political status are quite different.

Mr. K. Ahmed: But your forefathers did not have them.

Raja Bahadur G. Krishnamachariar: Now at present we are concerned with the status created by marriage and with nothing else. Throughout the speech of my Honourable friend, he had been treating us to what the great Sir Henry Maine—a very great lawyer, a man of very great ability and I think a man with international reputation—what he attempted to do, but which a wicked Government, after he turned his back from this place entirely forgot and out of sheer ingratitude did not follow the lead that he gave.

Mr. K. Ahmed: What about Mr. Basu?

Raja Bahadur G. Krishnamachariar: Unfortunately my Honourable friend, whether out of forgetfulness or out of choice, did not look up what happened immediately after Sir Henry Maine left these shores. A gentleman of equal eminence, equal ability of the name of Sir James Fitz James Stephen took the place of Sir Henry Maine. At the time when he introduced that Bill, Sir Henry Maine was confronted with a very very restricted request that was made to him on behalf of the Brahmos of Bengal. Those people were the dissenters from the Hindu religion and their position as described by Sir James Stephen was that "no form of marriage legally constituted and valid beyond all doubt or question was provided for them and I do not know whether such a state of things is not a greater grievance than a downright disability to marry." That was the position which confronted Sir Henry Maine, and after considering all the points before him, he framed a Bill, Sir Henry Maine proposed—I am reading from the proceedings of the Legislature—to make the Brahmo question the opportunity for passing a measure of the most comprehensive nature. That, Sir, is a mistake which he committed.

He overdid what he had to do, with the result that when the measure was circulated to Local Governments and public bodies for their opinion, there was a mass of opinions received which showed the great opposition that the country raised against the Bill. Then it was found by the Government of India "that the Bill, as drawn by Sir Henry Maine, would involve an interference with Native law which we did not consider justifiable under all the circumstances of the case". That was the reason why that Bill could not be proceeded with, not because an ungrateful Government thought that, now that Sir Henry Maine was out of the way, they could do anything they liked with the Bill. Sir, the Bill that he introduced interfered with Native law, and Government did not consider that they were justified in doing so. As for Sir Henry Maine's comprehensive proposals, I think my Honourable friend Dr. Gour would be interested in reading the speeches of Sir James Fitz James Stephen where, after expressing his profound respect for the opinion expressed by that great lawyer, he says, "Sir Henry Maine appears to me to have taken a view of the position of Native law in this country with which I cannot altogether agree". I do not think, Sir, I would be justified in wasting the time of the House by quoting several pages from these proceedings to show how Sir James Fitz James Stephen justified the position that Sir Henry Maine entirely mistook the actual conditions existing in India at that time and therefore gave vent to certain observations upon which my Honourable friend, Sir Hari Singh Gour, fastened three-fourths of his arguments. Now, Sir, after Sir Henry Maine had left these shores, Sir James Fitz James Stephen introduced a modified Bill which even evoked a greater opposition, but in the end it passed as what we all know as the Special Marriage Act, 1872. That Act apparently satisfied the majority of the people of the country, for no one heard anything about it for 36 years, until Mr. Bhupendra Nath Basu one morning thought that the people of India were being ground down by this law and it should be liberalised; and therefore the brilliant idea struck him that a Bill should be introduced whereby a member of any community might marry a member of any other community and thus create what my friend Dr. Gour is trying to do today. That Bill proposed that there should be marriage between any two persons of any two communities of either sex without distinction of caste, creed or colour. It was introduced in 1908, and it met with very strong opposition both from the Government and from the people of the country. At that time Mr. Jenkins, a Bombay gentleman, I believe, who was in the Government of India, very strongly opposed it and it was also opposed by the then Home Member, Sir Reginald Craddock, with the result that the Bill was thrown out. Then time passed. Mr. Patel, the distinguished ex-President of this august Assembly, thought that he would take what he considered to be the line of least resistance and rather than introduce a comprehensive measure, first felt his ground by introducing what he considered or what he called a Hindu Marriage Validating Bill, according to which he proposed to validate marriages between various sub-sections and sub-castes of the Hindus. That Bill, after a storm of discussion, went before the Select Committee. The Select Committee I believe reported, but further proceedings did not take place because of the then impending reforms and Mr. Patel took the suggestion that was made to him that it would be much better if a Bill of that nature was introduced in the reformed Assembly. That was

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the position at the time when these reforms came into existence. I think this will be the proper place for me to explode once for all the claim that the introduction of the reforms has given the *carte blanche* to people who otherwise do not seem to have anything to do in this world, except to tackle every religious and social usage and to create confusion as far as they possibly can with the help of this Legislature. Now, Sir, what did the Reforms Act do? It enlarged the Legislative Councils; it gave, so far as this Assembly is concerned, an elected majority. What else? What about representation? Has it in any way enlarged the representation in such a manner that the interests of the various communities are properly represented, and in such a manner that when these gentlemen came here and said, or pretended to say, that they represented a certain community, their statement could be taken as a fact? Sir, the reforms while giving a few extra seats, have not even provided for those forms of procedure by which a person, who comes here as a representative, could at least *prima facie* raise a presumption in his favour that he is a representative of the community to which he belongs, or which he says he represents. On the other hand, those people who fight the elections, do not fight upon any principle. They have no programme, nor are they returned upon any particular ticket. Each man fights, and as most of the Honourable gentlemen here know, preference is either by personality or by caste or community.

Mr. S. C. Jog (Berar Representative): That may be your experience but it is not the case with everybody.

Mr. K. Ahmed: Do they do that in the other countries?

Raja Bahadur G. Krishnamachariar: I do not know what they do in the other countries, and I do hope that my experience is mistaken. I should very much like to see my Honourable friend stand up and say that he or anybody else represents the community or the place from which he comes exactly in the same way that a regular representative institution works in other parts of the world. However, that is neither here nor there.

Sir, I was on the point as to how far the introduction of the reforms has given these gentlemen any liberty to interfere with the religious rites and usages any more than what they did before the introduction of the Reforms. I say, and I say most emphatically, that no such liberty has been given, and the position is the same exactly as it was before the introduction of the Reforms. Directly these Reforms came into existence, the first step that was taken in this Assembly was to see if the Hindu law could not be codified. There seems to be some fatality dogging this Hindu law, because when there were so many other questions in the country, economic questions, questions which would raise the status of the country, these things were neglected. It is only the Hindu law which is being pursued and pursued and pursued to death. So the first question that arose before this Assembly was to codify the Hindu law; and up arose our friend Dr. Gour, a past master in the art of writing text-books and Hindu codes. And although he supported it very strongly, unfortunately our friend, Dr. Sapru, was too much for him. There was a passage-at-arms between him and Dr. Sapru, and eventually Dr. Sapru won. So

the codification proposal fell through and the opinions collected now lie in the Library with no one to look into them. But our friend Dr. Gour is not going to be put down by that. He is one of those gentlemen who do not know what defeat is or where the defeat is. So he began to frame Bills, and one of the unfortunate Bills that he framed—I say unfortunate because of the result not on account of him—was about the amendment of the Special Marriage Act. This started in 1921. Remember, the reformed Council started in 1921, and Dr. Gour's Bill also started simultaneously in 1921. Now, a Bill was introduced similar to the one that is now being fought, in a more comprehensive manner, and all the eloquence that my friend could muster to his side was not sufficient to induce this House to agree to that Bill going to the Select Committee.

Sir Hari Singh Gour: No, Sir, the Bill did go to the Select Committee.

Raja Bahadur G. Krishnamachariar: Well, Sir, the Bill went to the Select Committee, but eventually at any rate it was negatived.

Sir Hari Singh Gour: It was not negatived. I withdrew it.

Raja Bahadur G. Krishnamachariar: Very well then. It was positively. (Laughter.) I am perfectly right when I said that the Bill did not go to the Select Committee. In the year 1922 in the Delhi Session my friend fought and fought. There was a regular discussion and after all the arguments that he had been able to put forward with such great force and weight, the Assembly would not agree to refer it to Select Committee. I am perfectly right in this, and I challenge my Honourable friend to contradict me. Then they all went up to Simla. In Simla you know that the House is somewhat thinner. People who go to Delhi, some of them at least like myself, probably are not particularly anxious to go to Simla and expose themselves to the cold there. So my friend took advantage of that. I do not mean it in any offensive manner. The Bill was introduced and my friend, Mr. Rangachariar, who was at that time a very stout opponent of the Bill, raised a point of order. But unfortunately, there are certain loopholes in the rules—I have myself taken a great deal of advantage of them during my practice at the Bar—which led my Honourable friend to introduce that Bill and to make a motion that it be referred to a Select Committee, although only two months previous to that his motion to the same effect was defeated at Delhi. The point of order raised by Mr. Rangachariar was overruled and rightly overruled and he got his motion passed. How? 33 against 84. I believe in billiards and other games there is what is called a fluke. In the same way my Honourable friend got it by a fluke, 33 against 34. It went before a Select Committee. How the very same gentleman who negatived the reference to a Select Committee in Delhi came to agree to the reference being made in Simla? It is not at this distance of time possible for me to say from a perusal of all the debates what took place at that time. However, the fact is there, that it went before a Select Committee. The Select Committee reported and it came back, and eventually it got passed with the blessing of friends who in the beginning opposed, but later supported, one of them being my friend, Mr. Rangachariar, upon whose support Dr. Gour made so much in his last speech, and he is perfectly entitled to do so because Mr. Rangachariar was an uncompromising opponent of this Bill.

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during the Delhi Session. But he thought that orthodox opinion had been completely placated by the amendment of certain sections of the Act and therefore he agreed. However, Sir, the Bill was passed and it became Act XXX of 1928. The result is that our friend, Dr. Gour, reached the stage which Mr. Patel wanted to reach, with a slight extension, because Mr. Patel's Bill was only a Bill for inter-caste marriages. Here it included the Buddhists, Sikhs and the Jains. This Bill had the support among others of my friend, Sir Sivaswami Iyer, who frankly confessed that the opinion of the country was against that Bill. I ask Dr. Gour to make particular note of that. Although his Act of 1928 was passed, and passed I say by a fluke, Sir P. S. Sivaswami Iyer, one of the distinguished supporters of his Bill, said that although he supported it, the country was against it. But why did he support? Because he put the freedom of conscience over everything else and it was the duty of every Government to uphold freedom of conscience in every man. What did the freedom of conscience consist in? Under the Act of 1872, if you wanted to take advantage of it, you had to make a declaration that you did not profess the Muhammadan, the Hindu or the Buddhist or the Parsee or any of those faiths. You had, in order to marry a certain girl, make that declaration, a lie, as has been stated by an Honourable gentleman in the course of the debate on that Bill. So my friend, Sir Sivaswami Iyer, said, "That won't do. I do not believe in the declaration that I make; it is a false statement. No legislature in the world can compel me to make a statement which I know to be false". This again is perfectly right. But my friend looked at one side of the picture. There is another side of the picture. Are you a Hindu really? If you are a Hindu, you have got to conform to the laws and traditions which the Hindu religion enjoins upon you. My friend, Sir Sivaswami Iyer, forgot that. When a man goes about trying to marry a Muhammadan lady, he is not a Hindu. But what does he want? He does not want that a declaration should be made that he is not a Hindu, but at the same time he wants the world to believe that he is a Hindu. Is that conscience?

Sir Hari Singh Gour: No, no. He makes no declaration at all about it.

Raja Bahadur G. Krishnamachariar: He need not make a declaration. But what he was after is this. If you read the debates—I have not got the time, nor have I got the inclination to waste the time of this House—but if you read the debates you will find the reason why that Bill was introduced. "I do not want to say that I am not a Hindu when I am a Hindu and I want to be a Hindu. Why do you compel me to make that declaration? Because my heart is after that girl and I want to marry her, why should the law compel me to make that declaration? So please allow me to marry that girl and at the same time pretend to the world that I am a Hindu". So I ask Sir Sivaswami Iyer, "How can you make a statement which is not correct? It is against your conscience. Can you say that you are a certain man and also you are not that man? Is it not a matter of conscience? Of course that is a matter between these gentlemen and their conscience. And my friend, Dr. Gour, was happy and everybody was happy except the Hindu community. The Hindu community got roped in and Dr. Nand Lal, who was one of the Members at that time, deplored the fact that the Hindus, being a disunited section

of this august Assembly, got themselves roped in, whereas the Muhammadans, by their cleverness, by their intelligence—these are not my words but a paraphrase of Dr. Nand Lal's words—and by their unity, have got out of it. However, whether by running away from the Muhammadans, or by placating them, or by whatever means, my friend Dr. Gour has got it and he has got the certificate of Mr. Jayakar, whom I have not had the honour of knowing personally, that he has immortalised his name in this country for his work in the Assembly by getting this Act of 1928 passed. Thus our friend Dr. Gour's name has become immortal in the annals of this Assembly. Immortality is the end and aim of life, and when you have attained immortality you have got everything that you want in this world. One should have thought that Dr. Gour would have been satisfied with the position that he then obtained and would have kept quiet and made no further attempt. But unfortunately the appetite grew with the eating, and he realised that somehow or other there were one or two sections of the community which he had not roped in before and now he wants to have a chance to get at them. So he drafted a Bill in 1928—the present Bill—and he introduced it in the Assembly

Sir Hari Singh Gour: It is the revival of the old Bill of 1921.

Raja Bahadur G. Krishnamachariar: in part, because one part has already been passed: that is what I say; I am afraid I have not made myself sufficiently clear and that is the reason for his interruption. The old Bill comprised every section of the community in India. Under the Act of 1928, my friend got the Hindus, Buddhists, Sikhs and Jains and made them immortal; but there were two other communities that were still left in India and he wanted those communities also to be roped in, why? to give them this grand international reputation of getting their marriages registered. Therefore he brought forward this Bill. The Bill was, by notion before this Assembly, circulated. I hope my friend, Dr. Gour, at least has gone through those opinions. But I find that he is not particularly satisfied with them, because he has not touched upon them; they were opinions collected at his own instance, and it is somewhat singular that, in the eloquent speech that he has delivered this morning, he should have entirely ignored those opinions; and for a very good reason too. If you peruse these opinions, you find that there is a vast majority of opinions against this Bill. Therefore he very wisely, as a good lawyer and a tactician, ignored entirely those opinions, even in the discussion this morning; and then when it came for the Bill to be pushed through, somehow or other, I do not know why, while the putative father, Dr. Gour, was here, the adoptive father, Mr. Jayakar, adopted the Bill and in a very acid speech, which does great credit to his head, explained the position and made a statement which I hope is incorrect for the sake of the reputation of the Government

Mr. K. Ahmed: He was the Deputy Leader of your party and you followed him.

Raja Bahadur G. Krishnamachariar: I do not know what party I belonged to. Mr. Jayakar in the course of the highly instructive and able speech that he delivered on that occasion stated that Dr. Gour's Bill, which eventually became law in 1928, was not pushed to the extreme

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length of including the Muhammadans in it because the Government promised their support to Dr. Gour upon the principle that half a loaf was better than no bread. This is what Mr. Jayakar said

Sir Hari Singh Gour: No, no. That was the Age of Consent.

Raja Bahadur G. Krishnamachariar: Probably, but this is what Mr. Jayakar said in his speech so far as this Bill is concerned.

Sir Hari Singh Gour: That half loaf would come later. (Laughter.)

Raja Bahadur G. Krishnamachariar: That half loaf had been digested; it is the other half that appears now on the table. The one half in the shape of the Act of 1923 has already been digested; now it is the other half which is before us, and the question is whether anybody is prepared to stomach it or not.

Mr. K. Ahmed: It is for you to choose.

Raja Bahadur G. Krishnamachariar: The present Assembly will choose between me and Dr. Gour. So far as the present Bill is concerned, the position is this: whereas under the old law the four communities could marry *inter se* and contract a valid marriage, the present position is that anybody, any man, may marry a woman belonging to any caste without any restriction whatsoever. That is the Bill that my friend now seeks to introduce. There was a great deal of argument put forward by him, but I have not heard anything in support or in justification of the Bill that he has now introduced, nor did I hear any argument in support of the provisions of that Bill. What I would respectfully ask is, what particular mission has my friend Dr. Gour in this matter, that he tries to strike at the root of the whole fabric of Indian society, Hindu and Muhammadan; because his Bill is of such a nature that if you pass it, you thereby introduce the European idea of marriage, and by an Act of Parliament turn the Hindu and Muhammadan into an Englishman. That is really the effect of that Bill.

Mr. K. Ahmed: Why do you want joint electorates at all then? (Laughter.)

Raja Bahadur G. Krishnamachariar: The Bill would have the effect of declaring that religion was not essential to the marriage laws of Hindus and Muhammadans and that not merely as regards mere forms and ceremonies but as regards the people who are permitted to marry. If that is not striking at the root of the fabric of Indian society—I do not care whether it is Hindu or Muhammadan—what else is it? Under the Hindu law and under the Muhammadan law, religion forms part of the marriage. Without it there is no marriage at all, and yet the law that is now attempted to be passed would be a law which does not take any account of religion, and that, Sir, is what I call striking at the root of the Hindu religion.

Mr. K. Ahmed: What other countries have not got religion—the advanced and civilised countries of the world?

Raja Bahadur G. Krishnamachariar: I am coming to the civilised countries a little bit later. That brings me to the consideration of the

question as to what exactly is the nature of marriage. Among the Hindus it is one of the 48 purificatory ceremonies that one has got to undergo in order to realise the objects laid down in the sacred books. The Hindu marriage, according to the *Dharmashastras*, marks the beginning of the second and perhaps the most onerous of the four stages of a Hindu's life, viz., *Grihasthasrama*.

Sir Hari Singh Gour: But nobody interferes with your religion or with your marriage.

Raja Bahadur G. Krishnamachariar: Sir, the Bill does interfere—I do not know if anybody interferes. It is called a *Samskara*, generally translated as a sacrament, or a purificatory ceremony, the performance of which removes the taint of seed and womb. It is an obligatory ceremony in the case of girls, just as the *Upanayanam*, or the wearing of the sacred thread, is in the case of the boys of the three regenerate classes. According to the Vedas, the word "*Patni*" means and is intended to connote a woman who with her *Pati* would take part in sacrifices. A Brahmin woman married to a Brahmin is alone called a *Patni*. The very word "*Bharya*", which means wife, has a religious significance attached to it. According to the *Shastras*, no religious ceremony could be performed and none is complete without the lawfully wedded wife taking an equal part in it. Indeed, she is an indispensable factor in securing the *Grihastha*, the four objects in life, the goal for Hindus, viz., *Dharma*, *Artha*, *Kama* and *Moksha*. The temple rites and ceremonies could not be performed except by a *Grihastha*, as he alone could take the *Diksha*. In fact everything connected with the Hindu can only be performed with the wife as a consenting party. Sir, we are lawfully

advised that there is no such thing as *Grihasthasrama*, and the *Shastras* enjoin upon the King the necessity of guarding the *Grihasthasrama* because it is that which protects all the other *ashramas* constituting the Hindu society. Now, that is the position according to the Hindu law, and that position has been admitted over and over again by the spokesmen of the British Government ever since 1868, when the Native Marriage Act was introduced in the Council.

Mr. K. Ahmed: If we allow both the systems to go on, yours will die out.

Raja Bahadur G. Krishnamachariar: Everybody has got to die some day or other, sooner or later.

Mr. K. Ahmed: Let us see who dies first.

Raja Bahadur G. Krishnamachariar: Sir, "It appears to me", said Sir James Fitz Stephen, "that Hindu law and religion on the subject of marriage are one and the same thing; that they must be adopted as a whole or renounced as a whole, that if a man objects to the Hindu law of marriage, he objects to an essential part of the Hindu religion, ceases to be a Hindu, and must be dealt with according to the laws which relate to persons in such a position".

Mr. K. Ahmed: This House is not interfering with your religion?

Raja Bahadur G. Krishnamachariar: "By recognising the existence of the Hindu religion as a personal law on this matter of marriage, I think that we have contracted an obligation to enforce its provisions in their entirety upon those who choose to live under them, just as we have, by

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establishing the general principle of religious freedom, contracted a further obligation to protect any one who chooses to leave the Hindu religion against injury for having done so".

Now, Sir, I shall make one quotation from the speech of Sir Ali Imam, when he was Law Member, wherein he emphatically accepted the position that Hindu marriage is purely of a religious nature. This is what he said:

"I find that the Law of marriage among the Hindus is far more based on religious obligations, rites and ceremonies than it is amongst the Muhammadans. Amongst the Hindus, it is a sacrament, not only a sacrament of an ordinary character, but it is of such a deep character that even death does not obliterate it, and there are various authorities to show that even after death the sanctity of the nuptial bond and the sacredness of the knot remains".

Later, he observed:

"No Hindu marriage is valid without a substantial performance of the requisite religious ceremonies. It may, for instance, be urged that an advanced Indian may think . . ."

(At this stage the Honourable Member stopped for a few seconds.)

Mr. K. Ahmed: Read further on. What does he say? The cat is out of the bag. Please read further on.

Raja Bahadur G. Krishnamachariar: That passage is missing, but I think I can quote it from memory. He says, it may be that certain advanced people may say what is the point in these ceremonies, what good is there in these ceremonies; what does it matter if a certain fire is not lit; what does it matter if oblation of ghee is not poured on the fire; what good is there in making an appeal to an imaginary god like Agni? That is all very well for an advanced Indian to say, but Sir Ali Imam asked, "What is the idea of those who are not advanced as you are; what is the opinion of those who represent the country; what happens in your own house? So far as these ceremonies are concerned, they do not depend upon the whim of any particular person, but they are based upon religious sanction," and therefore, Sir, Sir Ali Imam said that marriage was a religious function, and that, I think, correctly represents the position so far as the Hindu law of marriage is concerned.

Now, as regards the Muhammadan law of marriage, I should hesitate a great deal, Sir, in the presence of so many distinguished exponents of that law to say anything very elaborate on it, but I think everything connected with it is contained in their holy scriptures, and if necessary supplemented by their traditions. I have had something to do with these things, and therefore, although I do not pretend to be an authority on Muhammadan law, I think I can speak something about it.

Now, Sir, that being the real nature of a marriage, you cannot interfere with it first according to the principles secured thereunder and which the British Government have declared, and even if there arose a necessity for interfering with it, it can only be when there is a demand from a considerable majority of the community affected by it. That, Sir, is one of the cardinal principles of social legislation. Where you want to alter a law which affects the community, unless there is a general demand on behalf

of that community, you ought not to interfere with that law. This has been accepted as the guiding principle from the time that Mr. Basu introduced his Special Marriage Bill in 1908, and it has been reiterated every time when social legislation was sought to be introduced in this House. Even when the Child Marriage Bill was passed, this principle was accepted, and it was in pursuance of that, the Honourable the Home Member made a motion that it be referred for public opinion in the country. Unfortunately, the Assembly on that occasion was in no mood to accept the motion for circulation of the Bill. But in a similar Bill, which was also under consideration at the time, the same principle was not only enunciated by the Home Member but it was also accepted, and the Bill was thrown out. I am talking of the Indian Divorce Bill, where the Home Member said that he must have evidence that there is a reasonable body of opinion in favour of the Bill, and unless he had that evidence before him, the Government must oppose the Bill. No such evidence was produced before the Government or before the Assembly, with the result that they opposed the Bill and the measure fell through. Early last year when there was an Aryan Validating Marriage Bill introduced, the present Law Member reiterated the same principle. He said that if it was a popular measure among the community affected by it Government would not oppose it, otherwise Government were not going to incur the odium of supporting an unpopular Bill. Sir, it was a very wise and a very just decision. We are already passing through a lot of agitation in the country in consequence of Government having given their hasty, I respectfully submit, and ill-considered support to the Child Marriage Restraint Bill. Sir, that being the condition under which you can interfere with the social law and the religious law of a community, may I respectfully ask Dr. Gour who asked him to introduce this Bill?

Sir Hari Singh Gour: My conscience.

Raja Bahadur G. Krishnamachariar: Conscience makes cowards of us all. Conscience is a thing, I do not know how elastic or rigid it is. It all depends upon the time, conditions and other intangible things which it is not possible for you to weigh and consider properly in a matter-of-fact Assembly like this august Assembly. Conscience is a very good thing. If that conscience tells you to do a certain thing, by all means do it. Why go and trouble me, why go and trouble the community? Why go and create unrest in the minds of 320 millions of people because your conscience impels you to do a certain thing which nobody wants to do. Other people too have got their consciences. I hope that others too have got consciences. Unfortunately, whatever it is, the difficulty is that conscience is such a thing that it has neither, what they call, a soul to be damned, nor a body to be kicked, and therefore, I do not know how I shall get hold of it in order to get a reply from it. In order to satisfy that conscience, you are going to put the whole country into unrest. 320 millions of people who do not want the present Bill but who are satisfied with the position they are in at present—they would like to have two blades of grass grow where one grows now, but my Honourable friend would not think of it. We want to have our economic position improved, but he does not understand what economic position is, and yet he would want an international reputation. If you go to South Africa, somebody would ask you, "Is your marriage monogamous or polygamous?" If you say, polygamous, you are asked to walk out. It does not matter to me. There is plenty of room in my country; I shall remain where I am, but I will try to improve my economic

[Raja Bahadur G. Krishnamachariar.] condition. And my Honourable friends like Sir Hari Singh Gour, instead of devoting their attention and their energies to that sort of thing, go and dabble in questions which go to the root basis of your society, which are ingrained very deep in your heart, and which it would be very dangerous for anybody to play with. Sir, so far as that is concerned, as I was saying, there is no demand. No Hindu ever asked that he should be allowed to marry a Muhammadan and *vice versa*. That is the essence of the provisions of this Bill; the essence of the Bill is that and nothing more. It is admitted that there has been no demand. Even if there had been a demand, there is one thing that I would respectfully and at the same time very strongly urge before this Assembly and it is this. I know that under section 65 (1) of the Government of India Act this Assembly can pass laws for any person, and for any place, and upon any subject.

Mr. President: May I ask the Honourable Member how long he is going to address the House? I am asking this for two reasons; the first is, that we are very near the time for adjournment for Lunch, and the second is, that this is an important question and a large number of Members would like to participate in the debate. The Honourable Member has been speaking for nearly an hour already and I should like to know how long he proposes to continue.

Raja Bahadur G. Krishnamachariar: About half an hour, Sir, with your permission.

Mr. President: I am sorry that the Honourable Member has no consideration for the other Honourable Members who desire to take part in the debate. The Honourable Member can go on.

Raja Bahadur G. Krishnamachariar: Sir, I shall try to be as brief as possible, but at the same time, it is a matter which is somewhat important from my standpoint and I thought that I should lay before the House all the considerations which should weigh with the House before it commits itself one way or the other to my Honourable friend's motion.

Mr. President: Please go on, but try to be as brief as possible.

Raja Bahadur G. Krishnamachariar: There can be no doubt that under the Government of India Act you can pass any law you like, just as you can do many other things which ordinarily no one would think of doing. But, Sir, the obligation to uphold the existing state of things is laid down by statute and it would clearly be undesirable for the Legislature to interfere with it. And that, Sir, brings me to a consideration of certain of the points which my Honourable friend has referred to in his Statement of Objects and Reasons. In that Statement my Honourable friend has given eight advantages which would accrue if this Bill were passed. I have already referred to two or three of them in my previous observations and I would only like to refer to one or two matters. Dr. Gour says that one of the advantages is that it would tend to the unification of the Indian races without at the same time interfering with their personal religion. That is a matter upon which I would respectfully refer this House to the opinions that have been collected, in which the Local Governments, as well as distinguished persons, have discussed this subject in great detail and have pointed out that so far from creating unity it would only help to create another caste in this country and thereby split the society into

further sub-divisions, and would not operate in the way that the Honourable the Mover thinks it would. The next advantage he mentions is that "being merely optional, it trenches upon no one's rights". That contains a fallacy which I respectfully submit ought to be exposed. That a Bill is permissive is no reason why it should be accepted, because, although the Bill is permissive, the institution to which it relates is also permissive, because marriage is not obligatory upon anybody. You need not contract a marriage, and consequently the fact that it is permissive is absolutely no ground for making out that you can pass any law you like. As regards the law which obtains in civilised countries, I would only say this. There are certain recent publications which I would very strongly commend to the attention of Honourable Members in this House. Two of them are: "The Bankruptcy of Marriage" and "Marriage in the Melting Pot". These two books are worthy of consideration before you make up your mind as to the system of marriage that exists among civilised nations in Europe. Sir, it was my intention to draw the attention of the House to a few more points but in view of the observations that fell from you, I think I had better leave it to my colleagues to do it.

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. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I oppose the Bill on two grounds, first of all on religious grounds, and secondly, on the merits of the Bill. Sir, my first ground upon which I rely is the religious point of view. Islamic religion does not allow such marriages. The Holy Koran is quite clear on this point. (See Sura, Baqar, Ruku 27.) No Muslima, that is a Mussalman woman can be married with anybody but a Muslim, that is, a Muslim man. Sir, there might be felt some doubt and so I shall refer to Ruku 27 of Sura Baqar, which may be translated as follows:

"And do not marry the idolatresses until they believe, and certainly a believing maid is better than an idolatress, even though she should please you; and do not give (believing woman) in marriage to idolaters until they believe, and certainly a believing servant is better than an idolater even though he should please you; these invite to the fire and Allah invites to the Jannat."

Ruku 2 Sec. 10 of Sura Mumtahana:

"neither are those (women who believe) lawful for them (who do not believe) nor are those (men who do not believe in Islam) lawful for them (women believing in Islam)".

and so the passages go on. Sir, this form of marriage is quite against the spirit of Islam. A marriage is allowed with *Katabia*, that is, a woman who believes in any one book like *Injil* or *Taurat* but not with a *Kitabee*. Sir, a Muslim man can marry a *Katabia* woman who believes in such books, but a Muslim woman cannot marry even a *Katabee* man who believes in *Injil* or *Taurat* or any such other books. *Hadises* are quite clear on this point. Many *Hadises* can be seen in *Sahab*. All the four

[Mr. M. Maswood Ahmad.]

Imams are unanimous on this point. Sir, there are two centres of Ulemas now-a-days in India, there are two Jamiat Ulemas. One of them has its headquarters at Cawnpore and the other at Delhi. The powerful Jamiat Ulema of Cawnpore, which has got its branches all over India, also opposes this Bill. I have received a letter from *Motamar Islami* asking me to oppose the Bill. The translation of the letter is as follows:

"Sir Hari Singh Gour's Bill to amend special marriage Act, 1872, grossly interferes with Islamic *Shariat* and contravenes Law of the Holy Kuran. Mussalmans must therefore oppose it."

Maulana Mazharuddin and Maulana Abdul Majid Kadri have come to see our opposition.

As the Provincial Secretary of the Bihar Province of that Jamiat Ulema, I have been advised by members and the Secretary of the Jamiat Ulema to oppose the Bill. Another telegram I have received from the President of the Jamiat Ulema, Delhi, which is as follows:

"Gour's Bill regarding international marriage against Islamic principle. Please oppose it strongly."

Sir, this Jamiat Ulema of Delhi supports the Congress movement, but with all its national spirit, this Jamiat Ulema also opposes the Bill. I find two articles; one in the *Al-Aman*, which is the organ of the Jamiat Ulema of Cawnpore and the other article in the *Al-Jamiat*, the organ of Jamiat Ulema of Delhi. In both the articles they have clearly written that such a marriage is quite illegal according to Islamic law. Sir, there are other Mussalmans, say the Shiah or any other sect, but they all oppose it. The Shiah law, as far as I know, goes a step further and is more strict in this matter. It means, then, that nearly all the different schools of Mussalmans oppose it. Sir, we do not want a Mussalman who does not believe in the Koran, who does not respect it, to have the liberty of contracting such a marriage when such a marriage is against the Islamic law. Let him or her go away. Let him or her declare that he or she is not a Mussalman.

Sir, the other point is about the merits of the Bill, and as to that there are many difficulties. In the Act of 1872, to which the amendment has been proposed by my learned friend, Sir Hari Singh Gour, I do not find any clause about inheritance, divorce, etc., and, Sir, afterwards there was an amendment in 1923, in which the same difficulty was perhaps felt, and sections 22 and 24 were added for persons professing Hindu, Sikh, Buddhist and Jaina religions. Section 22 says:

"The marriage under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family"

—which is a clear safeguard for the remaining other members of the family.

And again, Sir, as to succession. under section 24:

"Succession to the property of any person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the Indian Succession Act, 1865"

So, Sir, only this amendment which has been proposed by Sir Hari Singh Gour will not be sufficient because at that time when this amendment

was made in 1923, a clause 24 was added to clear the point about succession. Sir, this clause 24 will not help in this amendment, because this clause is only for Hindus, Buddhists, Sikhs and Jains. Similarly, there are many other difficulties, so that I say this Bill on its merits is of no use, and from the religious point of view also it cannot but be thrown away. I do not know what will be the attitude of our Christian and Jewish friends in this matter, because this Bill affects them also, but in the eyes of Mussalmans such a marriage for a Mussalman cannot be other than *Zena* (invalid), and the issues of such a marriage cannot be treated as other than *harami bachchas* (illegitimate children). Sir, our religion does not allow us to contract such a form of marriage. We Muhammadans believe in the Holy Koran, and the *Hadis* and the *Fikah*. Clearly in the Koran many passages can be found which clearly show that such a form of marriage is quite illegal. There are many such passages in the *Hadis* and *Fikah*; and I hope the Official Benches will not commit the same mistake which they committed at the time of the Sarda Bill, (Laughter), and I hope the majority community also, who always wish us to trust them, will not take up such an attitude as to impose such legislation on us or bring such Bills before the House again. With these words, Sir, I beg to oppose this Bill.

Maulvi Muhammad Yakub: For a long time my Honourable friend, Sir Hari Singh Gour, has been trying to pilot this revolutionary measure through the Legislative Assembly unsuccessfully, and considering that perhaps the present House is weaker than its predecessors, he has had the audacity to bring this measure again before the House. In the opening sentences of the Statement of Objects and Reasons, which he has given for moving this Bill, he says "The laws of all civilised countries provide for the contract of civil marriage by persons who may so desire". Well, he himself admits that such measures which he considers to be social measures can be introduced only if the people of a country desire to have them. Now, Sir, as regards this measure

Sir Hari Singh Gour: Is that what it means?

Maulvi Muhammad Yakub: These are the words of the Honourable Member. If his words have no meaning then I am not responsible.

Sir Hari Singh Gour: It means that if any person wishes to contract a civil marriage the laws of the State provide for such a marriage.

Maulvi Muhammad Yakub: He may mean something else from what he states. His actual words are: "The laws of all civilised countries provide for the contract of civil marriage by persons who may so desire". If the people of a country do not desire such laws, then probably it is not right for the Legislature to impose such laws upon an unwilling people. The verdict of the country has more than once been expressed through the voice of their elected representatives, namely, the Members of this House. Whenever this measure has come before the House, an overwhelming majority of the representatives of the country has been against it and has clearly shown that the verdict of the country is against this measure. My Honourable friend, Sir Hari Singh Gour, is unable to realise that a social measure cannot be successfully passed against the will of the people. You cannot thrust social reforms upon an unwilling people of any country. Measures of social reform, if they are social

[Maulvi Muhammad Yakub.]

reforms at all, must be on a par with the wishes of the people of the country. No measures which are not on a par with the wishes of the people of the country can ever be successful. As my Honourable friend, Mr. Maswood, has just now said, I oppose the Bill firstly on the general principle that the Legislature should not interfere with the domestic affairs of the people; that the social and domestic affairs of a people should not be interfered with by the Legislature against their own wishes, unless there is an overwhelming majority of the people, who are concerned, in favour of any measure. If they want that such a measure should be passed, then by all means it would be eligible for the Legislature to introduce and pass a measure like this. But if it is found, as it has been found in this case, that an overwhelming majority of the people of the country, in whose name my Honourable friend wants to speak in this House, is against it; if it is found that the people of this country do not want a measure like this, then neither we, the Members of this House, nor the Government have any right to impose such a measure on the people. So in the first place, on the general principle, I oppose this Bill.

Again, I consider it my duty, as a Muslim, to put the Muslim point of view before this House. The Muslim point of view on this question is that this measure is clearly against the definite injunctions of the Holy Koran. My Honourable friend says it is a voluntary measure and you may adopt it or not adopt it. This is not the case. If this Bill is passed into law, it would validate marriages which are invalid according to Muslim law and thus there is interference in religion. My Honourable friend, Mr. Maswood, has given the verse of the Koran, but he has not quoted the full verse. I should like to quote from the Holy Koran which if translated, would run:

"And do not marry the women who believe in more than one God until they profess Islam, and certainly a Muslim maid slave is preferable to one who believes in more than one God, even though you may be enamoured of her; and do not give Muslim women in marriage to those men who believe in more than one God until they embrace Islam, and certainly a Muslim slave is preferable to a man who believes in more than one God even though you may have a great liking for him."

Sir Hari Singh Gour: That is intermarriage between monotheists.

Maulvi Muhammad Yakub: I do not know what my Honourable friend means by saying so. As regards the Mussalmans, of course, all those people who have their beliefs in some scriptures, for instance, the Christians and the Jews are treated differently according to our *Shariat*. Intermarriage with them is permissible under the Islamic law. The Jewish law prohibited intermarriages with all other people. And even Paul so liberal in his views, strictly prohibited intermarriages with all unbelievers:

"Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness, and what communion hath light with darkness?"

The Islamic law is in this respect more liberal than both the Jewish and the Christian laws. There are other verses of the Holy Koran also which declare such marriages invalid, and the effect of the Bill, if enacted into law, would be that these marriages would become valid, which is an interference with the injunctions of the Holy Koran. My Honourable

friend, Sir Hari Singh Gour, in his Statement of Objects and Reasons, while giving the blessings of his Bill, says that it would prevent artificial conversions resulting from exigencies of marriage. Well, probably this exigency does not arise in the case of Mussalmans, because they have got a very wide field of selection for their wives. They are permitted to marry Muslim girls as well as girls belonging to the other revealed religions, and therefore the Mussalmans have a very wide field for selection. Moreover my Honourable friend says that if you go outside India and you marry a girl who does not belong to any of the revealed religions, that marriage would be valid. I say that this fear of proclaiming oneself outside the pale of one's religion is a very strong check upon reckless youths from contracting sensational marriages which very often prove unhappy after a short time. If this check is removed, and if this Bill is enacted into law, then you will find that there will be a great social revolution in the country; many sensational marriages by reckless youths will be performed, which after a short time will prove unhappy, and probably the number of divorce cases in this country will become double or treble the number of divorce cases in England. So far as the Muslim law is concerned, it is quite clear on this point. The opinions of the Ulemas of Islam are also against this Bill. Only last evening I received a telegram from Maulana Kifayat Ullah, the grand Mufti of Delhi, in which he says, "Gour's Bill regarding international marriages against Islamic principle. Please oppose it strongly." We have also just received a message from the office of the *Motamari Islam*, which is addressed to the Mussalman Members of the Assembly and runs as follows:

"Dear Sir,

Sir Hari Singh Gour's Bill to amend the Special Marriage Act of 1872 seriously interferes with the Islamic *Shariat* and contravenes the law of Holy Quran. Mussalmans must therefore be excluded from it."

This letter is signed by Maulana Mazharuddin, Maulana Abdul Majid Qadri, Secretary of the *Mutamari Islam*, and Maulana Abdul Hamid, Secretary of the Jamiat Ulema of Cawnpore. Articles in the Muslim papers, *Al-Aman* and *Al-Jamiat*, have also appeared, in which it has been strongly urged upon the Mussalman Members of the Assembly to oppose this Bill, and we have been told that as Mussalmans we cannot support it. So the Mussalman opinion on this point is very clear. I do not know what idea my friend has got about monotheistic marriages. He says that scope should be given for monotheistic marriages. It is really difficult to understand what he means. But so far as the Mussalmans are concerned, I should like to tell him that he is very much mistaken if he thinks that polygamy is allowed in Islam, without any restrictions. Polygamy is not allowed in Islam. The only thing is that Mussalmans, under certain conditions, can marry a restricted number of wives which cannot exceed four. But that is also under certain conditions. Strictly it has been said in the Koran:

"If you are afraid that you cannot do justice among your wives, then you can marry only one wife."

So it is wrong to say that polygamy is unrestrictedly allowed in Islam and therefore I do not think that Mussalmans require his Bill in order to be monogamists.

[Maulvi Muhammad Yakub.]

Here, I would remind my friend of what a French philosopher and traveller has said in this connection. He says:

"Man in all climes is by nature polygamic; only in the East he is openly so."
(Laughter.)

I do not think that by passing a measure of this sort my friend will change the order of nature. On general principles as well as according to the principles of Islamic law I am entirely opposed to this Bill. Government have, very wisely, since the inauguration of British rule in India, observed a policy of non-interference with the religious affairs of the people. Of course it was only last year that my Honourable friend, the Home Member, was roped in by my friend, Rai Sahib Harbilas Sarda, in his Bill of social reform. But probably Government have by this time realised the mistake of supporting the Sarda Bill, and I hope they will take a lesson from what they have learnt by supporting that measure and will now again revert to their wise policy of not being a party to such controversial measures which are opposed to the general opinion of the country.

Sir, I need not make a long speech. My Honourable friend from Madras has already dwelt at great length on all the aspects of this Bill. With these few words only, I oppose the Bill.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, it is my good fortune to have caught your eye and it is time that some relief came to this measure of Dr. Gour seeing that from all quarters of the House it has been assailed. I wish to examine this proposition which Dr. Gour is placing before this House somewhat dispassionately. I first want to examine the proposition that the religion both of Hindus and of Muhammadans is in danger if this Bill were passed. First I will examine the proposition so far as the Hindus are concerned, because many a time we have been assured that the Hindu religion is hopelessly in danger, and that if this Bill were passed Hindu society would go to dogs. So far as that is concerned, Hindu society is in this unenviable position, that it should long ago have gone to the dogs, because a similar Bill which was sponsored by Dr. Gour in 1923 is part of the law of the land, and so far as persons who profess the Hindu, Buddhist, Jain or Sikh religion are concerned, they can contract these marriages which are now said to be so dangerous.

Maulvi Muhammad Yakub: How many have done so?

Mr. Jagan Nath Aggarwal: I will come to that. My learned friend asks how many have done so. I know of some in my own province. A good many experiments of that kind have been tried and my answer to that will be in a little more detail later on. But I will lay before you this proposition, is the Hindu religion really in danger? This law has been in operation now for seven years, and any Hindu, Buddhist, Jain or Sikh could have intermarried during the last seven years. The flood-gates of matrimony have not been opened and not many notices have been filed for special marriages under this Act before the Special Registrar. This Bill has been in working order and a good use of its provisions has been made in any province without any alarming results. The whole point underlying this Bill is, either you hang these people who want to contract these unorthodox marriages on the next lamp post, or if you do not, then permit

them their liberty of conscience and liberty of action. Do not penalise their children; do not create unnecessary litigation between the children and the heirs of these people. Give them liberty of action and allow them to marry and have peace. Let not their children be engaged in unnecessary litigation. So far as the Hindus are concerned, therefore, we are in this position that for these four religions, Hindu, Jain, Buddhist and Sikh, they have the liberty of marrying outside their own circle and experience shows that there is not such a danger as is threatened from all sides.

So far as the Muhammadans are concerned, my Mussalman friends have made a great point of the fact that this is opposed to the dictates of the Koran. A good deal can be said for that position, and if one were to go solely by the dictates of the Koran, one might say that there is nothing to be said for the measure. But there is this proposition to be examined. We are in an age when everything in the Koran is not being followed. There are people among Muhammadans who have married Christian wives, who have married outside.

Maulvi Muhammad Yakub: That is permissible under the Koran.

Mr. Jagan Nath Aggarwal: My learned friend pointed out that it is permissible. I would just beg leave of you to read a passage from the book of that great jurist, the late Right Honourable Syed Ameer Ali, wherein he has pointed out how far a Muhammadan can marry outside. This is the passage which I wish to draw your attention to:

"It has already been pointed out that the Koran, for political reasons, forbade all unions between Musulmans and idolators. It said in explicit terms, 'Marry not a woman of the polytheists (*mushrikin*) until she embraces Islam'. But it also declared that 'such women as are *muhssinas* (of chaste reputation) belonging to the Scriptural sects, or believing in a revealed or moral religion, are lawful to Moslems.'

From these and similar directions two somewhat divergent conclusions have been drawn by the lawyers of the two schools.

The Sunnis recognise as legal and valid a marriage contracted between a Moslem on one side and a Hebrew or a Christian woman on the other.

They hold, however, that a marriage between a Musulman and a Magian or a Hindoo woman is invalid. The Usulis, the Mutazilas and a large section of the Akhbaris agree with the Sunni doctors. They recognise the validity of a permanent contract of marriage between a Moslem and a female belonging to 'the Scriptural sects' or believing in God. Some of the Akhbari Shiahhs, however, do not recognise as legal a permanent contract of marriage between a Moslem and a woman following any other creed."

It goes on like this, the whole point underlying this being that among Muhammadans marriage with persons professing certain religions is permitted and with whom lawful marriages can take place.

Now, Sir, I put this question. If it is permissible to a Muhammadan and it has been permissible to a Muhammadan to marry, say, 3 P.M. within these three religions, how many have exercised that option? Has not the same danger threatened the Muslim society all these centuries? If that is so, why should it at this particular time be open to objection that by making it permissible to allow some people a certain freedom and to regularise their marriage and to make it possible for them to have a legal status in this country which they enjoy everywhere else, the whole society would be in danger? Now, Sir, I put the proposition like this. If a certain latitude has been permitted to the

[Mr. Jagan Nath Aggarwal.]

Hindu society, no danger has come to that society. A certain latitude has been permitted to Muhammadans and no serious consequences have resulted therefrom, and I submit that this measure has got to be examined in the light of first principle. What is the real underlying principle and why is it that we are espousing this cause? Two things I wish to place in the forefront. First of all, one of the underlying ideas of this Bill is that it will permit monogamous marriages. Those who do not like to be bound by these monogamous marriages can conveniently stay outside. But what right have they not to permit a certain section of the population who may be so minded to contract monogamous marriages? Are not they prepared to allow this freedom of choice? Here are two schools. One school has been in possession of this privilege of having polygamous marriages all along. There is the other school which says, "Give us a chance to convert the country to having monogamous marriages". What right have they not to give freedom of views to these people and to everybody else and not to permit them to exercise this right. They say it is a matter of choice to us and we will exercise it.

Then I wish to put before you another proposition. Look at it in this aspect. How many people amongst the Muhammadans exercised that privilege of marrying four wives? My friends, I assure you that it is very few who have done it. It is perhaps reserved for the very rich to indulge in this luxury. Similarly there is no limit among the Hindus to the number of wives, but how many among them have married more than one wife? There also it is reserved for very few. It is just as well that the wise only marry once or the wisest never marry at all. But still if the proposition is like this, I do not see why you should object to giving this freedom. Thus first and foremost you are by this Bill merely permitting monogamous marriages, and according to the principle of free exercise of choice you should not oppose it.

Secondly, there is another point involved in it and that is that it will permit the growth of nationalism. As has been said, that is the essential merit of this Bill. It will break down the rigidity of caste. I can assure you, Sir, in my own province, these marriages which are obnoxious to the caste principles in some parts are permitted. We have in our part of the country various devices by means of which we get round that caste principle, which is operative in other parts of the country. We have our customary law by means of which amongst Hindus an inter-caste marriage can be celebrated. The customary law permits of a marriage between a Brahmin and a Khatri. If that is permissible in a province to have marriages under the guise of custom, and you have never smelt any danger there, then I do not see where the danger comes in here. Let me mention another thing. We have what is called the Sikh Anand Marriage Act, by which anybody who likes can become or call himself a Sikh and marry under that Act. Nobody has smelt any danger in that. Therefore we notice that this so-called society, which is supposed to be endangered by Mr. Gour's Bill, is already exposed to dangers, at least in the North-West part of the country, and nobody in Madras or elsewhere has ever thought that the Punjab society was ever in any danger. I therefore say that all these dangers are already there. We have at the present moment the customary law undermining that principle of Hindu law, the Sikh Anand Marriage Act which permits anybody to call himself a Sikh and then marry. Therefore I submit that all these objections to the measure have

to be examined by something more substantial than the usual parrot like cry that the Hindu society and the Muhammadan society are in danger, I have examined it from the point of view of polygamy and there is not much to be said for this measure from that point of view.

Now, if we look at the provisions of this Bill, I feel that there are some provisions which err on the side of strictness for those who come under the purview of this Bill. That is one grievance against the Bill. For example persons who marry under this Bill are immediately supposed to have separated from the family. The father of the person is permitted to adopt another, and it looks as if the son were dead and the law which is applicable to him is not his own personal law but the law of the Indian Succession Act. These, I submit, are serious drawbacks. For that I suppose Dr. Gour is biding his time and will take the necessary opportunity to bring in the necessary amendments and those will be measures on which I have something to say. But for the time being I submit that, looking at this measure, the essential point of this measure is that it is a permissive measure. If you are trying to stop all marriages which do not follow the strict rules of the Koran or the Shāstras, by all means do it. But recognising that it is impossible to stop these marriages, it is only fair and just to look facts straight in the face and to make provision for those who have contracted other marriages. If you do so, I submit, Sir, that neither Hindu law nor Hindu society nor any other society would be in danger, except that it will be our sheer inability to look facts in the face. One might say that none are so blind as those who will not see. If we have already such marriages going on, then better look at them and provide for them. Then it has been said that the opinions of Jannait-ul-Ulema and various other bodies are opposed to it. I submit this appears to be the only thing in support of this proposition. Those who are conservatively disposed, those who take shelter behind the opinions of these bodies are more conservative than they. Look at the things from a rational point of view, and if there is any reason in support of this proposition, then by all means support it. I submit, Sir, the real principle applicable to this controversy is that marriage has long passed out of the domain of status in various countries. It is time in this country as well that it was so. We already see it being slowly done. Permit those who want to walk out of this realm of status into the realm of contract. Let them do it and watch the experiment. If you find that this experiment is successful then come over to it yourself. But do not begin to throw stones at those who want to try the experiment. I submit, Sir, that from the point of view of nationalism, of liberty of conscience and freedom of their views, and from the general principle that we must allow equality to man and woman, this Bill should be supported by all sections of the House.

The Honourable Sir Brojendra Mitter (Law Member): I am frankly opposed to this measure. I am speaking not merely on behalf of the Government but as a lawyer, and I shall presently examine this Bill from the legal standpoint. Sir, the policy which the Government have always adopted with regard to social legislation was stated in these terms by the Honourable Mr. Jenkins when Mr. Bhupendra Nath Basu's Bill was before the Legislature:

"It is a fixed principle of the Government of India not to interfere in any way whatsoever with the personal laws and customs of the different peoples of India unless they have very strong and conclusive evidence that the change is desired by the people who are affected."

[The Honourable Sir Brojendra Mitter.]

Sir, in this Bill the communities sought to be affected are the Christians, the Jews, the Parsis and last but not the least the Moslems. You have heard, Sir, what the general Moslem feeling is. The Moslem feeling is against this measure; I shall come to it later and deal more in detail with the Moslem aspect of it when I examine the Bill on its legal side.

As regards the three other communities, so far as the Christians are concerned, it is not at all a necessary measure, because as is well-known, under the Christian Marriage Act a marriage would be valid if either party be a Christian. Therefore mixed marriages are allowed under the Christian Marriage Act

Sir Hari Singh Gour: Who is to marry them?

The Honourable Sir Brojendra Mitter: Before a registrar. If my friend wants the reference I will give it to him in a minute.

Sir Hari Singh Gour: Section 5 of the Indian Christian Marriage Act.

The Honourable Sir Brojendra Mitter: Well, you know it. Therefore, so far as the Christians are concerned it is not a necessary measure. We may dismiss the Christians from our consideration for the moment.

Now, what about the Parsis and the Jews? When a similar measure or rather an identical measure was before the House some time ago, opinion was sought from different authoritative quarters, and the Secretary of the Magen David Synagogue stated, as I find in the opinions collected, that "the Jewish community desires no change in the present law". It is well-known that Jewish marriages depend wholly on the religious usages of the Jewish faith, and they do not want a change. So far as the Parsis are concerned, I have got here the representations made by the Parsi Federal Council against Sir Hari Singh Gour's Special Marriage Amendment Bill. With your permission, Sir, I shall read a portion of that memorial:

"It is submitted that so far as the Parsi community is concerned, this fundamental assumption—(the assumption being that marriage is merely a matter of contract and has got nothing whatsoever to do with religion)—is not only fallacious but entirely illegal. The Parsi Zoroastrian religion as professed by an overwhelming majority of the community has always regarded marriage as a sacrament and not at all as a mere contract. Sir Erskine Perry, so far back as 1843, judicially declared that the institution of marriage is with the Parsis so mixed up with and incorporated in their religious ordinances that the court would never think of applying to their established practice any mere municipal regulation of English law. In the great and most leading judgment of Lord Stowell it is clearly laid down in so many words that the customs of the Parsis are and have been from time immemorial opposed to the validity of marriages not solemnised according to the rites of the religion and that no marriage between a Parsi and a person of another religion can according to the rules of their religion, of whose infraction no instance is known, be solemnised with the rites which in the eyes of that community and therefore in the eye of the law, alone have any binding force. As Sir Thomas Strangman the Advocate General of Bombay gave his opinion, a Parsi lady by marrying non-Parsi ceases to belong to the Parsi community, even though she might go on professing the Zoroastrian religion. All these doctrines have been fully recognised by the legislature in the provisions of section 3 of Act XV of 1865 after full consideration by prescribing the religious ceremony of Ashirvad as an essential and unavoidable requisite of a Parsi marriage. Section 3 of the Act lays down that no marriage between Parsis shall be valid unless such marriage shall be solemnised according to the Parsi form or ceremony called Ashirvad, by a Parsi priest. The Ashirvad ceremony contains nothing which any reasonable Parsi who

believes in the Zoroastrian religion can object to. This being so, if any individual holds that marriage is a mere contract and not a sacrament, he or she cannot make it a grievance that to get married under the Act III of 1872, he or she has to declare that he or she does not profess the Zoroastrian religion. Any rationalist, atheist, or free-thinker is fully entitled to his freedom of belief and action, so long as he does not pose as a religious individual. In effect the Bill is an attack upon the fundamental and basic principles of all religions and an attempt to undermine them."

Sir, that is the view which the Parsis took. The Jews do not want it; the Parsis do not want it; it is not necessary for the Christians; there remains the Moslem community.

So far as the Moslem community is concerned, it has been often said, and it is, I suppose, believed by some, because of repetition, that a Moslem marriage is a mere matter of contract. It is nothing of the sort. Although it is not a sacrament in the sense that a Hindu marriage is a sacrament or a Roman Catholic marriage is a sacrament, it is bound up with their religion. The fundamental basis of a Moslem marriage is religious sanction. Therefore it is a mistake to suppose that it is a purely secular contract. Where is the sanction? The sanction is to be found in the Koran, the holy book of the Moslems. Sir, I am not going to deal with the religious aspect of it at all. I shall deal only with the legal aspect. I shall examine presently what will be the effect of a statutory marriage on the rights and obligations of Moslems under the Muhammadan law. It will be admitted by everybody that the Moslems are governed by their personal law, as the Hindus are governed by their personal law. Sir Hari Singh Gour in his Statement of Objects and Reasons says that the benefits of his wonderful Act of 1923 have been assured to Hindus and people professing allied faiths, that is, Buddhists, Sikhs and Jains, and he wants to extend those benefits to the Moslems, Parsis, Jews and Christians. This is what he says:

"The advantages of the measure, if enacted, are obvious. The Bill would enable persons subject to polygamous marriage laws to contract monogamous marriages and remove the inequality in the matter of divorce. It would elevate the status of women. These benefits have already been assured to the Hindus, Buddhists, Sikhs and Jains by Act XXX of 1923, and there is no reason why the benefit that that Act confers upon the communities named should not be extended to other communities who, as regards succession be equally brought under the law enacted in the Indian Succession Act."

Therefore the object is to confer the doubtful benefits of the Act of 1923 on the Moslems. Now, are they benefits in the first instance? The central idea of this measure, as also of the measure of 1923, is that it ensures monogamous marriage. That is, it prevents a polygamous marriage. Sir, I contest that proposition. Act III of 1872, as amended by Act XXX of 1923, does not prevent a polygamous marriage. It is not a Monogamous Marriage Bill as Sir Hari Singh claims for it. Sir, I shall refer to three sections of Act III of 1872

Sir Hari Singh Gour: Is that not a matter for the Select Committee?

The Honourable Sir Brojendra Mitter: No, Sir, I submit it is not a matter for the Select Committee. It is the fundamental basis of the Bill. His claim is this. He says he is giving a statutory non-denominational marriage because it is necessary to give Indian marriage an international status, and his claim is that the Bill provides for a monogamous marriage and therefore such marriage will receive international recognition. That

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is the fundamental basis of his Bill. If polygamy is not prevented by this measure, then the whole rationale of the Bill falls to the ground. The only justification for this measure is this, that if a person marries under this Act, he or she will not be able to marry again during the subsistence of that marriage. Sir, this Act does nothing of the sort. It does allow more than one marriage. I refer to sections 15, 16 and 19.

Section 15 says this:

"Every person who, being at the time married, procures a marriage of himself to be solemnised under this Act shall be deemed to have committed an offence and the marriage so solemnised is void."

It means this. A married person cannot marry under this Act. If he or she procures a marriage under this Act, that person will be punished and the second marriage will be void. The point before us, however, is this. If a person does marry in the first instance under this Act, can he or she marry again? That is the point for our consideration, and my submission is, he can.

Section 16 says this:

"Every person married under this Act who during the lifetime of his wife or her husband contracts any other marriage,"—

What will be the consequence? Will the marriage be void? No, but it:

"shall be subject to the penalties provided in sections 494 and 495 of the Indian Penal Code for the offence of marrying again during the lifetime of the husband or wife, whatever may be the religion of the parties."

All that section says is this, that if a person marries under this Act, and then contracts a second marriage, he will be liable to certain penalties, but that second marriage will not be void. In section 15 the second marriage is declared to be void, but in section 16 only a penalty is provided; just as in the Sarda Act if there is a child marriage, the parties concerned will be subject to certain penalties, but the marriage is not void; the marriage remains. Similarly if a person marries under this Act, and then contracts a second marriage, the second marriage will be a good marriage, it will be a valid marriage, but the person will be subject to certain penalties.

Sir Hari Singh Gour: Why don't you amend that?

The Honourable Sir Brojendra Mitter: That is not the point before the House.

Sir Hari Singh Gour: That is your mistake.

The Honourable Sir Brojendra Mitter: I am now dealing with the Bill. I say that the whole fundamental basis of this Bill, as also of the Act of 1923, is erroneous.

Sir, it goes further. In section 19 it is provided that,—

"Nothing in this Act shall affect the validity of any marriage not solemnised under these provisions, nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage, but if the validity of any such mode shall thereafter come into question before any court, such question shall be decided as if this Act had not been passed."

So taking these three sections together, it is perfectly clear to every reasonable person that Act III of 1872, as amended by Act XXX of 1923, does not ensure a monogamous marriage. It does permit a polygamous marriage. Then what is all this fuss about? Here we are providing for a statutory form of marriage which ensures monogamy and thereby our marriages will receive recognition in the civilized world; we shall have a place in the sun. We shall not have a place in the sun by passing this Act.

Sir, I want to say one word with regard to Act III of 1872 in connection with which Sir Hari Singh Gour quoted some passages from Sir Henry Maine's speeches. Sir, it may not be known to all Members of this House how that Act came to be enacted. Before 1868, many Brahmos, Hindu dissenters, contracted inter-caste and even mixed marriages. At that time a great lawyer, Mr. Cowie, was the Advocate General of Bengal. A question arose and the matter of the Brahmo marriages came before Mr. Cowie for his opinion. Mr. Cowie went into the matter and he declared that these marriages were invalid and the children born of these marriages were illegitimate. Well, that was a very serious situation, because a very large number of marriages had taken place, quite *bona fide*, children had been born, and there was this perilous situation. Keshab Chunder Sen, the great Brahmo leader was then alive. He came to Simla post haste. He consulted Sir Henry Maine as to the way out of the difficulty, and then Sir Henry said this:

"I am prepared on behalf of Government, since such an emergency has arisen, I am prepared to bring forward a measure validating the marriages which had taken place and legitimatising the children born of such marriages."

That is the genesis of the Act of 1868. It was a Government measure. Government intervened in that instance, because an emergency had arisen and because the community affected invited the Government to pass an Act for their benefit. That is why the Government lent its support to that measure, and the measure was passed in the form of Act III of 1872. It is not because there was a sudden wave of reforming zeal which prompted Sir Henry Maine to bring forward that measure. Where is the emergency today? Who wants it? Do the Mussulmans want it? (*Several Muhammadan Members*: "No, no.") Do the Parsis want it? Do the Jews want it? Do the Christians need it? No. Then where is the emergency that this measure should be passed by this Legislature, and particularly at a time when minority communities are insisting on safeguards? Is this the way in which their rights, which they consider to be religious rights, are to be played with by a majority? (*Some Moslem Members*: "Hear, hear.")

Mr. Amar Nath Dutt: Why did the Government not observe this wholesome policy when the Sarda Act was rushed through the Assembly?

The Honourable Sir Brojendra Mitter: I am not discussing the Sarda Act at the moment; I am discussing Sir Hari Singh Gour's Bill. Sir, as I said before, the Moslems like the Hindus are governed by their personal law. I shall take a few branches of the personal law and very briefly say how each of these branches of the personal law of the Moslems will be affected by this measure. I shall take the subjects of Marriage, Dower, Divorce, Legitimacy, Inheritance, Guardianship, Maintenance and Wakf. I shall take these eight branches of Muhammadan law, all essential.

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Sir, it is well-known that under the Muhammadan law certain marriages are prohibited. I shall take only one of these by way of illustration. If marriage with a woman is prohibited by reason of fosterage, such marriage is void. Under Muhammadan law, as is well known, there are two kinds of irregular marriages. One kind is called invalid and another kind is called void. I am only dealing with the void kind which has got no legal existence. Marriage with a woman prohibited by reason of fosterage is void. Now, supposing marriage with such a woman takes place under Dr. Gour's measure, what happens? Under the statute, it will be valid; under the Muhammadan law it will be void. What about the children? The children will be legitimate no doubt, because the statute renders that marriage valid, but will they be children of a Moslem marriage? No. Then, will they as children inherit? No, because it is only a Moslem child who can be an heir under the Moslem law of inheritance. What is the position of that child then? That child is a legitimate child, but he is deprived of his right of inheritance, because he cannot inherit according to Muhammadan law; it is only Moslem children that can inherit under the Muhammadan law.

Sir Hari Singh Gour: What about *Lex Loci*?

The Honourable Sir Brojendra Mitter: *Lex Loci* makes ample provision for relevant cases. I have given an illustration of a void marriage. I will now give an illustration of an invalid marriage,—invalid as distinguished from a void marriage. Invalid marriages do not create mutual rights of inheritance. Although the children are regarded as legitimate, invalid marriages do not create mutual rights of inheritance. For instance, marriage with a woman undergoing *iddat* is an invalid marriage; it is not a void marriage; but there are no mutual rights of inheritance in the case of such a marriage. Will such a marriage, which would be permitted under this measure, create mutual rights? No provision is made for that.

I will next take the question of dower. It is one of the most valuable rights which a Moslem woman has. Now, no Moslem woman marrying under this measure can claim dower because it is a statutory marriage; it is not a Moslem marriage. This valuable right will be lost to all Moslem women who marry under the proposed measure. I am showing that if this measure is passed, any Moslem marrying under this measure must lose many of the rights which the Muhammadan law gives to him or her.

Sir Hari Singh Gour: They will read your speech and won't marry under the Act.

The Honourable Sir Brojendra Mitter: If they don't marry under the Act, then it is not a necessary measure, and why have it, why force it down the throat of an unwilling community?

Sir Hari Singh Gour: But they are willing to take the risk.

The Honourable Sir Brojendra Mitter: I am coming to that optional argument in a minute.

Mr. Amar Nath Dutt: May I ask where was that good sense when the Sarda Bill was on?

The Honourable Sir Brojendra Mitter: The Sarda Act is long past.

Sir Hari Singh Gour: He is speaking from his brief; that is not his opinion.

The Honourable Sir Brojendra Mitter: I am speaking from my brief not out of mere enthusiasm, and I shall be delighted if Dr. Gour, with his inexhaustible knowledge of law, will controvert any of the propositions I am submitting.

Then, take divorce. Those who are familiar with the Muhammadan law know very well the great elasticity which the Muhammadan law gives in the matter of divorce. All that will be gone. It will be only the Indian Divorce Act which will regulate the rights of parties. I will mention only one. A contract of marriage under the Muhammadan law may be dissolved in three ways; one, by the husband at his will without the intervention of a court of law—I am not concerned with that for the moment—and second, by mutual consent of the husband and wife and without intervention of a court. That is one of the recognised modes by which a divorce can be obtained under the Muhammadan law. That will be denied to persons marrying under this measure because, the Indian Divorce Act does not recognise mutual consent as one of the methods by which divorce can be obtained. Here, again, the personal law of the Moslems gives an elasticity to the parties in the matter of divorce; that elasticity will be taken away and they will be relegated to the restricted grounds on which a divorce can be obtained under the Indian Divorce Act.

Mr. Jagan Nath Aggarwal: Does my Honourable friend support this elastic form of divorce?

The Honourable Sir Brojendra Mitter: I am not here supporting or controverting the wisdom of any branch of the Muhammadan law. All I am addressing myself to is this, that this measure is an interference with the Muhammadan law; it takes away rights from the Moslems which the Muhammadan law gives them; that is all I am concerned with at the present moment. Whether the right ought to be taken away or not is a different matter, I am not to be drawn into an ethical disquisition. I will quote a passage from a well-known book—I am quoting from the book on Muhammadan Law by Sir Dinshaw Mulla.

"An agreement made, whether before or after marriage, by which it is provided that the wife should be at liberty to divorce herself from her husband under certain specified contingencies, is valid if the conditions are of a reasonable nature and are not opposed to the policy of the Muhammadan law. When such an agreement is made, the wife may, at any time after the happening of the contingency, repudiate herself in the exercise of the power, and a divorce will then take effect to the same extent as if the *talak* had been pronounced by the husband. The power so delegated to the wife is not revocable, and she may exercise the power even after institution of a suit against her for restitution of conjugal rights."

This valuable right which the wife has got will be taken away if she marries under the proposed law.

Sir Hari Singh Gour: They will marry with their eyes wide open.

The Honourable Sir Brojendra Mitter: Sir, I have shown that in the matter of marriage, in the matter of dower, in the matter of divorce, any Moslem marrying under this measure will be deprived of valuable rights which the personal law gives him or her.

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Now, take the case of legitimacy. This is very important. Sir, there is a beneficent rule under the Muhammadan law that when legitimacy cannot be established by direct proof acknowledgment is recognised as a means whereby legitimate descent may be established as a matter of substantive law for the purpose of inheritance. This is a most valuable and beneficent provision of Muhammadan law. Now, this rule will have no application to the case of a child whose legitimacy may be in question if the child is born of a marriage contracted under this measure.

Take the question of guardianship. As Honourable Members familiar with Muhammadan law know, there are special rules of guardianship under Muhammadan law.

Sir Hari Singh Gour: Very much more rigid than the Guardian and Wards Act.

The Honourable Sir Brojendra Mitter: There are special rules and they were framed for the benefit of the community. They are useful rules. All those rules of guardianship will be swept away and drab uniform rules of the Guardian and Wards Act will come into play. I will give an illustration. The mother is entitled to the custody of her male child until he has completed the age of seven and to the custody of her female child until she has attained puberty, and the right is not lost though she may have been divorced by her husband. Failing the mother, the right of custody of a boy under the age of seven and a girl who has not attained puberty devolves upon certain female relatives in the order enumerated. I would not give the whole list but the first is mother's mother. Now, failing the mother, the mother's mother is the guardian of the infants. Under the Guardian and Wards Act, the mother's mother does not come in at all. Under the Muhammadan law, the mother's mother has got the right to be the guardian of the infant grand children. She will be deprived of the right if this Act is passed. If a marriage takes place under this Act, the children born of that marriage will never be under the guardianship of the mother's mother. Take this case. A mixed marriage takes place and mixed marriages will be permitted under this Act. A young Muhammadan and a young Hindu girl marry out of, say, the dictates of their conscience. I suppose that is the phrase that has been used but it is nothing more than youthful impulse and conscience does not come in there at all. They run away and they marry under this Act before a Registrar. What happens? Suppose a child is born and the question of guardianship arises. The mother is dead. This child of a Muhammadan father will be dealt with under the Guardian and Wards Act, whereas if it was a good Muhammadan marriage, then the most suitable person who would look after the child, the grand mother, would have taken care of it. It is not so in this case. Dr. Gour may say that the Muhammadan rules of guardianship are more rigid than the rules of the Guardian and Wards Act. Nevertheless the Muhammadan rules are humane and the Muhammadan child will be deprived of the care of the most suitable person to whom it could be committed, if the Muhammadan law were applicable.

Let me take the next item—maintenance. Under the Muhammadan law children are bound to maintain poor parents. I suppose Dr. Gour will say this is unsound, but it is certainly a humane and beneficent rule that

children should be bound to maintain their parents. Now, children born of marriage under this law would not be bound to maintain their parents. They may say that the parents must shift for themselves. Now, it may be all very well in societies where individualism holds sway that every person must shift for himself but in an Eastern society, sentiments and traditions have hallowed this practice, that children must maintain their poor parents. But under this Act there will be no legal obligation. It will be a mere moral obligation. In the case of people who marry out of impulse and go out of the pale of their society, it is doubtful how far moral obligations will be binding upon them.

Then I come to the wakf. A Muhammadan can create a wakf for the benefit of his children provided the ultimate benefit is given to charity. If a Muhammadan marries under this Act, he will not be able to create such a wakf. If the real object was to make a family settlement which would otherwise be invalid under the Muhammadan law of wakf is entirely invalid. Therefore the Muhammadan law of wakf is intimately bound up with the Muhammadan law of succession. Now, if a person marries under this Act, then the Muhammadan law of succession *ex hypothesi* cannot apply. If that be so, the person who marries under this Act will be deprived of the right of creating a wakf for the benefit of his children, because the children would be born of a statutory marriage. Thus, this valuable right will be lost to him. As a matter of fact he will lose most of the rights which his personal law gives him. Practically he will cease to be a member of his community. He will be lost to the community. Again, where the wakf involves the performance of religious duties, the *mutawalli* must be a Moslem. Now, what about the children of a statutory marriage being able to perform religious duties? They cannot, because that marriage is not a valid marriage according to Muhammadan law. If it be not a valid marriage according to Muhammadan law, the children born of such a marriage cannot be held to be such Moslems as are competent to perform religious duties. Here again, he loses his right to become a *mutawalli*. He cannot create a wakf. He cannot become a *mutawalli* if religious duties are involved. It may be said that I am taking extreme cases. Possibly I am but it is only by extreme cases that you can test the soundness or unsoundness of a proposition.

Then take the case of inheritance. Sir Hari Singh Gour himself recognises the difficulty. In his Statement of Objects and Reasons he says this: Moslems might as regards succession be equally brought under the law enacted in the Indian Succession Act. Has there been any claim from the Muhammadan community, that they should in the matter of inheritance be governed by the rules of the Indian Succession Act and not the rules of their personal law? No provision has been made in the Bill for succession. What would happen to the children born of a statutory marriage? How will they succeed? They cannot succeed under the Muhammadan law.

Sir Hari Singh Gour: You add a clause in the Select Committee.

The Honourable Sir Brojendra Mitter: It is a fundamental matter. It is not a matter of drafting that you may add a clause in Select

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Committee. Then again the question arises—who wants it? Sir Hari Singh Gour may want it but the community affected does not want it. Will this House thrust it upon that community?

An Honourable Member: Sir Hari Singh Gour also does not want it now.

The Honourable Sir Brojendra Mitter: Now, Sir, I have shown that in the matter of Muhammadan personal law the parties to a statutory marriage will lose many valuable rights. The children born of such a marriage will lose practically every right which the Muhammadan law gives to Muhammadan children. That being so, is it to be wondered at that the Mussalman community should oppose this measure? And if that is the feeling of the Moslem community—a genuine feeling based upon good reason—how can Sir Hari Singh Gour expect that the Government should support a measure of this kind which is in effect a revolutionary measure?

Sir Hari Singh Gour: Then what did you do in 1929 when this Bill was before this House?

The Honourable Sir Brojendra Mitter: I was not here then.

Sir Hari Singh Gour: Why, you said you left it to the free choice of the House?

The Honourable Sir Brojendra Mitter: Sir, I have endeavoured to show that, so far as the four communities affected by this Bill are concerned, it is not necessary in the case of one, it is not wanted by two of the communities—the Jews and the Parsis—and it would be highly detrimental to the Mussalmans. That is the nature of the Bill. Therefore, it is not a question of extending a benefit which has already been assured to Hindus and other communities, and I dispute the assumption that any benefit has been conferred upon anybody (Hear, hear). If it were relevant, and if there were time, I could have shown that by the Act of 1923 the Hindu community certainly was not benefited; anyone marrying under that measure practically ceases to be a member of the Hindu community and loses all the rights which the Hindu law confers on him. He belongs to that group of persons who do not belong to any community whatsoever. Sir, I will now come to the optional argument. Sir Hari Singh Gour says, "Oh, but this is optional", "you are not bound to marry under this Act. It is only enabling, it will give you freedom of conscience", and what not. Now why is this measure brought in at all? Not to give optional benefit to people, but in order to secure international recognition. Sir, in order to secure international recognition, it is necessary that it should be a compulsory measure so as to show that here is a country, India, in which there is a compulsory law ensuring monogamy and therefore deserving of international recognition. If you make it optional, something which may be resorted to by only a few hairbrained people (Laughter). Then what becomes of the personal laws? In an international gathering it will be said, "Oh, you still have got your personal laws, you may have the option of running away from your own community and of belonging to no community, to no man's land, but the bulk of your community stick to their personal laws." What is the good of having an optional measure or the purpose of international recognition? It may be for freedom of conscience and what not, it may be a forward measure, but certainly for the purpose of international recognition, this optional clause is useless.

An Honourable Member: Why, Sir Hari Singh Gour will become as immortal.

The Honourable Sir Brojendra Mitter: Sir, we have got two ancient codes of law in this country. I am not talking of the laws of the Jew or of the Parsis because they are very small communities but so far as the majority communities are concerned, there are two very ancient systems of law. These systems of law, the Hindu and the Moslem systems of law have preserved Hindu society and Moslem society through many centuries. Do not play with these systems by bringing forward this sort of subversive legislation. It is destructive of the whole structure which has preserved these societies through all these long centuries. It undermines the very foundations upon which these social institutions are based, and the institution of marriage is an important part of that foundation. Sir, I do appeal to this House not to play with the ancient institution of marriage in this country. (Hear, hear.)

Several Honourable Members: The question may be now put.

Mr. President: I think it would be best to put the question. We have a very long agenda. The matter has been fully discussed, and I would ask the House to decide whether they wish to accept the closure. The question is that the question be now put.

The motion was adopted.

Sir Hari Singh Gour: Sir, I wish time had permitted a few more speakers to speak on this very interesting and important question. Sir, I must confess that I have been very much surprised by the attitude which the Government have adopted in the year 1931, because when this measure was placed before this House in 1921, they were sympathetic, and when it came up on two other occasions they said that it was a measure upon which their attitude would be determined by the expressions of opinion in this House. Sir, I can understand the fervid, the perfervid appeal which my friend, Sir Brojendra Mitter, has made on behalf of the Government. With his tongue in his cheek he makes us believe that this measure, if passed, will completely destroy the very foundations of Hindu and Moslem societies. Sir, I would certainly have pushed on this motion of mine to its consequence, but I feel that the House is not at the present moment in that sane mood in which I am perfectly certain it will be. . .

Mr. Amar Nath Dutt: What does the Honourable Member mean by saying "that the House is not in that sane mood"?

Sir Hari Singh Gour: I hope, Sir, that the discussion that has proceeded will give this House a little time and opportunity to judge of the measure upon its merits, and I therefore wish, Sir, with your permission, to withdraw the motion.

Several Honourable Members: No, no.

Mr. President: Is it your pleasure, gentlemen, to allow Sir Hari Singh Gour to withdraw his motion?

Several Honourable Members: No, no.

Mr. President: Permission is not granted. I will now put the question.

The question is:

"That the Bill further to amend the Special Marriage Act, 1872, be taken into consideration."

The motion was negatived. (Applause.)

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I do not want to move my motion for consideration of the Bill to amend the Indian Telegraph Act, but with your permission I should like to go on to the next Bill on the agenda. . . .

Mr. President: You can do so.

Mr. Gaya Prasad Singh: Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 144*) be referred to a Select Committee consisting of the Honourable Sir James Crerar, Sir Lancelot Graham, Mr. B. R. Puri, Sir Abdur Rahim, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Maulvi Sayyid Murtuza, Saheb Bahadur, Mr. Arthur Moore and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of Committee shall be four."

Sir, as stated in the Statement of Objects and Reasons, section 144 of the Criminal Procedure Code constitutes an entire chapter (Chapter XI) whose object is, in the words of the Code, to provide for "Temporary Orders in Urgent Cases of Nuisance or Apprehended Danger". The words of the section were, from the very nature of the entirely temporary action contemplated, made very general, and the discretion left to the Magistrates for the purpose was also correspondingly wide. But the extraordinary and indiscriminate applications of the section that have taken place in recent years on such a large scale for the purpose of suppressing political agitation, or other legitimate activity, are matters which could not have been foreseen, and constitute a misuse of the provisions of the section. The extraordinary powers conferred extend to interference with the lawful rights, and are only to be resorted to when the Magistrate is satisfied that the other powers with which he is vested under the law are insufficient to secure the object which he has in view. This section should not be allowed to take the place of any other provision of the law which might more appropriately apply. I am not going to weary the House by reciting the cases in which this point was discussed but I would only refer to 6 Madras, page 203, which was a full Bench case, 38 Calcutta, page 876, and 17 Allahabad, page 485, which was also a full Bench case. I am sorry I have not got these references with me now. Sir, it is within the experience of all of us that this section, which was intended only to provide for temporary orders in urgent cases of nuisance or apprehended danger, has been misused and misapplied to cases to which it was not intended to apply. People have been prohibited from leading processions, from taking part in lawful activities, such as holding public meetings.

An Honourable Member: Even wearing a Gandhi Cap.

Mr. Gaya Prasad Singh: And when the period of the prohibitory order has once expired, the order has been renewed with the result that virtually it has become a perpetual injunction. Now, Sir, when the subsequent order purports to renew a previous one which has expired, it is in effect an extension, and therefore without jurisdiction. This view has been referred to in certain law cases, such as 14 Criminal Law Journal, page 658, 7 Calcutta Weekly notes, page 140, and 23 Criminal Law Journal, page 689. I have not these rulings at present before me to verify but a reference will probably bear out my contention. (Sir, I want to restrict this discretionary power which is vested in the Magistrates, and the essence of my proposition is this that notwithstanding anything hereinbefore contained, no order under this section shall be made by a Magistrate so as to restrict the right of any person or persons to convene, attend, or take part in any public or political meeting, association, procession, or other demonstration, unless the Magistrate finds on evidence duly recorded that such direction is necessary to prevent obstruction, annoyance, or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

My second proposition is that no *ex parte* order shall be passed by a Magistrate in such cases without evidence duly recorded, and no such order, if made *ex parte*, shall remain in force for a longer period than forty-eight hours.

My third point is that I want to provide an appeal against the order to the Court of Sessions. Now, in order to establish my case, it is necessary for me to give some instances in which during recent years, the provisions of this section have been misapplied. I will first recall that historic occasion when the Barisal Provincial Conference in 1906 was dispersed under section 144. Why? Because the authorities wanted to take an undertaking from those attending the Conference that the words *Bande mataram* would not be shouted after the close of the Conference. Sir, I am not drawing upon my imagination, but I am reading out to you a passage from a book called "A Nation in Making", by Sir Surendranath Banerjee which will support my statement. At page 226, we read as follows:

"But the story of this act of repression, one of the darkest in the annals of the defunct Government of East Bengal, was not yet closed. The Conference met on the following day and was transacting its business in the usual way, when Mr. Kemp, District Superintendent of Police, entered the *pandal*. He walked up to the platform and told the President that the Conference must disperse, unless he was prepared to give a guarantee that the delegates would not shout *Bande Mataram* in the streets after the Conference was over. The President after consulting the delegates, declined to give the guarantee. Mr. Kemp then read out the order of the Magistrate directing the dispersal of the Conference under section 144 of the Criminal Procedure Code. A wave of indignation passed over the Conference. The delegates were in no mood to submit."

Was this a proper application of the section? Well, Sir, the other occasion on which section 144 was misused or misapplied was in 1917 when Mahatma Gandhi visited Muzaffarpur with the object of making an enquiry into the allegations with regard to the strained relationship that existed between the indigo planters of Champaran and the ryots of the district. Mahatma Gandhi, on invitation, visited Muzaffarpur. He saw the Secretary of the Indigo Planters' Association, as well as the Commissioner of

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the Division, and then he proceeded to Champaran. On reaching Champaran he was served with a notice under section 144. I will read out the terms of that notice. The notice is dated the 16th April, 1917, issued by the District Magistrate of Champaran. It reads:

"Whereas it has been made to appear to me from the letter of the Commissioner of the Division, copy of which is attached to this order, that your presence in any part of the district will endanger the public peace and may lead to serious disturbance which may be accompanied by loss of life and whereas urgency is of the utmost importance; Now therefore, I do hereby order you to abstain from remaining in the District which you are required to leave by the next available train."

That was the notice issued by the District Magistrate of Champaran. Now it is necessary for the House to understand how this notice was served at the mere direction of the Commissioner of the Division. The letter of the Commissioner of the Division is dated the 13th April, 1917, to the District Magistrate, and it runs as follows:

"Mr. Gandhi has come here in response to what he describes as an insistent public demand, to enquire into the conditions under which Indians work on indigo plantations, and desires the help of the local administration. He came to see me this morning and I explained that relations between the planters and the rayats had engaged the attention of the administration since the sixties, all that we were particularly concerned with a phase of the problem in Champaran now; but that it was doubtful whether the intervention of a stranger in the middle of our treatment of the case would not prove an embarrassment. I indicated the potentialities of disturbance in Champaran, asked for credentials to show an insistent public demand for his enquiry, and said that the matter could probably need reference to Government. I expect that Mr. Gandhi will communicate with me again before he proceeds to Champaran, but have been informed since our interview that his object is likely to be agitation rather than a genuine search for knowledge, and it is possible that he may proceed without further reference. I consider that there is a danger of disturbance to the public tranquillity should he visit your district, and have the honour to request you to direct him by order under section 144 of the Criminal Procedure Code to leave it at once if he should appear."

Sir, I ask my friend the Honourable the Home Member in all seriousness whether the terms of section 144 have been complied with in a case like this. It is the District Magistrate who must be satisfied on evidence that there is an urgent case of nuisance or apprehended danger which requires immediate treatment. From the terms of the letter which I have read out none of the elements of the section seems to be present, and to get rid of an unpleasant visitor, if I may say so, the provision of section 144 was resorted to. The reply of Mahatma Gandhi to the District Magistrate of Muzaffarpur is significant. It is a very short one, dated the 14th April, 1917.

"With reference to the order under section 144 of the Criminal Procedure Code which is served upon me, I beg to state that I am sorry that you have felt called upon to issue it, and I am sorry too that the Commissioner of the Division has totally misinterpreted my position. Out of a sense of public responsibility, I feel it to be my duty to say that I am unable to leave this district, but if it so pleases the authorities I shall submit to the order by suffering the penalty of disobedience. I most emphatically repudiate the Commissioner's suggestion that my object is likely to be agitation. My desire is purely and simply for a genuine search for knowledge, and this I shall continue to satisfy so long as I am left free."

He was hauled up before the Magistrate, and he pleaded guilty to the charge of disobedience. But in consultation with the higher authorities, the case was withdrawn, and he was allowed to proceed with his work, with the result that no disturbances of any kind occurred, although the planters tried to put obstacles in his way.

Sir, during recent months this section has been so used as to convert the police and the magistracy, which really means the police, in the long run, into legislatures, creating new crimes out of acts which the existing law does not recognise as offences. I will give a few instances. A Magistrate in Madras issued an order under section 144 prohibiting the use of what are known as Gandhi caps by the public at large; and assaults and imprisonments also took place in consequence of this order. The order was ultimately withdrawn at the instance of the High Court. Another Magistrate issued an order forbidding private persons from flying what are called national flags over private houses. This order was also subsequently quashed by the High Court. Peaceful picketing, and peaceful processions with regard to the propagation of *khaddar*, for instance, have also been prohibited under the provisions of section 144 of the Criminal Procedure Code. In 1921 or 1922 our colleague, Maulvi Muhammad Shah, was served with a notice prohibiting him from addressing a meeting within Hajipur. About the same time Mr. Anugrah Narayan Singh, who was afterwards a Member of the Council of State, was prohibited from making speech in Dumka; and at that time a number of typed copies of notices without names were kept ready by the Sub-Divisional Officer. As soon as an unwelcome visitor would come to Dumka, only the name had to be filled in in the typed copy, and he was served with a notice under section 144, asking him to leave the place, or not to deliver any speech at all. This, I submit, is a most unfair and unwarranted use of section 144. About that time in Sitamarhi, which is a sub-division of Muzaffarpur, a popular Hindi song was prohibited from being sung under section 144, because it was "sung in such a manner as to excite the audience into a frenzy and hatred for the British Government". That was the reason given in the notice, although the song itself was not proscribed. Another notice was served prohibiting a meeting in that very place, Sitamarhi, on the ground that the people attending it would commit a nuisance on the ground, and thereby probably make the place insanitary. (Laughter.) This is a most ridiculous use of section 144. In the district of Muzaffarpur there is a place called Hurdi where a mela is held every year and hundreds of cattle are brought for sale. Two or three Europeans visited that mela, and some one shouted "Mahatma Gandhi ki jai" within their hearing. The result was that a notice under section 144 was issued forbidding people from carrying lathis in that mela, or holding a meeting within a certain radius. About 1921 again, as some Honourable Members will remember, the late Mr. C. R. Das was prohibited from entering Mymensingh, because some school examination was being held at the time, and it was thought that his presence would result in drawing away some of the students from their examinations. Was this section intended to be applied like this? Sir, we know what has been recently happening in Bombay. I will read out the terms of a notice under section 144, which was served upon the Congress people in Bombay recently, and which runs as follows:

"Whereas it has been made to appear before me that the Bombay Provincial Congress Committee has been drilling, exercising and moving in formation its volunteers and other men in the Esplanade Maidan within sight of and in proximity to the Indian infantry regiments, and whereas it appears that the conduct of the Congress volunteers and other bodies of persons who are drilling, exercising and moving in formation there is of such a nature as to lead to annoyance or to provoke a breach of the peace and whereas I am of opinion that in order to prevent a breach of the public peace, riot, or affray, immediate prevention is desirable to abstain from exercising, drilling or moving in formation there for a period of two months from this date."

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Can the lawful right of persons be curtailed in this way?

These are some of the instances in which the provisions of section 144 have been abused. The Gujrat Provincial Congress Committee appointed a non-official inquiry committee to inquire into the conduct of certain police officers who were concerned in a riot or disturbance at a place called Ranpur. Notice under section 144 was promptly issued upon the members of the inquiry committee prohibiting them from entering or making an inquiry into these allegations in the district of Ahmedabad. I submit that this is a most unwarranted interference with the personal rights of individuals, and notice under this section is a gross abuse of powers. The other day I asked a question of the Honourable the Home Member, and in reply I got the information that a dispensary was closed in Peshawar under the terms of a notice which was issued under section 144, because probably some who used to go there for treatment happened to be Congress volunteers. The history of India during the last few years has become a history of lathi charges, bloodshed, riot and affray. The police, it appears, break the peace almost everywhere in order, I fancy, to keep the peace; and the magistracy seems to be in an unholy combination with the Executive in trying to suppress the legitimate activities of the people under the cloak of section 144. I would therefore submit, Sir, that the time has arisen when the wide and unfettered discretion which is vested in the Magistrates and which they have so grossly abused, during recent years, should be curtailed; and with this object in view, I have brought forward my Bill. I do not want to proceed very hastily, and recognise the need of caution. So I want it to be referred to a Select Committee. If there are any imperfections in my Bill, or if a better method of improving the deficiencies could be devised, probably we shall be able to consider the same in the Select Committee. With these few words, Sir, I move. (Cheers.)

The Honourable Sir James Orerar (Home Member): Mr. President, I must oppose the motion of the Honourable gentleman to refer this Bill to a Select Committee. I do so mainly upon two grounds. I think that the Honourable Member desires to establish a good case for sending a Bill of this character to a Select Committee; it is incumbent upon him to establish beyond any doubt one of two propositions,—in the first place that the powers are unnecessary, or in the alternative, that the powers are very liable to abuse, that they have been greatly abused and that the law provides no remedy against abuse. I submit to the House that on both or either of those propositions the Honourable Member has not succeeded in establishing a case. This provision of the law is no new provision of the law. It has been on the Statute Book, I think, for at least 50 years. It is not within the category—at least I do not think it can fairly be contended to be in the category—of what are sometimes called extraordinary laws. These powers were deliberately conferred by the Legislature upon the magistracy something like 50 years ago. The necessity was then clearly recognised and the necessity from time to time has arisen, and I add with the greatest regret, that in recent times the necessity has arisen more frequently and in a more acute form. Now, Sir, I do not propose to follow the Honourable gentleman in detail in his recital of various cases in which he alleges these powers have been abused. Of two

cases which occurred before the year 1923 he mentioned the case of an order served in Champaran. It is not my purpose to go into detail into unhappy chapters of so many years ago, which might now be regarded as closed and sealed chapters. As regards the particular incident in Champaran, I would only say this, that at that time the District of Champaran was very seriously disturbed, that disturbances of a serious character took place and I do not think that any candid judge would regard it as a matter of surprise that the authorities thought it necessary to use special powers.

Mr. Gaya Prasad Singh: I beg your pardon. There was nothing in 1917; there was no sort of disturbance in Champaran. Will the Honourable Member kindly say to what he is referring?

The Honourable Sir James Orerar: In any case, I think, there was considerable ground for apprehension at that time. In any case, the subsequent history of the order to which the Honourable Member has referred even on his own account does not appear to establish a very cogent case of a grave abuse of the section. Moreover those incidents took place before a very important amendment of the law to which my Honourable friend has not referred. In the year 1923 the law was amended in order to bring orders under this section under the direct review of the High Court. To that point I shall revert later. Now, Sir, the Honourable Member has urged that in recent years, and more particularly during the present year, this power has been extensively used—he has said extensively abused. I must state quite candidly that I cannot accept that proposition in any manner whatever. In issuing orders under section 144, in the numerous instances in which Magistrates have found it necessary or have deemed it necessary to issue such an order, that in some cases such an order might have been avoided without any grave effect, I am not prepared to deny. But I do most strongly deny that the power is used frequently on frivolous and unnecessary grounds, and particularly that it has been grossly abused. I will not go more fully into details of cases in which the Honourable Member alleges that the section has been used for political purposes to put it broadly. On the contrary, I feel very strongly that the whole policy of the Local Governments, who are primarily concerned in the administration of this section, of the Government of India and of the responsible Magistrates themselves, is not to use powers under this section for the purpose of checking or in any way impeding any legitimate activity, but solely and entirely for the purpose of maintaining tranquillity and protecting the general public in pursuing their lawful avocations. And I wish to remind the Honourable Member and the House that, quite apart from the use of the section in circumstances of this kind, it has been invoked and indeed it has been found of the most invaluable assistance in another class of cases of apprehended danger. Though I regret to have to recall such an unhappy state of affairs to the House, nevertheless it will be within the memory of the House that not two or three years ago there was an epidemic of sectional and communal riots, in the course of which a great deal of bloodshed took place. I do not think that any Honourable Member here will be disposed to question what I claim, namely, that, in dealing with such lamentable occurrences and more particularly in preventing them, the District Officers throughout the length and breadth of India where those

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troubles took place or were threatened were animated by only one single idea, and that was to prevent these things with their lamentable consequences and to avert bloodshed and to maintain tranquillity. Now, I assure the House, and I am sure on this point I shall have the corroboration of some of my Honourable friends who have more recent and more intimate acquaintance with the administration of the districts, when I say that in circumstances of that kind an order under section 144 is by far the most valuable weapon in their hands. Indeed I should regard it not so much as a valuable weapon as a form of insurance against the occurrence of such disturbances.

Now, Sir, I pass on to another part of the Honourable Member's proposition. It is his object to provide that no Magistrate can make an order under this section without having duly recorded evidence, and that no *ex parte* order should be passed without evidence duly recorded, and that no order, if made *ex parte*, should remain in force for a longer period than 48 hours. Sir, it is of the essence of the sound and effective use of these powers in a very large majority of cases that the order should be made promptly. It is sometimes necessary that it should be made *ex parte*. The effect of the Honourable Member's amendment would undoubtedly be to introduce in the procedure so dilatory a method that a very great part of the utility of the order would be completely lost. If the District Magistrate and the officers under his orders are to intervene in time to prevent these things, it is essential that he should be empowered to intervene promptly. It is quite a possible eventuality from the provisions which the Honourable Member proposes, that an order having been made *ex parte* will remain in force for only forty-eight hours, that the party against whom that order has been made may refuse or omit or be unable to appear or may deliberately evade appearance then that order *ipso facto*, through no fault of the Magistrate, through no fault of the Court, and possibly under circumstances of the gravest danger to the public,—that order *ipso facto* expires. That, I submit, is an impossible state of affairs. If the House is willing to acknowledge at all, and I think it will be willing to acknowledge, that in these difficult and dangerous circumstances which are postulated by the class of cases which both the Honourable the Mover and I are referring to, it is essential that the local authority, the District Magistrate or any officer who occupies a corresponding position, must be granted powers and prompt powers in proportion to his responsibilities.

I pass now to the second part of the Honourable Member's proposition. It is that an appeal should be given from an order made by a Magistrate under this section to the Sessions Judge. Well, the main practical objection to that is that essentially the action under section 144 is action for which the executive authority must be responsible. The Sessions Judge is really not the proper authority to judge either of the necessity or of the propriety of an order of this kind. At any rate he ought not to be the final authority, nor ought he to have powers to hold up the hands of the Magistrate in carrying out what he regards as a measure of essential necessity for keeping or maintaining the public peace. That is not to say that these orders should not be subject to supervision and they are subject to supervision. As I pointed out, the effect of the amendment of the Criminal Procedure Code in 1923 was to give to the High Court power,

which they had not heretofore possessed, to reverse or vary an order made under section 144. That power still subsists; and any person or party against whom an order of this kind has been made or any one who is interested or directly concerned in the order has his remedy; he can move the High Court in review.

For all these reasons, I submit that if any time were opportune at all for a proposition of this kind, the present is the most inopportune. I have endeavoured to point out very briefly and without bringing into the debate any matter of prejudice, without any recital of facts and circumstances, which at the present time it would perhaps not be wise for me to recite, I have endeavoured to point out to the House two things, that these powers have long been on the Statute book; that they have been proved to be not only extremely valuable but necessary, and that powers under this section cannot be exercised—they cannot be abused at any rate without the author of those orders being called to account before the highest court of jurisdiction in the province.

*Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I desire to take this opportunity to congratulate my friend Mr. Gaya Prasad Singh on the clarity and also the information which distinguished the speech that he gave in introducing the Bill. I admit that the Honourable the Home Member has admitted that in one or two cases section 144 had been misapplied

The Honourable Sir James Crerar: No, Sir; I did not admit that. What I said was that I conceived that in certain circumstances it is possible that that might have been so.

Mr. C. S. Ranga Iyer: The Honourable Member tells us that he did not admit it; but he says that he could conceive of circumstances—he could think that such circumstances were possible. If I understand the implications of that statement, I can take it as an admission. But whether he is willing to admit or not, I was generous enough to think that he was willing to admit that there have been out of the numerous cases, the innumerable cases of misapplication, one or two misapplications at any rate in his knowledge. That shows that the Home Department of the Government of India must inquire into this matter and find out in how many cases there have been misapplications. Perhaps, Sir, it is not within the jurisdiction of this House, or perhaps it is; but I think it will be a very good thing indeed, if the Home Department collects information on this matter as to the cases of misapplication or application within the course of the last ten or for that matter within the course of the last fifty years of this law's existence. The Home Member tells us "It is an old law; it has been in existence for the last fifty years". If only he will place before this House the information about the application of this law within the 25 years of its existence, that is to say, the first half of 25 years of its existence, and if also he publishes to the public or places before us the application of this measure for the second half of 25 years, he will discover how grossly this measure has been misapplied. He will discover that in the first half it was not applied for the purposes for which it has been applied during the second half. With the awakening of the public consciousness, with the growth of nationalism, this law,

*Speech not revised by the Honourable Member.

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which great lawyers have admitted was not meant for that purpose, has been used for the purpose of suppressing national awakening. The main argument of the Honourable Member was that this is an old law. Because a thing is old it does not follow that it should live. I admire old age in certain respects. But when old age develops insanity, old age must have its natural end.

An Honourable Member: Old must die.

Mr. C. S. Ranga Iyer: That is a very good phrase indeed. My friend over there says old men, old institutions and old laws should perish. That is the course of nature, and when a fifty years' old law is not allowed to die, it must at least be allowed rejuvenation; and what my friend Mr. Gaya Prasad Singh wants is just to make the old man young so that he may not misbehave. At any rate, Sir, this law is an old law and it is a bad law, and the old law having become bad, it must go. It is hardly an excuse to say that a law has been in existence for fifty years. This British Government has been in existence for a hundred and fifty years and is becoming every day more objectionable; after one hundred and fifty years every day of its existence is being objected to by the people. The Government themselves have conceded that they are objectionable. The Prime Minister's statement is a confession of their objectionable character, and as a law is 50 years old, I say it is 50 years bad, and it must go.

Sir, the Honourable the Home Member was pleased to contradict certain statements made by my friend Mr. Gaya Prasad Singh in regard to Champaran. I would ask him to go into that question once again; I would ask him to send for the files of his Department and go through them once again. Sir, in Champaran this action under section 144 did not bear fruit. On the other hand, it enabled those who resisted that law to reap the harvest, and the Government themselves realised, having failed to use section 144 for purposes for which they wanted to use it, having failed to realise what they wanted to realise under that section, they only stooped to conquer. They conceded in that matter, and the very concession, the very triumph of Gandhi at Champaran, the very triumph of the public spirited people of Champaran and of Bihar in this matter, is a repudiation of the Honourable the Home Member's statement that the law was necessary there. On the other hand, Sir, it is only a disclosure of the fact that section 144 is time and again hurled against us; it is time and again put against us to destroy every legitimate activity of ours, and as the subsequent action of Government has proved at Champaran, our activities were quite justified, and they were justified by the Government themselves. Therefore, Sir, that argument cannot hold water.

Then we come to the Honourable the Home Member's suggestion that the original law was amended, that is to say, the old man was rejuvenated. Sir, by the provision that there could be an appeal to the High Court . . .

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): No appeal.

Mr. C. S. Ranga Iyer: I beg your pardon, revision by the High Court. My friend Mr. Gaya Prasad Singh asked "Why not take it before a Sessions Judge?" And the Home Member says how can a Sessions Judge sit in judgment over the Magistrate? That is, in short, what the Home

Member wants us to take from him. He says how can the almighty Magistrate submit to the judgment of the Sessions Judge? That, Sir, is a confession worthy of the Home Department of the Government of India, but that, Sir, is not a thing which is very agreeable to the people. They cannot swallow a thing like that so easily. We are not going to accept the Magisterial right of setting up the criterion of political goodness; we are not going to accept the Magisterial supremacy over the Sessions Judge, specially in a country like this, where the executive has been clothed with an authority unheard of in self-governing countries within the British Empire, it is I think, asking for too much on the part of the Home Member when he says that the Magistrate should not submit to the jurisdiction of the Sessions Judge. And he says there is the High Court. But does he understand, do the Government of India understand, that the High Court is not so near and not so easily accessible to the class of people who come under the punishment of section 144? The High Court is a more expensive proposition to some of our poor public men who are proceeded against under section 144. Sir, it is not proper for any Government to just force litigation, expensive litigation, on a poor and poverty-stricken people, and the most poverty-stricken political strugglers against whom this section is applied or rather misapplied.

Now, Sir, the Honourable the Home Member referred to the communal riots and the use of section 144. I take up his argument for what I consider to be an accurate statement of the matter, and I am prepared to prove to you that it is far from accurate. If section 144 had been applied to communal matters with the same enthusiasm, with the same frequency, with the same audacity with which it has been applied to political matters, possibly I might not have stood up in my place and said, "Wipe out this section or amend it". Of course, my friend does not ask you to wipe it out; he only wants to amend it. That is the only question, and I am glad the Honourable the Home Member has stated that it is also meant for communal riots. I say, Sir, it is meant more for political than for communal riots, and if the Home Member supplies to this House comparative information on how many occasions and for how many communal risings, this section 144 was applied, and if he places before this House or if he publishes through his Publicity Officer for the benefit of the people outside information as to how many communalists were proceeded against under section 144, as to how many communalists were put in prison under section 144, I for one would say that the Government were not abusing this section for political purposes, for the suppression of the expression of public opinion or the opinion of the people themselves. Sir, I know for a fact that this section has not been used for communal purposes with the same audacity, with the same recklessness, with the same lack of regard for purposes for which this section was introduced. I know that it is meant more for political purposes than for anything else. If only the Government ventured to deal with communal movements in the same manner in which they deal with political movements—I know a foreign Government cannot do it—but if the Government were to do it, it would not have justified the existence of a revolutionary and a semi-revolutionary movement, side by side, in the shape of Gandhian lawlessness on the one side and terrorism on the other. It is the abuse of these sections that create movements of that character. You want to put down political movements, and any section is good enough for that purpose. The High Court may review,

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but what does the Magistrate care for the High Court? Is there any Magistrate in this country who is afraid of the High Court, when he has the opportunity and when he feels that he has the right and the justification to use section 144? If section 144 had not been abused for political purposes and if it had been adequately used for communal purposes, if communal leaders had been dealt with for creating communal trouble, and if they had been put in prison under section 144, or if section 144 had been equally and evenly applied for communal purposes, I at any rate would have said that the Home Member was speaking of what has been in practice in this country. He was only making out a case with his ability, which I do not deny, with his shrewdness and with his capacity to produce what appears a seemingly reasonable argument when he said that section 144 must remain for communal purposes. All the more reason why he should amend it and say it is for communal purposes henceforth and not for political purposes. In that case it ought to go to the Select Committee. Sir, I always find that our men on this side are so ready to go to Select Committee when the Government come forward with a motion for Select Committee, but when some suggestion for a Select Committee comes from this side, even the most gracious of officials fight shy of it. Now, the Government could easily have taken up these matters in the Select Committee; they could easily have threshed out the questions in the Select Committee, they could easily have divided in the Select Committee and then discussed it again on the floor of the House. The very idea of the Home Member that he would not even take this to the Select Committee

The Honourable Sir James Crerar: The Honourable Member will recognise that to accept the motion for reference to a Select Committee implies and carries with it the acceptance of the principles of the Bill.

Mr. C. S. Ranga Iyer: Sir, though I admit it is generally considered that going into the Select Committee on a matter means an agreement with the principles of the Bill, in my own opinion it is open to the Government not to agree to the principle in the Select Committee which the Honourable the Mover has in mind. There is nothing to prevent you in the Select Committee from changing the principle of the Bill; there is nothing to prevent you from changing even the Preamble (*An Honourable Member*: "No, you cannot change it.") No, you can do it if you have a majority in the Select Committee. You can shape it outright; there is nothing which prevents you from doing it, though I admit that the Honourable the Home Member is right in so far as tradition has it that going into Select Committee means accepting the principle. I am quite willing to concede that he cannot go into it because he believes that it means the acceptance of the principle of the Bill. But, then, he should not mind at least other Members of the House going into the Select Committee. He should have suggested, "We are not going into the Select Committee, but I do not mind your going into the Select Committee with your friends and placing this Bill before us in an altered form and we may perhaps accept it". But, then, Sir, he is fighting altogether shy of the idea of a Select Committee.

Now, let me come to his last observation that the time is not opportune. I think it is the most opportune time and for obvious reasons. Sir, we have been flooded both from Whitehall and in this country, both by the

Prime Minister and as high an authority as we could have in the neighbourhood of Delhi—we have been flooded with what? With sympathetic statements, with conciliatory suggestions, followed by, if not complete, but more or less conciliatory actions. At such a time it is but legitimate that a measure of this kind should be brought forward. For instance, all over the country section 144 is applied and is defeating the purpose which is being, I admit, with the very best of intentions, inaugurated here and in Whitehall. It is, therefore, the most opportune time for us to discuss the inopportune character, the inopportune nature and the inopportune manner in which section 144 is being misapplied. At any rate, the Government of India ought to use their influence. I have been reading in the *Hindu* of Madras most horrid things. I have been reading to-day the discussion in the Madras Legislative Council, and my attention has been drawn to this matter by men whom you cannot by any account describe as anything but sweetly reasonable men and friends of Government. Sir, things are going on out in the country which show that the opportune move of the Government towards conciliation, however unsatisfactory so far, and however much I hope it will be satisfactory very soon, the opportune move of the Government is really being defeated in a manner not very satisfactory, and I must say, most unstatesmanlike. Sir, if the Government could not accept the motion, I should have at least expected the Honourable the Home Member to say that during this transitional stage as it were; during this negotiation stage—I would rather put it like that—section 144 would not be used for the purposes for which it has been used. On the other hand, he has throughout maintained, and maintained uncompromisingly and maintained relentlessly, that section 144 is one of the beauties of the Statute-book—a beauty who should not be shorn of her good looks, but who should remain in the same beautiful form, though fat, fair and fifty. Sir, once again, I ask the Honourable the Home Member to consider the advisability of substituting what I may call an accessible halfway house between the High Court on the one side and the district officer on the other, namely, the Sessions Judge. I would ask the Honourable the Home Member once again to ponder over the suggestion. It is not asking for too much. He may claim that a Magisterial decision must not be tampered with by the Sessions Judge. He may claim that section 144 has not been abused by those who have applied it under certain circumstances. But we claim on this side that it has been grossly abused. Therefore, the best thing for the Government as well as for ourselves is to think of a compromise. He ought to understand that there is a great feeling in the country on this matter, and the best thing for him is not to take an uncompromising view at all in view of what he has in mind, namely, the settlement of the political issue, and what we have in mind, namely, to help in that settlement. Therefore, Sir, it is necessary that he should take a kinder attitude in this matter, a more statesmanlike attitude, because I maintain that all over the country section 144 has been misapplied, has been abused. He may not concede it; he may not even suggest it; but he cannot consider that the suggestion which comes from this side of the House, being, as I imagine, in possession of the manner in which it has been used or abused out in the country—I do not think that he can dismiss our statement as a figment of the imagination. Therefore, I would very earnestly put it to him that he should concede to this halfway house between the irresponsible district officer on the one side and the High Court on the other, namely, the Sessions

[Mr. C. S. Ranga Iyer.]

Judge. I hope and trust that the Honourable the Home Member will once again consider this matter, and when this Bill comes before this House for further discussion he will have something better to say on this matter, something more consoling to the people of this country, both to those who are lawyers and who have to appear in law courts to plead how it has been misapplied, and those who have not gone to the law courts at all but have simply defied the section and taken the consequences in their boycott of law courts. It is highly necessary that a section which arms the executive officer with an authority almost unquestioned, at any rate, not immediately questionable until the High Court reviews it—it is absolutely necessary that that section should be considered in the light in which I have presented it.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th February, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 5th February, 1931.

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

QUESTIONS AND ANSWERS.

BROADCASTING STATIONS IN INDIA.

349 *Mr. Gaya Prasad Singh: (a) Is it a fact that new wireless stations are about to be erected at Delhi, Lucknow, Allahabad and Nagpur? If so, are they going to be short-wave or long-wave stations?

(b) How many broadcasting stations are at present working in India, and how many of these are Government, military or public stations?

(c) What is the total cost involved in operating Calcutta and Bombay stations; and what is the total receipt from licenses in India so far, and per year?

(d) What is the amount spent in Calcutta and Bombay on account of Indian and European programmes respectively?

(e) Will Government be pleased to state how much time is utilized for broadcasting European, Bengali and Hindi or Urdu programmes from Calcutta on an average per day?

(f) Will Government be pleased to state the number or proportion of licenses issued to Europeans and Indians in this country?

(g) Do Government propose to take steps to see that a Hindi or Urdu programme is also broadcasted every day in the same way as an English or Bengali programme?

Mr. J. A. Shillidy: (a) No.

(b) Four. The stations in Bombay and Calcutta are Government stations. The station in Madras belongs to the Corporation of Madras and the station in Lahore to the Radio Club.

(c) The attention of the Honourable Member is invited to the replies given by me on the 28th January, 1931, to part (a) of question No. 134 by Mr. K. C. Roy, and on the 2nd February, 1931, to question No. 269 by Lala Hari Raj Swarup.

The total receipts from license fees, of which 80 per cent. accrue to the Indian State Broadcasting Service and the balance to the Indian Posts and Telegraphs Department, are as follows:

	Rs.
1927	35,950
1928	59,340
1929	77,710
1930	76,960

(d) The expenditure incurred in the Calcutta station during the eight months April to November 1980 is as follows:

	Rs.
Indian programmes	16,000
European „	9,000

Similar information is not available in regard to the Bombay station.

(e) The average time allotted monthly (28 days) to Indian programmes is 127 hours and to European programmes is 65 hours.

Detailed information is not available about the time allotted for the broadcast of European, Bengali, Hindi or Urdu programmes.

(f) It is not possible to state accurately the number or proportion of licenses issued to Europeans and Indians, as no record is maintained of the nationality of the license holders; but judging from the list of names of licensees, roughly 16 per cent. are Europeans.

(g) The suggestion will be communicated to the Director, Calcutta Station.

Mr. S. C. Shahani: Can a new wireless station be erected also at Karachi?

(No answer was given.)

APPOINTMENT OF SIKHS IN THE MILITARY ACCOUNTANT GENERAL'S OFFICE.

350. *Sirdar Harbans Singh: (a) Will Government please refer to their reply to unstarred question No. 215 in the Legislative Assembly on the 4th September, 1928, and state how many Sikhs have been recruited in the Military Accountant General's office in the accountants and clerks grades respectively, since that time?

(b) What are the reasons for not giving the Sikhs their proper share on the staff of the Military Accountant General's Office?

The Honourable Sir George Schuster: (a) Since September 1928 the number of Sikhs appointed to the Military Accountant General's Office is:

Accountants' Grade	Nil.
Clerks' Grade	3

(b) Except a few appointments in the Routine Grade of the office of the Military Accountant General, which are made by the Public Service Commission, the accountants and clerks in that office are selected from amongst those recommended by the several Controllers of Military Accounts, and the Sikhs have equal chances with members of other communities for selection for transfer to that office.

APPOINTMENT OF A SIKH AS ASSISTANT METEOROLOGIST.

351. *Sirdar Harbans Singh: (a) Is it a fact that since the answer to question No. 414, dated the 11th September, 1928, was given, many appointments on the cadre of Assistant Meteorologist have been made?

(b) If so, how many Sikh applicants have there been on each occasion and why has no Sikh been appointed so far in this Department to redress their communal inequality?

(c) Do Government propose to reserve the next vacancy exclusively for a Sikh in order to give representation to this community in this service? If not, why not?

Mr. J. A. Shillidy: The information has been called for.

APPOINTMENT OF SIKHS IN THE INDIAN CIVIL SERVICE.

352. *Sirdar Harbans Singh: (a) How many appointments were reserved for nomination to the I.C.S. in 1930 for redressing the communal inequalities?

(b) Why were all the appointments so reserved filled up from men belonging to only one minority community?

(c) Is it a fact that there is a very negligible number of Sikh I.C.S. officers and none of the Sikhs was appointed last year?

(d) If the reply to (c) be in the affirmative, are Government prepared to reserve at least half of the appointments to be made by nomination this year (1931) for Sikhs?

The Honourable Sir James Crerar: (a) Six.

(b) Under rule 8 of the Indian Civil Service (Nomination) Rules, candidates for nomination are selected primarily from among those who sat at the competitive examination in India and in making such selection, their places on the list are naturally considered. Muhammadan candidates did very well at the examination in 1930, and those selected from the results of the Indian examination occupied respectively, the 10th, 11th, 14th, 16th and 29th places on the list. There was only one representative of any other minority community, namely, an Indian Christian, whose place in the list justified consideration of his claims, but as two members of this community had already been successful in the open competition in London, the nomination of a third was clearly unnecessary for the redress of communal inequalities. I regret to say that it was not possible to select a Sikh owing to the low place gained by the highest Sikh candidate.

(c) Since 1926, when the policy of preventing the preponderance of any one class or community in the services was introduced, four Sikhs have been recruited to the service, two by competition and two by nomination.

(d) The Honourable Member will no doubt realise that it is not possible for me to anticipate the results of the examination and to make any commitment in regard to nominations relating to any community, but I can assure him that if any Sikh candidate stands sufficiently high his claims will receive sympathetic consideration.

TRANSFER TO THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS OF WORK PREVIOUSLY DONE BY THE CASH BRANCH OF THE RAILWAY BOARD.

353. *Sirdar Harbans Singh: (a) Is it a fact that there is no Muhammadan or Sikh in the Cash Branch of the Railway Board?

(b) Is it a fact that the work in connection with the preparation and disbursement of the salary and other allowance bills of the Officers and

establishment of the Railway Board and various surplus establishment thereunder has been transferred to the Office of the Controller of Railway Accounts?

(c) Is it also a fact that the work so transferred had been done from the very beginning by those clerks only who had been for some reasons or other condemned for the Cash Branch?

(d) If the reply to (b) be in the affirmative, why was not the special pay of Rs. 50 p. m. for handling Government cash also transferred?

(e) Is it a fact that the Cashier of the Railway Board has himself never disbursed the pay of the staff, or ever made any bills of the subordinates or officers of that office?

(f) Is it a fact that a small allowance has been recently sanctioned as an allowance for the clerk of the Controller of the Railway Accounts and Government are thus incurring double expenditure in these days of financial stringency?

(g) What were the reasons for transferring the work of the Cash Branch of the Railway Board to the Accounts Office?

(h) Do Government consider the advisability of transferring this sort of work from every Government of India Office to that of their Accounts Office? If not, why has the Railway Board been allowed to do this?

Mr. A. A. L. Parsons: (a) The answer is in the negative.

(b) The answer is in the affirmative.

(c) No.

(d) The question of withdrawing or reducing the allowance given to the Cashier, Railway Board, is under consideration.

(e) The answer to both parts of the question is in the negative.

(f) A special pay of Rs. 15 per mensem has been given to one of the clerks of the Controller of Railway Accounts office.

(g) In order that the work may be more efficiently performed at less cost to the State.

(h) Circumstances of the Departments of the Government of India differ, and each case has to be considered on its own merits. The Railway Department alone has an Accounts Office in close contact with it all the year round.

TRANSFER TO THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS OF WORK PREVIOUSLY DONE BY THE CASH BRANCH OF THE RAILWAY BOARD.

354. ***Sirdar Harbans Singh:** (a) Is it a fact that as a result of the transfer of work from the Cash Branch of the Railway Board to the Office of the Controller of Railway Accounts, no reduction in the clerical strength of the Railway Board was considered necessary, whereas four extra clerks, with special pay to two of them, have been sanctioned for the Controller of Railway Accounts office?

(b) If the reply to above is in the affirmative, are Government prepared to re-transfer the same work to the Railway Board and reduce the staff increased in the Controller of Railway Accounts office thereby? If not, why not?

Mr. A. A. L. Parsons: (a) The answer is in the negative.

(b) Does not arise.

EXTENSION OF SERVICE GRANTED TO THE CASHIER OF THE RAILWAY BOARD.

355. ***Sirdar Harbans Singh:** (a) Is it optional for Government servants not to retire at the age of 55? If so, under what rules?

(b) Is it essential that the extension of service beyond 55 years of age should be granted by the authority empowered to do so and cases for such extension should be submitted a year before any Government servant attains that age?

The Honourable Sir George Schuster: (a) I would refer the Honourable Member to rule 56 of the Fundamental Rules, a copy of which is in the Library of the House.

(b) A formal extension of service is essential in the case of a Government servant, other than a ministerial servant. It is not essential that proposals for extension should be submitted twelve months before the attainment of the age limit.

CIVIL APPOINTMENTS IN THE INDIAN MEDICAL SERVICE.

356. ***Sirdar Harbans Singh:** (a) How many civil appointments for the Indian Medical Service are reserved for the British section of it?

(b) Does the reason given that British Officers' wives do not like to be treated by Indian I. M. S. doctors still hold good?

(c) Are Government aware that at many stations the Indian I. M. S. doctors are preferred by British officers' wives to British I. M. S. doctors of higher rank?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The Honourable Member is referred to the annexures to the Government of India, Department of Education, Health and Lands Press Communiqué dated the 10th May, 1928, a copy of which has been placed in the Library of the House.

(b) These appointments were reserved in order to give practical effect to the recommendation of the Royal Commission on the Superior Civil Services in India that provision should be made for the maintenance of a sufficient number of British officers to provide adequately for medical attendance on the British members of the All-India services and their families.

(c) Government have no information.

EQUALITY OF TREATMENT IN REGARD TO PASSAGES OF INDIAN AND BRITISH MEMBERS OF THE INDIAN MEDICAL SERVICE.

357. ***Sirdar Harbans Singh:** Are Government prepared to place on a par the Indian and British Members of the Indian Medical Service as regards free passages? If not, why not?

Mr. G. M. Young: If my Honourable friend is referring to leave passages to Europe, Government do not propose to place European and Indian Officers on exactly the same footing in this respect, for reasons

which, I think, hardly require elaboration, Indian officers of the Indian Medical Service are, however, eligible for free passages to and from Europe for study purposes.

APPOINTMENTS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

358. ***Sirdar Harbans Singh:** (a) Is it a fact that, on the removal of Mr. Balmokand Tandan from the post of Supervisor, Record (D. A. G., P. & T. Office, Delhi), for the reasons best known to the then Accountant General, Posts and Telegraphs (Mr. A. C. Badenoch), orders were passed by that officer that no local man should be appointed on this post for the reason that they show too much favouritism towards their own men who are already in great preponderance, and thus the interests of the minority communities suffer at the time of recruitment, which is carried out otherwise than by competitive examinations, especially for the Lower Division, and sorters (without calling for applications through newspapers)? Is the present incumbent a local man, who was appointed and is still holding the above post in contravention of the above orders? If so why?

(b) Will Government be pleased to state the reasons why the other senior clerks, who are not local men, have been superseded?

(c) Is it a fact that in the office of the D. A. G., P. & T., Calcutta Record Superintendent is a member of the Subordinate Accounts Service staff? If so, why is the same rule not observed in Delhi (D. A. G., P. & T. Office)?

(d) Is it a fact that leave reserve staff in the Posts and Telegraphs Account Offices other than Delhi are attached to their respective Sections? If the reply be in the affirmative, will Government be pleased to state why extraordinary powers have been vested in the Supervisor Record (D. A. G. P. & T. Office, Delhi) by placing leave reserve staff at his disposal?

The Honourable Sir George Schuster: With your permission. Sir, I will deal with questions Nos. 358 to 361 together.

Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

DISTRIBUTION OF WORK IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

359. ***Sirdar Harbans Singh:** (a) Is it not a fact that in the Money Order Section in the office of Deputy Accountant General, Posts and Telegraphs, Delhi, Upper and Lower Division men are given sorters' work and vice versa? If so, will Government please state why the orders of the Accountant General, Posts and Telegraphs regarding "Classification of Work" are not attended to?

(b) Is it not a fact that Messrs. Mohammad Ali and Lachhmi Narai of the Lower Division (D. A. G., P. & T. Office, Delhi) have been employed in sorters' work since November, 1930? If so, under whose orders?

† For answer to this question, see answer to starred question No. 358.

(c) Is it not a fact that in the Debit-Check Section of the Money Order Department, in the office of the D. A. G., P. & T., Delhi, the staff has been sanctioned on the prescribed rate basis, i.e., 1,800 items (current) and 1,300 items (previous) respectively? Will Government please state whether the poor examiners are forced by the Superintendent-in-Charge to give at 2,800 (current) and 2,100 (previous) items respectively and if so, why this extraordinary power to increase the prescribed rate has been vested in the Superintendent-in-Charge?

APPOINTMENT OF SIKHS IN POSTS AND TELEGRAPHS ACCOUNT OFFICES.

360. ***Sirdar Harbans Singh:** (a) Will Government be pleased to place on the table the communal permanent and temporary strength of each of the Posts and Telegraphs Account Offices in their respective "A", "B" and "C" Classes?

(b) Is it a fact that the Sikhs are the least represented in all the three "A", "B" and "C" Classes in the Posts and Telegraphs Account Offices? If so, will Government be pleased to state what special action has so far been taken and what action they propose to take in future to redress this inequality?

COMMUNAL HOLIDAYS OF MINORITY COMMUNITIES.

361. ***Sirdar Harbans Singh:** Is it a fact that some orders were passed by the Accountant General, Posts and Telegraphs, that no concession or holiday be granted on a communal basis for which no notification has been made by the Local Government? If so, do the local Hindus, Bengalis and Madrassis enjoy extra concessions or holidays, and the Sikhs and the Jains are deprived of the same privileges? If so, why? Why is such treatment accorded to members of the minority communities?

OPENING OF A TELEGRAPH OFFICE AT THE VILLAGE OF BAGHI.

362. ***Mr. Bhuput Sing:** Will Government be pleased to state the reason or reasons for which a telegraph office at village Baghi, in the district of Muzaffarpur in Bihar Province, has not yet been opened, although the necessary indemnity bond for the opening thereof was executed a year ago by Rai Bahadur Shyam Nandan Sahaya, M.L.C., in compliance with the requisition of the local authorities?

Mr. H. A. Sams: The indemnity bond executed by Rai Bahadur Shyam Nandan Sahaya, M.L.C., was not in order and he was asked on the 14th January, 1931, to execute a fresh bond. When this has been done, the Postmaster-General of Bihar and Orissa Circle will proceed further in the matter.

RECOMMENDATIONS MADE BY THE ORISSA FLOOD INQUIRY COMMITTEE.

363. ***Mr. Bhuput Sing:** Will Government be pleased to state:

(a) the recommendations that were made by the Orissa Flood Committee appointed by the Government of India in 1928;

(b) whether those recommendations have been considered and given effect to; and

(c) If not given effect to, the reason or reasons for which they have not yet been brought into operation?

† For answer to this question, see answer to starred question No. 358.

Mr. J. A. Shillidy: (a) A summary of the main recommendations of the Orissa Flood Committee is given in Chapter XVI of its Report, copies of which were placed in the Library in September, 1929. The Committee was appointed by the Government of Bihar and Orissa and not by the Government of India, as assumed by the Honourable Member.

(b) It is for the Local Government to decide what action should be taken on the recommendations of the Committee. The Government of India have no information whether the recommendations have been given effect to.

(c) Does not arise.

SUPPLY TO MEMBERS OF THE LEGISLATIVE ASSEMBLY OF COPIES OF DEBATES IN THEIR LOCAL COUNCILS.

364. ***Mr. S. C. Mitra:** (a) Are Government aware that Members of the Central Legislature are provided with the Debates of their respective local Councils in some of the provinces, e.g., Assam, Central Provinces, the Punjab and Bihar and Orissa, etc., while in some other provinces like Bengal they are not so provided?

(b) Are Government aware that Members do sometimes require the use of the Debates of their local Councils in the discharge of their duties as Members?

(c) Are Government prepared to take steps to see that Members are provided, free of cost, with Debates of their local Councils?

The Honourable Sir George Rainy: (a) Government have no information on the subject.

(b) Members no doubt do sometimes desire to refer to the Debates in the Provincial Councils, and for this reason a set of the Proceedings of all Provincial Councils is available in the Library of the Central Legislature.

(c) A copy of the Honourable Member's question and of this reply will be brought to the notice of all Local Governments for such action as they may desire to take.

DESECRATION OF A TEMPLE BY GURKHA SOLDIERS.

365. ***Lala Hari Raj Swarup:** Will Government be pleased to state:

(a) whether their attention has been drawn to the desecration of the Arya Samaj Mandir (temple) at Bahadradabad in the district of Saharanpur, United Provinces, by a detachment of Gurkha Rifles headed by Captain Gough in November last;

(b) whether there have been outrages upon some of the office bearers and inmates of the said temple by the soldiers;

(c) whether the sacred flag of "OM" was torn to pieces and the Arya Samaj record set fire to;

(d) whether there has been considerable feeling over the matter since; and

(e) what steps the Government of the United Provinces or the Government of India have since taken in the matter?

Mr. G. M. Young: (a), (b) and (c). Government have seen newspaper reports and have received numerous resolutions from Arya Samajes on the subject of the incident. The military authorities have also received reports from the Officer Commanding the Battalion and the Brigade Commander. From the latter reports it appears that there is no truth whatever in the allegations that a temple was desecrated, that a sacred flag was torn to pieces, and that the Arya Samaj records were set on fire. The troops did not even enter any temple or similar building at Bahadradabad, and they did not tear to pieces any sacred flag, or set fire to anything. I may perhaps be permitted to add that, apart from these reports, it is in the highest degree improbable that Gurkha soldiers, who are themselves Hindus, would have committed any of the acts alleged. It is, however, reported that two persons, said to be office bearers of local Arya Samajes, who had behaved in an insulting manner to the Officer Commanding the detachment, were subsequently, and without his knowledge, roughly handled and subjected to considerable indignities by some of the soldiers.

(d) No report was made to the police, and the incident does not appear to have aroused much excitement locally; but, as I have said above, numerous representations have been received from various Arya Samajes in different parts of the country.

(e) The Officer Commanding the battalion reports that he has taken disciplinary action. Inquiries are being made with a view to ascertaining whether that action was adequate or not.

DESECRATION OF A TEMPLE BY GURKHA SOLDIERS.

366. ***Mr. Amar Nath Dutt:** (a) Has the attention of Government been drawn to a report of a meeting published in the *Hindustan Times* of the 22nd January, 1931, in page 6, condemning the sacrilegious action of a detachment of Gurkha Rifles?

(b) If so, will Government be pleased to state whether the facts stated in the resolution of the meeting are correct?

(c) If the alleged acts of desecration are true, will Government be pleased to state, what action, if any, has been taken by Government in the matter?

Mr. G. M. Young: The Honourable Member is referred to the reply I have just given to starred question No. 365.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): Sir, with your permission, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 9th February. Honourable Members are aware that the coming week is the week which has been appointed for the celebrations in connection with the inauguration of New Delhi. To some extent these celebrations will interfere with our deliberations, but I trust that Members will not have any ground for complaint. Tuesday, February 10th, which was allotted by the Governor General for non-official business, is the day on which two ceremonies are

appointed—the opening of the Dominion Columns at 11 A. M. and the Viceregal Garden Party at 4-30 P.M. The day has moreover been declared locally to be a public holiday. That being so, it appears desirable that the Assembly should not sit on that day. Government trust that they will be meeting the wishes of the Assembly by giving up Monday, February the 9th, for the transaction of the business (non-official Bills) at present due to be put down for Tuesday, February 10th. If that meets the wishes of the House, there will be no sitting on Tuesday, February the 10th. On Wednesday a motion will be made for the election of Members to the Court of the Delhi University. Thereafter Government will place the Report of the Public Accounts Committee before the House with a motion that the Report be taken into consideration, and a debate will take place thereon. Thursday, the 12th, is the non-official day appointed for Resolutions. As at present arranged, there will be no sitting of this House on Friday, the 13th and Saturday, the 14th.

RESOLUTION RE POLICY OF REPRESSION.

Mr. President: The House will now resume further discussion of the Resolution* moved by Shaikh Sadiq Hasan on the 29th January 1931. Honourable Members will have noticed that notices of several amendments have been received, and I propose to follow the following procedure. As Seth Haji Abdoola Haroon's and Nawab Naharsingji Ishwar-singji's and Nawab Malik Talib Mehdi Khan's amendments are more comprehensive than others, I will call upon one of them to move this amendment. After that amendment is moved, I will call upon Mr. Amar Nath Dutt to move his amendment. All the other amendments will practically be covered by these two amendments. After they have been debated along with the original Resolution the subject will be put to the vote in the manner most convenient to the House.

Sardar Sant Singh (West Punjab: Sikh): I rise to a point of order, Sir. The original Resolution came up for discussion on the 29th January last and was postponed to this day. These amendments should have been placed before the House two days earlier. They were not so placed. From the dates given on the paper, I find that notices of these amendments were received on the 4th February, 1931, at 2-55 P. M. and 3-36 P. M. Now notices of these amendments, even if they were admissible after the original motion had been discussed in this House, should have been sent two days before today's discussion. So, I submit, Sir, these amendments are not in order.

Mr. President: The Honourable Member knows that in every case, whether a Resolution is on the agenda paper or has been previously moved, two days' notice is required for every amendment. Therefore the point taken as regards the amendments to this Resolution on the ground that the latter has been partly discussed before does not hold. The main question remains, whether amendments of which shorter notice than two days has been given should be allowed to be discussed. In regard to

* "This Assembly recommends to the Governor General in Council the immediate discontinuance of the present policy of repression pursued by the Government, and the adoption of a sympathetic and conciliatory policy."

that point I should like to draw the attention of the Honourable Member to the fact that discretion is vested in the Chair to allow amendments even while the discussion on a motion is proceeding. I have given the best consideration to the subject and I know there is a considerable amount of feeling on the issue raised in this Resolution. As the Honourable non-official Members get very few opportunities of discussing such important subjects in which the general public takes a very keen interest, I have decided to allow these amendments on the ground that it will make the discussion a comprehensive one and will give Honourable Members full scope of discussion. I have therefore decided to allow these amendments to be moved.

***Seth Haji Abdoola Haroon** (Sind: Muhammadan Rural): Sir, I beg to move the following amendment to the Resolution moved by Shaikh Sadiq Hasan:

"(i) That the words 'the immediate discontinuance of the present policy of repression pursued by the Government and' be deleted; and

(ii) That at the end of the Resolution the following be added:

'and that as soon as he is satisfied regarding the discontinuance of the activities of the Civil Disobedience Movement, he should forthwith take action to secure the release of persons convicted of, or on trial for, offences not involving violence in connection with the Civil Disobedience Movement and the withdrawal of notification under the Criminal Law Amendment Act and of Ordinances directed against the movement.'

Sir, if you read through the Resolution of my friend, you will find that only some sort of sentiment is expressed in that Resolution, viz., that it recommends to the Governor General in Council "the immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy". Sir, in my opinion this House should see to both the sides, namely, the Government and the Congress. Therefore, I have moved this amendment to the Resolution. Sir, rightly or wrongly, Mahatma Gandhi and other Congress leaders declined the opportunities afforded to them for participating in the Round Table Conference and persisted in launching the campaign of civil disobedience, forced picketing, raids on salt depots, refusal to pay taxes and defiance of laws, all of which have disturbed the country; and the Government on their part have not been wanting in zeal or vindictiveness in dealing with the situation, in that they have established, within so short a period, an unbeatable record of repression, and have promulgated so many Ordinances and special laws as no other country in the world at any time ever did. Sir, both the Congress and the Government have made a trial of their respective strengths, with disastrous economic results to the country, and it is high time for both to cry a halt to their suicidal policies, and sit down to engage in some constructive work to find out how best they could get the country out of the ruin into which it has been allowed to drift. Now that the first stage of the Round Table Conference is over, and although I am not one of those who believe that it has achieved everything for which India stands, and although I much regret that, in spite of their best efforts, the communal problem still remains where it was, yet I believe the results of their labours deserve the most careful consideration by the people of this country, especially of

* Speech not revised by the Honourable Member.

[Seth Haji Abdoolah Haroon.]

those who have chosen to keep out of the Conference. It is therefore essential that both the parties should carry on their deliberations in an atmosphere of mutual goodwill and trust and confidence, which are so vitally necessary for the dispassionate consideration of the various problems, including the communal problem also. H. E. the Viceroy's speech, Sir, as well as the Premier's declaration, although they chiefly contain vague generalities, and the subsequent action of the Government in releasing the members of the Working Committee of the Congress, have afforded some proof of the earnestness on the part of the Government to come to grips with the realities of the situation. The Congress on its part also has not been slow in responding to the gesture of peace, in that it has declared its willingness to co-operate with the Government, although with certain reservations. It is now the turn of the Government to take another step forward and carry their spirit of conciliation to its full measure by releasing all political prisoners who are not guilty of violence, and by the withdrawal of all prosecutions pending at present under the various Ordinances and the notorious section of the Criminal Amendment Act, and by the recognition of the rights of the people of assembly and speech. If Government were to do this, I am sure the Congress will not shrink from its duty and will offer its fullest co-operation to the solution of the complicated political problems of this country. Sir, the primary end of any civilized Government should be to look to the best welfare of its subjects at any sacrifice. I therefore appeal to the Government to approach the problem from a statesman-like point of view. I would also remind the Government of the desirability of releasing all political prisoners in the North West Frontier Province, and also those interned under the Frontier Regulation. Sir, the North-West Frontier Province is the one that has suffered the most under the repressive regime of the Government; not only that, there has been discrimination against them, and I find that that province has been treated more badly than the other provinces. I want to draw the attention of the Government to this, that although on account of ill-health many prisoners have been released in other provinces, not a single person has been on that ground released in the North-West Frontier Province. Let it not be thought that the people who are in jail in the North-West Frontier Province never fall ill; many have fallen ill, but I will refer to one instance which I have seen mentioned in some vernacular paper of a man who had been convicted in some jail in the Punjab. And if I have not forgotten, they have also released Lala Duni Chand. He said that a man from the North-West Frontier Province, who was convicted about eight months ago, remained in the civil hospital for no less than six months, and yet he has not been released. Besides this, Sir, I also want to draw the attention of the Government to the fact that they have lately released all the members of the Congress Working Committee, whereas they have not considered the question of release of Abdul Ghaffar Khan, a prominent leader of the North-West Frontier Province and his co-workers, although I know that on some technical point, such as that he was not a Member of the Congress Working Committee, he was not released. But my reason for asking for the release of Abdul Ghaffar Khan is this. There is already the instance of the Secretary or friend of Mahatma Gandhi, who, although he was not a member of the Congress Working Committee, was yet released. I am not against his release; on the other

hand I am in favour of his release. But what I want to draw the attention of the Government to is, that they are treating the North-West Frontier Province rather harshly and they are meting out separate treatment for this province. I earnestly hope that when the time comes for the release of political prisoners, the Government will not forget the just claims of the prisoners in the North-West Frontier Province for their release.

The other day, my Honourable friend Dr. Ziauddin Ahmad asked the Government whether there was any instance where martial law had been in force as long as it had been in force in the North-West Frontier Province. The Government was pleased to cite the instance of Malabar at the time of the Moplah rising. But there was the instance of Sholapur where, within a month or forty days after the martial law was proclaimed, it was withdrawn. Why? Because of the intensive agitation that was carried on in Sholapur, the martial law was immediately withdrawn. Whereas in the North-West Frontier Province, the martial law remained in force for no less than 5½ months or six months, because the Mussalmans, out of respect for Government and out of a desire to help the Government, did not carry on any agitation against the continuance of the martial law.

Maulvi Muhammad Yakub: That is their fault and they are suffering for their folly.

Seth Haji Abdoolah Haroon: Yes, they are suffering for their folly, but I think, Sir, the time has come when the Mussalmans have to consider their position in the country. The time has come when the Mussalmans have to decide that they should not rely on the Government or anybody else, but stand on their own legs. I want to say to my Mussalman friends here and outside this Chamber that they should not lag behind their countrymen, that they should go forward and take a full share of the responsibility on their shoulders for the advancement of the country, for the advancement of India. (Hear, hear.)

I also want to draw the attention of the Government to the hardships of the Moplah prisoners who have suffered under the martial law regime.

Mr. K. Ahmed (Rajshahi Division: Muhammadan-Rural): You mean more than 100 were shut up in a railway luggage van and on the way between Bellary and Podanur lost their lives owing to suffocation.

Seth Haji Abdoolah Haroon: I am referring to those who have been sent to the Andamans. The Government should also consider the question of their release. When the Government decide to release all political prisoners, they should also release the Moplahs who are at present undergoing imprisonment in the Andamans.

In conclusion I wish to sound a note of warning both to the Government and to the Congress that if they do not take advantage of the present golden opportunity for restoring peace in the country by meeting each other half way, if the Government should persist in their present policy of ruthless repression on the one hand, and if the Congress should continue its defiance of law on the other hand, the time is not far off when the situation may get entirely out of control and it may then be too late for either party to save India, if there will be anything left at all then to be saved.

[Seth Haji Abdoola Haroon.]

With these remarks, I am moving my amendment and I hope the House will consider the same properly.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I would have been very glad if I could see my way to support the amendment that has just now been moved, but after listening very carefully to the speaker who has preceded me, I do not find any reason why I should not move my amendment. On the other hand, after listening to him, it appeared to me that it was imperative that I should move the amendment which I have tabled and which you have been so kind as to allow me to move. My amendment runs thus:

"That at the end of the Resolution the following be added:

'by withdrawal of all Ordinances and repressive laws as also granting general amnesty to all political prisoners'."

Sir, it may be said that the original Resolution is comprehensive enough and that it includes all these matters. But, Sir, knowing as we do, the ways of the Government, how they interpret our statements, how they interpret our recommendations, I have been obliged, as far as possible to lay down the direction in which we want the repressive policy to be discontinued. I wish to point out the direction, in which the Government should act, and in view of that, I have tabled the amendment which I hope the House will accept. Following the statement of the Premier, His Excellency the Viceroy was pleased to make a declaration in pursuance of a sincere desire to assist the creation of such peaceable conditions as would enable the Government to implement the undertaking given by the Prime Minister. Sir, the statement no doubt contains very fine sentiments worthy of a civilised Government; but what do we find in practice? We doubt not the sincerity of the Prime Minister, nor do we doubt the sincerity of the declarations of His Excellency the Viceroy. But I ask, are the conditions which now prevail in this unhappy land conducive to the peaceable conditions which His Excellency Lord Irwin desires? A careful student of present-day history will give an emphatic denial. For within 24 hours of the declaration of His Excellency, there were notifications in Gazettes Extraordinary in Bengal declaring several associations to be unlawful. The very day on which His Excellency's statement was published two Gazettes Extraordinary were issued, by which half a dozen associations were declared unlawful, along with the withdrawal of all restrictions upon the Congress Working Committee. Probably those in charge of the administration did not understand or did not realise the true import of His Excellency's declaration. Had they done so and had the Provincial Governments realised the sincere desire of His Excellency the Viceroy, they would not have hastened to issue such Gazettes Extraordinary, declaring these associations unlawful. Within a few days we find that in the second city of the British Empire, its first citizen was assaulted brutally by the police with *lathis*. The Mayor of Calcutta went out in a procession to celebrate the Independence Day. He was perfectly within his rights to go out in procession, but those who are in charge of keeping the law and order in the premier city of British India

Mr. Arthur Moore (Bengal: European): Sir, may I ask if the Mayor of Calcutta has not taken the oath of allegiance?

Mr. Amar Nath Dutt: I am not concerned with any mere formal oath of allegiance. The foremost allegiance which a man owes is to his God and to his country. He might have taken the oath of allegiance, but thereby he did not forsake the allegiance which he owes to his God and to his country, just as Mr. Moore has not forsaken his allegiance to his God and his country by being "Statesman and Friend of India".

Sir, as I was submitting, the Mayor went out in a procession and a peaceful procession and I have not read a single line even in Mr. Moore's paper that the Mayor's conduct was disorderly or that there was a riot. In spite of that, the police came and made a *lathi* charge. This is a new weapon which has been forged during recent times for the suppression of all political freedom in this unhappy land. But I may remind the Government, one single *lathi* charge is a double nail in the coffin of your Empire in India. One *lathi* charge alienates at least 50 people from their so-called allegiance to which my friend over there just referred. What is the state of things in Bengal? On whose side does violence lie? Violence lies on your side. I was just reading in a newspaper about the number of deaths resulting from *lathi* charges and police excesses. There were 101 deaths from firing and *lathi* charges. And what is the number of deaths on the side of those who are supposed to be the keepers of law and order? Not more than half a dozen. I ask you therefore to consider on which side violence lies. Mahatma Gandhi's movement is pre-eminently a non-violent movement. But you who want to suppress it, you are violent, and by your violence you are alienating the sympathies of those who would be on the side of law and order. It is to the interest of the majority of Indians to see that law and order prevails in this land. I know that it may be to your interest to have law and order so long as your process of exploitation is safe; but I know that you would prefer disorder and lawlessness if you found that your process of exploitation was not safe. And therefore you come down upon these non-violent men, with *lathi* blows and assault them indiscriminately, resulting in their death. Not only that, as the irony of fate would have it you have a set of subordinate officers to administer the law, who would not even entertain complaints even in cases of death. It may be within the memory of every one that Ajit Bhattacharjya of Dacca died from the *lathi* blows of the police officers and his relatives could not get any remedy for this brutal murder in the British courts. Probably he is appearing before a higher tribunal where the judgment is not distributed according to the colour or complexion of the parties. But leaving aside these matters, I may point out to you that if you want to create a peaceful atmosphere for the discussion of the matters that are now engaging the attention both of the Government and the people of this country you ought to withdraw all repressive measures and those lawless ukases which are known by the name of Ordinances under the Government of India Act, but for which I have no other name to give but lawless laws, and no less than a dozen of them have been promulgated within the last few months. If you want to rule by Ordinances why not say so? Why try to keep up the appearance of justice and fair play?

Mr. President: Order, order. The Honourable Member's time is up. I will allow him a couple of minutes to conclude.

Mr. Amar Nath Dutt: Mahatma Gandhi has declared that even for creating the atmosphere suitable for a calm discussion, what is necessary is

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the release of all Congress party prisoners—and I shall add all the political prisoners, both convicted and under trial, including the unhappy Meerut prisoners who have been rotting in jail for the last 22 months—the withdrawal of repressive Ordinances by which you have taken possession of the hearth and homes of the people of Midnapur, where the house of the President of the Bar Association has been confiscated because his sons were living there. If unfortunately one has a son who is more desirous of freedom than the father, then he cannot give him a shelter in his own house. It will be harbouring an offender. That is the interpretation which the Magistracy gives to the word "harbouring". I do not think there is any man here whose blood will not boil when what is happening at Midnapur is brought to his notice. You have not only to withdraw those repressive measures but also restore the confiscated property because you have taken away the hearths and homes of the people of Midnapur. These are essential conditions on which Mahatma Gandhi insists. So in moving my amendment, I would insist upon you to see that all the under-trial prisoners as also those convicted—without making any distinction between those who are guilty of violence—are released and all these repressive Ordinances withdrawn and confiscated property restored.

✓ **The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands): Sir, I beg the indulgence of the House for intervening at this stage of the debate, not with a view to meet the charges as to whether the police in a particular place, in a particular province, acted harshly, or in excess of their duties, not with a view either to justify or to explain the conduct of the particular individuals in particular incidents, because I consider such matters are matters of detail with which I have not the slightest doubt the local Legislatures in the country are competent to deal, but to state what I venture to think is a matter of supreme importance. We here, Sir, are concerned with matters of general principles, matters of policy, matters which affect the welfare of India as a whole, and not to go into minor details, however important they may be, in view of the fact that these important matters of detail are within the jurisdiction of competent bodies as representative as we are and perhaps more. I should not be understood, Sir, to relegate these matters of very great importance to an unimportant head. Far from it. I realise the importance of the matters to which reference has been made not only today, but on the day on which this discussion was first begun. I realise as well as any Member on the benches opposite that such incidents, whether they occur on account of some one's mistake or not, on account of confused thinking on the part of those who witness them, they have an effect prejudicial to the formation of that healthy public opinion which is the chief support of every civilised Government. Having made these preliminary observations, Sir, I wish, with your permission, just to sum up what has been the result of the debate hitherto. It has been said, and said very properly, that these particular incidents have affected people's minds to the prejudice of Government. It has been said that people at large do not approve of the way in which the police deal with these processions and the picketing. It has been said further that inasmuch as the Prime Minister has made the statement and His Excellency the Viceroy has already initiated a change of policy by the release of

leaders, there is no reason why Government should not proceed further and release the people who have but followed the leaders who are thus released. There is a great deal of force in the position thus taken up. May I, Sir, with your permission and with the indulgence of the House make a bird's eye view of what has happened in this connection during the course of last year?

It must be within the memory of Honourable Members that less than a year ago this country was in a state of extreme confusion. Under the Statute which governs the existing Reforms an inquiry was being conducted whether this country was entitled to a further step of advance in the matter of Reforms or not. This country had to establish that it did deserve a step in advance and a big step. Opinions differed whether that step should be a small one or a big one, or a very very big one indeed, with the result that there were three or four schools of thought which came into existence. There were the people who wanted independence; there were those who wanted Dominion Status; there were still others who wanted Dominion Status with safeguards; and there were still others whom people liked to call reactionaries, but who called themselves perhaps conservatives or people with large vested interests in the country. These four schools of thought existed, and every one of these four schools of thought wanted some reform or other. The Congress took up the task of carrying on political agitation in the interests of further reforms; and heretofore every step taken by the Congress had the moral support of followers of each one of these four schools, with the result that a body of opinion came into being which, if it did not approve of every single act of the Congress in prosecution of their programme, at all events gave the Congress movement their moral support. That support was at the bottom of that great movement, the Congress movement, and it has had great results. I need not go into the details of this movement. I may at once proceed to the stage where we are today. The time arrived when the light of India to a great and big advance had to be determined by the British Parliament. Whatever I may say, and whatever my friends who are sitting on the opposite benches and perhaps outside this Assembly may say, that our destinies are in our own hands—and no doubt they are in our own hands—still, the determination of that step rests with the British Parliament; and no authority outside the British Parliament can determine the extent of that step. No one in India therefore can possibly take it upon himself to say that political agitation in furtherance of legitimate constitutional rights was not justified till the British Parliament had pronounced to what extent that step was going to be.

Now, Sir, I come to the stage where the Prime Minister, who is responsible to the British Parliament, actually made a statement laying down that the policy with reference to Indian advance was going to be. He discussed that policy in the House of Commons, and thereby obtained, so to speak, the agreement of the British Parliament as to what the extent of that step in general terms was going to be. If I read aright public opinion in India, that statement has received support from all schools of thought excepting the Congress, which institution has not yet expressed its definite opinion on it. If I am right so far, I trust I shall have the House with me in saying that thereby all political parties in India, except the Congress, do not wish to proceed with political agitation so called, at this stage. They feel that the stage for which they were working has been successfully

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reached and that the Prime Minister's announcement as to the extent of that step is, to them, satisfactory. Does the Congress realise that position? Has the Congress realised that really the achievement up to date has been the achievement of India, not of one political party in India? I am afraid there is some doubt on that point, but I am not surprised. All governments, all organizations, all the rulers of all organizations tend to forget that what has been the achievement of others is probably their own achievement. Here we find almost all newspapers, the whole of the public Press, expressing satisfaction at the Prime Minister's statement, excepting the extreme Congress papers. I hope I am not overstating the case. From my own province, the Punjab, comes the *Tribune*, which has always held pretty strong nationalist views. It wants the Prime Minister's statement to be taken as a good valuable basis of discussion. Coming to the United Provinces, the *Leader* is of course strongly for the statement obtained by the Indian delegates at the Round Table Conference. We find similarly in Madras, the *Hindu*.

An Honourable Member: What about Bengal?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: You must not be impatient. The *Hindu* of Madras similarly supports the same idea. In Bombay not only the *Times of India* but also the *Indian Daily Mail* is in support of it. In Bengal . . .

An Honourable Member: The *Statesman*:

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: In Bengal is there any nationalist paper now of the type which used to exist thirty years ago?

An Honourable Member: The *Amrita Bazar Patrika*.

Another Honourable Member: Question.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: There you are; nothing; without in the least intending to cast the slightest slur on that great province which had been the leader of political thought in India at the birth of the Congress I cannot say that it still leads when Congress has reached its manhood. Well, it comes to this: that barring a few papers of really very very strong views, views which I am afraid none of the Members of this House are likely to share . . .

An Honourable Member: What do they say about the release of prisoners?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am coming to that; you cannot have all the points at the same time; that is the position, that all schools of thought are strongly in favour of treating the Prime Minister's statement as practically closing this struggle. I do not say that the struggle is all over, but the Prime Minister's statement has closed the first chapter of this struggle. If that is so, then the question arises, is it not our duty—and when I say "our" I am not talking on behalf of the Government; I am talking of the duty of this House and of every individual Member of this House—our duty individually as well as collectively, is it not our duty to make it absolutely clear to the Indian public,

including the Congress, what we feel the position is today by virtue of the statement of the Prime Minister? That statement has concluded the first phase of the war for reforms. That statement has concluded that struggle, which was being conducted because nobody knew whether the British Parliament meant business or not. You will realise, Sir—I claim no credit either for me or for the Government of India for the the matter of that—but I do claim credit for the British Parliament that they in their policy as to the extent of that step have gone further than the Government of India and further than any authority up till now.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): What does Mr. Jinnah say?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: He is not returning to the Assembly, that is what the papers say.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Because probably he thinks that the Assembly is not a fit place now to come in.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: My Honourable friend is entirely mistaken; probably Mr. Jinnah thinks that India is for the present not a fit place to return to.

Maulvi Muhammad Yakub: Including the Government of India, I suppose.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: He has no place in it. These remarks are, however, by the way.

But let us resume really the dispassionate consideration of a really serious position in the history of this country. As I was saying, a stage has been reached when the real position as to the future of political advance in India has for the time being been determined. Again, mind you, I do not say that it has been determined for good or for ever. Certainly not. But the extent of this step in advance has for the time being been determined.

Mr. President: May I draw the Honourable Member's attention to the fact that his time is over? Will he please now conclude as early as possible?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I will, Sir, certainly. I trust there will be no attempts to take me away from the points which I want to make. Having determined that step, Sir, the question arises what should be done. I think this is a very simple matter altogether.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Will the Honourable Member advise the Government of India to stop the *lathi* charges that are being made indiscriminately all over the country, and especially in Madras where an adjournment motion was passed by the Council censuring the Government? That kind of thing should stop. The Honourable Member has wandered away from the subject without drawing the attention of the Government of India to and without making a statement on this fundamental question which is really creating a great deal of disturbance and ill feeling all over the country.

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The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I did not notice whether the Honourable Member was present in the House or not when I began to speak.

Mr. C. S. Ranga Iyer: I was listening to the Honourable gentleman very carefully. He was dwelling on the importance of the Premier's statement all along, but he all along forgot that the effect of that speech was being neutralised all over the country by the indiscriminate *lathi* charges by the provincial police, following the policy set up by the Government of India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I thought, Sir, I began my speech with it. I thought my friend had slipped in a little later. No doubt he came in when I was emphasising the importance of the Prime Minister's statement. But I recognised from the very beginning that that was the important point to be settled, though the other questions like *lathi* charges, processions, picketing, are also of such great importance that any abuse of the orders by either side was likely to inflame the feelings of the people who come in close contact with such incidents. I had said that that matter, as the Honourable Member himself mentioned, was within the jurisdiction of the local Legislatures. I am glad to see that the Madras Legislative Council has dealt with that question . . .

Mr. President: I should like the Honourable Member to hasten his concluding remarks.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am sorry, Sir. But I find that my Honourable friend, quite unintentionally I know, is taking me away from the points that I want to make. I have not the slightest doubt that he did not . . .

Mr. C. S. Ranga Iyer: I am asking you to deal with the fundamental question of *lathi* charges and to stop them by advising the Government of India.

Mr. President: I must ask the Honourable Member to conclude now.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Very well, Sir. I will try to get on to the concluding part of my remarks. The problem seems to me to be extremely simple at this stage. Our next step having been settled, what are we really quarrelling about? In case the Congress feels that that step is adequate, there will be nothing to quarrel about. There should be no continuance of either picketing or processions or any other demonstrations, and if that is so, there can be no *lathi* charges, there can be no Ordinances in existence. But I will be content with simply saying that if there are no processions, there can be no *lathi* charges. I go further and say that all the repressive measures should cease to exist as soon as the need for them disappears. They disgrace the Statute-book, they disgrace it very much indeed, and I assure the Honourable Member opposite that no Member of Government, be he an Indian or be he a European, is proud of that achievement. Is he? I assure you that every English Member of the Government feels no less than I or you do, that an Ordinance is a hateful thing. Do you think that the man who signs the Ordinances is happy over it? To imagine that any one gloats over it is to do us injustice, to ascribe to us feelings and sentiments which are not human. And I assure the Honourable Members

that, whatever some of you in your anger may think, we are, after all, not so much worse than any of you. Sir, I think I may say that I along with my colleagues sitting on these Benches will not be backward in doing away with all these measures which are as hateful to us as to you as soon as the necessity for them disappears. No one is more anxious to see the day when the necessity for these measures will disappear.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Who is to be the judge of the necessity?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: As to who is to be the judge, Sir, I think one may easily agree. Sir, I request you to be the judge, and failing you, your Deputy President. Here I have in my hand a beautiful comment as to Mr. Chetty having been guilty of "not chivalrous conduct in not submitting to the wishes of the lady picketers who wanted him not to come here in order to preside over this Assembly". This "peaceful" picketing, Sir, is described by this paper as necessitating that every one who is the subject of that picketing should bow to it. It says this: "Mr. Chetty had to invite those very minions of law and order whose policy he condemns to arrest as many as 13 volunteers from his house to enable him to preside over the Legislative Assembly". It goes on further and says: "Mr. Chetty had done every thing to show his contempt for Indian womanhood and scant consideration for that noble virtue called chivalry". Sir, is that peaceful picketing? Who is to be the judge of it? Mr. Chetty or some Members of this House who have not been worried by this peaceful picketing? I, Sir, venture to say, it pains me to say, I assure you it pains me to say that to drag in the womanhood of India and the child mind of India into this struggle is perhaps a very thin nail in the coffin of the future of our ideals (*An Honourable Member* from the Nationalist Benches: "Question"), and as has been said, during this debate as effective a nail as a *lathi* blow is on an innocent man. It is a great pity that such sentiments should be expressed when an extremely important subject is under consideration. But let us be under no delusion . . .

Mr. President: I am very sorry to interrupt the Honourable Member again. I must ask him to conclude his remarks in about a couple of minutes.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muham-madan Rural): On a point of order, Sir. There are two amendments taken at the same time, and I would request you to give us a little more time . . .

Mr. President: Order, order. I have exercised my discretion and am giving sufficient time to all speakers. I have got to be careful that every side of the House gets ample opportunity to take part in this important debate.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: To conclude, Sir, let us not now think of all these struggles and strifes. Really the time has come to give up all such notions of critical examination of the past. There may have been wrongs, probably, on either side. Is it not time now to think more of to-day and to-morrow than of yesterday? I assure you that those who are anxious to do all they can to promote the Prime Minister's ideal of future advance will be ready to do everything that lies in their power to bring all these incidents to a close, and start

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a new era wherein all schools of thought would be ready to take their legitimate share. I trust and hope that every effort will be made by every public spirited Indian in this House and outside this House to make it absolutely plain to the Congress that they have had their moral support all along, but henceforth if they persist in their conduct of what they call peaceful picketing and innocent processions, inviting the authorities to intervene in order to reduce and counteract the intimidation which lies behind them, intimidation of peaceful men pursuing their vocations, or of children who are going to their school and thereby affecting prejudicially the mind of the youth of the country, they will not have any support whatsoever from them and that India wants peace and a start on the future reforms in a good and quiet atmosphere and those who stand in the way of the creation of that atmosphere India will hold responsible. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I listened with every attention to the speech of the Honourable Member opposite, for I was very anxious to get a peep into the mind of the Government on this question. Government are fully aware how much this question is agitating the mind of the country, and I should have thought that this was a most opportune moment for the Government to take the House into their confidence and tell them the sort of policy they are going to pursue in the future. Unfortunately, the Honourable Sir Fazl-i-Husain has not left us any wiser than we were before so far as the present question is concerned.

Sir, if we were to discuss the pronouncement of the Prime Minister of England and the speeches that have been made at the Round Table Conference in St. James' Palace and in the House of Commons, it would take a very considerable time, and the time that is allowed for the discussion of this Resolution is very limited indeed. So far as this Resolution is concerned, it is perfectly frankly couched in plain language. There are two amendments, one of them was moved by my Honourable friend behind me, Seth Haji Abdoola Haroon. It professes to condemn the language used in the Resolution as regards the policy being one of repression, and it also suggests that we must leave it to the Government when it is so satisfied, to grant an amnesty to the political prisoners and to repeal the Ordinances—all those measures which the country has already condemned with one unanimous voice. Sir, if my memory is right the other day the Honourable the Home Member complained of the use of the word "repression". The amendment also disapproves of that description of the Government's present policy. But the Mover of the amendment himself used much stronger language in condemning what is going on in the country: he called it "the policy of ruthless repression." (A Honourable Member: "The truth has come out.") Even the Honourable Sir Fazl-i-Husain, speaking of the Ordinances, admitted that an Ordinance is a most hateful thing, and he condemned it as much as anybody else. Now, Sir, is this not repression, Government by Ordinance of this character—no less I believe than 12 are in operation at the present moment—which nullify the law regarding individual liberty, regarding the right of association, and all that, to a very, very large extent indeed? Sir, these Ordinances are not law; they are not even called law; and nobody calls them law. One of the requisites of law is that it must be definite so that it can be administered properly by courts of justice, where evidence

can be adduced in the matter that is being adjudicated. But can any one say that Ordinances of this character have got any of the attributes of law—definiteness? It is as wide as any executive order; these are mere executive orders. Then, how are they enforced? Is it not perfectly true that in many cases what they call lathi charges are made on men, women and all sorts of people (Mr. C. S. Ranga Iyer: "Shame!")? What has been the result of the enforcement of these Ordinances? At one time, I believe, no less than 60,000 persons including amongst them the most enlightened, the most prominent men of India, men whom all the world respect, including women, including a host of highly educated young men (An Honourable Member: "And boys"), were put in jail, and I believe that even now more than 20,000 are in prison under those Ordinances, and some sections of the Criminal Procedure Code, which are also of an executive nature; I mean especially section 144 of the Code.

Allusion has been made to what happened in Calcutta the other day. I do not want to deal with that as the matter, I understand, is *sub judice*. But there can be no doubt that an occurrence of that nature is bound to inflame the minds of the people. There is hardly any Indian who can say that this is a policy which can be justified. Sir, it cannot but be rightly described as a policy of repression. I think the Government recognise—the higher authorities, the British Government, the British Parliament, and leaders of all parties in the Parliament, His Excellency the Viceroy, they have all recognised—that the time has now come for a change of policy altogether. You could only justify it on grounds of necessity. Can you say that there has been necessity really for pursuing this policy? If there has been, I am sorry to have to say that the necessity has arisen from the blunders of the Government themselves. I will not try to go back very much. The recent blunder began with the appointment of the Simon Commission, and even that blunder was not set right in time, although Government had sufficient warning. Most of the responsible leaders told the Government that they could not any longer pursue the form of Government which had been constituted under the Act of 1919 in dealing with the people and that the Government must now change its course of conduct. You must adopt a policy which will give the people of this country a right to govern themselves. They pointed out the way at a very early stage as to how you could bring about peace and order and real conciliation of the people of this country. If you had accepted the proposal for the Round Table Conference in the beginning, all this would not have happened. It was really the inability of the Government to see the signs of the times that brought the Government to this stage. Look at the position. Are not the Government even now going to grant an amnesty to political prisoners? May I ask, is it fair, is it in accordance with the principles of justice and fairness that you should release the leaders of the movement and keep the others in confinement? What justification have the Government got for such a policy? Is it even political expediency? These people have got thousands of friends and relatives outside. What will they say? Is it not unfair to keep these men still in jail? Can the Government meet such a charge? Most certainly not. Then, is it not the duty of the Government which claims to be the leader of the people, to take the lead in their own hands? From your point of view, is it not the only right thing to do, to release these people whose release is essential for the political peace of the

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country? I am perfectly sure, as Mahatma Gandhi said the other day, it will be very difficult for him and other leaders to bring about a proper condition of things in which the constitutional position can be properly considered unless these men are released. They have got to answer to their people. What answer can they give? They have no answer to give. You are putting them in a very difficult position indeed. If I were one of the Congress leaders and I had been in jail and had been released, I would have certainly felt as Mahatma Gandhi is feeling today. It places them in a very false position indeed. Then there is the demand that there should be a proper inquiry into the *lathi* charges by the police. It is very difficult to say for any one who has not got the full facts before him, whether in a particular incident the police were to blame or not, and how much they were to blame, but all the same there can be no doubt that there is universal complaint in the country that in many cases the police are taking the law into their own hands and ill-treating the people, sometimes very mercilessly indeed. This belief is so widespread that the only right thing for the Government to do is to make an inquiry. Until such an inquiry is made, there will always be suspicion in the minds of the people that the Government are trying to shield its officers even when they are misconducting themselves. That is a position which the Government should try to remedy. Sir, my Honourable friend Mr. Abdool Haroon made a plea for the release of the Moplah prisoners and the prisoners in the North-West Frontier Province. I strongly endorse that plea. We are kept too much in the dark as to what happens in the North-West Frontier Province. There are all sorts of nasty rumours afloat, and it is time that the Government dealt with the North-West Frontier Province in a way very different from the way in which they are dealing with it now. Similarly, I think the whole country is now united in demanding an amnesty for the Moplah prisoners. They have suffered enough, and as you know, most of them were really misled by outsiders. They are religiously a very susceptible people. We all know that and that was taken advantage of during the non-co-operation movement, and their religious fervour was exploited. I think it is time that Government extended, or rather the Viceroy extended his clemency to these Moplah prisoners also.

Sir Hugh Cocke (Bombay: European): I do not want to be controversial. I did not want to go into the past, but when Honourable Members come down to this House and claim that Ordinances need not have been brought into operation, when they claim that the police have been repressive and have taken unreasonable steps in promoting law and order by *lathi* charges and so on, I am bound to ask myself and I am bound to ask the Members of this House, in what state the country might have been today had no Ordinances been promulgated and had the police conducted their work with that inactivity which I presume Honourable Members would advise. I have been in Bombay for the past few months and I have heard many respected Indian citizens, who have expressed the opinion that the police have been far too lenient. Granted there may have been cases, which have got into the newspapers, in which the public have taken the view that certain steps were taken which were unnece-

Mr. C. S. Ranga Iyer: Has the Honourable Member visited . . .

Sir Hugh Cocke: I will not give way to the Honourable Member at this stage. Taking the conduct of the police as I have seen it, I consider that it is beyond all praise. We are told of these *lathi* charges, but we do not hear from these Benches of the stones which are thrown at the police before those *lathi* charges start. Are the police to throw their *lathis* into the crowd and say, "Use them as well as your stones against us". I think Honourable Members must take a more serious view of the situation. There may have been mistakes. I do not deny that for a moment.

An Honourable Member: Will the Honourable Member tell the House how many casualties there were among the police as the result of stone throwing?

Sir Hugh Cocke: I have got no note book in my pocket recording how many stones were thrown and what was the injury, but I can say that the number of police struck is not inconsiderable. As I said, I do not want to go into the past. It seems to me that today we are facing a new situation and I doubt whether it helps very much to go into the past and condemn the Ordinances and the police activities. It seems to me, Sir, that what we want to get down to is to consider the new situation which has arisen as a result of the success, I think the generally acknowledged success, of the Conference in London, and to see how that success can be brought into operation in remedying a state of affairs in India which no one is in favour of continuing. (Hear, hear.) That brings me to the amendment of my friend, Seth Haji Abdool Haroon—an amendment which we on these Benches are only too glad to support.

Mr. D. K. Lahiri Chaudhury: Was it brought forward under your instigation?

Mr. President: Order, order.

Sir Hugh Cocke: That amendment, as Honourable Members know, recommends that, as soon as the Governor General in Council is satisfied regarding the discontinuance of the activities of the civil disobedience movement, he should forthwith take action to secure the release of persons convicted of, or on trial for, offences not involving violence in connection with that movement. Now, gentlemen . . .

Mr. K. Ahmed: The Honourable Member should address the Chair and not the gentlemen of this House.

Sir Hugh Cocke: Sir, it seems to me that that is an amendment which should bring the two sides of the House together. If Honourable Members are prepared to consider the present and the future and not to go into the details of the past, for many mistakes there may have been on the part of the Government or the Congress, on the part of the people or of the police—if all sides are prepared to consider the situation today and think only of the future, it seems to me they ought to be prepared to agree to that amendment and to say, "We are willing to work, as a result of the Conference in London, and to withdraw this movement and to ensure peace in the country". Then, as a matter of course, the other things will follow. It cannot be expected, in my opinion, that the Government should

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take the initiative in releasing all these prisoners without there being any undertaking whatever at the present moment that the movement will stop. The first duty of the Government is to maintain law and order; this is most necessary so that the results of the Conference shall not be rendered ineffective; any general policy of releases without security would make the Government the laughing stock of the world. I do hold therefore that the Government would be wrong in taking action of that sort; from a common sense point of view they should not do so, I think, without some security for the future.

Sir Hari Singh Gour: Sir, the Honourable Sir Hugh Cocke and the Honourable Sir Fazl-i-Husain have both mentioned one fact to which I should like to advert. The Honourable Member for Education very rightly pointed out that there was a great deal of public opinion at the back of the Congress movement, and that the Congress movement was more or less supported by all parties, even by those who did not see eye to eye with it. Now I take that as a fact—that the Congress movement has the support of the bulk of the people of this country. Now the Congress demanded that the future evolution of reforms in this country should be with the consent of the people of India. That, Sir, was a clear declaration made by the National Congress. Now in defiance of the Resolution of the National Congress, a Statutory Commission was appointed composed of entirely of British Members of Parliament. I congratulate my friend, Sir Abdur Bahim, on his pointing out to this House that the whole movement connected with civil disobedience was the outcome of that mistake of the British Government, in which the Government of India participated. That being the case, the Congress said, "We do not recognize this Commission", and they embarked upon the civil disobedience movement. Now I do not for a moment suggest that anyone in this House sympathises with the acts of violence which have resulted from the civil disobedience movement (Hear, hear); and there are many on this side of the House who do not sympathise with the movement at all. But this fact nevertheless remains that the civil disobedience movement was launched by the Congress with the primary purpose of drawing the attention of the Government to the crying need of the hour that further reforms were necessary and that they could not any longer be delayed. We have been told, Sir, by Mr. Montagu himself in his Report, that one thing that struck him was the pathetic contentment of the people of India, and that had the people of India been more alert and more vocal in respect of what they demanded, he would have given them a larger measure of reforms. Well, the people of India, when they found that their rights were not being recognized to the extent they demanded, launched this civil disobedience movement. And if I understand aright, there is nobody I think on the other side of the House who would question the constitutional policy behind the civil disobedience movement as launched by the Congress. As a matter of fact the leaders of that movement have made it abundantly clear that that constitutional movement was intended to draw the attention of the Government to the demands of the people; and to that extent therefore it is a perfectly legitimate movement. Now what was the result? What did the Government do? We have been told that this movement has resulted in outbreaks of violence, but as often as there have been outbreaks of violence, so often the leaders of the Congress have entirely dissociated

themselves from them: and it has never been shown to us that the violent acts resulting in lamentable cases of murder, assassination and so forth had anything whatever to do with the civil disobedience movement. Sir, on the floor of this House some years back we had under discussion the question of the Bolshevie movement in this country, and we were told that that movement was gaining ground and against which an enactment was contemplated and was actually placed before this House. At the present moment we have a revolutionary movement in the country which must not be confused with the civil disobedience movement launched by the Congress.

(At this stage Mr. President vacated the Chair which was taken by Maulvi Muhammad Yakub.)

I beg therefore to ask the occupants of the Treasury Benches, so far as the persons concerned in this civil disobedience movement, prisoners numbering about 60,000 are concerned, are there any prisoners connected with the civil disobedience movement who cannot be safely released? Sir, the occupants of the Treasury Benches were responsible for the release of 28 members of the Working Committee of the Congress, the leaders of the Congress. But the leaders of the Congress have lost no time in declaring their failure to negotiate or to consider the results of the Round Table Conference and the Prime Minister's speech, unless the rank and file are set free. Sir, is that an unreasonable request for the leaders of the Congress to make? They say, "We are the people who are primarily responsible for the civil disobedience movement; we are the leaders of this movement, and in consequence of our action, these 40,000 or 50,000 people have been sent to jail. We cannot possibly consider the proposals of the Round Table Conference and also the Prime Minister's statement unless these people are liberated."

Now, Sir, that is the plain request which the Honourable the Mover of the Resolution wishes to make in this House, that you cannot expect the creation of that pacific atmosphere for the dispassionate consideration of the offer made by the Prime Minister so long as the rank and file of the Congress movement remain incarcerated. It has been asked, "What guarantee is there that if we were to liberate these people there would not be a resurgence of the civil disobedience movement?" That, Sir, is a risk and I grant it is a risk, but do take courage in both hands and take that risk, and you will find that if you were to liberate these people and give them the chance of coming together to consider the proposal made by the Prime Minister, I am quite certain that that risk would be negligible. Sir, we are hearing from all sides of the country that the civil disobedience movement has passed its apex, that the civil disobedience movement is dying down, and if that is so, added to that natural decline of the civil disobedience movement, if you add to it your clemency and release these people, I am quite sure you will create the atmosphere in the country for a dispassionate, and let me add, a sympathetic consideration of the proposals of the British Government which we all hope and trust, the people of India will accept. Sir, you cannot expect the people, so long as their relations and friends are in jail, to give that dispassionate consideration to the proposals of the British Government to which they would otherwise be entitled.

Turning now to the amendment of my Honourable friend, Seth Haji Abdoola Haroon, what does it say? It says that you should delete the

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words "the immediate discontinuance of the present policy of repression pursued by the Government", and add at the end of the Resolution, words to the effect that as soon as he is satisfied regarding the discontinuance of the activities of the civil disobedience movement, the people should be forthwith released, etc. Now, Sir, if the civil disobedience movement stops first, then you are going to release these prisoners. But when are you going to consider the proposals of the Round Table Conference? The civil disobedience movement may not die down for some time to come, but are you going to hold in abeyance, during that time, the consideration of the proposals of the British Government? That is the question I wish to ask, Honourable Members of Government. If you really want that there should be speedy peace in the country, if you really want that there should be co-operation between the two wings of this House, if you really want that the mass of the country's opinion should rally to your support and make popular the measures that are promised for the future governance of this country, then I ask you, Sir, to co-operate, that is to create a peaceful atmosphere in this country, which is only possible if you release all the political prisoners.

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

If they are not released, you will make us helpless; you will make yourselves helpless, and believe me, you will have to release them sooner or later. Then why not release them now rather than release them when it is too late? Sir, the British nation has a genius for doing things too late. My Honourable friend, Pandit Motilal Nehru, from his place here, asked the Government to convene a Round Table Conference, and if the Government had acceded to his request, we should neither have had the civil disobedience movement, nor any occasion for moving this Resolution. The Government dallied and delayed till the momentum of public opinion in this country was roused to a state of ferment, and the Congress ventured upon the launching of the civil disobedience movement. Then, the Government tardily as before convened a Round Table Conference, and now that the Round Table Conference has concluded its labours, the Government are still fiddling while Rome is burning; the Government are still saying, "You begin by stopping your civil disobedience movement, and when that stops, then we shall release these people". The Congress people, on the other hand, say, "You have released us; we are unable to negotiate for peace; we should like to have our rank and file, who have gone to jail for our own sake and at our instigation". That, Sir, is the position. It is an *impasse*. I see your difficulty but you should also see our difficulty and look at the question in a broad and statesmanlike manner. You have got the power, if the civil disobedience movement revives, and when you have got the power, you can use that power. When you use that power, you will have our support. You can then come to us and say, "We listened to your voice and released these people. We now find that we released them prematurely and the civil disobedience movement has been revived". I say, Sir, that no responsible Member of this House will fail to give you the necessary support if such an occasion arises. But, I can almost assure you on behalf of my friends, and I feel, Sir, that I am speaking also on behalf of a very large body of men outside this House, when I tell you that

if you once take courage in both hands and release these people, you will find that the possibility of a recrudescence of the civil disobedience movement is negligible, and you will bring about a happy state of things in which the solution of the great problem as to how the future constitution of the Government of India is to be constructed will become easier of solution, and in which you will receive the hearty co-operation of a very large bulk of the people who will be called upon hereafter to shoulder the burden. I hope, therefore, Sir, that the members of the Treasury Benches will rise to the occasion and forgetting all that has passed, think of one thing,—that is, how to bring about a peaceful settlement of this great question; and the peaceful settlement of this great question can be brought about only by releasing these prisoners and giving everybody a chance of meeting together for the purpose of considering dispassionately the proposals made at the Round Table Conference. Sir, I feel that the only thing that I and my friends can do is to support the Resolution of Mr. Sadiq Hasan and to oppose the amendment moved by Seth Haji Abdool Haroon.

The Honourable Sir George Rainy (Leader of the House): Sir, I have no desire to exceed the time limit, and therefore I will ask the indulgence of the House if I am not able to deal as fully, as I might wish, with all the different aspects of the important subjects which have been engaging our attention. I should like to begin, Mr. President, with the main Resolution which asks the House to condemn the repressive policy of Government. The repressive policy alluded to clearly is the action taken by Government, or under Government orders, for meeting the dangers that arise from the civil disobedience movement. I think at this point it is desirable to state briefly what that movement amounts to, and I shall try to be as little controversial as possible. Its declared object, I think I am entitled to say, is the subversion of the present system of government and its replacement by another. Its chosen methods are defiance of the law and, subject to the proviso of non-violence, resistance to the authority of Government. As the movement has actually been 1 carried on, non-violence has sometimes been more honoured in the breach than in the observance; disturbances of a grievous character have occurred, and even when violence is not in question, methods have been employed involving extreme hardship and injustice to traders, to Government servants and to the population generally, and most serious interference with their right to carry on their business, to perform their duties, and to do without interference that which the law permits them to do. Now, Mr. President, when such a state of things arises, then it is the duty of any Government and will be the duty, should such a situation arise, of the Governments which may come into existence under the new constitution, just as much as it is the duty of the present Government, to take every step in its power for the protection of its citizens and its servants, and of that duty it cannot relieve itself. If that is repression, then the policy of Government may be described as repressive, but it is the only possible 2 policy for any Government.

That however is not the whole story. The policy of Government has another side. As this House very well knows, it has been their declared object to clear the way by conference and discussion for the early attainment of India's aspirations. The Announcement by His Excellency the Governor General in the Autumn of 1929 that the objective defined in the historic declaration of 1917 was Dominion Status and

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nothing else, the assemblage of the Round Table Conference in London, and the declaration of the Prime Minister on the 19th January last, in which these discussions culminated, all these mark the fact that the policy of Government is very far from being one of mere negation and obstruction and that its positive side is of much greater importance.

It is worth while, I think, Mr. President, to consider what the position is in which we find ourselves today. The Round Table Conference has met and has arrived at its provisional conclusions. It has been announced that its discussions will be continued, and that contact will be maintained between responsible public men in England and in India, in whose hands the conduct of these discussions will remain. All this is settled, and if my Honourable friend, Sir Hari Singh Gour, asks me when and how they will be resumed, I can only reply that that is a matter which rests with His Majesty's Government. But in these circumstances the Government of India has a two-fold duty. It is its obvious duty to do all in its power for the furtherance of the plans adopted by His Majesty's Government in consultation with the representatives of India; and it is equally its obvious duty to maintain established authority so that the new Government may in due season take over the control of the administrative organisation with its prestige and efficiency unimpaired. For what is the new element in the situation that emerges from the Round Table Conference? The conflict is no longer between Indian nationalism and the authority of Parliament. The Conference has made clear the way to settlement by discussion and not by force, and the struggle from now onwards lies between those who believe that India's aspirations can be realised most satisfactorily and most rapidly by the road of argument and persuasion and those who still desire to tread the arid by-path of agitation and civil disobedience.

Now, Sir, I should like to turn to the amendment of my Honourable friend, Mr. Amar Nath Dutt, which asks for the unconditional and immediate release of all political prisoners, and for the immediate withdrawal of all the special powers. I do not believe that my Honourable friend actually has in his mind anything quite so unconditional as that. I do not suppose, for example, that he means this that, if it were certain that the amnesty would make no difference as regards the civil disobedience movement, that it would be carried on in all its varied forms with equal or even greater intensity, and that whatever laws Congress might see fit to defy would be persistently transgressed, my Honourable friend would still urge upon Government to act in the manner suggested. I believe that what he has in his mind is very much what was expressed by my Honourable friend, Sir Hari Singh Gour, that the risk was negligible and that the effect of the amnesty proposed would be to bring friction and conflict to an end and lead to co-operation. Well, I will deal with that in a moment or two, but before I do so I should like to turn to the other amendment of my friend, Seth Haji Abdool Rahman. Perhaps I may say at once, Mr. President, that Government are prepared to support that amendment; and I want at this stage to make clear the attitude of Government on two particular points. The amendment asks Government, as soon as a certain condition is fulfilled, to secure the release of persons convicted of or under trial for offences not involving violence in connection with the civil disobedience movement. The qualifying words "not involving violence" are important, and if they were

absent Government could not support the amendment. Violent crimes committed in pursuance of the civil disobedience movement are in fact inconsistent with the declared object of its originators, who have always affirmed that they wish to attain their ends by non-violence. Those who have been guilty of participation in, or incitement to, violence stand therefore in a different category from the great majority of those who have been sent to prison since April last. The amendment also restricts the recommendation to offences committed in connection with the civil disobedience movement, and at this point I must make plain the view which Government take of the outrages committed as part of the revolutionary and terrorist movement. They regard that movement as something altogether apart from what is generally known as civil disobedience; and if anything I say should convey the impression that it would ever be possible for Government to condone terrorist crime, I should be misleading the House for we cannot make terms with terrorism.

With a good deal of what fell from my Honourable friend, Sir Hari Singh Gour, I find myself very much in agreement, because he expressed, what I believe to be the fact, that fundamentally, as to the result we wish to achieve, there is not very much difference between the two sides of the House. I am certain that we are all of us influenced by a

I P.M. desire that conditions should be established in which all the energies of the nation may engage in the task of building up the new constitution in a spirit of co-operation and not of conflict. In this matter Government and the Assembly are at one. What we all want to do is to bring about the restoration of peace, to be everything which might effect that result and to abstain from everything which might hinder it. It is from this angle, I think, that the amnesty question must be approached. Now, the question arises whether if Government did take the action suggested by Mr. Amar Nath Dutt's amendment, it would in fact lead to the result which we all desire. After all on a matter of this kind we can only be guided by the indications which we have, and as men of common sense be guided by the considerations which ordinarily affect decisions. It may be that some hope that the amnesty would be followed by an immediate and spontaneous response on the part of the Congress, or that the pressure of public opinion would be so great as to compel a response. Indications on that point, however, are not in all respects encouraging. Utterances of Congress leaders, which I need not particularise, speeches which have been made, articles in the Press and Resolutions of the Working Committee of the Congress rather suggest that Government action has been misconstrued; that the releases we have already made are attributed to weakness or fear and not to a sincere desire that the whole country should co-operate, and I am afraid that so long as such impressions exist they must tend to retard a settlement. As to the pressure of public opinion, I do not under-value that, and I have no doubt that from one quarter at any rate pressure will be brought to bear. Most of the Indian delegates on their return journey from London are now nearing the shores of India, and on their arrival, their powerful influence will be brought to bear upon the situation. They above others have shown that the true path of advance is by argument and discussion and not by forcible methods, and I know that every one of us in this House hopes and desires that their efforts may be crowned with success. But this House also has a duty in this matter. (Hear, hear.) I would appeal to the House to consider whether the rejection of my Honourable

[Sir George Rainy.]

friend's amendment and the passing of the Resolution, either as it stands on the paper or in the amended form which Mr. Amar Nath Dutt's amendment would give it, would in fact adequately discharge the responsibility which vests upon this House to exert its influence for the restoration of peace. (Hear, hear.) Notwithstanding what Government have already done to give evidence of the sincerity of their intentions—and I need only refer here to the Prime Minister's declaration and to the release of the Members of the Congress Working Committee—it would seem that many think that the Government and not the Congress is the proper object of pressure. But the question I would ask Honourable Members to consider is this: whether an appeal to Government to grant an amnesty, irrespective of all conditions, is the best way of promoting the end which we all desire that those engaged in the movement should abandon the methods they have hitherto followed and turn to the path of co-operation.

If in what I have said I have in any degree carried the House with me, surely the natural inference is that an essential pre-requisite to a general amnesty is that Government should be satisfied that those who have been carrying on the movement are prepared to take the path opened at the Round Table Conference. A settlement which left the Congress free to carry on all its activities, to picket liquor and cloth shops, to organise a refusal to pay land revenue and other taxes, or to defy the salt laws while Government stood aside and did nothing, would be no settlement at all. The recent release of prominent Congress leaders, to which I have already referred, is enough to show that Government are not afraid to risk something when it may lead to a peaceful settlement, and that they will not allow their action to be governed by a sense of ceremony or punctilio, which insists that the other side must make all the advance and will make none themselves. But a satisfactory settlement implies at least this, that if it takes two to make a quarrel, it also takes two to make a reconciliation. (Hear, hear.) Government can do much, I believe, to bring about that state of feeling and thought in India from which alone the new India can emerge. But there is one thing which they cannot do. They cannot, by any action they may take of a conciliatory nature, compel those who believe that the goal is to be attained by subversive methods, by resistance and not by co-operation, to abandon those methods and to try another plan. The responsibility here does not lie with Government; it rests elsewhere. (Hear, hear.) For the rest, and in conclusion, I would only say this. Much time and labour have been spent in trying to find formulas, and I do not deny that formulas have their use. But infinitely more important is the spirit in which the problem is approached. The Government of India have already given an earnest of the spirit in which they will deal with this grave situation. It is that which was expressed in the words of the Prime Minister. "If Sir Tej Bahadur Sapru's appeal to India, as well as to us, is responded to in India and civil quiet is proclaimed and assured, His Majesty's Government will certainly not be backward in responding to his appeal." It is our hope and belief that the elements that might make peace possible are present if they can be used rightly, but if peace is to be achieved, it can only be if all parties concerned make a reciprocal contribution to its achievement. (Applause.)

~~Member: Muhammad Shafiq Dacodi (Tribal Division: Muhammadan)~~
 we were not used to the speeches delivered by our Honourable friend,

Sir George Rainy, in the mood in which he has done it today. He seems to be a different man, speaking on this question as the Leader of this House. The touch of sympathy which we used to hear from him as a Member of Government and not as Leader of the House is wanting today. Let me say that frankly. He seems to have taken the official view of the question in the most bureaucratic form. I do not know why this attitude has been taken by the Government, when I find that the Honourable Sir Fazl-i-Husain who preceded him, in speaking on behalf of Government, gave us his mind in a different mood. That encouraged us, and we hoped that something better would come from the Leader of the House. Therefore, I was disappointed in hearing what I have heard from the Leader of the House, and I therefore have made these observations as regards his speech.

When I read the Resolution of my Honourable friend, Sheikh Sadiq Hasan, I find that what he asks for is not the history of the thing: he does not want to go into the history of the civil disobedience movement or what has happened in the country since the last year or for the past ten years. What he wants to emphasise is what action will the Government take in the immediate future: the immediate future is the only concern of this Resolution. You will find that the words are clear enough:

"This Assembly recommends to the Governor General in Council the immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy."

That is the only thing that this Resolution aims at; and if we confine ourselves to the words of this Resolution, we have nothing to do with the movement as it has been going on in the country; we have nothing to do with what this party or that party has done in the country; we have only to see whether the immediate future requires the continuance of the policy of repression or a discontinuance of that policy. We have heard the history of what the policy of the Government has meant in the past from the Leader of the House, and we are asked to believe that the Government have been responsive to the feeling of the people and the aspirations of the people; and I do believe, from the speeches delivered at the Round Table Conference as well as in the House of Commons later on by the Prime Minister and other responsible members of all the parties in England, that there is in England a change of heart and a change of policy. I expect that with that change there should be some broad-mindedness among the people who are responsible for the administration of this country. But I find that, although the British Government, responsible men in the British Cabinet, have advocated a policy of conciliation, here in India the position seems to be different. His Excellency the Viceroy might adopt such a policy and I should say undoubtedly has got the idea of conciliating the people and of meeting their aspirations; but the methods followed by the administrators of the country do not take us in that line. If you want the people to have full expression of their views, you must leave them free. If you want that they should give free expression to what they want, to their aspirations and to their grievances, then the repressive policy will certainly not allow them to do that. At the present moment, the one thing that the Government of India should do in my opinion is to take away all the Ordinances, to release all the political prisoners and have a blank sheet before them from now. Unless you

[Maulvi Muhammad Shafee Daoodi.]

have a blank sheet at the present moment, all that you have done in the Round Table Conference will be of no avail. My idea is that this movement, which has been going for the last ten years, is coming to an end. I do not believe that this is a movement of an year's standing: it is a movement of ten years' standing. Since then the people have been clamouring for something which they ardently desired. That was not listened to. Now that the British Government have had sense enough to understand the aspirations of the people and have given expression to a very sympathetic policy and want an advance to be made, the only logical course to be followed here in India is to have a blank sheet, and a place where all the communities and all the interests concerned should, without any reservation, come together and discuss the future of the country. It has been said that the Congress should also be asked to discontinue its policy. I do feel that the Congress has got to be addressed also; but then in this House which is the only place where we can express our opinion and give our advice to the Government, we can say but this and nothing else, that the Governor General has got to discontinue the policy which has been followed till now, since the inauguration of the national movement in the country. This is the place where nothing else but this should be said. Of course, there is the other place, outside, in the country when we meet our friends of the Congress, where we can tell them that the policy of the civil disobedience at the present moment will not do; we have got to tell our friends who have got influence over the Congressmen that the policy of the civil disobedience movement will not be conducive to the good of the country. But here in this House the only thing that we can say to the Government is to discontinue the policy which has been followed till now; and therefore the logical thing that should be said in this House is what is contained in this Resolution. I would ask my friend, Seth Abdoola Haroon, to give up his amendment, because I find that in that amendment of his he has spoken of things which he has not, I should say, considered very seriously. He says in his amendment that only those persons should be released who have been convicted of or are on trial for offences not involving violence. I submit, Sir, that the North-West Frontier people, for whom he has pleaded, most of them have been convicted of violence. Why should he plead for them, if the Government are asked to release only those who are not convicted of or are on trial for political offences involving violence? It is self-contradictory. What I maintain is this: that people have got the right of expressing themselves against a form of administration they do not like, and it is the temperament of the people which will dictate to them as to whether they should be violent or non-violent. There are people, Sir, who will express things in a non-violent manner, and there are others who cannot but express things in a violent way. Now, it is not for us to dictate that the expression of opinion on the genuine demands of the people should be made in a particular fashion. It is for those who are concerned with the demand to choose the course which they think would best suit their purpose. I submit, Sir, the question of violence and non-violence should be absolutely discarded, and I would appeal to the Honourable the Leader of the House to revise his opinion on this question, otherwise the people on the Frontier, the Malabar people and many others who are not less patriotic than those who have been convicted for non-violent movements, will not be satisfied, and you will not be able to restore peace in the country. I believe the Honourable Member will agree with me:

when I say that it is the object of the person agitating that has got to be looked at. If the object of the agitation is to loot or some other criminal intention, then certainly you may hang the agitators or haul them up and deal with them as you like according to law.

Maulvi Muhammad Yakub: What about murders?

Maulvi Muhammad Shafee Daoodi: Murders too, certainly, it is very clear. I should say it depends on the intention of the man who is agitating. If the man carries on the agitation with a view to bring pressure upon the Government to listen to his grievances, certainly, now that the time has come, now that the Government want that there should be a calm atmosphere for a dispassionate consideration of the Round Table Conference proposals, all those persons should be released. I do not believe, Sir, that the release of a few persons who have been convicted of non-violent offences would bring about the desired result. For that reason I would say that the Government policy should now be to begin with a clean slate and to immediately discontinue all repressive measures and adopt a conciliatory policy. With these remarks, I support the Resolution of my Honourable friend.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. S. O. Shahani (Sind: Non-Muhammadan Rural): Sir, I feel that it would have been very good if a chance had been afforded for discussing Mr. Das's amendment.* Many may not like the amendment that has been proposed by my Honourable friend, Mr. Amar Nath Dutt; they may deem it to be extreme. Mr. Das has been reasonable in his view. (An Honourable Member: "Mr. Amar Nath Dutt".) But I am talking of Mr. B. Das's amendment. I think that that is a reasonable one, and would have been accepted by many. It provides for the release of those who have not been guilty of any violent offence. I think that Mr. Das's is a reasonable attitude, and I myself would have endorsed his amendment most willingly.

Mr. President: Order, order. I should like to draw the attention of the Honourable Member to the fact that Mr. Das's amendment could not be moved as Mr. Das is not present.

Mr. S. O. Shahani: It may not be possible for the amendment to be moved in the House; but I am merely expressing my opinion that the attitude that has been assumed in the amendment by Mr. Das is a reasonable one, and that men like me would have most willingly supported it. As it is, it comes to this, that if Mr. Amar Nath Dutt's amendment is put to the vote and lost, then my Honourable friend Seth Haji Abdoola Haroon's amendment would be before the House

Mr. President: And the original motion.

*That at the end of the Resolution the following be added:
"by granting amnesty to all non-violent political prisoners."

Mr. S. O. Shahani: The original motion would be put to the vote, but that is according to me, somewhat vague and will not satisfy all the Members of this House. If somehow the amendment of Seth Haji Abdoola Haroon is carried, that would, in my opinion, be a blot on this House. The House is already considered to be unrepresentative by the people, and on a question so important as this, if the House does not vote as it should, it would be greatly discredited in the country. I am very sorry that one hailing from my province has been persuaded to move this amendment. What will be the result of this amendment, if passed?

Our Viceroy, who has played the part of a very great statesman indeed, by being rightly conciliatory, and who is disposed to depend upon public opinion and take the necessary risk that may be involved in assuming this attitude, will be handicapped. I strongly feel—of course, it is a feeling, I have no information on the point—I strongly feel that he would be in favour of releasing those who have not been found guilty of any violent offence. The whole of the civil disobedience movement is non-violent. (*Maulvi Muhammad Yakub: "Question"*). A few exceptions, and exceptions there will be in all cases, do not go to prove that the civil disobedience movement is not non-violent; and my feeling is that if this amendment is carried as it seems likely that it would be carried because the Government are supporting it, the character of this House would be greatly damaged. (*The Honourable Sir Fazl-i-Husain: "Question"*). I should like very much that nothing should happen to impair our hope of a real settlement. The Congress leaders cannot rightly consent to let those who have gone to jail on their account remain in jail while they should themselves be negotiating with the Government. A very constructive policy has been adopted both by the Premier in England and by His Excellency the Viceroy here. If there was any sense in the attitude that has been assumed by the law and order people over the question of the release of political prisoners and the suspension of repressive measures, then the Premier of England should not have done what he has in connection with the Round Table Conference. The people here have gone in for civil disobedience, and he too might have insisted that, unless the civil disobedience movement was called off, he would not be a party to an offer of substantial responsible government to the people of this country. But he has taken a sound view. He sees that the things here have been mismanaged and that the people and the Government should be extricated from the present predicament; and it is therefore that he has behaved in the manner in which he has done. If my Honourable friend, Seth Haji Abdoola Haroon, had been here just now, I would have earnestly requested him to withdraw his amendment. But if he does not, and if his amendment comes to be supported by Government, I can only say that what the Gods give the *pujaris* seek to withhold. The Premier and His Excellency the Viceroy are both attempting to ensure calm consideration of the great problems facing the country, which will in this manner be frustrated by the rest of the Government. I shall here instance what transpired in Karachi on the Independence Day. The *pujaris* there—those that are in charge of the Government of the province—decided not to interfere with the procession, the unprecedentedly huge procession that was started there on that day. And what was the result? The police had their hands off the people, the procession was peaceful. Everything passed off well. There was no disturbance, and no bitterness caused by the excesses

committed in the name of law and order. The prestige of the Government stood as high as ever it was before. The conduct of the rulers ought to be such as was put forth on that occasion by the rulers in Sind. I do not understand how any sensible man can endorse the conduct of those, for instance, who guided the operations of the police in Calcutta on the Independence Day. I need not refer to the details of it because reference to those has already been made. The police or the Magistracy should not be permitted to use their power recklessly, in a manner which will alienate the sympathies of the people. The right policy of carrying on the Government in a manner which will find favour with the people ought to be pursued. Healing, kindly acts should be put forth, and not sickening *lathi* charges for disobedience of orders which might not have been passed. No unnecessary fear need be entertained with regard to the conduct of the people. If you behave towards them rightly, they are sure to respond in the same spirit. No risk will be run by the Government, I am sure, by releasing those who have gone to jail for no offences of violent character.

Mr. Arthur Moore: My friend, Mr. Shahani, has put with extreme moderation a point of view with which, however, I find myself in disagreement. This is, as some one the other day very justly remarked, a House of co-operators. The very fact that we are here means that every Member of this House is fundamentally a co-operator.

Mr. Gaya Prasad Singh: Do not speak for all.

Mr. Arthur Moore: I admit that certain Members occasionally feel called upon to make a noise like a non-co-operator, but I do feel that the fact that we are here means that we reject the doctrine of non-co-operation—all of us.

Mr. Gaya Prasad Singh: Not necessarily.

Mr. Arthur Moore: There may be some third position in between, which some Member may have found it possible to adopt, but I shall refuse to believe that my friend, Mr. Gaya Prasad Singh, is anything but a co-operator. Now, Sir, I feel that as a House of co-operators we should be putting ourselves in a very invidious position if after this motion and these amendments before us, we were to choose either the original motion or the amendment of Mr. Amar Nath Dutt in preference to the amendment of my friend, Haji Abdoola Haroon.

Scrutinising the wording of those various motions and amendments the inevitable conclusion would be that the House was not willing to dissociate itself from violence, and was not giving the Government proper support in dealing with the problem of violence. That is one point. The other point is that this House is or ought to be the guardian in this country of constitutionalism. Personally, I have never had the smallest doubt that but for Mr. Gandhi, and but for that unfortunate doctrine of non-co-operation, and but for the fact that non-co operation at one period did make its way into this Assembly we should be further than we are today, and that results that are being obtained now through the Round Table Conference with a great deal of argument would have been obtained with a great deal of ease. I am perfectly certain that by this time the reserved powers and the Viceroy's powers of certification would already be well on the way to become obsolete. The fact that they are not obsolete is due entirely to the advent of non-co-operation in

[Mr. Arthur Moore.]

this House in 1924. Well, Sir, I think that in this difficult situation in which the Government find themselves we would be taking a very great responsibility if we rejected the position taken up by such distinguished Indian nationalists and constitutionalists as Mr. Sastri and Sir Tej Bahadur Sapru. Those two eminent men, who have worked so hard to obtain a constitutional advance for India, have, as I understand it, launched a double appeal to the Government and to the Congress. They have certainly not taken up the position which it is being sought to force upon Government today, of saying "You must do this, whether or not Congress does that". I think that the attitude of a double appeal is much more becoming to this House, and although I sympathise very much with generous gestures, and with the arguments put forward by Sir Hari Singh Gour, I would remind him that, after all it is Government that have to hold the baby, and once Sir Hari Singh Gour says "Do this and take the risk", Government would be entitled to say to him "What guarantee can you give us as regards the calling off of the civil disobedience movement?" But, Sir, personally I have a great deal of sympathy with Mr. Gandhi's unfortunate followers who are in jail. Let us review the position with regard to them.

Mr. Amar Nath Dutt: Why do you call them unfortunate. They think they are serving their country.

Mr. Arthur Moore: I think they are unfortunate because they are in jail. But, Sir, let us review the position as regards Mr. Gandhi. On the 23rd December, 1929, His Excellency the Viceroy on the very day of that terrible outrage when his train was bombed, when he entered his new house, his first guests were Mr. Gandhi and other leaders. He put before them on that afternoon an assurance that the Conference in London would be absolutely free and unfettered, and that every subject connected with India's constitution could be discussed, including of course Dominion Status. Mr. Gandhi said, "No, you must give us Dominion Status before the Conference", and he refused to have anything to do with it. He then went to Lahore and started an agitation which led to most violent disorders in this country; and for several months during which his unfortunate followers who were committing breaches of the law were being imprisoned, as they had to be imprisoned, Mr. Gandhi remained at large to incite them for four months. Now we come to a later stage. A second attempt was made to make Mr. Gandhi see the very great opportunity that had come to India. Before the Conference met, Sir Tej Bahadur Sapru and Mr. Jayakar were given every possible facility to hold consultations with him and with other prisoners, and special trains were arranged for them, and again a blank refusal was returned.

Now we come to the third stage. The Conference in London has arrived at the broad outlines of a great settlement which will bring responsible government to India. Mr. Gandhi is unconditionally released. As for his followers, all the time they are in prison. Some, of course, with short sentences, come out and others go in. But while Mr. Gandhi has all these privileges, it is the followers who bear the brunt. Mr. Gandhi is out. I have read his utterances. He tells us that India is not to have this great constitutional advance at any rate until his

eleven points are conceded, points which, as we in this House know, have nothing whatever to do with India's constitutional advance. We are told that India is not to have this tremendous advance till the irresponsible, irremovable Government has passed certain laws, which obviously should, if we are going to have responsible government, be left to the decision of that responsible government. Nor, Sir, do I think Mr. Gandhi at all realizes the magnitude of this offer. If he understood that India was within measureable distance of responsible government, could he possibly suggest that the Criminal Investigation Department should be abolished? Is not that a matter which should be left to the responsible Government of India? Why should the Indian Government, which is to be brought into being, be started in this crippled condition? Mr. Gandhi is using his power to incite breaches of the salt laws. I confess, greatly as I respect his character and his devotion, that I feel that in the political field he is at present a definite obstacle to India's political advance, (Ironical laughter from the non-official Benches). I would much prefer, if it were possible—I am speaking really for myself—if this campaign against the salt law continues, and if the Government are compelled to incarcerate Mr. Gandhi, that then the question of enabling his followers to judge for themselves the issue with which they are faced should be considered by the Government, and also that the whole question should be reconsidered in the light of dealing with people whom we regard as subject to the ordinary laws of political reason, rather than with people who so far have shown that by no possible arguments are they to be conciliated. Sir, I would submit to the Government, that, if it is possible—I submit it with great diffidence—if it is possible to do something to make what has been arrived at in London seem a reality, something should be done. Personally, I have a very definite mandate from my constituents, which I shall attempt to discharge and that is a very clear mandate. They hold that there should be no constitutional advance at all—though they are by no means opposed to constitutional advance—while there is this agitation going on. Personally, I think that that is an entirely reasonable position to take up. But would it not be possible for the Government to make some announcement with regard to provincial autonomy? That, Sir, is something which can be done without further legislation. It is possible to abolish dyarchy by transferring the reserved powers from the reserved side to the transferred side. Now, would it be possible to fix some future date, some two months hence, say, before the departure of His Excellency the Viceroy, and of course with the concurrence of his successor, and to announce now that, if by that date the civil disobedience movement has disappeared, then the Local Governments would become responsible governments by transference, and the whole of this problem would be transferred to the responsible local shoulders?

Mr. President: The Honourable Member's time is up and I would ask him to conclude his remarks.

Mr. Arthur Moore: Yes, Sir, I will conclude at once. I submit it with the very greatest diffidence, but I do feel that we are in danger of getting into a long period of discussion and further conferences which will lead to disappointment in this country and increase the scope and ground of agitation. Sir, I commend the Resolution of my friend, Seth Haji Abdoola Haroon, to the House.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, it will be admitted on all hands that in order to create peaceful conditions in India for the dispassionate consideration of the Premier's offer and

3 p.m. the conclusions of the Round Table Conference, it is absolutely necessary to follow a policy of conciliation and discard the policy of repression and of lathi charges. I believe it will also be admitted that the civil disobedience movement has done a great deal of harm to India. It has pretty nearly ruined the economic fabric of the country and in the interests of peace and conciliation it should be called off without further delay. I believe that it is the desire of all of us that a complete understanding, a complete co-operation and goodwill should be restored between India and Great Britain. If that is our desire, and there is no doubt that that is our desire, if the Government and Mahatma Gandhi are hankering after peace, it ought to be the easiest thing in the world to devise a formula by which repression and the civil disobedience movement can be abandoned simultaneously. I believe, Sir, that India's heart is sound and that of Great Britain is also sound. I am firmly of opinion that even Pandit Jawahar Lal Nehru and Mahatma Gandhi do not wish to turn the Britishers out of India. We could not expel them out of India even if we would, and we would not even if we could. We are indeed playing our parts in the real game for the attainment of a Dominion Status constitution or a substance of Independence for India. Sir, we are schooling our manners and acting our parts, but He, who sees us through and through, knows that the bent of both of our hearts is to be gentle, tranquil and true. The gracious message of His Majesty the King Emperor, the declaration of the Premier, the speeches at the Round Table Conference and the speeches in the House of Commons, all prove the fact that we are all dying for co-operation and goodwill and complete understanding. But, Sir, there should be no manner of doubt that at present repression does exist in this country. Those who doubt it are reminded only of the remarks which the British Premier had made in the House of Commons while he was delivering that one of the most remarkable speeches ever delivered in the House of Commons on the 26th January. Regarding repression, he said:

"Supposing we do not discontinue it, what are the prospects? Repression and nothing but repression. And it is a very curious repression, a very uncomfortable repression and a kind of repression from which we shall get neither credit nor success. It is a repression of the masses of the people, a great proportion of these masses being women and children. It is a repression not of organisation, not of bodies, but it will develop into a repression of the whole people. If we are prepared to march our soldiers from the Himalayas to Cape Comorin then refuse to let us go on."

Again, Major Stanley, who spoke on behalf of the younger members of the Conservative Party, also said that the national movement in India could not be put down by a few flamboyant speeches or arm-chair critics.

Mr. Baldwin, the Leader of the Opposition, echoed the same feeling, and reminded the House of the Irish difficulties and said that all the members should give consideration to the Irish parallel before the responsibility rested on them for the consideration of the greatest and most difficult problem that faced them in the Empire to-day. But the most remarkable speech, the most striking speech that was made in the House of Commons was that of the Secretary of State for India, Mr. Wedgwood Benn. This gentleman has certainly done all that he could to bring about peace between Great Britain and India. This is what he says:

"Nobody who knows anything about India will deny that young people of both sexes are supporting the Indian national movement. Mothers of the citizens of

tomorrow and themselves citizens are supporting the movement and any one who expresses contempt for the opinion of the youth of the nation does not show much foresight as a statesman. Men who have rendered distinguished social service for which they have been rewarded by Government consider it their duty to champion the national cause. Another remarkable symptom of the situation is that the Indian commercial classes are not only behind the national movement but behind the civil disarmed classes who will not tell Mr. Churchill that the movement is vast and depressed classes who will not let Mr. Churchill that the movement is vast and spreading and that they all share sympathy with it."

Well, Sir, after this definite statement on the part of a responsible Minister of the Crown in charge of the Indian affairs, let nobody say that the national movement is confined only to a microscopic minority. After this definite opinion of His Majesty's Government and the other leaders in the House of Commons, I ask with what propriety or consistency can the Government detain in custody nearly 60,000 Satyagrahi prisoners while professing their desire to conciliate India? Now, Sir, I agree with the remarks of some of the previous speakers that to release the leaders of the movement and to detain in custody those who carried out the orders of the leaders is a thing that does not appeal to ordinary understanding.

Mr. Arthur Moore: That is not what I said.

Mian Muhammad Shah Nawaz: I know, you did not say that. The opposition said that. Well, Sir, Mr. Gandhi has made it perfectly clear that, in order that the release of the leaders might be effective, it is a condition precedent for the dispassionate consideration of the Premier's statement that the Satyagrahi prisoners should also be released. The main object of the conciliatory policy is to wipe out, to efface the memories of ten months of bitterness, agony and strife. His Excellency the Viceroy has moved in the matter. He has now released Mr. Gandhi and other leaders of the Congress; and for this act of his, we are grateful to him, but this, in my humble opinion, is a very half-hearted measure, and half-hearted measures never produce the desired effect. If the Government were to go the whole hog, and release the rank and file of the Congress simultaneously with the abandonment of the civil disobedience movement by the Congress, it would at once restore peace and calm in the country.

Sir, there are other points which I desire to urge for the consideration of the House. The noble work started by His Excellency the Viceroy, who is undoubtedly the most honoured gentleman in this country now, has been undone by the Provincial Governments. The imprisonment of Mr. Subhash Chandra Bose, the Mayor of the Calcutta Corporation, is most unfortunate. I am perfectly certain that the Bengal Government have taken an ill-advised action. They should not have banned the liberty of Mr. Subhash Chandra Bose. Again, there should have been no lathi charges in Madras also. You know, Sir, that the Madras Legislative Council has also carried a motion for adjournment. It has condemned the policy of the Provincial Government. The Provincial Governments, in my opinion, are placing the Government of India in a very awkward and embarrassing situation. In fact it is a self-contradictory position, and the Government of India should issue instructions to the Local Governments that they should move in the matter with great caution. I have already said, that His Excellency the Viceroy has released Mahatma Gandhi and other leaders of the Congress. It is a great step. The question is who should make the next move? I have seen the cable which Mr. Gandhi has sent to the *Daily Herald*. It shows that there is a prospect of peace, and I appeal to the leaders of the Congress movement (Hear, hear) to call off

[Mian Muhammad Shah Nawaz.]

the civil disobedience movement. Honestly we are tired of it. It should be the easiest possible thing in the world on the part of the Government to withdraw all the ordinances and to release all the prisoners not guilty of violence and also on the part of the Congress to call off the civil disobedience movement simultaneously.

Sir, I have very carefully considered the amendment moved by my Honourable friend Haji Abdoola Haroon, but I am not in agreement with it. It simply says that if His Excellency the Viceroy is satisfied that the civil disobedience movement is discontinued, he will see his way to get all political prisoners released who are not guilty of violence. This is really very vague. The Viceroy may not be satisfied or he may be satisfied. I know perfectly well that His Excellency the Viceroy, before he lays down the responsibilities of his office, is very anxious to release all those political prisoners who are not guilty of violence. In my opinion, His Excellency should at once call Mahatma Gandhi and the leaders of the Congress party to come to Delhi, convene a conference, lay the whole matter before them and ask them if they are going to call off the civil disobedience movement, and create a peaceful atmosphere for the dispassionate consideration of the scheme evolved by the Round Table Conference. But if the civil disobedience movement cannot be called off, Government will be compelled to resist the movement to the utmost of its power. If it is called off, Government will simultaneously withdraw the ordinances and release the political prisoners and peace and goodwill will be restored in the country. This is the way in which His Excellency should proceed and I humbly suggest to the Leader of the House that my proposal may be laid before His Excellency the Viceroy for consideration. When calm is restored, the scheme of the Round Table Conference and its details of vital importance can be improved by the Leaders of the Congress and other parties and will probably be improved by further discussions, arguments and negotiations.

Mr. T. N. Ramakrishna Reddi (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I have listened to the speech of the Honourable the Leader of the House with the greatest attention and respect to find out if he would tell us the policy of Government with regard to the present movement. But I may at once state that, after listening to the speech, I was very much disappointed to find that he has not stated the policy of Government to the satisfaction of the country. After the most statesman-like action of His Excellency the Viceroy in releasing the leaders of the Congress movement, one would have thought that that would be the prelude to a subsequent conciliatory policy to be pursued by the Government. But the speech of the Honourable the Leader of the House has come as a surprise to us. Shorn of all its verbiage, the speech resolves itself into these three things. One is that as long as this movement continues, repression and more repression will continue. That is one point. Secondly he says, "You better call off your civil disobedience movement and then we will consider what we can do with regard to a conciliatory policy". This is all that we could get from the speech of the Honourable the Leader of the House.

Sir, the Honourable Member for the European Community, Mr. Arthur Moore, has tried to throw the blame for the civil disobedience movement on Mahatma Gandhi. He said that His Excellency the Viceroy had

invited him and told him that the representatives at the Round Table Conference would be given every scope to discuss either Dominion Status or Independence, whatever it is, and yet Mahatma Gandhi did not accept that offer and launched this movement. Well, Sir, what is it that Mahatma Gandhi wanted? He wanted an assurance from the Government that they would press the claims of India for Dominion Status at the Round Table Conference. That is all the assurance which he wanted, but the Government would not give any such assurance. Sir, how could any one believe at that time, that any good would come out of the Conference when the Simon Report mentioned Dominion Status as a far off ideal?

Mr. Arthur Moore: The Simon Report had not been published at that time.

Mr. T. N. Ramakrishna Reddi: The decision was almost known. However, Government would not give that assurance. Then what followed? At the Round Table Conference it was the action of the Princes agreeing to enter the Federation straight away that made His Majesty's Government revise its policy. Even the Government of India held a Federation to be a far off ideal. But when the Princes, to the surprise of the British statesmen, were prepared to come into the Federation, the British representatives had to yield on all sides. Now, what is the result? The Prime Minister has declared that he would recommend Dominion Status for India straight away. That is exactly what Mahatma Gandhi wanted and what he wanted has been justified by the subsequent events. If this assurance had been given at that moment, certainly all this civil disobedience movement could have been avoided. Government were not prepared to go so far and then this movement had to be launched. Well, Sir, I do not at this moment propose to enter into this ugly chapter of Indian history of the repressive policy pursued by Government afterwards, after the appeal made at the Round Table Conference by all sections that it should be made a forgotten chapter. But, Sir, I cannot at this moment forbear the temptation of mentioning to the House a few instances which have recently occurred, which would disgrace this chapter of Indian history. I will at once mention the instance at Peddapuram. Certain people at Peddapuram went on a picnic and when they having their picnic near Peddapuram the police smelt some diabolical plot, entered the picnic ground and belaboured most brutally the men, women, and children that went there for picnic, and even when the people wanted to run away they were not allowed to go but were all beaten. Then another instance which occurred recently was that of Mr. Bhashyam. He was a leader of the Congress movement, and only a few days ago he went to the godown street for peaceful picketing. He was belaboured, dragged out and beaten in the street; and when Mr. Bhashyam wanted to pick up another member who had fallen on the ground on account of the beating, he was again beaten. And this is the sort of treatment that is even to this day going on in the Madras Presidency in the name of law and order. On these incidents an adjournment motion was moved in the Madras Legislative Council and the motion was carried by a very large majority, with almost the unanimity of the elected Members of the House, 61 voting for and 29 against the motion. Such is the feeling in the Madras Presidency. Again, many influential gentlemen have sent a petition to the Viceroy to inquire into these acts of repression. Well, Sir, these are some of the instances. What is the result? Those who were still wavering, those who had still some faith in the Government, have entered the movement and thus made the movement stronger, and

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for the first time many women have also joined this movement and thus raised the movement by inches as Mahatma Gandhi has put it.

Thus the object of the Government in suppressing the movement has been frustrated. I do not want to go into the other instances in other provinces as some of the Honourable Members have already referred to them. Now we urge the Government to adopt a conciliatory policy. The Government want an assurance that there would be no more of the civil disobedience movement. They ask the country to call off this movement before they launch on a policy of conciliation. Mahatma Gandhi has already laid down some conditions and we do not know what he would do after consulting with other leaders. But at present he says that the picketing of foreign cloth and liquor shops and the breaking of salt laws must be continued. Now let us see what this picketing means. Take the picketing of foreign cloth. Is it a sin to preach boycott of foreign cloth and to improve home industry in cloth? Will any Government except the bureaucratic Government pass any law making it illegal to preach the development of home industries? Every year nearly 60 crores worth of cloth was being imported into this country and this country was drained to that extent of its money. At first Mahatma Gandhi started it only as an economic measure. He wanted to see that this drain was stopped. In the beginning Government did not take any notice of this movement at all. But when this movement caught the imagination of the country and when it affected the interests of Lancashire, they opened their eyes and began to pass ordinance after ordinance making the picketing of cloth an offence. Sir, I ask, is the policy of the Government to be pursued in the interests of Lancashire?

Then there is the picketing of liquor shops. Coming as I do from the Madras Presidency, I cannot understand why this kind of picketing is made an offence. After a great agitation, the Madras Government have agreed to a policy of total prohibition within a measurable distance of time, namely 20 years, and in pursuance of that policy the Madras Government are voting money year after year—several lakhs—for the purpose of preaching temperance to the people. There is a Central Advisory Board in the presidency town and in each district they have started Temperance Committees. They have also motor cars equipped with cinemas and given to each Committee to visit village after village, preaching temperance. That is what the Government themselves are doing. I will read a few extracts from the speech of the Honourable the Excise Minister of the Madras Government, declaring the policy:

"In areas in which Government encourage such reform being introduced, they did introduce total prohibition in the sense that all the shops there, toddy, arrack and foreign liquor, were abolished and I am glad to say that the experiments that have so far been tried have been so successful that in January 1931 we have extended this dry area by another fairly considerable bit."

Let me assure the House that it is not the mere sincerity of my professions on which I ask them to depend. It is, as I said, our earnest desire to take as speedy measures as may be practicable to put the resolution of this House into operation. That is the principle that will actuate me in the policy to be adopted in regard to the excise administration of this province.

I should certainly be most delighted to take a bold and courageous step towards prohibition. I am as enthusiastic over it as any Honourable Member sitting opposite to me, but seeing that the financial liabilities which are involved in the enforcement of total prohibition, when you have not got the mass opinion behind you, I should think that this is a proposition to which it is impossible at present for me to accede."

When the Madras Government are spending lakhs and lakhs of rupees to preach temperance and are actually closing shops in certain definite areas, is it a sin for Congressmen to do the same thing? If a Congressman has to undergo a year's imprisonment for preaching temperance, what is the punishment which is in store for the Madras Government which has enforced total prohibition in certain areas? Sir, these are the conditions which Mahatma Gandhi wants at this moment.

Mr. President: The Honourable Member's time is nearly up.

Mr. T. N. Ramakrishna Reddi: I will conclude. The object of the Government in releasing these leaders of the movement is to bring about a calm atmosphere in the country, so that they might dispassionately review the results of the Round Table Conference. But do they really believe that by releasing only the leaders they can bring about that calm atmosphere in the country which they desire? Can the leaders consider these questions dispassionately when their rank and file are rotting in jails? Certainly the Government must have some more imagination and they should see that all those political prisoners are released. Then there are the ordinances. The Honourable the Home Member at the beginning of this Session withdrew the Press Bill because he said that it would give rise to acrimonious discussion which it is not the intention of the Government to raise at this moment.

Mr. President: The Honourable Member is going on. I want him to conclude.

Mr. T. N. Ramakrishna Reddi: I would only say that these ordinances also must be withdrawn so that a peaceful atmosphere may prevail in the country.

Maulvi Muhammad Yakub: A silent vote, Sir, on this Resolution is calculated to create great misunderstandings and this is my only apology for intervening in this discussion. When I read the wording of the Resolution under discussion, I thought that it was aimed at translating the words of the Prime Minister into deeds. But it is unfortunate that the Honourable the Mover of the Resolution and some of his over-enthusiastic supporters have supported the Resolution in a language which is not calculated to create the atmosphere which they desire to create in the country. In the same way, the Churchill-like speech of my friend Mr. Arthur Moore is, on the other hand, not calculated to create that atmosphere which we want should be created in this country. There can be no doubt, that in order to have a dispassionate consideration of the situation which has been created after the Round Table Conference, we ought to have a calm atmosphere. We ought to have undisturbed surroundings in order to have a dispassionate consideration of the present situation. But I am unable to understand how the reiteration of our tales of misery can create this atmosphere. In fact by repeating the tales of misery we only accentuate the feelings which are not conducive to create that atmosphere which my friends desire should be created. There can be no doubt that the Congress leaders cannot dispassionately attend to the consideration of the new situation, which has been created after the Round Table Conference, unless their followers, the people whose liberties have been restricted in following their lead, are set at liberty. I quite see the force of the argument which is advanced that

[Maulvi Muhammad Yakub.]

Mr. Gandhi and his followers will not be true to their creed if they agreed to the consideration of the situation without demanding the release of their followers. But I am unable to agree with my friend, Maulvi Shafee Dasoodi, when he says that even a murderer and men guilty of violence and of offences involving moral turpitude should be included in the category of these noble-hearted young men who have been deprived of their liberty in the service of their country. I also cannot share the view expressed by him that there was anything uncalled for in the speech delivered by the Honourable Sir George Rainy. On the other hand I think that the speeches delivered by the three Members on the Treasury Benches were tempered in as moderate and as conciliatory language as they could have been. But at the same time I am unable to agree with the Honourable the Leader of the House that this Resolution means a condemnation of the policy of the Government. I do not find any word in this Resolution in which the policy adopted by the Government up to this time has been condemned. The Resolution only speaks about the future. It says:

"This Assembly recommends to the Governor General in Council the immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy."

There is nothing in the Resolution which condemns the policy which the Government, as in the words of the Honourable Sir Fazl-i-Husain, the Government very unwillingly had to adopt. I therefore heartily support the wording of this Resolution, and I think the time has come when Government should adopt a more conciliatory attitude. At the same time I cannot shut my eyes to what is happening in the country; and if on the one side I appeal to the Government to adopt a more conciliatory attitude, on the other side I also appeal to the leaders of the Congress that they should also reconsider their position. I feel that the announcement of Mr. Gandhi and his followers after their release has made the position of men like myself more difficult in this House. If Mr. Gandhi had also given some gesture that he and his party are also prepared for a truce, then I think our position would have been much stronger in advocating this Resolution today. You cannot create a calm atmosphere by suspending the activities from one side only. What we really want is a truce, and you cannot have a truce if both sides do not suspend their activities. You cannot ask one party to surrender and to stop their activities, while the other side is still actively carrying on their campaign. (The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: "Hear, hear.") So, while I appeal to the Government to adopt a more conciliatory policy, at the same time I appeal to that great apostle of peace and to the great President of the Congress as well as the other leaders of the Congress movement to reconsider their position. We cannot do anything but appeal to both of them; we have got no authority to compel Government to adopt a certain policy; nor have we got any authority to compel the Congress leaders to adopt a certain attitude. We have arrived at a point when a review of the whole position has become necessary, and therefore it is quite urgent and necessary that both parties should stop their activities. I will not agree that we should ask the Congress to stop their activities while the Government should carry on their repressive measures. A *via media* should be brought about and there ought to be some understanding by which the activities on both sides should be simultaneously stopped. I am unable to agree with the

amendment which my friend, Seth Abdoola Haroon, has tabled, because I personally think, and our experience shows, that it is very difficult to convince the machinery which is known as the Government of India. It is very difficult really to move the Government of India or to satisfy them that the country is calm and the time has arrived when they should withdraw their ordinances and stop their activities. If we could legally appeal in this House to the Viceroy, as the representative of the Crown, I would have been perfectly satisfied because I know what are the feelings of the Viceroy. But when it comes to the Governor General in Council, you do not know what would become of it. Ghalib, that distinguished poet of India, has truly said of them:

Hamnē manū taghaful na karogē.

Khak hojaingēn ham tum ko khabar hone tak.

which means, "I admit that you will not be guilty of not taking care of our privations, but we would have been reduced to ashes before you turn your attention towards us".

This is really the attitude of the Government of India. As has been pointed out, they do things when it is too late. Really I cannot agree to the amendment which has been proposed by my friend Haji Abdoola Haroon, nor can I agree, after considering the attitude which Mr. Gandhi and his friends have taken after their release, to the amendment which has been tabled by my friend Mr. Amar Nath Dutt. I therefore stick to the workings of the Resolution itself and lend my wholehearted support to it, but not to the speeches which have been delivered in supporting it.

Mr. R. S. Sarma (Nominated Non-Official): Mr. President, I do not want to ruffle anybody's feelings, and I have no idea whatever of adding bitterness to this acrimonious debate, but I must confess that I am disgusted and have got sick of the expression "calm atmosphere" of which we have been hearing so much today. In trying to create what is called "a calm atmosphere", we are really creating, in my opinion, an atmosphere of unreality. It has now become a fashion with most Members of this House to refer, whenever there is a discussion on any political subject, to the "Simon Commission", to a "calm atmosphere", to "the dispassionate consideration of the questions", to the "great speech of the Premier", but I do not understand how these high-sounding words, which practically all the speakers today indulged in, have any reference to the issue before us. Here is a very clear Resolution for the withdrawal of the ordinances and other repressive legislation on the one hand, and a very reasonable amendment by my friend Haji Abdoola Haroon for the same purpose, but stipulating that that should be done practically simultaneously with the withdrawal of the civil disobedience movement. Sir, it is very difficult to understand what objection there can be to the acceptance of this very sensible amendment. I was listening to the speech of the acting, or I think Sir, to use the technical expression, the Vice-leader of the Opposition. The tenor of his speech was in conformity with the spirit of the amendment. To my mind, Sir, these ordinances, these arrests, these *lathi* charges, are all the inevitable and bitter fruits of this poison tree of civil disobedience, and so long as this poison tree is allowed to exist, no human agency can prevent the poison tree from bearing according to its kind. I think, Sir, that unless the civil disobedience movement is withdrawn once for all, the Government will have no other choice but to resort to these hateful repressive measures which nobody wants.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): You will have no chance of getting nomination in the Federal Councils at all.

Mr. R. S. Sarma: I quite realize that, Sir, I know also that everybody is disgusted with the civil disobedience movement but most of these patriots opposite think that a dramatic gesture, at this juncture, a little display of patriotism, a little cheap playing to the gallery, will be helpful in enabling them to come to the Federal Assembly. But that does not prevent me . . .

Mr. Gaya Prasad Singh: Reproducing his master's voice. (Laughter.)

Mr. President: Order, order. I hope Honourable Members will abstain from attributing motives.

Mr. R. S. Sarma: Mr. President, I am accustomed to such interruptions, especially from my friend Mr. Gaya Prasad Singh . . .

Mr. President: Order, order. Will you please proceed with your remarks?

Mr. R. S. Sarma: Sir, the amendment simply says or implies that this repressive legislation should be withdrawn simultaneously with the withdrawal of the civil disobedience movement. When my friend Sir Hari Singh Gour summed up this morning the position on behalf of his party, he said very clearly that the ordinances should be withdrawn, that he himself and most of his party members here and people outside wanted the civil disobedience movement to be called off. If that be so, why should you not support this amendment? The whole situation seems to be this that, while from their places here they have the courage to ask the Government to do this, that and the other thing, they cannot summon sufficient courage to ask the Congress leaders and the leaders of this destructive movement to stop the movement, but in this, I think, Sir, I should congratulate my friend Mr. Shah Nawaz, who was the only Member this afternoon who had the courage to openly condemn the civil disobedience movement and who made a vigorous appeal to the Congress and to those who were connected with it to stop the movement . . .

Mian Muhammad Shah Nawaz: Both to the Congress and the Government.

Mr. R. S. Sarma: As regards the Government, I think neither the convincing arguments of my friend Mr. Shah Nawaz nor the eloquence of Sir Hari Singh Gour was necessary to convince the Treasury Benches that it is politically expedient at this time to withdraw these repressive measures. It has been made abundantly clear by the Leader of the House this morning.

I should like, Sir, to refer to one point regarding Bengal to which the Honourable the Deputy President-aspirant from Burdwan referred this morning with great emotion, namely, the lathi charges and the police riot on the Independence Day and said that they disgraced the second day in the Empire! Sir, I was fortunately or unfortunately in Calcutta that afternoon, and I can say this much for the information of this House, that those who were in charge of the civil disobedience movement and the procession that day would have been able to prevent the whole trouble if they only had chosen to do so. During that week all the jute mills were not working and about three lakhs of coolies were on a holiday and were always looking out for some mischief, and this Bengal Provincial Congress

Committee intended to lead a procession with the help of these three lakhs of people. Honourable Members will realise what it means to have three lakhs of men having nothing to do parading the streets of Calcutta. In order to prevent mischief, there was a prohibitory order issued, and the Mayor of Calcutta, in contravention of that order, in spite of the Police Commissioner asking him to co-operate with him to see there was no trouble, disobeyed the order. The Mayor was asking for trouble. All this trouble on the Independence Day would have been avoided if the Congress leaders had really desired it. All their actions on the Independence Day seem to have been governed by one consideration only, namely, how to get for themselves the maximum amount of advertisement and how to get the maximum amount of odium on the Police.

Before I conclude, Sir, I should like to ask Sir Hari Singh Gour whether he could tell us what possible objection he could have to support the amendment of my friend Seth Abdool Karim. He was talking about his party this morning here. May I ask him what objection he and his party could possibly have to support this amendment?

Sir, one word more and I have done. I should like to draw the attention of Dr. Gour to a particular statement that has appeared this morning in the Press, from the eminent Leader of the Liberal Party, Sir Chimanlal Setalvad, in which he has said that the thing necessary for the creation of a calm atmosphere for the dispassionate consideration of the constitutional question and the Round Table Conference scheme was the simultaneous withdrawal of the civil disobedience movement and the repressive policy of the Government.

Mr. B. N. Misra (Orissa Division: Non-Muhammadian): Sir, the Honourable the Leader of the House just now said that the object of the Congress was the subversion of the Government established by law. I think he has entirely misunderstood the whole object of the Congress. Certainly, the Congress has nowhere done anything to subvert the Government established by law. All that it has preached and is preaching is about the swadeshi movement and the Khaddar movement. Is that tantamount to subversion of Government, I ask? Does it show that the Congress wants a different Government by a different nation? Sir, the Congress also carries on a vigorous propaganda against drinks. Sir, what ever may be the feeling about liquor amongst the European community, Indians are unanimous on the point that drinking of liquor should be stopped. It is only a moral dictate that would compel any people to prohibit liquor, and if the Congress has endeavoured to carry on a propaganda against the evil of drink and to prohibit the sale of drink, does it amount to subversion of Government established by law? If the ladies picketed, have they done anything to subvert Government? It was merely moral preaching. The same thing with regard to salt. We cannot enter into details at the present time, but these are the things that the Congress has done. How can the Honourable the Leader of the House and the Honourable the Home Member then say that it is an action calculated to subvert the Government? Now, take the ordinances. They are never passed by any Legislature. They are made by a particular person for a particular purpose. Therefore, I submit that the whole spirit of the Congress has never been to subvert the Government. On the other hand, the Government have done many things which compel Indians to

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resort to measures which are made punishable under the ordinances. In one word, let me say that the Congress is like Ram India fighting against the stealing away of Liberty Sita from India. If Indians want to prepare their own cloth and ask their compatriots not to use foreign cloth, is that a sin? You have a right to ask your brethren, your villagers, your countrymen not to drink. It is a just right; it is a piece of social service; but the Government interpret it as subverting the Government. I do not know what their universities teach them, what their Bible teaches them, or what their law teaches them; but we have been taught in our schools to be temperate, not to smoke cigarettes, not to drink. These are the things which we were taught in our schools and the Government regard them as subversion of Government established by law. I do not know what is meant by subversion of Government. What is the aim of the Congress? Have they done anything to turn out Sir George Rainy, or Sir George Schuster, or any other Member of Government? They have done nothing of the sort. Simply they preach what is natural, what any man with a conscience, with any education, with any knowledge, with any sincerity, would preach. They are described as encouraging violence and things of that sort. Who has done it? It is the Government by these *lathi* charges. You drive innocent people away with *lathis* as if you were *lathials* of petty Zamindars or *goondas*. That has been the attitude of Government in dealing with the Congress or the temperance movement. The Honourable Member told us that there is a no-tax campaign. No no-tax campaign has ever been begun in any part of the country. But Government imagine all sorts of things. You must remember that in this country ladies burned themselves to death to save themselves from violation of their chastity, and no lady will be afraid to do the same on behalf of her country if there be oppression. Let me tell the Government that if you want to suppress ladies, we Indians believe in *Punarjanma*, regeneration, in re-birth. We always believe in the immortality of the soul, and we have been taught by the Bhagavad Gita and other Sastras not to care for these mortal bodies. I ask have the Government succeeded in suppressing the people anywhere in India? Have they done it in Bombay, in Madras, in the Punjab or anywhere else? Have they killed their spirit? No. On the other hand, this suppressive, repressive or oppressive policy of the Government will only encourage their spirit and they will rise more and more. I am reminded at this stage of our *Chandi* *judh* where out of a drop of blood that fell up, sprang thousands of *Chandis*. I submit, Sir, that the present struggle is one of Ram—India against the stealing of Liberty—Sita by the British policy, by the kind of policy, like Churchillianism, or Dyerism or O'Dwyerism. (An Honourable Member: "or Arthur Mooreism.") Now, let me say that Mr. Ramsay MacDonald has made a declaration. He has come like Vibhishana to help in the fight of India, and it is for the officials, who have eaten the salt of India, to come and lend their aid. When Queen Victoria assumed the Government of India, she did so under an Act entitled, "For the better Government of India". Do you think that you will have better and better government by imprisoning thousands and thousands of people, or by taking away the liberty of the Indian people? What has the Congress done to destroy the commerce of India, or the industries of India? They have simply said, that foreign goods should not come to this country. That exactly is the thing that India

wants. But what the Commerce Member or the other Members of the Government want is the betterment of their own country, England. Let them place their hands on their breasts; let them feel in their heart of hearts, and say whether the Congress has done anything to harm Indian interests? Sir, I do not think that I need take up the time of the House any more, but I would implore the House to support the Resolution and I would request my Honourable friends Mr. Amar Nath Dutt and Seth Haji Abdoola Haroon to withdraw their amendments.

Several Honourable Members: Let the question be now put.

Sirdar Harbans Singh Brar (East Punjab: Sikh): I join with my Honourable friends, who have spoken, in the resentment that India feels at the repressive policy now pursued by the Government even after the release of the political leaders by the declaration of the Viceroy. I think that the whole trouble began, as has been previously remarked, with the Simon Commission. My Honourable friend Mr. Arthur Moore said that Mr. Gandhi got a chance, he was invited and he saw the Viceroy, but he did not avail himself of the opportunity. Perhaps my Honourable friend does not realise that Mr. Gandhi understands British diplomacy much better than many others. He asked for an assurance from the Government of India—not from the British Parliament—that they would stand by the demand of India when the time came, and if that assurance came forth, he said that he would take part in the Round Table Conference.

4 P.M. He realised, and he said, that the ultimate question lay in the hands of the British Parliament, and that the Government of India could not bind the British Parliament, but that they could commit themselves by saying that they would stand by the demand of the country. After having been given no assurance, he was left with no alternative but to do his level best, as he has been doing, to raise the standard of India in the eyes of the world—morally, materially and politically. Picketing is nothing but peaceful persuasion to better our own lot. America is much richer since prohibition. It has not wholly succeeded, but it will succeed. What Mahatma Gandhi says is that the *evil* of drink should be stopped. He does not force people, but persuades them. His followers ask the people to give up drink and secondly to boycott foreign cloth. All countries try to improve their own trade, to discourage imports and increase exports. There is no harm in it. What else do they do? They try to press the national demand upon the Government. The Prime Minister has made the statement that if the Congress gives up the civil disobedience movement, "We shall consider what safeguards we want to impose and what we can give India". In the same way, Mahatma Gandhi says, "Let my followers be released, and we shall dispassionately consider what could be done to bring the present situation to a peaceful settlement". The Congress leaders, when their followers are in jail, cannot commit themselves in any way. It would be very difficult for them to do anything without consulting the thousands and thousands of their followers who have gone to jail, are bearing the *lathi* charges and the tortures to which they have been subjected in the jails in the cause of the country. They have a right to be consulted before final terms are settled, and what answer do the Government give? The Government say, "No, let the civil disobedience be stopped and give a definite undertaking that it will not be started again". Once the civil disobedience movement is withdrawn, it will take another ten years to revive it,

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and the Government think that they can have another term of ten years without much trouble. From what we read in the papers, the Congress leaders quite understand the position and they are not going to fall a prey to these things. As for the promises by the Prime Minister, which were so much spoken of, even Lord Lytton admitted that the promises made to the ear have too often been broken by the Government of India and the British Government. For a complete year, India has been ruled more or less by ordinances alone. There have been no trials. People have been beaten, imprisoned, sentenced and submitted to torture and lathi blows, and the recent occurrences in Madras and Calcutta justify the attitude taken up by the Congress that the Government of India have so far not been sincere in their professions. The resolution passed by the Madras Council justifies it. As regards the treatment of the Press during this year of repression, the attitude of the Government has been one of discrimination. It has gone to the length of condemning as sedition the most innocent phraseology of nationalism. It allows the Anglo-Indian Press day by day to write highly objectionable articles against the children of the soil. While all this is allowed to be done with impunity, the answer given to it by the Indian Press is treated as sedition and as stirring up racial enmity, as bringing the Government into contempt and hatred, and all in the name of the so-called law and order. Freedom of speech is denied. Freedom of writing in the Press is denied. Expression of opinion is punished with very severe sentences of rigorous imprisonment under the ordinances and special laws. Even Mr. Benn has recognised that the:

"greatest of all State interests is the impartiality of the Law. By this is meant not the impartiality of our Courts and jurors alone but the impartiality exhibited by the department of public prosecutions in the initiation of proceedings."

What we see is that people are taken to the courts. They do not take part in the proceedings and they are sentenced and several thousands have gone to prison in this movement. I would now request the Government and the European Members to take into consideration the widespread feeling in the country. All people outside and the Members in this House, even in the opposite Benches, are not averse to appealing to the Congress to give up the civil disobedience movement, but sitting in this House we can only appeal to the Government because they are represented here. We can only appeal to them to do their part, and outside we shall do our very best to appeal to the Congress to do their level best to bring the present condition to a peaceful settlement. I think the lead given by His Excellency the Viceroy should be followed quite sincerely by the Government of India, and the persons now in jail should be unconditionally released. The Government should give up their steel frame attitude in all matters and respect the feeling of the people. President Wilson remarked that the world is to be made safe for democracy, but what we find from the Members of the Treasury Benches sitting opposite is that what they consider safe for India is only autocracy. I think that after the experience of the national movement for over a year and the sacrifices made and the feelings expressed, it is now time that the Government should give up their attitude and make India safe for democracy by adopting conciliatory methods, by releasing the prisoners unconditionally, who have gone to the jails in the cause of the civil

disobedience movement or in the cause of the national movement which has been going on for the last one year.

Several Honourable Members: I move that the question be now put.

Mr. President: I think the discussion has proceeded sufficiently long and I leave it to the House to decide whether they wish to proceed with the debate or bring it to a close.

The question is that the question be now put.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, before the division takes place, I wish to make a motion. I wish to move, Sir, that the discussion on this motion be postponed *sine die*. Both sides, I think, have heard what each has had to say, and I think this is one of those occasions when we must have time to reflect. I therefore move, Sir, for the postponement of this debate *sine die*. (Hear, hear.)

The Honourable Sir George Rainy: I am quite ready, Sir, to agree to that motion.

Mr. President: Is it the pleasure of the House that, before a division is taken, this motion should be put to the House?

(Several Honourable Members nodded assent.)

I take it, then, that that is the pleasure of the House.

The question is that the consideration of this motion be postponed *sine die*.

The motion was adopted.

Mr. President: I should like further to ascertain the view of the House as to whether they wish to proceed with the other Resolutions on the paper or wish me to adjourn the House.

Several Honourable Members: Adjourn, adjourn.

Sir Hari Singh Gour: We would like an adjournment, Sir. Several of us have been invited and we want to go.

Maulvi Muhammad Yakub: Moreover, Sir, this is the month of Ramzan and it will be difficult for the Moslem Members to remain longer.

Mr. President: I have tried to ascertain—it being rather early to adjourn—the view of the House before I exercise my privilege of adjourning the House. I should like to know again whether there is a general feeling that the House should now adjourn without dealing with the other Resolutions on the agenda.

Several Honourable Members: Adjourn, adjourn.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th February, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 9th February, 1931.

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

MEMBER SOWN:

Mr. N. M. Joshi, M.L.A. (Nominated Non-Official).

DEATH OF PANDIT MOTILAL NEHRU.

The Honourable Sir George Rainy (Leader of the House): We meet today, Mr. President, under the shadow of bereavement. India is the poorer by the removal of Pandit Motilal Nehru, who for the last ten years has held a foremost place in the public life of the country. Of his policies and of his achievements, this is not the time or the place to speak; so far as he is concerned, the chapter is closed and the record sealed up to await the judgment of history. That he will fill a large place in the pages of the historian, none of us can doubt, and however the value of his work may be assessed, no one will question his whole-hearted devotion to the interests of India as he conceived them, or impute to him any motive other than an honest desire to serve his country.

There are many in this House, Mr. President, who can speak of Pandit Motilal Nehru from a greater degree of intimacy than any that I can claim. But he had a personality which impressed itself on the most unobservant. Eminent as a lawyer, eminent as a speaker and in the first rank as a political leader, he could not but take a foremost place wherever he might be, whether within these walls or outside them. The quickness of his intellect, his skill in debate, his adroitness as a tactician and his strength of purpose rendered him a formidable adversary in controversy. These qualities were there for all to see, but he had other qualities which lent distinction to his character in private life as well as in politics, and it is these I most often recall. An endearing courtesy, a ready sense of humour, a freedom from malice and bitterness and a wide and deep culture rendered him unrivalled as a host and the most charming of companions. We shall not again see in this House his well-remembered figure, but we shall often recall that exquisite neatness of his attire which aptly symbolised the clean fighter and the great gentleman, and that impressive face, deeply lined and care-worn, on which character and intellect were so deeply imprinted.

On behalf of the Government of India, Mr. President, I have tried to say something of what is in our minds and hearts, and I am authorised to say that His Majesty's Secretary of State for India desires to be

[Sir George Rainy.]

associated with our expression of regret and sorrow. I believe it would be in accordance with the wishes of every one in this House, Mr. President, that you should convey to the family of the deceased our sense of loss and our deep sympathy in their bereavement.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, it is with a heavy heart that I rise to support the Resolution that has been moved by the Leader of the House. He said that there are many in this House who must be more intimately acquainted with Pandit Motilal Nehru than the distinguished occupant of the Government Bench. Sir, I happen to be one of those who were friendly and intimate with the late Pandit Motilal Nehru for at least forty years. I knew Pandit Motilal Nehru as a lawyer, as a politician and as a gentleman, and I can vouch for the fact that as a lawyer he was as clean a fighter as he was as a politician. He was, Sir, a self-made man. He easily distinguished himself at the Bar of Cawnpore, and from there he shifted his practice to the High Court at Allahabad, from where his name and fame soon spread throughout the land. Up to about ten years ago, there was not a single *cause célèbre* in the United Provinces and the adjoining provinces where Pandit Motilal Nehru's services were not requisitioned. He had amassed a great fortune, and when he found that the call of his duty demanded his sacrifice, without a moment's hesitation, he gave up his large practice and dedicated the rest of his life to the service of his Motherland. Sir, the history of Pandit Motilal Nehru from the year 1920 down to the date of his death is well-known to his fellow countrymen. In the second Assembly, he came as a Leader of the Opposition, and in the third Assembly, he continued to guide that well disciplined body of Swarajists whom he led. Feeling that his work outside the Assembly called him, he left the Assembly, and since then, he had been devoting his life to the service of his Motherland. Sir, Pandit Motilal Nehru not only sacrificed his life, but his liberty, for the service of his countrymen and we feel today that India is the poorer for his death. Sir, I remember the day when he tabled his celebrated Resolution for the calling of a Round Table Conference. It is a sad sight, Sir, that while the Round Table Conference has closed, he who sowed the seed of the Round Table Conference should not have lived to garner the harvest. I am sure, Sir, that if he had lived, he would have felt that the work, that he had begun and in consequence of which the Round Table Conference was called, had ended in formulating a constitution for this country which was well worthy of his consideration. Sir, Pandit Motilal Nehru had personal friends in this House and outside, and I am certain that while he came in close contact with all sorts and conditions of men, there is not one today who does not mourn his loss. In the loss of Pandit Motilal Nehru, India has lost a great patriot, a great leader, a great friend, and above them all, one who had consecrated his life for the good of his fellowmen. Sir, the effect of his loss will be felt not only in India but in countries outside of it, because Pandit Motilal Nehru was not only known in this country but was also known to people outside it. Sir, I feel that as a Member of this House I should ask it to adjourn today out of respect to the memory of the deceased. As I have said, and as the Leader of the House has pointed out, Pandit Motilal Nehru was the

Leader of the Opposition in this House, and it would be befitting that we commemorate this event by closing all business for the day. I hope the House will agree with me.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I also rise to join in mourning the sad death of Pandit Motilal Nehru. Sir, there are occasions when words are a very inadequate medium for conveying one's feelings, and this is one of those occasions when no words that I can command can adequately express the feelings which I have in my mind. It is said, and truly said, that calamities do not come alone. India had not yet survived the shock which she received on account of the sad death of Maulana Muhammad Ali when another calamity has befallen this unhappy country in the death of Pandit Motilal Nehru. Pandit Motilal Nehru is not dead. As Mr. Gandhi remarked before his bier, he will live long. Hafiz Shiraz, the famous poet, says:

*Hargiz Namirad āñkeh dilash zinda shūd bá ishq
Sabt ast bar jarida-i-ālam dawām-i-shān.*

"Never will die the man whose heart is enlivened with love." (Of course with the love of one's country and motherland) "His name will always remain in the history of the country in golden letters."

But in fact it is a misfortune that we have lost him at a time when his services were mostly needed by his country. Sir, we know that the Prime Minister of England, in his last speech at the Round Table Conference, said that it was unfortunate that there was no settlement of the question of minorities, and the differences between Hindus and Mussalmans could not be settled at that Conference and therefore he left the question to be settled among ourselves. We know that in India nobody was more fitted to handle this question and there was no one who could settle this question in a more amicable manner than Pandit Motilal. Pandit Motilal Nehru, as we know, began his education with a Muslim Maulvi. He adopted the Muslim culture, and I can say that there is nobody now in India among the Hindus, except Sir Tej Bahadur Sapru, who in culture can pass as a Mussalman in the society of educated Mussalmans. His influence was as great among the Mussalmans as it was in his own community, and therefore his death at this time is nothing short of a great national calamity. I need not detain the House very long by recapitulating the history of his life. It has been published in all the papers all over the country, and in this House it has been outlined by the Leader of the House, and my Honourable friend Sir Hari Singh Gour. I only wish you, Sir, to convey our sense of grief and sorrow to that noble lady, his consort, who throughout his life shared his sorrows and his pleasures, and who up to the end was fighting with her noble consort the battle for the freedom of India. You should also convey our sympathy to his great son, a worthy son of a worthy father, Pandit Jawaharlal Nehru, who has already made his mark on the public life of the country, and I hope that Pandit Motilal's mantle will befittingly fall upon his shoulders.

With these words, I associate myself with the motion which has been moved by the Leader of the House.

Sir Hugh Cocke (Bombay: European): Sir, it is always a privilege to be associated in a tribute to a great man, and we on these Benches are only too anxious to join in this tribute and in the expression of our sympathy with Pandit Nehru's widow and in our desire that this House should adjourn out of respect for his memory. Pandit Motilal Nehru

[Sir Hugh Cocke.]

was not only a very distinguished Member of this House, but he was a very delightful personality, and those of us who have been in this House with him remember the many occasions on which we had the benefit of his advice and his friendship. We did not know him in his early years, but we have read of his accomplishments, first as an advocate with his excellent abilities in argument, pleading and advocacy, and later as a politician who in his earlier years I find described as one of the moderate politicians of India. I pass over those times when I had not the privilege of his friendship, and come down to the days when I and others knew him in this Assembly as a stern and strong advocate of Indian aspirations. It is sad that Pandit Motilal should have been taken away—sad from his point of view particularly—at a time when his work appeared to be bearing very noble fruit, and it is sadder still I think for India that he should have left us at this particular time. His example is one which I am sure we can all follow in many ways. He was a great exponent of Indian nationalism. He was not only that. He was always ready with his genial character to enter into discussions with us in the lobby on any matter which interested India. He brought to this House his great experience and ability in advocacy and used it in his country's cause. I say no more in his memory, a memory which is a very real one in this House, the memory of a man who fought hard for India's attainment in the realm of nations, a respected and respectful opponent and a very worthy friend.

Raja Sir Vasudeva Rajah (Madras: Landholders): Mr. President, on behalf of the Landowners' group in this Assembly, I should like to associate myself with the observations that have been made by the Leader of the House and the speakers who preceded me on the great loss the country has sustained in the passing away of Pandit Motilal Nehru. Sir, there is no one here or outside, whatever his politics or predilections, who does not share in the grief caused by the great leader's death. His Excellency the Viceroy, when he expressed his and Lady Irwin's regret at the sad news of Pandit Motilal's death, and sent to Mrs. Motilal Nehru and her family a message of "most sincere sympathy" in their "sorrow", was not only speaking for himself and Lady Irwin, nor even for the entire body of officials whose administrative head he is, but for the country as a whole. When the dust and storm of controversy subside, when India has taken her place in the comity of Nations, Pandit Motilal's name will be gratefully remembered as one of her master-builders. He had placed in the service of his country all his resources and the great intellectual powers with which Providence had abundantly endowed him. An unsurpassed success in his own profession, he was almost unequalled in his capacity for sacrifice in his country's interests according to his own lights. He died full of years and full of honours, and his name will live in history as a maker of modern India. It is gratifying to feel that when the shades of death were gathering thick on him, he must have had supreme satisfaction in having been able to witness the dawn of a new and happy era of great promise which has brightened the Indian horizon. We share in the deep sorrow caused by his great loss and offer our sincere sympathies to the members of his family through you in their bereavement.

Mr. T. E. Phookun (Assam Valley: Non-Muhammadan): Sir, on behalf of my province and on my own behalf, I beg to associate myself with what has been said by the Leader of the House and the Honourable gentlemen who have spoken on the subject. I feel overwhelmed with grief in mourning the death of Pandit Motilal Nehru, because his loss is irreparable, and my grief is all the more great because I had the privilege of his personal friendship. His was a towering personality, as everybody will admit, not only in the field of politics but in almost all spheres of life. His immense sacrifice, his indomitable courage even at his age and with his state of health brings him to the forefront of patriots. Sir, a hero of a thousand battles, I wish that his soul may rest in peace and will inspire us and lead us from victory to victory in this our great fight for freedom.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I beg to associate myself with what has been said about Pandit Motilal Nehru by the Leader of the House and my friends. His death at this momentous time has caused an irreparable loss to this country. He was not only a politician of great eminence but he was a gentleman of true type. His effort to bring about Hindu-Muslim unity was the outstanding feature. It is up to us all to follow his noble example. He came to this Assembly in the year 1924 and from the discharge of his duty as Leader of the Opposition we found that this Assembly got its life and dignity. People of this country began to think since then that this country had got a Parliament of its own and it was really a representative gathering where important matters could be discussed. Sir, as Leader of the Opposition, he has impressed not only his followers, but many of us, including Members of the Treasury Bench. He was a great personality in the House and he commanded great respect equally from his friends and foes for his charming manners and clean methods of fighting. His social life in the country as well as amongst the Members of this Assembly was remarkably friendly. As far as I know, Sir, he was eminently a constitutionalist, and was only driven occasionally to extremism by others and outside influences. He was a great lawyer of exceptional ability and he earned a reputation at the Bar. I remember while he was carrying on the big propaganda of Swarajism against the Simon Commission in the year 1928, he appeared in a case in which both he and Sir John Simon had worked together. He was a great friend of us. He loved his country, loved his people and his friends equally. We were grieved and shocked to hear of his death in the early hours of last Friday, the 6th February. The country became so dull; the streets of Delhi looked like desert places. People looked lifeless. Work in the business places and in the markets all stopped, and the town became dull and sad at this bereavement. Indian political life has become poorer by his death and the country has suffered a great loss. His life was a life of struggle and of the greatest sacrifice a man of his distinction ever made. He was a personal friend of mine; and I was intimately known to the members of his family—I knew each and every one of them. I used to meet them during the Session and they were all so accomplished and social that it was a great pleasure to mix with them from time to time; and therefore it is really a matter of great regret today that we shall no longer get a chance in this world of seeing our friend, the late Pandit Motilal Nehru.

[Mr. K. Ahmed.]

It is only right, Mr. President, that this Assembly should adjourn for the day out of respect to the great personality who has gone from our midst. He has passed away from us and we will not find him any more. He has served his country and served his people.

Sir, I associate myself entirely with what has been said by the previous speakers and support the motion of the Honourable the Leader of the House that our feeling of regret at the sad bereavement should reach his devoted wife, Mrs. Motilal Nehru, his son and daughters, and his relations.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I rise to pay my tribute of tears to the great leader of Indian nationalism. One of the brightest stars in the political firmament of India has passed away from our midst at a time when the country needed most his sage and wise guidance. Sir, his was a dynamic personality. A born leader of men, he guided the political life of India for a decade with great success. He was the prophet of Indian nationalism. I had the privilege, along with many others, of sitting at his feet to learn political lessons, which has stood us in good stead in after life. Sir, our hearts are now too full to give adequate expression to what we all feel. About his career as a lawyer, his eminence as a politician, enough has been said by the previous speakers and I will not reiterate it. Sir, I offer my respectful homage to our departed leader, of whom it can be justly said,—

"Life's race well run,

Life's work well done,

Now comes rest."

I trust and hope that he will ever guide and watch our work here on earth from heaven and lead us to salvation.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, Pandit Motilal Nehru's death has come at a time when India could ill-afford it. When we needed him most, he has been taken away from us. This is a time when we require men of his strong character, strong calibre and men who can create public opinion in India, men who enjoy the confidence not only of their own communities but the confidence of other communities as well. Pandit Motilal Nehru was one of the foremost leaders of India who had among Mussalmans not only many personal friends but a large following. He had the confidence of his own community and of other communities as well. Men of his character and ability are required when we are going to settle many of those intricate problems which cannot easily find a solution in the future constitution of the country. People of Motilal Nehru's ability are very few in our country, and therefore his loss is all the greater at this juncture. Pandit Motilal Nehru had a liberal mind and he was one of those politicians who always liked to see the other man's point of view as well. He not only impressed on the public the point of view which he had in his mind, but he was equally ready to see the point of view of other communities; and therefore, Sir, his loss at the present time is all the greater, although at any time his loss would have been great to India. We feel it more. Pandit Motilal Nehru, Sir, was a great friend of mine and of my family. He had been our lawyer for a long time, and I met him for the first time when I had no concern with politics at all. I had known him as a great

friend, and my province, Sir, feels the loss greater, because he was one of the foremost people in the United Provinces who enjoyed the confidence of the entire public, irrespective of caste or creed. I remember, Sir, in 1916, when Pandit Motilal Nehru was thinking of standing for the Imperial Legislative Council and there was going to be a tug of war between several candidates, Pandit Motilal Nehru was the only man who had the solid support behind him. There was not a single Mussalman who was not ready to vote for Pandit Motilal Nehru. He had such a great hold, Sir, in my province. Since then, Sir, he became the foremost leader of India, and my province along with the whole country mourns his loss. Sir, I on behalf of my Party associate with every word which has fallen from the Honourable the Leader of the House, and I wholeheartedly support the suggestion made by the Vice-Leader of the Opposition Party that the business for today may be adjourned as a mark of respect to the memory of the departed soul.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, though my lips are dry and my language fails to give adequate expression to my feelings owing to overwhelming grief, still I venture to stand on my legs because I feel that I should just express my thoughts at least to endorse every word that has fallen from the Honourable the Mover of this Resolution. Sir, recently I had been to Allahabad when I heard of the illness of Pandit Motilal Nehru, and even when he was in such a bad condition of health I saw he was full of patriotic zeal and he said that we had achieved Swaraj that a radical change had come over the political condition of the country. Sir, the country can ill-afford to lose such a leader as Pandit Motilal at this juncture, and it is our peculiar misfortune that we are here today to mourn the loss of such a great patriot who served this country so well. In this connection I should remind every Member of the Opposition Benches to remember the words uttered by Mahatma Gandhi and other leaders, who attended the funeral ceremony which was held at Allahabad, and I would also appeal to the Government to change their policy and stand shoulder to shoulder with the people of the country and try to make the new constitution a success.

Mr. S. O. Shahani (Sind: Non-Muhammadan Rural): Sir, I rise to join in the homage that is being most fittingly paid to the sacred memory of the late Pandit Motilal Nehru. The mourning in the country over his death has been unparalleled in its poignancy. The congregations of people at the portals of his temporary residence in Lucknow, the congregations for his *darshan* at the portals of his residence in Allahabad and the congregations on the banks of the Sangham, as also the mammoth meetings held all over the country, go to show that he was deeply respected and deeply loved by the people at large. One can easily see why the feeling of the people of this country over his death has been so profound. The hopes of this country have been centered in two men, one of whom has been Pandit Motilal Nehru. Gandhiji has been the soul of the nationalist movement, but Pandit Motilal Nehru has been the brain of it. Pandit Motilal guided the nationalist movement in the country wisely. He was most wonderfully constituted in his mind. His success in the legal profession was phenomenal; and after he gave up his legal practice to serve his country, the part that he played was altogether unsurpassed. We know how he decided to enter the Councils, contrary to the wishes

[Mr. S. C. Shahani.]

of Gandhiji himself. He was a constitutionalist at heart, and wanted to advance the cause of his country through constitutionalism. He, at first, incurred the displeasure of the whole country for entering the Councils; and yet the part that he played in the Councils earned him the gratitude of all the people who revered him for his determination to correlate the work in the country to the work in the Councils. We also know how his reports have been classic documents. The Report that he put forth on the occasion of the martial law and the Dyerian deeds in the Punjab will undoubtedly be considered a classical work. It presents in a most moderate and reticent manner the peoples' case. Then the Nehru Report which he put forth will be considered as a masterpiece of statesmanship. No doubt, it had to be withdrawn on account of communal opposition, but when passions cool down and when communalism looks beyond its immediate narrow objects, it will be recognised that it is the only document which lays down the lines on which the problems of the country can be solved. When his suggestion with regard to an amicable settlement of the Indian question by a Round Table Conference was unheeded, and later when the Simon Commission was appointed in the face of universal condemnation, he decided to throw in his lot, constitutionalist as he was, with his own son; and we know how he sacrificed himself in the fight for freedom, how he went to jail and how he endured the suffering to which he subjected himself. He dies in 1931 when his own suggestion with regard to the settlement of the country is nearing fruition. It is a pity at this time we shall have to go without his sage counsels. But the truest resolve on the part of the country would be to determine to carry on the campaign chalked out by him vigorously. Meanwhile, we should all combine to send our respectful condolences to the bereaved family, and according to me, to Gandhiji too, whose devoted and loyal friend he ever was, and who in his turn loved to be guided by his counsels.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): As one who was most intimately associated with the great Pandit for about fifteen years of his public life, which was a privilege, and as one who had the misfortune to measure swords with him towards the evening of his life, I think I owe it to myself and to the great departed, Sir, through your courtesy and this opportunity, to associate myself with the observations that have fallen from the previous speakers. Well might it be said on an occasion like this that the good that men do lives after them, the evil is oft cremated with their bones. So let it be with the Pandit. Sir, his greatest good for the greatest number was the immolation of his life at the altar of his beloved Motherland. He was a great fighter all his life. He fought for his clients in good old days when he was a giant at the Bar, pitted against great legal giants like Dr. Sir Sundar Lal. Later on, he suspended his practice, rode into the non-co-operation movement and faced jail itself only to emerge from it to fight again. He always fought for what he thought was right and proper. Sir, He fought the No-changers in the Indian National Congress when they resisted Council entry, side by side with the Tilak of Bengal, the greatest man of his day—Deshabandu Das, with whom it was my privilege then to travel long distances and address meetings. Pandit Motilal Nehru fought against the Hindu Mahasabha because he felt at the last but one General Election

that he must fight it on behalf of the Congress, and he fought it as only he could have fought though the tide was against him then. That was a trying time when it was my privilege to stand close to him and join in the fight. Again, Sir, he fought when conviction came to him, and with that conviction, courage, when he left this Chamber riding again into the centre of the civil disobedience movement, and to jail itself. He was a great fighter, he fought always, as the Leader of the House has said, with clean weapons. He fought sometimes with a bludgeon, sometimes with a rapier, sometimes, alas, even with a boomerang, but he fought well and fought powerfully. To him, the fight was a fight for the right, and "to follow right because right is right were wisdom in the scorn of consequence". Like the Happy Warrior, he comprehended his trust, and to the same kept faithful with a singleness of aim. Finally, as Maulvi Muhammad Yakub has truly said, men like Pandit Motilal Nehru do not die; alike are life and death when life in death survives and the uninterrupted breath inspires a thousand lives.

Mr. President: Gentlemen, I should like to associate myself with the Honourable the Leader of the House and other Honourable Members who have spoken on this mournful occasion. I would only add one word to the tribute that has been paid to the memory of Pandit Motilal Nehru, and that is, that it is most unfortunate that he should have been taken away at the present juncture in the history of our Motherland when his services would have been most valuable. The present position is such that all national leaders are required to rise above the situation and to help in the promotion of the political progress of our country. That Pandit Motilal Nehru, one of the foremost national leaders, should have been taken away is a matter of extreme regret.

Agreeably to the wishes of this House I shall convey a message of sympathy to the members of the bereaved family.

I take it that it is the general desire of the House to adjourn without transacting any business as a tribute to the memory of the departed leader, and in response to that desire, I now adjourn the House to 11 o'clock on Wednesday next.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th February, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 11th February, 1931.

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

MEMBER SWORN IN

Mr. U. Tun Aung, M.L.A. (Burma: Non-European).

QUESTIONS AND ANSWERS.

DIFFICULTY IN CASHING INDIAN CURRENCY NOTES IN THE HEDJAZ.

367. ***Kunwar Hajee Ismail Ali Khan:** (a) Are Government aware that a large number of counterfeited Indian currency notes are in circulation in Hedjaz and in consequence Indian pilgrims are finding great difficulty in cashing genuine Indian currency notes?

(b) Are Government aware that Indian Hedjaz pilgrims are advised by several newspapers to take money in cash with them to Hedjaz owing to the difficulty in cashing currency notes?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to inform the Assembly what facilities are given to Hedjaz pilgrims to convert their cash into gold coins, which are more acceptable than currency notes in Hedjaz?

(d) Are Government prepared to issue a circular letter to all the District Treasury Officers to help the Indian pilgrims in converting their cash into gold coins at the current rate of the market?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Government believe that the fact is as stated.

(b) Yes.

(c) and (d). The Government of India do not consider it necessary to issue instructions to District Treasury Officers on the lines suggested by the Honourable Member. The exchange between rupees and the Hedjaz currency is now stabilised and Indian rupees are readily accepted in payment in the Hedjaz. Various Indian mercantile firms have branches both in India and Jeddah and *hundis* which can be cashed in Mecca and Medina are readily available. Messrs. Thomas Cook and Co.'s circular drafts, which are obtainable in the Indian ports of embarkation, are easily cashed in Jeddah.

Mr. Muhammad Anwar-ul-Azim: Will the Honourable Member kindly tell us whether the Imperial Bank of India or the National Bank of India have got any branch either at Jeddah, Mecca or Medina?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have no information, Sir, on that point.

COMMUNITIES REPRESENTED IN APPOINTMENTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

368. ***The Revd. J. O. Chatterjee:** (a) Will Government be pleased to state the number of Muhammadan, Bengali, Sikh and Indian Christian clerks in the Central Public Works Department?

(b) Is it a fact that 14 clerks were appointed last year? If so, will Government be pleased to state the number of Muhammadans, Bengalis, Indian Christians, etc., appointed?

(c) Is it a fact that some reduction is being contemplated shortly in the Central Public Works Department? If so, will Government be pleased to state the number of Muhammadan, Indian Christian and Hindu clerks proposed to be brought under reduction?

(d) Will Government be pleased to lay on the table a statement showing the amount spent on Hindu, Muhammadan and Indian Christian clerks in the Chief Engineer's Office, Central Public Works Department, from the 1st January, 1930 to 31st December, 1930, as compared with the total salary and allowances drawn by the clerical establishment of these offices?

(e) Will Government be pleased to state the present number of Hindu, Muslim and Indian Christian Assistants in the Central Public Works Department?

(f) Will Government be pleased to state what steps have been taken or are proposed to ensure an adequate representation of persons belonging to minority communities in the Central Public Works Department and the Chief Engineer's Office?

Mr. Tin Tat: (a) and (e). The statistics asked for by this Honourable Member are contained in a statement which I place on the table.

(b) The reply to the first part is in the affirmative. The Honourable Member will find the figures in the statement to which I have referred.

(c) The reply to the first part is in the affirmative. The matter is still under consideration.

(d) The required information is not readily available, as no such returns are maintained.

(f) In making new appointments, due consideration is given to the adequate representation of minority communities.

Serial No.	Particulars	Details by various communities.							
		Muham- madan.	Bengalis.	Sikhs.	Indian Christians.	Hindus.	Jains.	Europeans and Anglo- Indians.	Total.
1	Strength of Clerical Establishment in the Central Public Works Depart- ment.	56	3	1	3	141	5	3	212
2	14 Clerks appointed in the Central Public Works Department in 1930.	5	..	..	1	7	1	..	14
3	Assistants employed in the Central Public Works Department.	10	2	..	1	41	1	1	56

COMPLAINTS AGAINST THE SUPERINTENDENT OF POST OFFICES, MALABAR DIVISION.

369. *Mr. S. C. Mitra: (a) Will Government be pleased to state how many Muhammadans have been entertained in the Postal Department in the Malabar Division by the present Superintendent of Post Offices? If no Muhammadans have been entertained at all, was it because of lack of applicants?

(b) Is it a fact that the majority of candidates entertained by him are Christians and, if so, what are the reasons for the same?

(c) Is it a fact that the Superintendent of Post Offices, Malabar Division, is subjecting the Hindu and Muhammadan subordinates under him to frequent transfers?

Mr. K. Ahmed: I rise to a point of order, Sir. My point of order is that there is a strict rule in the Standing Rules and Orders contained in the Manual of Business and Procedure of the Legislative Assembly which says that no question should be repeated in this House unless one year has elapsed: and this question 369, Sir, is a question identical, word for word, comma for comma and semi-colon for semi-colon and full-stop for full-stop, with question No. 465, the only exception being that the latter question is to be put by Mr. Thampan and this question 369 is put by Mr. S. C. Mitra. If the rules are not strictly observed, then in the result it comes to this.

Mr. C. C. Biswas: Sir, is the Honourable Member in order in making a speech on a point of order?

Mr. President: He is entitled to explain what his point of order is.

Mr. K. Ahmed: Gradually, the Honourable Member from Bengal who is new in the Assembly, will be familiar with the point. Now, Sir, I submit that the rule about ten days' time before which a question should not be answered is a little duty which is cast on the Secretary probably not only of the Department of the Legislative Assembly alone but of the Legislative Department also; and, therefore, Sir, as soon as notice is given ten days before the question is answered, within that time the Secretariat of the Legislative Assembly Department or of the Legislative Department should exercise their power and do a little work in order to find out whether or not these are questions which have been repeated, as is done on the same agenda of business. I submit, Sir, this sort of irregularity should not crop up again.

Mr. President: I take it that the Honourable Member raises the point of order under Standing Order 70?

Mr. K. Ahmed: Standing Order 70 at page what?

Mr. President: Order, order. I want the Honourable Member to tell me under what Standing Order he has raised this point of order.

Mr. K. Ahmed: Well, Sir, this is a new copy which I have just got. (Laughter.) But from general experience you will allow me, Sir, to tell you that it is quite correct that no question should be repeated in the Assembly unless 12 months have elapsed.

An Honourable Member: There is no such Rule or Standing Order.

Mr. President: I take it that under Standing Order 70 there is a provision of the kind that the Honourable Member has mentioned. But that Standing Order refers to Resolutions only. It says:

"When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year."

An Honourable Member: Why not extend the principle?

Mr. K. P. Thampan: May I explain the position, Sir?

Mr. President: Order, order. Standing Order 31 refers to the same Session, and even there it says that "a motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session." That deals with motions. There is no such Standing Order as would justify the point of order being held good, and I therefore rule that the question is perfectly in order.

Mr. K. Ahmed: I take it, Sir. . . .

Mr. President: I have given my ruling, and I cannot allow any further discussion.

Mr. H. A. Sams: (a) to (c). Information has been called for.

SUPPLY TO MEMBERS OF COPIES OF ACTS BEING AMENDED.

370. *Mr. S. C. Mitra: (a) Is it a fact that in introducing supplementary and amending Bills, copies of the main Bill are not supplied to the Assembly Members?

(b) Are Government aware that Members suffer great inconvenience on that account?

(c) Has any complaint been made on the floor of the House about this?

(d) Do Government contemplate in future to supply copies to Members of the main Bill also?

Sir Lancelot Graham: (a), (b), (c) and (d). I presume that by the expression "main Bill" the Honourable Member means the "principal Act". If so, the Honourable Member is referred to the reply given to Mr. Lalchand Navalrai's identical question No. 664 printed on pages 1934 and 1935 of the Legislative Assembly Debates of the 19th March, 1930.

SUMMARY DISMISSAL OF MUSTAFA, AN INKMAN IN THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

371. *Mr. S. C. Mitra: (a) Is it not a fact that under the Government Servants' Conduct Rules as well as Civil Service Rules and Regulations the services of a Government employee can not be dispensed with, on a charge of misconduct without any proper inquiry being held on the explanations submitted by him?

(b) Is it not a fact that the Honourable Sir Bhupendra Nath Mitra stated in the Legislative Assembly in answer to the starred question No. 632, dated 18th September, 1929, that no Government servant can be dismissed from his appointment on a charge of misconduct otherwise than after due inquiry?

(c) Is it not a fact that Mustafa, an Inkman in the Eastern Bengal Railway Press, Sealdah, Calcutta, a permanent employee of 10 years' standing, has been summarily dismissed without having an opportunity to lay his explanation before the authorities?

(d) Is it not a fact that the Organising Secretary, Press Employees' Association, Calcutta, a registered and recognised body, addressed a letter to the Superintendent, Eastern Bengal Railway Press, Sealdah, Calcutta, on 1st September, 1930, in connection with the dismissal of the Inkman, Mustafa, a member of the said Association?

(e) Is it not a fact that the Honourable Member in charge Railways and Commerce, received a letter dated the 24th September, 1930, from Babu Ramesh Chandra Dhar, Pleader, Calcutta, written on behalf of his client Mustafa for an independent and impartial inquiry into the matter?

(f) Is it not a fact that Government have received a copy of the resolution passed in a mass meeting of the employees of the East Indian Railway and Eastern Bengal Railway Presses, Calcutta, held at Calcutta on 5th December, 1930, under the presidency of Mr. S. C. Mitra, M.L.A., drawing attention to the resolution No. 7?

(g) Is it not a fact that the Agent, Eastern Bengal Railway, Calcutta, received a letter dated the 27th December, 1930, from Babu Ramesh Chandra Dhar, Pleader, Calcutta, emphatically denying the alleged admission of fault by his client Mustafa?

(h) If the answers to (d) to (g) are in the affirmative, will Government be pleased to enlighten the House with the contents of that correspondence and the action taken or intended to be taken on the letter referred to in part (g)?

(i) If the answers to (a) to (c) are in the affirmative, will Government be pleased to state the reasons of (c)?

Mr. A. A. L. Parsons: (a) The matter referred to by the Honourable Member as affecting subordinate employees on State-managed Railways is dealt with in the rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, a copy of which is in the Library. No employee is dismissed or discharged without due enquiry.

(b) Yes.

(d) and (g). Government have no information.

(e) & (f). Yes.

(c), (h) and (i). Government propose, in view of the Honourable Member's question, to call for a full report from the Agent, Eastern Bengal Railway, about the alleged dismissal of the employees referred to. The Honourable Member will be informed in due course of the action Government propose to take on the Agent's report.

MEDICAL CERTIFICATES SUBMITTED BY EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

372. ***Mr. S. C. Mitra:** (a) Is it a fact that the certificates of unfitness on account of sickness obtained by Government employees from registered medical practitioners, are accepted by the authorities of all Government offices?

(b) Is it a fact that the authorities of the Eastern Bengal Railway Press, Calcutta, do not accept the certificate of unfitness due to sickness obtained from the registered medical practitioners in manuscript by their press employees living beyond the jurisdiction of the Railway Medical Officer?

(c) Is it a fact that according to the circular of the Agent of the Eastern Bengal Railway, Calcutta, a medical certificate granted in manuscript by the registered medical practitioners may be submitted by the employees of the Railway residing outside the jurisdiction of the Railway Medical Officer?

(d) If the answers to (a), (b) and (c) are in the affirmative, will Government be pleased to state the reasons of (b)?

Mr. A. A. L. Parsons: (a) Yes, in respect of non-gazetted Government servants, except employees on State-managed railways who, subject to certain exceptions, are required to produce certificates of unfitness from railway medical officers.

(b), (c) and (d). I have called for information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

PAY OF MACHINEMEN AND BINDERS AT THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

373. ***Mr. S. C. Mitra:** (a) Is it a fact that the binders and the machinememen of the Government of India Press, Calcutta, are on the same class rate?

(b) Is it a fact that the machinememen of the Eastern Bengal Railway Press, Calcutta, have been placed on a higher pay than the binders? If so, why?

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

(b) In the Eastern Bengal Railway Press, machinememen are rated higher than binders as the character of the work performed by them is more valuable than that performed by binders in such presses.

MACHINES PURCHASED AND SOLD IN THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

374. ***Mr. S. C. Mitra:** Will Government be pleased to lay on the table a statement showing year by year the number of machines purchased and sold in the Eastern Bengal Railway Press, Calcutta, for the last ten years, with their respective dates and prices?

Mr. A. A. L. Parsons: I am attempting to collect this information for the Honourable Member.

SALE OF WASTE PAPER BY THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

375. ***Mr. S. C. Mitra:** Will Government be pleased to lay on the table a statement showing the number of tenders received in the Eastern Bengal Railway Press, Calcutta, for purchasing the waste papers with the names of each tenderer including the successful one, with the prices quoted by each of them for the last ten years?

Mr. A. A. L. Parsons: Government regret that they are not prepared to collect this information, the value of which could not be commensurate with the labour expended on its collection.

INCOME AND NUMBER OF POSTMEN IN THE POST OFFICES AT NALDIH AND NOHATTA.

876. ***Mr. S. C. Mitra:** (a) Is it not a fact that the income of the Naldih Post Office in the district of Jessore, Bengal, is greater than that of the Nohatta Post Office of the same district?

(b) Is it not a fact that the number of postmen is greater in the Nohatta Post Office, Jessore, Bengal, than in the Naldih Post Office of the same district?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons for part (b)?

(d) Will Government be pleased to lay on the table a statement showing the income of the Naldih and Nohatta Post Offices, respectively in the district of Jessore, for the last two years?

Mr. Tin Tüt: (a), (b) and (c). The information is being collected and will be communicated to the Honourable Member in due course.

(d) Government do not consider that any public purpose would be served by incorporating the figures of revenue of these post offices in the proceedings of the House.

POSTAL SERVICE TO THE VILLAGE OF SANKERPORE.

877. ***Mr. S. C. Mitra:** (a) Is it not a fact that one daily, one weekly, and one monthly newspaper, besides letters and money orders, are being regularly received in the Naldih Post Office for delivery to the village of Sankerpore in the district of Jessore, Bengal?

(b) Is it not a fact that no daily newspaper is being received in the Naldih Post Office for delivery to the village Hobokhali, in the district of Jessore?

(c) Is it not a fact that the Honourable Mr. H. A. Sams stated in reply to starred question No. 109 on the 15th July, 1980, that the village of Sankerpore under the Naldih Post Office in the district of Jessore is served only three times in a week?

(d) Is it not a fact that the Honourable Mr. Sams in his letter No. D. O. 102-1M./P.F./80, dated 21st August, 1980, informed Mr. S. C. Mitra, M.L.A., that the village Hobokhali is being served four times a week?

(e) If the answers to (b) and (d) are in the affirmative, will Government be pleased to state the reasons of (d)?

(f) If the answers to (a) and (c) are in the affirmative, will Government be pleased to state the practicability of introducing a daily beat in the village of Sankerpore?

Mr. H. A. Sams: With your permission, Sir, I propose to deal with questions Nos. 877 and 878 together. Apparently the Honourable Member's contention is that the number of postal deliveries in a certain village in Bengal is inadequate. This is a matter of administrative detail which

is entirely within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of the questions is being sent, and I would suggest to the Honourable Member that, if he wishes to pursue the matter further, he should do so in direct communication with that officer.

POSTAL SERVICE TO THE VILLAGE OF SANKERPORE.

†378. ***Mr. S. C. Mitra:** (a) Are Government aware that a daily newspaper excepting letters, weekly and monthly journals are received in the Naldih Post Office in the district of Jessore, to be delivered to the village Sankerpore of the same district?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state whether the total number of deliveries exceeds 72 for six months?

(c) Is it a fact that the Honourable Mr. Sams in a letter D. O. No. 102-1M./P.F./80, dated 21st August, 1980, informed Mr. S. C. Mitra, M.L.A., that the total number of deliveries in the Sankerpore village was only 72 for the months of January, 1980, to June, 1980?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reason thereof?

RELEASE OF POLITICAL PRISONERS.

379. ***Mr. S. C. Mitra:** (a) Are Government aware that the Prime Minister in the recent speech, in closing the Round Table Conference in London, held out a hope of a general amnesty for the political prisoners in India?

(b) Do Government contemplate, in view of the Prime Minister's utterances, to release the political prisoners?

The Honourable Sir James Orerar: I would refer the Honourable Member to the remarks made on behalf of Government by the Honourable the Leader of the House in connection with the debate on Shaikh Sadiq Hasan's Resolution on the 5th instant.

Mr. B. Das: May I enquire what is the present position, whether the Government are going to release the non-violent political prisoners?

The Honourable Sir James Orerar: I have already explained that I cannot add to the remarks made by the Leader of the House on the matter.

Mr. Amar Nath Dutt: Was there any distinction made by the Prime Minister in his speech about the release of prisoners who are accused of violent and non-violent offences?

The Honourable Sir James Orerar: I would refer the Honourable Member to the published reports of that speech.

Mr. B. Das: May I enquire where is the hitch for the release of non-violent prisoners by the Government?

The Honourable Sir James Orerar: I am afraid I cannot add to what I have already answered.

Mr. Amar Nath Dutt: Is there any objection to drop the Meerut case?

(No answer was given.)

MACHINES PURCHASED AND SOLD IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

380. ***Mr. S. C. Mitra:** (a) Will Government be pleased to lay on the table a statement showing the number of machines purchased, and sold in the East Indian Railway Press, Calcutta and Howrah, for the last five years with their respective prices and dates?

(b) Will Government be pleased to lay on the table a statement showing the number of typewriting machines purchased and sold in the East Indian Railway Press, Calcutta and Howrah, for the last five years with respective prices and dates?

Mr. A. A. L. Parsons: (a) and (b). I am attempting to collect this information for the Honourable Member.

SALE OF WASTE PAPER BY THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

381. ***Mr. S. C. Mitra:** (a) Is it a fact that tenders are invited for the sale of the waste paper in the East Indian Railway Press at Calcutta?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to lay on the table a statement showing the number of tenders received with the names of the firms together with the price quoted by each of them with special reference to the successful tenderers for the last five years?

(c) If the answer to part (a) be in the negative, will Government be pleased to state the reasons thereof?

Mr. A. A. L. Parsons: (a) Waste paper is sold either by tender or by auction.

(b) Government regret that they are not prepared to compile this information.

(c) Does not arise.

ABOLITION OF COMPUTERS FROM THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES AT CALCUTTA.

382. ***Mr. S. C. Mitra:** (a) Is it not a fact that the piece and the hourly system have been recently abolished in the East Indian and Eastern Bengal Railway Presses at Calcutta?

(b) Is it not a fact that the services of the computers were not required at the Eastern Bengal Railway Press for the salaried staff?

(c) Is it not a fact that the Honourable Mr. G. S. Khaparde in the minority report of the Piece Workers' Committee of 1922 recommended the abolition of the posts of the computers from the economic standpoint?

(d) Is it not a fact that the services of computers have been engaged for the salaried staff of the East Indian and Eastern Bengal Railway Presses at Calcutta?

(e) If the answers to (a) to (d) are in the affirmative, will Government be pleased to state the reasons of (d)?

Mr. A. A. L. Parsons: (a) Piece rating has not been abolished, but Government have issued orders for the discontinuance of the hourly system of computing wages.

(b) I have called for information from the Agent, Eastern Bengal Railway and will communicate with the Honourable Member on its receipt.

(c) Yes. The Honourable Mr. Khaparde suggested two alternative schemes for the conversion of the piece workers in the Government of India Presses into salaried hands and proposed the abolition *inter alia* of the posts of computers.

(d) Provision has been made for such posts in the sanctioned strength of these Presses.

(e) Government consider that computers on monthly rates of pay are necessary for the Eastern Bengal and East Indian Railway Presses.

SUPERIOR AND INFERIOR STAFF IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

383. ***Mr. S. C. Mitra:** (a) Is it a fact that at the time of reduction in the East Indian Railway Press, the number of workers in general have been decreased while the number of the supervising staff is gradually on the increase?

(b) Will Government be pleased to lay on the table a statement showing the number of employees in the supervising, clerical and workers staff in the East Indian Railway Press, Calcutta, for the last ten years, year by year?

(c) Is it a fact that under the new system as recently introduced in the Eastern Bengal Railway Presses at Calcutta, all the binders have been placed in the superior service?

(d) Is it a fact that, in the East Indian Railway Press, at Calcutta, some of the binders have been placed in the inferior service under the same system as was recently introduced in the Eastern Bengal Railway Press?

(e) If the answers to (c) and (d) are in the affirmative, will the Honourable Member in charge be pleased to state the reasons for (d)?

Mr. A. A. L. Parsons: (a) to (e). I have called for information and will communicate with the Honourable Member on its receipt. In view of the labour involved, I have only asked for information with regard to (b) for the last three years.

RESOLUTIONS PASSED BY EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES AT CALCUTTA.

384. ***Mr. S. C. Mitra:** (a) Is it a fact that Government received a copy of the Resolution passed at the Annual General Meeting of the Press Employees' Association of Calcutta, a registered body under the Trade Unions Act held on the 2nd August, 1930, under the presidency of Mr. J. N. Basu, M. L. C. and delegate to the Round Table Conference, drawing special attention to Resolution No. 22?

(b) Is it a fact that the Government received a copy of the resolutions passed in the overwhelming mass meeting of the East Indian and Eastern Bengal Railway Press employees held under the presidency of Mr. S. C. Mitra, M.L.A., at Calcutta on the 5th December, 1930?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the steps taken in the matter? If not, why not?

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

(c) The resolutions referred to in (b) were sent to the Agent, East Indian Railway, for disposal. Two of the resolutions referred to in (a) pertained to the Railway Department, one related to the question of the revision of the system of wages of the Railway Press employees, a matter which was already under investigation by Government, and the other was a request that Mr. Nut Behari Chatterjee should be removed from his appointment. Government did not consider it necessary to take any action on this request.

PROMOTION OF COMPOSITORS IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

385. ***Mr. S. O. Mitra:** (a) Is it not a fact that the practice of promoting the compositors to the posts of computers, readers and section-holders is observed at the Government of India Press, Calcutta?

(b) Is it not a fact that this salutary principle is not observed in the East Indian Railway Press, Calcutta?

(c) If the answers to (a) and (b) are in the affirmative will Government be pleased to state the reasons of (b)?

Mr. A. A. L. Parsons: (a) Vacancies in the grade of section-holders in the Government of India Press, Calcutta, are ordinarily filled alternately from assistant section holders and senior compositors or operators. It is, however, not the practice in that Press to appoint compositors to the post of computers and readers.

(b) and (c). I have called for information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

ALLOWANCE FOR WORKERS IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA, FOR WORK IN CONNECTION WITH THE RAILWAY CONFERENCE.

386. ***Mr. S. O. Mitra:** (a) Is it not a fact that a conference of the All-India Railways Association is held every year?

(b) Is it not a fact that a large volume of work in connection with the Railway Conference is to be done by the employees of the East Indian Railway Press, Calcutta?

(c) Is it not a fact that the supervising staff of the East Indian Railway Press are allowed an allowance to be drawn for the work done in connection with the Railway Conference?

(d) Is it not a fact that the workers of the East Indian Railway Press are not allowed to draw an allowance for the work done in connection with the Railway Conference?

(e) Is it not a fact that during the last Great War, the supervising staff, as well as the workers of the Government of India Press, Calcutta, were allowed the war allowance for the work done in connection with the War?

(f) If answers to (a), (b), (c), (d) and (e) are in the affirmative, will Government be pleased to state the reasons of (d)?

Mr. A. A. L. Parsons: (a) If the Honourable Member refers to the Indian Railway Conference Association, the answer is in the affirmative.

(b) to (f). I am making enquiries and will send a reply to the Honourable Member shortly.

RECOMMENDATIONS OF THE HAJ ENQUIRY COMMITTEE.

387. ***Khan Bahadur Haji Wajihuddin:** (a) Has the attention of Government been drawn to the leading article published on page 2, dated 22nd January, 1931, of the vernacular daily *Hamdam* of Lucknow, and will Government please state whether with a view to take practical measures to adopt the various recommendations of the Haj Enquiry Committee, its President Mr. H. B. Clayton, has very recently visited various pilgrim ports in India?

(b) If so, will Government be pleased to state, with a view to give effect to the said recommendations, to what extent progress has been made and how long will it take to adopt them?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Government have not seen the article in question. The reply to the latter part of the question is in the negative. Mr. Clayton's recent visit to certain ports was not connected with the recommendations of the Haj Inquiry Committee but with the question of port quarantine administration.

(b) A statement showing the progress which has been made with the consideration of the recommendations of the Haj Inquiry Committee has been placed in the Library of the House. Every effort is being made to expedite the consideration of those recommendations on which it has not yet been possible to reach a final decision owing to the time which has necessarily been taken in obtaining the views of Local Governments in regard to them.

REDUCTION OF STEAMER FARES TO THE HEDJAZ AND ABOLITION OF QUARANTINE.

388. ***Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that in view of the general depression throughout the world, and in anticipation of Haj Enquiry Committee's recommendations being adopted by Government, intending Hedjaz pilgrims from India are very anxiously awaiting (a) adequate reduction in the steamer fares for the whole season, (b) abolition of Kamaran quarantine altogether and (c) total exemption of quarantine fee?

(b) Do Government propose to take immediate steps to give effect to the recommendations for the ensuing pilgrim season?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Government have no doubt that the facts are as stated.

(b) The Honourable Member will, I am sure, be glad to hear that the shipping companies principally concerned, Messrs. Turner, Morrison & Co., and the Khaleeli Line, have recently, at the request of the Government of India, agreed for the current pilgrim season to reduce the price of a pilgrim single deck ticket from either Bombay or Karachi to the Hedjaz from Rs. 125 to Rs. 110 and the price of a return ticket from either of those ports from Rs. 195 to Rs. 160 in both cases without food. The first named company, which alone is concerned with the pilgrim traffic from Calcutta, has also agreed to reduce the fares from that port from Rs. 150 (single) and Rs. 250 (return) to Rs. 135 and Rs. 215 respectively. The Committee's recommendations in regard to the abolition of Kamaran quarantine and the discontinuance of quarantine fees are still under consideration, but it is hoped that final decisions upon them will be reached at an early date.

PROHIBITION OF LIQUOR.

389. ***Khan Bahadur Haji Wajibuddin**: Will Government be pleased to state, since the Resolution on prohibition of liquors moved by me and adopted by the Legislative Assembly in 1925, what steps have so far been taken by the Government of India to give effect to it?

The Honourable Sir George Schuster: I would refer the Honourable Member to the reply given by Sir Basil Blackett to a similar question asked by the Honourable Member on 19th August, 1926.

Mr. Amar Nath Dutt: Has anything been done since then?

The Honourable Sir George Schuster: The policy of Government remains the same as it was on that date.

Mr. Amar Nath Dutt: Is it a fact that the Government still manufactures liquor and sells it?

(No answer was given.)

EXCLUSION OF MUSLIMS FROM THE OPERATION OF THE CHILD MARRIAGE RESTRAINT ACT.

390. ***Khan Bahadur Haji Wajibuddin**: Are Government aware that there is great discontent among the Muslims generally, and the orthodox sections and Ulemas more particularly, on the passage of the Child Marriage Restraint Act, 1929, and if so, are Government prepared to consider the advisability to exclude Muslims from the operation of the said Act?

The Honourable Sir James Crerar: Government are aware that apprehensions have been expressed on the subject. As the Honourable Member is doubtless aware, certain Bills proposing amendments of the Act have been circulated for opinion. Until the replies are all received and fully examined, Government will not be in a position to bring the whole matter under consideration.

STAFF OF THE OFFICES OF THE HIGH COMMISSIONER FOR INDIA AND THE INDIAN TRADE COMMISSIONER IN LONDON.

391. ***Mr. B. Das**: Will Government be pleased to state the number of Europeans and Indians employed in the offices of (a) High Commissioner for India in London, (b) Indian Trade Commissioner in London; and the salaries paid to each?

The Honourable Sir George Rainy: Excluding the industrial and menial staff, 367 Europeans and 69 Indians, including Anglo-Indians, were employed in the office of the High Commissioner on the 1st January, 1931. Of these 7 Europeans and 7 Indians, including Anglo-Indians, were employed in the office of the Indian Trade Commissioner in London which forms a part of the High Commissioner's office. I am afraid I am unable to furnish details of the salaries drawn by each member of so large a staff, but if the Honourable Member wishes I shall be pleased to show him at my office a list of the establishment of the office of the High Commissioner which contains this information.

Mr. T. N. Ramakrishna Reddi: How many Indians are included among those Anglo-Indians?

The Honourable Sir George Rainy: I must ask for notice . . .

Mr. N. M. Joshi: How many Indians are there on the staff who get overseas allowance?

The Honourable Sir George Rainy: I must ask for notice of that also.

DEPLORABLE STATE OF THE INDIAN WHEAT TRADE.

392. ***Mr. B. Das**: Are the Government of India aware of the deplorable state of the wheat trade, and, if so, will Government be pleased to state the steps taken to relieve the distress with regard to the following:

- (a) marketing of wheat in India and especially on the ports;
- (b) placing of an embargo on the Australian wheat which is sold very cheaply at the ports; and
- (c) reduction in railway freight from the Punjab stations to the stations on lines other than Karachi?

Will Government be pleased to state whether they received any representations from the Indian Chambers of Commerce or Associations with regard to the competition of Australian wheat and the marketing of Indian wheat? If the answer be in the affirmative, will Government be pleased to state the names of representations and the steps taken by Government?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Government are fully aware of the serious position which has arisen from the existence in India of a large surplus of wheat, estimated at not less than a million tons, which is unable to find a market either within or outside India, and it has engaged their anxious attention for some time past. As regards the action they have taken to meet it by reduction of railway freights, I would refer the Honourable Member to the Press communiqué, dated November 17th, 1930, relating to the reduction in the rates on wheat from the Punjab and the United Provinces to Karachi and the Press communiqué of January 29th, 1931, relating to the reduction in the rate from the Punjab to Calcutta. I place copies of these communiqués on the table of the House. As regards the placing of an embargo on imported wheat, I would remind the Honourable Member that the total production of wheat in India in 1929-30 was estimated at 10,353,000 tons. The imports of foreign wheat into India, mainly from Australia, during the current fiscal year up to January 24th amounted to 110,884 tons as compared with 268,935 tons for the same period in the previous fiscal year. The total imports have thus been very small indeed compared with the total Indian production and have been more than counterbalanced by exports of wheat amounting to 193,606 tons and exports of wheat flour up to December, 1930, amounting to 86,748 tons. In these circumstances, Government consider that the prohibition of import would have had no effect on the internal price of wheat and would not, therefore, have assisted the cultivator. At the best, it could only have helped Indian wheat to replace the Australian wheat which, but for it, might continue to be imported.

Representations on the subject have been received from the following bodies:

The Gwalior Chamber of Commerce.

The Federation of Indian Chambers of Commerce and Industry.

The Maharashtra Chamber of Commerce, Bombay.
 Indian Merchants Chamber, Bombay.
 Indian Chamber of Commerce, Lahore.

As regards the action taken by Government, I would refer the Honourable Member to the reply I have just given to the first part of his question.

Communiqué, dated 17th November, 1930.

The existence in India of a large surplus of wheat, estimated at not less than a million tons, which even at the low prices at present prevailing is unable to find a market either within or outside India, has been engaging the anxious consideration of the Government of India; and neither they nor the Railway Board have failed to realise the serious effect on railway earnings of the loss of the traffic which in more normal conditions might reasonably be expected in this commodity. It seems possible that, if movement by rail to Karachi is substantially cheapened during the period before the large wheat crops anticipated in Australia and the Argentine come on the market early next year, some portion at any rate of the surplus Indian crop may be absorbed by export; and the North Western and East Indian Railway Administrations, have therefore, decided, with the approval of the Government of India and the Railway Board, that the following reductions should be brought into force immediately, and remain in force until the 28th February, 1931:—

On the North Western Railway.—In place of the present C/K Schedule, the C/R Schedule will apply to traffic booked to Karachi in full wagon loads for distances over that Railway of not less than 600 miles. The differential rule as regards distance will apply for distances less than 600 miles.

On the East Indian Railway.—In place of the existing C/B and C/M Schedules, the C/Q Schedule will apply to traffic booked to Karachi in full wagon loads, except traffic originating at stations on the Bombay, Baroda and Central India Railway, the Bengal and North-Western Railway, and the Rohilkund and Kumaon Railway.

As an illustration of the effect of this reduction, the freight per maund from Lyallpur to Karachi will be 6 annas 10 pies, instead of 11 annas 8 pies at present charged.

The results of this action, and the future position of the wheat market in India will be closely watched by the Government of India.

Communiqué, dated 29th January, 1931.

The Government of India have given very careful consideration to representations that have been made to them that some part of the existing surplus of Indian wheat would find a market in Calcutta if railway freights from the Punjab to Calcutta were reduced. Their investigations do not lead them to anticipate that any feasible reduction in freight rates would result in so substantial an increase in the movement of wheat from the Punjab to Calcutta that there would be no net loss to railway revenues; but they have arranged with the Punjab Government that the Railway Administrations concerned will grant from 1st February, 1931, until the 31st March, 1931, a rebate of one-third of the freight on all consignments of wheat booked to Calcutta from all stations in the Punjab. The cost of this rebate will be borne by the Punjab Government, but will be refunded to them, should the grant of the rebate be followed by a substantial increase in the tonnage of wheat imported by rail into Calcutta.

BALANCE SHEETS OF INDIAN RAILWAYS.

398. *Mr. B. Das: Has the attention of the Government been drawn to the article "Balance Sheets of Indian Railways" published in the *Indian Accountant* of August last? If the answer be in the affirmative, will Government be pleased to state whether they will publish the balance sheets of Indian Railways on the forms prescribed by the British Railway Companies (Accounts and Returns) Act, 1911?

Mr. A. A. L. Parsons: I regret I have been unable to get a copy of the publication referred to, but as the Honourable Member is no doubt aware, the question of preparing balance-sheets for Indian Railways is already under the consideration of Government.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

394. *Mr. B. Das: Will Government be pleased to state when they wish to allot a day for the discussion of the Report of the Public Accounts Committee for the year 1928-29?

The Honourable Sir George Schuster: I would refer the Honourable Member to the Order Paper for today.

TREATMENT OF STATE PRISONERS.

395. *Mr. B. Das: (a) Will Government be pleased to state if there is any classification in the system of treatment of State prisoners in any of the provinces?

(b) What are the minimum and maximum expenditure allowed per month to a State prisoner in (i) Bengal, (ii) Bombay and (iii) Madras?

(c) In case of a State prisoner being the only earning member of a family, do Government allow the dependents of the prisoner any subsistence allowance while the prisoner is detained under pleasure of the State? What is the existing practice in each of the three provinces mentioned in (b) about family subsistence allowances?

The Honourable Sir James Orerar: (a) The Bengal, Madras and the Bombay Regulations alike require that provision should be made for State prisoners according to their rank in life and to their own wants and those of their family. There is no classification of such prisoners.

(b) For the reason stated above, no definite maximum or minimum expenditure has been laid down. Prisoners confined under Regulation III of 1818 have in recent years been granted a diet allowance varying from Rs. 1/6 to Rs. 3 according to the place where the jail is situated.

(c) Family allowances must necessarily vary and are fixed according to the merits and circumstances of each case.

REPORT ON THE KANGRA VALLEY RAILWAY.

396. *Mr. B. Das: (a) With reference to the following statement of Mr. A. A. L. Parsons before the Public Accounts Committee (Vol. II, 1928-29, page 250):

"As for the Kangra Valley Railway case, I do not think Mr. Russell or I are in a position to give evidence at present because a committee is at present sitting and making an investigation into it. Until we have seen their report we are not in a position finally to allocate the responsibility",

will Government be pleased to state if they have received the Report of the Committee sitting on the Kangra Valley Railway project and, if so, will they place a copy of the same on the table of the House?

(b) Has any action been taken on that Report and has personal responsibility been assessed so far?

Mr. A. A. L. Parsons: The Report has been received, and the question of the action to be taken and the assessment of personal responsibility is at present under the consideration of Government. Copies of the Report will be placed in the Library when their conclusions have been reached.

MANAGEMENT OF ORPHANAGES AND WIDOWS' HOMES.

397. ***Lala Brij Kishore:** Will Government be pleased to state:

(a) whether they maintain:

(1) any orphanages, and

(2) widow homes

wholly or in part, and if so, how many in centrally administered territories; and

(b) whether Government propose to undertake any steps to deal with the healthy and proper management of such institutions?

The Honourable Sir James Crerar: I have no present information regarding such institutions in centrally administered territories, but an enquiry is being made and the result will be communicated to the Honourable Member in due course.

Lala Brij Kishore: Have any such existing institutions applied for help?

The Honourable Sir James Crerar: I shall inquire into that point. I have no immediate information on the subject.

PAPERS FINED AND PRESSES FORFEITED UNDER THE PRESS ORDINANCES.

398. ***Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to state the names of the papers that have been fined under the two new Press Ordinances?

(b) Will Government be pleased to state the names of the presses that have been forfeited under the two Press Ordinances?

The Honourable Sir James Crerar: I presume the Honourable Member refers to action taken under Ordinances II and X of 1930. The information is being collected and will be supplied to him in due course.

HEALTH OF MR. V. J. PATEL.

399. ***Rai Bahadur Sukhraj Rai:** (a) Has the attention of the Government been drawn to Dr. Patel's statement about the health of Mr. V. J. Patel, ex-Speaker of the Legislative Assembly, as published in the *Amrita Bazar Patrika* of January 4th, 1931?

(b) If so, have Government verified the falsity or truthfulness of the statement referred to above?

The Honourable Sir James Crerar: (a) Government have seen the statement referred to.

(b) Government gave full consideration to all the medical reports before them, and released Mr. Patel as soon as these reports showed that release was advisable to enable him to obtain such medical advice and treatment as he might desire. In the circumstances they see no reason to take any further action.

CLASSIFICATION OF POLITICAL PRISONERS.

400. ***Rai Bahadur Sukhraj Rai:** Will Government be pleased to state what is their policy in connection with the classification of political prisoners in the present civil disobedience movement?

The Honourable Sir James Crerar: The principles to be observed in classifying prisoners are stated in a communiqué issued by Government on 19th February, 1930, to which the attention of the Honourable Member is invited.

ALLEGATIONS AGAINST SOLDIERS AT ROORKEE.

401. ***Rai Bahadur Sukhraj Rai:** (a) Has the attention of Government been drawn to the allegations made against several European military soldiers of Roorkee regarding the rape of the unmarried sister of an Indian soldier of King George's Regiment and the forcible taking away of her ornaments and cash all amounting to about Rs. 1,250 on the night of 31st December as published in the Hindi daily *Biswamitra* of 11th January, 1931?

(b) If so, have Government taken any steps to verify the falsity or truthfulness of the allegations?

Mr. G. M. Young: (a) and (b). Government have received reports of this case, in connexion with which six British soldiers have now been committed for trial in the Sessions Court.

REBELLION IN THARRAWADY.

402. ***Rai Bahadur Sukhraj Rai:** (a) Will Government be pleased to lay on the table a statement regarding the recent Burma uprisings in Tharrawady mentioning therein the causes and the number of casualties on each side?

(b) Has the rebellion been completely suppressed or is it still going on?

The Honourable Sir James Crerar: (a) I would invite the attention of the Honourable Member to the statement I laid on the table on the 29th January in reply to Mr. Gaya Prasad Singh's question No. 200.

(b) The rebellion has been brought under control to a large extent, but operations are still necessary against small bands of rebels, who are committing dacoities in which houses are burnt down and innocent villagers murdered.

AEROPLANES HOVERING OVER BARDOLI.

403. ***Rai Bahadur Sukhraj Rai:** (a) Is it a fact that aeroplanes are hovering over Bardoli, as appears from a photograph published in the pictorial column of the *Lokmanya* Hindi daily of the 11th January, 1931?

(b) If so, what is the purpose for which they have been brought there?

Mr. G. M. Young: (a) No Government aeroplanes have been or are hovering over Bardoli, though it is possible that some may have passed over Bardoli on their way to Poona or Bangalore some months ago.

Government have no information as regards privately owned aeroplanes.

(b) Does not arise.

INTERNMENT AT LAKKI VILLAGE OF TOTA SINGH OF PESHAWAR.

404. *Sardar Sant Singh: (a) Is it a fact that Tota Singh, son of Ram Singh, furniture merchant of Peshawar has been ordered under sections 3 (c) and (d) of the North West Frontier Province Security Regulation, 1922, to reside in Lakki village in Bannu District and has further been ordered to refrain from all manner of anti-Government propaganda or other activity?

(b) When was the order served upon Tota Singh, and what amount of maintenance was granted to him? Is it a fact that the said Tota Singh made several representations to the Frontier Administration to be informed as to the charges against him which have led to his internment? Is it a fact his representations have not been acknowledged and that no reply has been sent to the said Tota Singh? If so, why? Is it a fact that Tota Singh's father also made similar representation and he too has been similarly treated?

(c) Will Government be pleased to state now what acts of Tota Singh were considered to be prejudicial to the peace and good government of the North-West Frontier Province? Will Government be pleased to define what is the precise meaning of "anti-Government propaganda or other activity" and state which is the competent authority to pronounce upon the activities of an individual whether they fall within the above description?

(d) Is it a fact that Tota Singh is a member of a firm known as Ram Singh and Sons of Peshawar? Is it a fact that this firm has been paying income-tax? If so, since when and what is the income of the firm which has been assessed to income-tax?

(e) Is it a fact that Tota Singh complained of the insufficiency of maintenance allowance? Has any step been taken to give him adequate maintenance? If not, why not?

(f) Is it a fact that there are no medical facilities available in Lakki village especially for ladies? Is it a fact that Mrs. Tota Singh had been suffering from some female disease and Tota Singh requested the Frontier authorities to change his place of internment from Lakki to Bannu in order to enable him to secure medical aid for his wife? Was his request granted or not? If not, why not?

(g) How long has Tota Singh been interned now? When do the Government intend to release him? Did Tota Singh offer himself to be tried in a judicial court? If so, why has he not been tried in such a court?

Mr. J. G. Acheson: A report has been called for and the information will be supplied to the Honourable Member when received.

SIKHS PROSECUTED FOR WEARING LONG KIRPANS.

405. *Sardar Sant Singh: (a) Is it a fact that the kirpans possessed or carried by Sikhs, are exempt from the operation of the Arms Act, 1878, throughout India? If so, will Government be pleased to state the number of Sikhs who have been arrested and prosecuted in Bombay Presidency for wearing long kirpans? If so, why? How many are undergoing sentence for wearing kirpans? Has the attention of Government been drawn to the judgment of the Honourable M. Hanison and H. Scott Smith,

Judges of the Lahore High Court published in 5 India Law Reports, Lahore Series, page 308, holding that sword and kirpan are interchangeable expressions?

(b) If so, are Government prepared to consider the question of releasing the Sikhs, if any, undergoing sentence for possessing kirpans of the length of a sword?

The Honourable Sir James Crerar: (a) The nature of exemption varies in different provinces. In Bombay Presidency there are restrictions on the wearing of kirpans with blades exceeding 9 inches in length. I have ascertained that there are no Sikhs undergoing imprisonment in that Presidency for the contravention in this respect of the rules under the Arms Act. I have seen the judgment to which the Honourable Member refers.

(b) Does not arise.

REPRESENTATIONS OF MUSLIMS IN THE RAILWAY SERVICES.

406. *Maulvi Muhammad Yakub: What steps were taken by Government during the last year to secure proper representation of Muslims in the railway services and with what result?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply given to question No. 344 asked by Seth Haji Abdoolah Haroon on the 3rd February, 1931.

Maulvi Muhammad Yakub: My question is not identical with his and I do not think the reply to his question can reply to mine.

Mr. A. A. L. Parsons: Sir, in the reply to Seth Haji Abdoolah Haroon's question I said that a memorandum would be placed in the Library of the House giving full information as to the steps taken to secure the representation of minority communities, and particularly the Muslim community, in the railway services. That memorandum is now in course of preparation and I think will be ready in a few days.

Maulvi Muhammad Yakub: I did not inquire about the minority communities. My question is about the representation of Muslims.

Mr. A. A. L. Parsons: That will be dealt with in the memorandum.

CHARGES FOR HOSPITAL TREATMENT OF DR. McDERMOTT WHEN WOUNDED IN LAHORE.

407. *Maulvi Muhammad Yakub: (a) Is it a fact that Dr. (Miss) McDermott, attached to the Lady Hardinge Medical College, Delhi, who was wounded when an attempt was recently made on the life of the Governor of the Punjab, was compelled to pay for her hospital treatment and had also to forego her salary for the period of her absence from duty?

(b) Do Government propose to take steps to remedy the loss which she had to sustain?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No. The Honourable Member's information is altogether incorrect. There has never been any question of Dr. McDermott losing any of her salary during her absence from duty, or of her being called upon to bear the expenses of her treatment in hospital.

(b) Does not arise.

Maulvi Muhammad Yakub: Is it not a fact that Miss McDermott received a bill for over Rs. 60 for hospital treatment in Lahore? In view of the fact that this has apparently since been adjusted by the Dufferin Fund Committee, was Miss McDermott informed that she would not be called upon to pay it, prior to her case being ventilated in the Press?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member's information, as I have already said, is apparently incorrect.

Maulvi Muhammad Yakub: Another question, Sir. Is it not a fact that members of the Women Medical Service are automatically placed on half-pay after 10 days absence from duty? If so, was Miss McDermott informed that her pay would not be cut, prior to her case being ventilated in the Press?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member's inference from the rules is not correct.

GRANT-IN-AID TO THE BENARES UNIVERSITY.

408. ***Maulvi Muhammad Yakub:** (a) Are Government aware that there is a strong rumour to the effect that Government have withdrawn their grant-in-aid to the Benares Hindu University?

(b) Will Government be pleased to make a full statement of their policy about the matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I would refer the Honourable Member to the reply given to Mr. Gaya Prasad Singh's question No. 44 on this subject on the 27th January, 1931.

Maulvi Muhammad Yakub: The policy of the Government about the institution was not stated in reply to that question, and I wanted to know what was the policy of the Government as regards the grants made to institutions like this?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: To the extent to which it is possible to state Government policy in answer to a question, I claim that my answer did contain that statement.

PROMOTION TO OFFICERS' CADRE OF RAILWAY SUBORDINATES.

409. ***Sirdar Harbans Singh Brar:** (a) Is it a fact that in the case of railway men the Railway Board alone are competent to make promotions from the subordinates cadre to the officers cadre?

(b) Are these promotions made on the recommendations made by the Agents of State Railways?

(c) If the Agent of a State Railway ignores a senior subordinate, in spite of the recommendations of Divisional Superintendents, for his having an excellent record at his credit, has that subordinate the right of appeal to the Railway Board?

(d) If not, why is he denied this privilege?

(e) If he has the right of appeal, what are the Agent's powers in withholding such appeals?

(f) If the Agents are empowered to withhold such appeals, what is the reason for giving them such power?

(g) Have the Railway Board issued any instructions or rules for the "Submission of Memorials by Subordinates"; if so, what are they?

(h) What check do the Railway Board exercise to see that no deserving senior man's case is ignored unjustly by an Agent?

Mr. A. A. L. Parsons: (a) Permanent promotions to the lower gazetted services are made by the Railway Board, while similar promotions to the Superior Railway Services are made by the Governor-General in Council in consultation with the Public Service Commission.

(b) In making these promotions, the Agent's recommendations are taken into consideration.

(c) No.

(d) As promotions are made by strict selection, and as the Agent of a Railway is in the best position to judge the relative merits of subordinates employed under him, Government do not consider it necessary to concede the right of appeal against the Agent's recommendation.

(e) and (f). Do not arise.

(g) No.

(h) It has not hitherto been considered necessary to exercise any definite check, but the question whether Agents should be asked to supply information about senior men not recommended is already under consideration.

PROMOTION TO OFFICERS CADRE OF RAILWAY SUBORDINATES.

410. ***Sirdar Harbans Singh Brar:** (a) Are the Railway Board prepared to consider the desirability of calling for annual reports on the working of all senior subordinates when they reach the maximum stage of the subordinates cadre, and the next step for them is promotion to the gazetted officers' cadre only, and decide all such promotions from those reports?

(b) Have the Railway Board fixed any criterion for the guidance of Agents when making such selections?

Mr. A. A. L. Parsons: (a) Government do not consider this necessary, but I would invite attention to my reply to part (h) of the Honourable Member's question just now answered.

(b) Yes; that the subordinates who, in their opinion, are best qualified for promotion should be recommended.

PROMOTIONS ON THE NORTH WESTERN RAILWAY.

411. ***Sirdar Harbans Singh Brar:** (a) How many members of the ministerial establishment have been promoted as Assistant Personnel Officers on the North Western Railway since the formation of Divisions?

(b) How many of them are the Superintendents of the Railway Board's Office and how many Superintendents of the Agent's Office?

(c) Were all these Superintendents experienced in establishment matters and rules? If not, what were their special qualifications?

(d) How many Superintendents of their office have the Board sent to other State Railways in India?

(e) What were the reasons for sending so many to the North Western Railway alone?

(f) Have the Railway Board taken any North Western Railway senior men in the vacancies caused by the transfer of these Superintendents, or have clerks of the Board's own office been promoted?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to answer this and the following question together. I am collecting certain information and will send a full reply to the Honourable Member when it is ready.

PROMOTIONS ON THE NORTH WESTERN RAILWAY.

†412. ***Sirdar Harbans Singh Brar:** (a) Is it a fact that no Sikh has so far been promoted as Assistant Personnel Officer on the North Western Railway?

(b) Is no suitable Sikh available on the North Western Railway?

(c) Is it a fact that more than half the Assistant Personnel Officers on the North Western Railway are Hindus?

(d) Are the Railway Board prepared to order the Agent, North Western Railway, to distribute Assistant Personnel Officers appointments amongst all the Communities proportionately, and promote at least two Sikhs?

ERECTION OF A BUILDING FOR THE IMPERIAL LIBRARY AT DELHI.

413. ***Mr. Nabakumar Sing Dudhuria:** (a) Is it a fact that a big building has been erected for the Imperial Library at Delhi?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to say how much has been spent on the building?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No.

(b) Does not arise.

INDIAN DELEGATION TO THE INTERNATIONAL LABOUR CONFERENCE.

414. ***Mr. Goswami M. R. Puri:** (a) Will Government be pleased to state if any representation or suggestions were received from representative organisations of workers or employers regarding the personnel of the Indian Delegation to the International Labour Conference (1930) from the Central Provinces and Berar?

(b) Will Government be pleased to state if any representative of workers or employers in the Central Provinces and Berar was selected by Government for the 1930 Session?

(c) If the answer to part (b) is in the negative, do Government propose to consider the claims of the Central Provinces and Berar in selecting the 1931 delegation of employers and workers?

(d) Have Government received any suggestions this year in this behalf?

† For answer to this question, see answer to starred question No. 411.

Mr. Tin Tut: (a) Nominations were received from certain workers' associations in Nagpur.

(b) None of these nominees was selected.

(c) The claims of all persons recommended for this purpose by representative organisations of employers or workers are being duly considered.

(d) Recommendations have been received from certain associations in the Central Provinces and Berar.

INCONVENIENT TRAIN SERVICE FROM KISHENGANJ TO BURSOI.

415. ***Maulvi Badi-uz-Zaman:** (a) Are Government aware that two out of four trains of the Eastern Bengal Railway from Kishengunj to Bursoi and vice versa having been recently discontinued, and that in consequence the travelling public have been put to great inconvenience and hardship as they have to wait on the way from 8 to 12 hours in order to avail themselves of a corresponding connecting train on the Eastern Bengal and East Indian Railways?

(b) Do Government propose to consider the desirability of mitigating the hardship and inconvenience so entailed by directing the railway authority concerned either to increase the number of trains or so to alter and arrange the timing of the trains as to enable the travelling public to reach the corresponding connecting trains within a reasonable time?

Mr. A. A. L. Parsons: (a) and (b). It is not possible for Government to take part in the preparation of railway time tables, but I am having a copy of the Honourable Member's question sent to the Agent of the Eastern Bengal Railway for his information and consideration.

APPOINTMENT OF MUHAMMADANS TO THE ENGINEERING BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.

416. ***Lieut. Nawab Muhammad Ibrahim Ali Khan:** (a) Will Government be pleased to place on the table the number of the Selection Grade appointments in the Engineering Branch of the Posts and Telegraphs Department throughout India, and the Selection Grade appointments held by Muhammadans, Hindus, Christians and other communities in that Branch?

(b) Is it a fact that there is no Muhammadan holding the Selection grade appointment in that Branch? If so, will Government be pleased to state the number of Muhammadans who passed the Selection Grade Examination held in December 1929; and whether any of them has been provided for to remove the communal grievances? Have Government taken any action to see that the Muhammadans are justifiably provided in the new vacancies filled up by the different communities?

(c) Will Government state the number of Muhammadans employed as clerks in the Engineering Branch since 1924 to the end of 1930, in different Circles?

(d) Are Government prepared to take immediate action to ensure that a due share is given to the Muhammadans in the recruitment of clerks, and that the Selection Grade appointments are justly allotted to them in that Branch of the Post and Telegraphs Department?

Mr. Tin Tut: (a), (b) and (c). Information is being collected and will be furnished to the Honourable Member in due course.

(d) The attention of the Honourable Member is invited to the replies given by the Honourable Sir A. C. McWatters and the Honourable Sir Bhupendra Nath Mitra on the 5th September, 1928, and 30th January, 1929, to Mr. Anwar-ul-Azim's starred questions Nos. 72 and 330, respectively, in the Legislative Assembly.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE RAILWAY BOARD.

417. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government kindly state whether it is a fact:

- (i) that out of the seven Superintendents in the office of the Railway Board there is not a single Muslim;
- (ii) that out of the First Division clerks there are only two Muslims out of a total of 32;
- (iii) that in the Second Division clerical cadre there are only six Muslims out of a total of 45;
- (iv) that among Third Division clerks there are only 5 out of a total of 26, and that there is no Muslim typist or draftsman?

(b) From which year these figures stand, as far as Muslim representation is concerned?

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

- (ii) There are two permanent and one officiating out of 38 posts.
- (iii) There are two permanent and eight officiating out of 45 posts.
- (iv) There are one permanent and five officiating out of 30 posts; of the five officiating, two are typists. There is one Muslim draftsman.
- (b) These figures are for February this year.

NUMBERS OF DAILY WAGE-EARNERS ON RAILWAYS.

418. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state whether it can not be arranged to have a figure in the Report of the Railway Board, exclusively of the wage-earners, as opposed to those who are paid on a monthly basis?

Mr. A. A. L. Parsons: I am not sure that I understand exactly what the Honourable Member suggests. Even where railway employees are daily rated, they are monthly paid. If his suggestion is that the number of daily rated monthly paid employees should be shown separately in the Report, the suggestion is being considered.

MISAPPROPRIATIONS ON THE ASSAM-BENGAL RAILWAY.

419. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state how much the Assam-Bengal Railway has lost in misappropriation by their servants during the last two years?

Mr. A. A. L. Parsons: The amounts are as follows:

	Rs.
1928-29	Nil
1929-30	57,415

MUSLIM OFFICERS ON CERTAIN RAILWAYS.

420. *Mr. Muhammad Anwar-ul-Azim: (a) How many staff officers are there in the following Railways and how many of them are Muslims:

- (1) Assam Bengal Railway.
- (2) Eastern Bengal Railway.
- (3) East Indian Railway?

(b) What are their duties and when were they appointed?

Mr. A. A. L. Parsons: I have called for certain information and will communicate with the Honourable Member on its receipt.

EXPENDITURE ON LITIGATION BY THE ASSAM-BENGAL AND EASTERN BENGAL RAILWAYS.

421. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state, how much the Assam-Bengal Railway and Eastern Bengal Railway have spent, during the last two years in litigation?

Mr. A. A. L. Parsons: The amounts shown under law charges in the accounts of the railways for the last two years for which accounts have been compiled are as follows:

	Rs.
Assam-Bengal Railway	22,648
Eastern Bengal Railway	58,199

It does not follow that these sums were spent solely on litigation.

ASSISTANT TRAFFIC SUPERINTENDENTS ON THE ASSAM-BENGAL AND EASTERN BENGAL RAILWAYS.

422. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state what are the qualifications of A. T. Superintendents who are now employed by the Assam-Bengal Railway and Eastern Bengal Railway and how many of them are Muslims and what is their total cadre?

Mr. A. A. L. Parsons: I presume the Honourable Member refers to the educational qualifications of these officers. I have called for this information and will send it to the Honourable Member when received.

The total number of sanctioned posts of Assistant Traffic Superintendents, including probationers, on the Eastern Bengal Railway is 24 and on the Assam-Bengal Railway 8; of those 4 on the Eastern Bengal Railway and 1 on the Assam-Bengal Railway are held by Muslims.

REPRESENTATION OF MUSLIMS IN ACCOUNTS OFFICES.

423. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state whether it is a fact that there is not a single Muslim in the clerical cadres of the offices of the Accountant General, Central Revenues and Controller of Civil Accounts and the office of the Auditor General? If so, why? What is their total cadre and what is the percentage of Muslim representation therein?

The Honourable Sir George Schuster: The reply to the first part of the question is in the negative. The total clerical strength of the offices of the Accountant-General, Central Revenues and the Auditor-General, and the percentage of Muslim representation is:

	Total strength.	Percentage of Muslim representation.
Auditor-General	80	11.25
Accountant-General, Central Revenues	235	7.65

The Controller of Civil Accounts has no separate office. He and the Auditor-General have a common establishment.

It may interest the Honourable Member to see how the position is changing, and for this purpose to compare the present percentages with those of previous years. The figures are as follows:

	31-12-28.	31-12-29.	To-day.
Auditor-General	7.70	9.88	11.25
Accountant-General, Central Revenues	5.69	5.46	7.65

MISUSE OF POSTCARDS BY ILLITERATE PEOPLE.

424. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that Government issue reply postcards?

(b) Are Government aware that illiterate people misuse somehow the reply side of the postcard and write on the reply card what is necessary for the other?

(c) Do Government know that the Post Offices return the whole card by stamping the unused card and returning it to the sender?

(d) Cannot Government do something by which the illiterate people could save this half an anna by instructing the Post Offices to take care not to stamp dates on wrong cards?

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

(b) to (d). The Honourable Member's question is not very clear; but, if the Honourable Member suggests that, when the sender of a reply postcard writes his original communication by mistake on the reply portion of the card, the whole card is returned to him by the Post Office that is not the case.

APPOINTMENT OF MUSLIMS IN THE UPPER DIVISION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

425. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government be pleased to state what is the total strength of clerks at present in the Upper Division (including the posts of stenographers) in the establishment of the Director-General, Posts and Telegraphs? How many of them are non-Muslims and how many Muslims? Do the numbers show the preponderance of any one community in this particular service? If so, which community has the preponderance, and why?

(b) Will Government be pleased to state how many vacancies in the Upper Division (including the posts of stenographers) in the office of the Director-General, Posts and Telegraphs, occurred since May 1926 up till now? How many of them have been filled up by non-Muslims and how

many by Muslims? Do the numbers show the preponderance of any one class over the Muslims? If so, will Government be pleased to state whether the appointments in the Upper Division have been filled up in accordance with the policy of Government to give the Muslims their due share?

(c) Is it a fact that ten vacancies in the Upper Division in the office of the Director-General, Posts and Telegraphs occurred during the period from April 1926 to the 31st December, 1927 and they were all filled up by Non-Muslims? If so, why were the claims of other communities overlooked? Is it a fact that the non-Muslims already form an overwhelming majority on this cadre?

(d) Is it a fact that four vacancies in the Upper Division were filled up since the 1st February, 1928, and none of them by Muslims? If so, will Government be pleased to state whether this was in accordance with the policy of Government regarding the prevention of preponderance of any particular community, as explained in reply to starred question No. 352, dated the 7th March, 1928? If not, why not?

Mr. H. A. Sams: (a) 116, of which 8 are held by Muslims and the remainder by non-Muslims. Hindus predominate in this establishment owing to the fact that, prior to the issue of the orders of the Government of India, recruitment had been made without attaching weight to communal preponderance.

(b) 15.

18 by non-Muslims, 2 by Muslims.

Yes, if regard is given only to the dates mentioned by the Honourable Member who carefully excludes four Muslims appointed to the First Division in the three years before May, 1926.

Out of the 15 posts filled, 8 were filled by promotion from the Lower Division clerks. Of the seven posts filled by recruits, three were filled by stenographers, who were appointed owing to their special competence in stenography. In the case of the remaining four recruits, who were all Hindus, the orders of the Government of India were not literally observed; but I would point out that since 1923 special attention has been given to the appointment of Muslims, with the result that out of 23 vacancies in the Upper Division, six were given to Muslims and one to a Christian.

(c) Yes.

The answer to the second part is that, of the 10 vacancies, 6 were filled by promotion, and 3 from Hindu recruits. But in January, 1928, which the Honourable Member has taken pains to exclude, two Muslims were promoted.

(d) Yes. As already explained in my reply to part (b), three of the four were stenographers. The answer to the second part is that three out of the four recruits required special qualifications as stenographers and that rules regarding preponderance were therefore not observed.

APPOINTMENT OF MUSLIMS AS HEAD ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

426. ***Mr. Muhammad Anwar-ul-Azim:** With reference to the reply given to starred question No. 353, dated the 7th March, 1928, will Government be pleased to state whether there is any chance for Muslim officials to be promoted to the rank of Head Assistants (now sectional

Superintendent) in the office of the Director-General, Posts and Telegraphs in the near future? If the reply is in the negative, will Government be pleased to state how long the Muslim community will remain unrepresented in these selection grade appointments?

Mr. Tin Tüt: As the Muslim assistants in the Office of the Director-General are all comparatively junior, it is unlikely that any of them will be promoted to the rank of Head Assistant in the near future and until such promotion takes place the selection grade appointments cannot I fear be held by Muslims.

APPOINTMENT OF MUSLIMS AS HEAD ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

427. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government be pleased to state whether Messrs. Sachchidananda Chatterji and Lalit Mohan Ghose were allowed to supersede several "sufficiently senior" and fit officials for promotion to the rank of the sectional Superintendents in the office of the Director-General, Posts and Telegraphs?

(b) If so, did they attain "sufficient seniority" for these selection grade appointments?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state what exactly is the criterion for judging the attainment of "sufficient seniority" for these appointments? If the reply to part (b) is in the negative, will Government be pleased to state whether the same principle of supersession cannot be applied in the case of Muslim officials? Is it the fact that none of the posts of Head Assistant (now sectional Superintendent) has ever been held by a Muslim official?

(d) Are Government aware that there is a real grievance of the Muslim community in respect of these Selection Grade appointments? If so, how do Government propose to redress it?

Mr. H. A. Sams: (a) Yes, Messrs. Sachchidananda Chatterji and Lalit Mohan Ghosh superseded certain senior officials because, when the vacancies occurred, Messrs Chatterji and L. M. Ghosh were the most senior who were held to be fitted to fill the particular posts to which they were appointed.

(b) Yes, if by "sufficient seniority" the Honourable Member means that the officials had sufficient service for their names to be considered with reference to filling the posts in question.

(c) The claims of officials for such posts are considered in order of seniority in making the selection. The second part of this question does not arise. Reply to the third part is "Yes".

(d) No. The second part does not arise.

REDUCTIONS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

428. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government be pleased to state whether the recommendations of Rai Bahadur J. P. Ganguly made in 1928 in respect of reduction of the office establishment of the Director-General, Posts and Telegraphs, have been accepted *in toto* or partially by Government?

(b) If those recommendations have been accepted *in toto* will Government be pleased to state when full effect to the recommendations will be given?

(c) If the recommendations have been partially accepted, have those been fully carried into effect? If not, do Government propose to superannuate forthwith officials of the office of the Director-General, Posts and Telegraphs, who are on the verge of completion of their service? If not, why not?

Mr. Tin Tüt: (a) The recommendations have been accepted partially by Government.

(b) Does not arise.

(c) The recommendations have been carried into effect to the extent to which they have been accepted by Government.

CLERKS ENTRUSTED WITH DUTIES OF ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

429. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state whether the duties of the assistants in the office of the Director-General, Posts and Telegraphs, involve higher responsibilities than those of the clerks in the same office? If the reply is in the affirmative, will Government be pleased to state whether some clerks in that office are entrusted with the duties of assistants without extra remuneration? If so, why?

Mr. H. A. Sams: The reply to the first part of the question is in the affirmative, and to the second part in the negative. The third part does not arise.

DUTIES OF SUPERINTENDENTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

430. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state whether the responsibilities of the highly paid sectional Superintendents in the office of the Director-General, Posts and Telegraphs, have been increased since the office has been declared as an attached office? If so, whether the Superintendents of all the Branches of the office deal with important cases personally and pass cases submitted by their assistants and clerks to officers concerned, as is the procedure followed in other attached offices of the Government of India? If not, why not?

Mr. H. A. Sams: The reply to the first two parts of the question is in the affirmative. The last part does not arise.

DUTIES OF RECORD LIFTERS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

431. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that some of the record lifters in the office of the Director-General, Posts and Telegraphs, are compelled to do clerical work without due remuneration? If so, are Government prepared to arrange an extra allowance for such work?

Mr. H. A. Sams: Clerical work is not an ordinary part of the duties of a record lifter. Sometimes they are employed on routine work, but Government do not consider this affords any justification for an increase in their remuneration.

APPOINTMENT OF MUSLIM SUPERINTENDENTS IN GOVERNMENT OF INDIA OFFICES.

432. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that there is no Muslim Superintendent in any of the offices of the Government of India? If so, why? If there are any, out of how many all over?

The Honourable Sir James Orerar: No. There are at present four Muslims holding posts as Superintendents in the Secretariat.

SPECIAL OFFICERS AND THEIR STAFFS EMPLOYED BY THE RAILWAY BOARD.

433. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how many special officers there are now working under the Railway Board and how are they being paid? What establishments have they got to work with? Are Muslims represented up to one third in those establishments? If not, why not?

Mr. A. A. L. Parsons: There are 16 officers on special duty under the Railway Board. They are paid from railway revenues. The following are the details of the establishments working under them:

Clerks and Stenographers	34
Dutry	1
Peons	22

I have called for information as to how many of the clerks and stenographers are Muslims and will communicate with the Honourable Member when it is received.

EMPLOYMENT OF MUSLIMS IN THE RAILWAY CLEARING OFFICE.

434. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government be pleased to state the number of Muslims employed in the Railway Clearing Office, including Rates Branch, Delhi, as clerks, Sub-Heads, Accountants and Officers, as compared with other communities employed therein in these categories?

(b) If Muslims are not fairly represented, what steps have been taken by Government to bring about their fair representation? Have any instructions been given by Government to accord preferential treatment to Muslims, their services being retained in the impending reductions in those offices? If nothing has been done so far, do Government propose now to take this opportunity to adjust communal inequalities?

(c) Is it a fact that Muslim matriculates are being retrenched whereas a large number of Hindu non-matriculates have been retained in these offices?

Mr. A. A. L. Parsons: (a) There is no Muslim gazetted officer at present posted to the Clearing Accounts Office (including Rates Branch).

As regards the subordinate ranks, Government regret that they are not prepared to give figures showing the composition, by communities, of the staff of each individual railway office; but they are arranging to show the Accounts Department separately in the statements now given in the Administration Reports showing the composition, by communities, of subordinate staff on Railways.

(b) No special instructions have been issued for the preferential treatment of Muslims in connection with the impending reduction of staff in that office. General orders, however, have been issued regarding the representation of minority communities, and the Director, Clearing Accounts Office, is aware of these instructions.

(c) No.

EMPLOYMENT OF MUSLIMS IN ARSENALS.

435. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state the number of Muslim clerks, storekeepers, and supervisors employed in the various arsenals in India as compared with other communities? If Muslims are not fairly represented in these services, what steps Government propose to take in the matter?

Mr. G. M. Young: The figures for clerks, Assistant Storekeepers and Storemen are as follows:

Clerks.—Hindus 321, Muslims 97, Sikhs 46, and other communities 64.

Assistant Storekeepers.—Hindus 9, Muslims 5, Sikhs 2 and other communities 1.

Storemen.—Hindus 49, Muslims 24, Sikhs 18 and other communities 9.

These figures give a percentage of 41 for minority communities taken together, and nearly 20 for Muslims.

Supervisors in arsenals are employed on a temporary basis. As their numbers fluctuate from day to day, it is not possible to furnish the Honourable Member with the information desired in respect to this class.

EMPLOYMENT OF MUSLIMS IN THE PROVISION SECTION OF THE MASTER GENERAL OF ORDNANCE'S BRANCH.

436. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that Indians have replaced a large number of British subordinates in the Provision Section of the Master General of Ordnance Branch, Army Headquarters, and that in spite of the fact that names of Muslims were forwarded by arsenals, not a single Muslim has been taken? If so, why?

Mr. G. M. Young: 17 British other ranks have been replaced by Indians in the office in question. A few Muslim clerks of the Indian Army Ordnance Corps were recommended for these vacancies, but were not considered qualified. Applications have since been received from some qualified Muslim candidates: and these will be considered when occasion arises. 10 Muslim clerks are already employed in this office.

STATUS OF INDIANS IN EAST AFRICA.

437. ***Mr. B. Das:** (a) Will Government be pleased to state if the Secretary of State for India or the East African (Indian) Congress or any person or body of persons in India or East Africa had asked them to send a representative or representatives to assist discussion before the Joint Committee of Parliament that met in London last December on the East African question?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to mention the name of the person or persons specially deputed in the above case?

(c) Did the non-official Indian deputation from East Africa or did Pandit Hirday Nath Kunzru ask for any assistance from the Government of India or the India Office at the time?

(d) Will Government be pleased to state if the Secretary of State for India or the Government of India was asked by the Joint Parliamentary Committee to restate their position on the East African question?

(e) Will Government be pleased to state if the position and status of Indians in East Africa's Government has improved since the publication of the last White Paper on the subject?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No.

(b) Does not arise. But the Honourable Member's attention is invited to the answer given by me on the 2nd instant to part (b) of Mr. Gaya Prasad Singh's question No. 275.

(c) I am not quite clear to which Indian deputation from East Africa the Honourable Member is referring. If he is referring to the Indian Delegation from East Africa that visited India in September, 1929, I may state that the Delegation informed the Government of India of their proposal to send a deputation to London to put the Indian case before His Majesty's Government before any orders were passed on the Hilton-Young Commission's Report, and requested the Government of India to nominate a representative to accompany that deputation. This was long before the White Papers were issued by His Majesty's Government and had no reference to representation before the Joint Select Committee of Parliament. Pandit Hirday Nath Kunzru did not ask for any assistance from the Government of India. I have no information whether any assistance was asked for from the India Office.

(d) The Government of India were invited by the Colonial Office through the Secretary of State for India to express their views on the Closer Union Scheme, as set out in the White Paper issued by His Majesty's Government, in order that these views may be placed before the Joint Select Committee.

(e) The last White Paper which touches on the position of Indians in East Africa was issued last year. It contained a statement of the conclusions of His Majesty's Government and has been referred to a Joint Select Committee of Parliament. As the matter is under consideration, the position of Indians has not altered since the issue of the White Paper.

Mr. B. Das: With reference to part (c) of the question, is not the Honourable gentleman aware that a deputation went from East Africa to appear before the Joint Parliamentary Select Committee and Pandit Hirday Nath Kunzru also left India to assist that deputation last December?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am afraid I am not aware whether any Indians left East Africa as a deputation, but I do know that Pandit Hirday Nath Kunzru left India. Whether he was the sole delegate or one of many I have no information.

Mr. N. M. Joshi: May I ask if the Joint Parliamentary Committee propose to hear personally the representative of the Government of India on this subject?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That is my information, Sir.

Mr. N. M. Joshi: Will they also hear personally the representatives of any other associations interested in this matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That I do not know, Sir.

Mr. B. Das: May I ask the Honourable Member whether the Secretary of State did not think it worth while to ask for a deputation from East Africa when the Joint Parliamentary Committee was consulting them on this matter last December?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Is the Honourable Member referring to the Secretary of State for the Colonies?

Mr. B. Das: No; the Secretary of State for India, because he is the mouthpiece of the Government of India in this matter.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Undoubtedly; but I have stated in reply to the Honourable Member's question, part (d), that he has asked us to send a representative to place our case before the Joint Parliamentary Committee.

Mr. B. Das: But did not the Secretary of State consult the Honourable Member whether it was advisable that a deputation of Indians from East Africa was necessary at that stage to be placed before the Colonial Office and the Joint Parliamentary Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: No, Sir.

Mr. B. Das: I think the Secretary of State acted unwisely and that he did not properly gauge the situation in India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I am afraid I have not caught that.

RESULT OF PROTECTION GIVEN TO THE TATA IRON AND STEEL COMPANY.

438. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the actual revenue derived during the years 1928, 1929 and 1930 as a result of protection given to the Tata Iron and Steel Co., Ltd., under the Steel Protection Act of 1927?

The Honourable Sir George Schuster: The amounts of protective duty collected on iron and steel in 1928, 1929 and 1930 exceeded the amounts of duty that would have been collected on the same amounts of iron and steel had it been assessed at 10 per cent. *ad valorem*, by approximately 148 lakhs, 110 lakhs and 74 lakhs respectively. It does not, of course, follow that the whole of these sums represents additional revenue resulting from the imposition of the protective duties, since presumably the volume of iron and steel materials that would have been imported if those duties had not been imposed would have been greater than the volume of the materials actually imported, and the duty collected

at 10 per cent. might therefore have exceeded that which has been taken in the calculations given above. Any estimate of what to allow for this factor must be conjectural.

Seth Haji Abdoola Haroon: May I know for how long the consumer will have to suffer on account of giving protection to the Tata Iron and Steel Company?

The Honourable Sir George Rainy: Will the Honourable Member repeat his question? It seemed to me that it concerned my Department?

Seth Haji Abdoola Haroon: My question is this. On account of the protection which the Tata Company is given, I want to know for how long the consumer will have to pay a higher price than actually he would have paid if only 10 per cent. duty had been charged?

The Honourable Sir George Rainy: According to the decision of the Legislature, up to the 31st of March, 1934.

QUANTITY OF STEEL AND IRON IMPORTED INTO INDIA BEFORE AND AFTER ENACTMENT OF THE STEEL PROTECTION ACT.

439. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the actual quantity of foreign steel and iron imported into India together with their values during the two years preceding the enactment of the Steel Protection Act and two years after the Act has been in force?

The Honourable Sir George Rainy: With your permission, Sir, I propose to reply to question Nos. 439 and 440 together.

A statement furnishing the information so far as it is available is laid on the table.

A

Statement showing the quantity and value of foreign iron and steel imported into India during the years 1925-26 to 1928-29.

Years.	Quantity.	Value.
	Tons.	Rs.
1925-26	695,528	15,83,30,096
1926-27	625,956	14,36,11,113
1927-28	907,025	18,38,47,462
1928-29	911,175	17,22,68,783

B

Statement showing the quantity of imported galvanised sheets, etc., during the years 1928-29 and 1929-30.

Articles.	1928-29.	1929-30.
	Tons.	Tons.
(a) (i) Galvanised sheets (including galvanised plates)	326,237	257,552
(ii) Galvanised pipes	Not available.	
(b) Chrome steel points and crossings	Do.	
(c) Bearing plates	Do.	
(d) Fish bolts	Do.	
(e) Rivets, washers and nails (other than wire nails)	18,671	16,682
(f) Dog spikes	Not available.	
(g) Stretcher bars	Do.	
(h) Gibbs and Cotters	Do.	

QUANTITY OF GALVANISED SHEETS, PIPES, ETC., IMPORTED INTO INDIA.

†440. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the actual quantity of:

- (a) galvanised sheets and pipes,
- (b) chrome steel points and crossings,
- (c) bearing plates,
- (d) fish bolts,
- (e) rivets,
- (f) dog spikes,
- (g) stretcher bars,
- (h) gibbs and cotters,

imported into India during the last two years?

† For answer to this question, see answer to starred question No. 439.

THE RAILWAY STAFF COLLEGE AT DEHRA DUN.

441. *Mr. Bhuput Sing: Will Government be pleased to state:

- names and qualifications of all the members of the instructional staff at the Railway Staff College at Dehra Dun;
- details about their pay and emoluments and also of pensions, if entitled to any;
- whether students have to contribute anything towards expenditure of the institution; and
- the maximum period which students normally take to finish their course at the institution?

Mr. A. A. L. Parsons: I have called for certain information from the Principal of the Railway Staff College and will communicate with the Honourable Member on its receipt.

RAILWAY PUBLICITY OFFICERS AT LONDON AND NEW YORK.

442. *Mr. Bhuput Sing: Will Government be pleased to state:

- names and qualifications of the Railway Publicity Officers at London and New York respectively;
- particulars about their pay, emoluments and tenure of service;
- number of Indians employed on their staffs;
- name of any other Asiatic country that has a Railway Publicity Office either in London or New York; and
- names of the European countries that have established similar Publicity Offices at those places?

Mr. A. A. L. Parsons: (a) and (b). A statement is laid on the table.

(c) There are no Indian clerks.

(d) Government are not aware whether any Asiatic country as such has a Railway Publicity Office in London or America, but there are offices of the Nippon Yusen Kaisha both in London and in America, which issue monthly an overseas travel magazine and take necessary steps to encourage tourists to visit Japan. It is understood also that travel information about Siam is available with the Japanese Bureau in New York and that information about travel facilities in China can also be obtained in New York.

(e) Definite information is not available showing how many foreign countries have railway publicity offices in London and America, but it is known that there are a number of publicity offices run either by railways themselves or by the Governments concerned to encourage tourists to visit their respective countries. Among foreign countries and British Dominions represented in London are Canada, Australia, South Africa, France, Italy, Germany and Norway, while in America there are England, Canada, South Africa, Germany, France, Italy, Switzerland and Spain. The above list does not pretend to be complete and only includes the names of those countries about which information is available.

Statement showing the names and qualifications of Publicity Officers at London and New York and particulars of their emoluments and tenure of service.

Names of Railway Publicity Officers at		Qualifications.	Particulars about pay, emoluments and tenure of service.
London.	New York		
Stowell, A. T., C.I.E., V.D.	Biscoe, W. T.	Mr. A. T. Stowell.—He was Chief Operating Superintendent, North Western Railway, and officiated as Agent of that Railway, before retirement in May, 1928. Now holding the post of Manager, London Publicity Bureau.	Mr. Stowell.—£800 per annum. His services are terminable at one month's notice on either side.
Dawson, G. W.	....	Mr. G. W. Dawson.—He was Publicity Superintendent on the Great India Peninsula Railway and was transferred to the Central Publicity Bureau and appointed as Assistant Chief Publicity Officer, Indian State Railways in 1927. He officiated as Chief Publicity Officer, Indian State Railways for about 7 months and is now holding the post of Assistant Manager, London Publicity Bureau.	Mr. Dawson.—£500 per annum. For a period of 2 years with effect from the 1st January, 1931.
Khan, F. M.	....	Mr. F. M. Khan.—He was an Assistant Traffic Officer on the North Western Railway and was transferred to the Central Publicity Bureau in January, 1929 and appointed as Assistant Chief Publicity Officer, Indian State Railways now holding the post of Assistant Manager, London Publicity Bureau.	Mr. F. M. Khan.—Rs. 1,000 per mensem plus Rs. 250 per mensem as special pay. For a period of one year with effect from the 17th May, 1930.
		Mr. W. T. Biscoe.—He was District Traffic Superintendent on the North Western Railway and officiated as Deputy Chief Operating Superintendent of that Railway in 1928. Now holding the post of Resident Manager, New York Publicity Bureau.	Mr. W. T. Biscoe.—£1,400 per annum plus £300 as Local allowance plus £250 as Stipendary allowance. Total £1,950 per annum. For a period of three years with effect from the 15th November, 1930.

RECOMMENDATIONS OF THE HAJ COMMITTEE.

443. *Maulvi Badi-uz-Zaman: (a) Will Government be pleased to state whether they have taken steps to give effect to the recommendations of the Haj Committee? If not, will they state the reasons for the same?

(b) Will Government please state whether they are now prepared to give effect to the recommendations made in the Report of the Haj Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). The Honourable Member is referred to the reply which I have given today to part (b) of Khan Bahadur Haji Wajihuddin's starred question No. 387.

Seth Haji Abdoola Haroon: May I know how many months have passed since the Haj Committee made their Report?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Many months.

Seth Haji Abdoola Haroon: How long will the Government of India take to act on the recommendations of the Haj Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Government here will act on the recommendations of the Haj Committee's Report as soon as the Reports from Local Governments are received. It does take time to receive Reports from Local Governments, and I am sure the Honourable Member will not be surprised to hear that when he knows very well of their preoccupations.

Dr. Ziauddin Ahmad: I understand that question No. 444 is withdrawn. Is it correct, Sir?

Mr. President: Yes, that is correct.

REFUSAL OF LEAVE IN THE FOREIGN AND POLITICAL DEPARTMENT.

445. *Mr. K. P. Thampan: (a) Will Government be pleased to state if it is a fact that there is a leave reserve establishment in the Foreign and Political Department?

(b) Is it a fact that privilege leave is not ordinarily granted in this Department except on medical certificate? If so, why?

(c) If the number of men on leave on medical certificate is more than the reserved strength, are Government prepared to consider the desirability of granting leave to others who require privilege leave on affairs other than personal sickness?

Mr. J. G. Acheson: With your permission, Sir, I propose to answer questions Nos. 445 and 447 together.

445. (a) Yes.

(b) and (c). Leave is not ordinarily granted except on medical certificate when the number of absentees is in excess of the leave reserve, since the Department is not permitted to entertain substitutes in the place of men proceeding on leave. It is of course always prepared to examine exceptional cases of real necessity.

447. (a) The answer to the first part of the question is in the negative. The second part presumably relates to the case which seems to be referred to in parts (b) to (e) of the question, which I will now proceed to answer.

The facts of this case are as follows:

In April last a clerk was allowed, as a special case, casual leave at the time of the move to Simla to enable him to see his father at Calcutta who was ill. While on this casual leave, he applied for a month's leave on account of his daughter's illness with typhoid, and this was at once granted. Although at the time there were a large number of absentees and work was badly congested, two extensions of this leave, totalling 17 days, were granted on account of the illness of his children. It was during this period of leave that his son's death occurred. The Honourable Member will thus see that the clerk was not, as suggested, compelled to rejoin office when his children were on their death bed.

Shortly after, resuming duty, the clerk again applied for a month's leave from the 2nd of June to attend to the surviving son who was stated to be seriously ill. Owing to the serious shortage in the working strength of the office and the abnormal stress of work at the time, it was only possible to grant 12 days' leave, of which however he did not avail himself. The Honourable Member will, I hope, agree with me that the clerk has been treated with all possible sympathy and consideration.

(f) There has been no case in which leave applied for on medical certificate has been refused, though actually under rule the mere possession of a medical certificate in itself does not confer any right to leave.

(g) and (h). The acceptance of a medical certificate by a registered medical practitioner is permissible under rule 229 of Supplementary Rules framed under Fundamental Rules, but this rule also gives the authorities discretion to secure a second medical opinion from the Civil Surgeon.

LATE OFFICE HOURS IN THE FOREIGN AND POLITICAL DEPARTMENT.

446. *Mr. K. P. Thampan: (a) Will Government be pleased to state if it is a fact that clerks in the Foreign and Political Department are desired to work very late hours to cope with the heavy rush of work?

(b) If so, are Government taking any action to increase the staff, where necessary, to avoid late hour working and to save the health of the clerks in the interests of good and efficient work? Was a rule laid down during the Viceroyalty of Lord Curzon prescribing office hours to be strictly adhered to?

Mr. J. G. Acheson: (a) Yes.

(b) The staff has recently been increased by the appointment of 2 Assistants and 8 clerks temporarily up to the 31st March, 1932. No rule of the kind referred to in the latter part of the question has been traced.

REFUSAL OF LEAVE IN THE FOREIGN AND POLITICAL DEPARTMENT.

†447. *Mr. K. P. Thampan: (a) Will Government be pleased to state if it is a fact that people have been refused leave in cases of alleged genuine necessity and in some cases the Assistant Secretary (Registrar), Foreign and Political Department, re-called men, although their children were seriously ill?

† For answer to this question, see answer to starred question No. 445.

(b) Is it a fact that in one case he recalled a clerk whose three children were seriously ill and two of them died soon after he was compelled to re-join office?

(c) Is it also a fact that one of the children died when he was at the Railway Station to leave for Simla?

(d) Is it a fact that when he had joined office and was in Simla the news of the death of the second child was received and that, in spite of his repeated request, leave was refused to him though leave for four months to another clerk of the same Branch was granted without any substitute?

(e) What was the justification for this treatment?

(f) Are Government aware that men find it very difficult to get leave even on the submission of medical certificates?

(g) Do the Government rules allow of the submission of medical certificates by registered and qualified private practitioners?

(h) If the reply to part (g) be in the affirmative, will Government please state the reasons why such medical certificates are not accepted in the Foreign and Political Department?

NON-GRANT OF HOLIDAYS IN THE FOREIGN AND POLITICAL DEPARTMENT.

448. *Mr. K. P. Thampan: (a) How many closed holidays are granted in the Imperial Secretariat?

(b) How many of these were enjoyed by the Issue and Cipher Sections of the Foreign and Political Department during the last six months?

(c) Is it not a fact that written orders have been issued by the Assistant Secretary (Registrar) requiring the members of the Cipher and Issue Sections to work till late hours every day and to attend on closed holidays, including Sundays?

(d) If there is much work in these Branches have Government considered the question of increasing the staff of these Branches? If so, in what way?

Mr. J. G. Acheson: (a) Sixteen in the year.

(b) The holidays have been granted in all cases.

(c) No such *standing* orders have of course been issued, but from time to time developments on the frontier and elsewhere necessitate some overtime and holiday working by the two branches in question as well as other branches. Orders of this nature are usually issued on the authority of superior officers. The pressure falls on officers and clerks alike, and every effort is made by the superior officers to afford relief to the clerks concerned by the employment of temporary personnel when this is really necessary.

(d) The staff of the Issue Branch has recently been increased. Apart from this the Department is examining the question how any further relief can be obtained consistently with the need for economy. It will be realised that a permanent increase of staff in order to avoid occasional overtime working in times of crisis would not be justifiable.

MEDICAL LEAVE IN THE FOREIGN AND POLITICAL DEPARTMENT.

449. *Mr. K. P. Thampan: (a) Will Government be pleased to state if it is a fact that in every case of leave on medical grounds the men concerned in the Foreign and Political Department are asked to appear before the Civil Surgeon?

(b) Is it a fact that if an extension of leave is applied for from outside the station, the Civil Surgeon of the stations are officially asked to certify the genuineness of the leave? If so, why?

(c) Has in any single case the Civil Surgeon disagreed with the original recommendations?

(d) Is the same procedure followed in other Departments of the Government of India or was it ever followed in the Foreign and Political Department before the appointment of the present Assistant Secretary (Registrar)?

(e) If the reply to part (d) be in the negative, do Government propose to see that it is stopped in the Foreign and Political Department?

(f) Is it a fact that in cases of long medical leave men are threatened with forcible retirement and have been compelled to appear before medical boards?

(g) If the reply to part (f) be in the affirmative, will Government please state how many cases of this kind have occurred during the last six months and who has paid for medical boards?

Mr. J. G. Acheson: (a) No.

(b) No, not in every case, but when it is considered necessary or desirable to obtain a second medical opinion, as contemplated in Supplementary Rule No. 229, the applicants are asked to appear before the Civil Surgeon.

(c) Yes, Sir. In one recent case the applicant disavowed the original certificate when he appeared before the Medical Board and there stated that he was prepared to return to duty forthwith. The Medical Board was of opinion that he was fit for duty and severely criticised his methods in obtaining an incorrect certificate.

(d) Presumably the same procedure is followed under the rule by every authority granting leave.

(e) Does not arise.

(f) and (g). In cases of prolonged absence on account of ill-health, clerks are sometimes required to present themselves before the medical authorities with a view to ascertaining whether further leave should be granted in the light of Supplementary Rule No. 220, which prescribes that medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. There is no question of any threat. In two recent cases in which clerks who were absent for prolonged periods were required to appear before a Medical Board, one was invalidated, while the other was declared fit to resume duty at once and did so. No payment is made for the Medical Boards.

UNSTARRED QUESTIONS AND ANSWERS.

HINDU AND MUHAMMADAN TITLE HOLDERS IN THE DISTRICT OF PATNA.

170. **Mr. Badri Lal Rastogi:** Will Government be pleased to place on the table a statement showing the number of Hindu and Muhammadan title-holders in all the Sub-Divisions of the District of Patna in the Province of Bihar and Orissa?

Mr. J. G. Acheson: The statement asked for is being laid on the table.

Statement showing the number of Hindu and Muhammadan title-holders in all the Sub-Divisions of the District of Patna in the Province of Bihar and Orissa.

Sub-Division.	Title-holders.	
	Hindus.	Muhammadans.
Sadr Sub-Division		
Patna City	44	14
Dinapur	5	4
Barh	5	9
Bihar	4	5
	6	31
Total	64	35

N. B.—The figures in the statement include the Government Officers holding titles and posted to a sub-division in the Patna District though they are not all residents of the district.

FOREIGN LIQUORS IMPORTED INTO INDIA.

171. **Mr. B. Rajaram Pandian:** (a) Will Government be pleased to state the quantity of foreign liquors imported to India for the year 1930-1931?

(b) Have Government considered the question of enhancing the duty on foreign liquors imported into India with a view to minimise consumption?

The Honourable Sir George Schuster: (a) The Honourable Member is referred to the Sea-borne Trade Accounts for December, 1930, copies of which are in the Library. Figures for the full year 1930-31 are not yet available.

(b) The Government of India have from time to time considered this question. I might refer the Honourable Member to the speech made by Sir Basil Blackett in this Assembly on the 2nd September, 1925, which contains the latest full statement of the Government's policy. The subject has again recently come under consideration in another aspect in connection with Sir Walter Layton's proposal that the import duties on liquor should be handed over to the Provinces.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT TO THE OFFICE OF THE RAILWAY BOARD.

172. **Mr. T. N. Ramakrishna Reddi:** (1) Will Government be pleased to state:

(a) whether any reference was made either to the Home Department or to the Public Services Commission, by the Railway Board, regarding—

(i) the recruiting of, or

(ii) the confirmation of the existing unqualified candidates (by the Public Services Commission or the Staff Selection Board);

(b) what reply has been received, if any;

(c) whether they will place the whole correspondence on the subject, on the table; and

(d) if the answer to part (c) above is in the negative, the reasons therefor?

(2) How many vacancies in the Railway Board are now being held by unqualified men who could not be made permanent on account of their being unqualified (by the Public Services Commission or the Staff Selection Board), in each of the First, Second and Third Divisions?

Mr. A. A. L. Parsons: (1) (a) and (b). Certain proposals in regard to recruitment only were referred to the Public Services Commission and are under the consideration of the Government of India.

(c) and (d). Government are not prepared to lay on the table of the House papers containing inter-departmental discussions.

(2) Ten, of whom one is in the Second Division and nine in the Third Division. All are temporary.

RECRUITMENT TO THE SECRETARIAT.

173. **Mr. T. N. Ramakrishna Reddi:** (1) Will Government be pleased to state the number of candidates in the Government of India Secretariat and attached offices who have qualified themselves for the First, Second and Third Divisions of the Secretariat and who are—

(a) only employed temporarily in, and

(b) are still unable to get into,

the respective divisions for which they are qualified?

(2) Have Government considered the advisability of—

(a) stopping further recruitment by the Public Services Commission until the qualified men are absorbed;

(b) giving preference to qualified candidates for promotion to the higher divisions (next division) both in the permanent and temporary vacancies of the Secretariat; and

(c) giving preference to those who are qualified for the First Division and Second Division, respectively, over others for promotion to the Upper Division from the Lower, both with regard to permanent and temporary vacancies?

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(8) If the answer to any of the above is in the negative, will Government please state the reasons therefor?

The Honourable Sir James Orerar: (1) I am having a statement prepared and will send it to the Honourable Member in due course.

(2) and (3). The Government of India have given the most careful consideration to the reasonable claims of qualified candidates and have come to the conclusion that no injustice will be done to them by annual recruitment of a proportion of vacancies from external candidates which the new scheme contemplates. The scheme includes adequate provision for the promotion or confirmation of existing qualified men.

LOCATION OF GOVERNMENT OF INDIA OFFICES PERMANENTLY IN DELHI.

174. **Mr. T. N. Ramakrishna Reddi:** Will Government be pleased to state:

- (a) what was the expenditure incurred regarding the last two (i.e., one up and one down) moves of the Government of India offices to and from Simla;
- (b) what was the total amount of rent for December, 1930, realised from the Government of India migratory staff for the quarters allotted to them, including furniture rent;
- (c) what was the total amount paid for December, 1930, to the Government of India servants towards—
 - (i) Separation allowance,
 - (ii) Conveyance allowance,
 - (iii) House rent compensation allowance;
- (d) what was the total amount paid to Government servants for the last Simla season towards house rent;
- (e) are Government prepared to consider the advisability of locating permanently in Delhi forthwith, at least the major portion of all the offices, if not the whole, in view of the necessity of effecting economy in every possible direction; and
- (f) if the answer to part (e) above is in the negative, the reasons therefor?

The Honourable Sir James Orerar: (a) to (d). The information desired by the Honourable Member is being collected and will be supplied to him in due course.

(e) and (f). It is not possible to locate permanently in Delhi the whole or part of the offices which at present move between Delhi and Simla as either alternative would seriously affect administrative efficiency. The offices which can be retained permanently in Delhi without serious inconvenience are already kept here. Honourable Member will find the names of those offices in the answers which I gave on the 15th February, 1928, and 9th September, 1929, in this House to questions Nos. 93 and 250 respectively asked by Mr. Kelkar and Maulvi Muhammad Yakub.

APPOINTMENTS IN RAILWAY ACCOUNTS OFFICES.

175. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to furnish in respect of Railway Audit and Accounts offices the total number of sanctioned posts of (i) gazetted officers, (ii) senior accountants, (iii)

Accountants (iv) clerks class 1, (v) clerks class 2; and the number of Muslims under each of the five classes separately?

(b) Is it a fact that most of the posts referred to in clause (a) above were created after 1924? If so, what steps have been taken to secure adequate representation of Muslims in those posts?

(c) Is it a fact that some probationary accountants were directly recruited on the accounts side in 1925 and no conditions of passing any departmental examination for their confirmation or subsequent promotion to higher grades was imposed at the time of their appointment?

(d) Will Government please state whether the probationers referred to above have since been confirmed as accountants without passing any departmental examination and have been considered as qualified accountants?

(e) Is it a fact that a departmental examination in Appendix D has been introduced since 1929 which renders the men concerned not only eligible for confirmation but for promotion to higher grades without passing any further examination?

(f) If reply to parts (c), (d) and (e) be in the affirmative, under what circumstances have the probationers now been required to pass the examination in Appendix D for their promotion to higher grade when no separate examination is prescribed for promotion to senior accountancy?

(g) Will Government kindly lay a statement on the table showing the savings effected by the introduction of the peripatetic system of audit on certain Railways?

The Honourable Sir George Schuster: Information is being obtained and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF MUSLIMS IN CIVIL ACCOUNTS OFFICES.

176. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state the number of Muslim Assistant Accounts Officers, as compared to the total number of such posts in the Civil Accounts Offices separately for (i) old combined offices; and (ii) offices established under the scheme of separation of Audit from Accounts?

(b) Is it a fact that the number of Muslims in that rank is very low?

(c) If reply to (b) above be in the affirmative, what effective and immediate steps do they propose to take in order to redress the existing inequality?

(d) In view of the Government's declared policy of safeguarding the rights of minority communities, have they considered the desirability of reserving some 60 per cent. of the appointments for Muslims in future, till the existing keenly felt inequality is regulated?

The Honourable Sir George Schuster: (a) The total number of posts of Assistant Accounts Officer under the Auditor General is 44 in the old combined offices and 4 in separated Audit Offices. Of these, one post is held by a Muslim.

The number of such posts in the civil accounts offices under the separation scheme is 21, and one of them is held by a Muslim.

(b), (c) and (d). The number of Muslim Assistant Accounts Officers is low; but promotion to that rank is made by selection based on seniority and merit; and, as stated in Sir Basil Blackett's reply to part (c) of question No. 445 on the 17th March, 1928—(see page 1638 of Legislative Assembly Debates Volume II of 1928), the Government do not consider that communal considerations should be taken into account in making such departmental promotions.

LOCATION IN DELHI OF THE WIRELESS BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.

177. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether the Wireless Branch of the Posts and Telegraphs Department has since moved down to Delhi in its entirety?

(b) If reply to (a) above be in the negative, will Government be pleased to state when the Branch will move and whether any decision in the matter referred to in para. (v) of starred question No. 226, dated the 8th September, 1928, has yet been reached and, if so, what?

(c) If reply to (a) above be in the affirmative, will Government be pleased to state under what condition the Branch has been brought down to Delhi; if under Simla-Delhi move condition whether the staff attached to that Branch are losers in any way; if under transfer conditions whether the staff attached to that Branch have been suitably compensated for the loss, if any, in their monthly emoluments as promised under concluding paragraph of para. (iii) of the reply to starred question referred to at (b) above; if not, state reasons?

Mr. J. A. Shillidy: (a) Yes.

(b) Does not arise.

(c) The branch has been brought down to New Delhi to be permanently located there like other branches of the Director-General's Office. The only diminution in emoluments which has resulted has been the loss of the allowances admissible under the Simla Allowances Code. These allowances are granted to meet the special circumstances of Simla, and their withdrawal on the permanent location of the staff at Delhi cannot, therefore, be regarded as a loss, and no question of compensation therefore arises.

QUALIFICATIONS OF THE SUPERINTENDENT OF POST OFFICES, ALIGARH DIVISION.

178. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state the qualifications of the present Postal Superintendent in charge of Aligarh Postal Division?

(b) At what places has he worked as Superintendent Post Offices excluding Railway Mail Service and Sorting?

(c) To what community and place does he belong to?

(d) Has the attention of Government been drawn to the articles published in the *Ittihad* (a monthly organ of the Postmen and Lower Grade Staff published at Meerut) of 15th July (pages 4, 5, 6), 15th October (pages 8, 4) and 15th November (pages 2, 7)? If so, what steps have been taken? If not, will Government be pleased to send for these copies and put them on the table and state what they propose to do in the matter?

(e) How far is it true that the Inspector of Post Offices, Aligarh Sub-Division, who has lately been transferred as Town Inspector to Benares City (on leave at present) has reported a good many charges against the present Divisional Superintendent, Aligarh to the Postmaster General, United Provinces? If so, what steps are being taken?

(f) To what extent is it true that the stamp vendor of Aligarh Head Post Office had misappropriated Government money entrusted to him for the sale of stamps in the third week of August, 1930? If so, what punishment has been meted out to him; and if not why not?

Mr. H. A. Sams: (a) He is a graduate.

(b) Aligarh Division is his first charge as Superintendent of Post Offices.

(c) Hindu of the Punjab.

(d)—(f). The Government have no information but will institute enquiries.

NON-OFFICIAL RESOLUTIONS PASSED BY THE LEGISLATIVE ASSEMBLY.

179. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to lay on the table a schedule showing non-official Resolutions passed by the Legislative Assembly during a period of the last ten years and the action so far taken on each of them by Government?

The Honourable Sir George Rainy: The Honourable Member is referred to the reply given to Mr. K. V. Reddy's starred question No. 994 asked on the 24th March, 1924 (Legislative Assembly Debates—1924, Vol. IV—Part III, pages 2111-2112) and to the reply given to Mr. C. Duraiswamy Ayyangar's starred question No. 68 asked on the 8th February, 1927 (Legislative Assembly Debates—1927, Vol. I—pages 430-432), which give the information required up to and including the Simla Session, 1926.

A statement showing the non-official Resolutions adopted by the Legislative Assembly and the action taken on each of them during the years 1927-30 is laid on the table.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	Mr. V. V. Jogiah	3rd February, 1927.	Release of political detenus and Repeal of Bengal Regulation III of 1818.	Home	Copy of the Debates forwarded to the Secretary of State for India on 10th February, 1927.
2	Kumar Gangenand Sinha.	8th February, 1927 and 10th February, 1927.	Treatment of the Santal Parganas as a backward tract.	Do.	The action taken by Government was stated in reply to Mr. Siddheswar Sinha's starred question No. 1885 on 12th March, 1927.
3	Mr. S. N. Haji	10th February, 1927 and 25th August, 1927.	Improvement and expansion of banking facilities in India.	Finance	Indian Central Banking Enquiry Committee appointed which is at present investigating the subject.
4	Dr. B. S. Moosaje.	13th September, 1927.	Recommendations of the Indian Sandhurst Committee and Indianisation of officers in the Indian Army.	Army	Decisions of Government were announced in the Legislative Assembly on 18th March, 1928.
5	Lala Lalpat Rai	16th February, 1928.	The Indian Statutory Commission.	Home	A copy of the proceedings of the Legislative Assembly was forwarded to the Secretary of State on 1st March, 1928.
6	Mr. M. R. Jayakar	23rd February, 1928.	Education of the depressed classes.	E. H. and Lands.	The Resolution with an extract from the debates, was communicated to local Governments (with the exception of Burma) and certain minor Administrations and their attention

was invited to the main points raised in the course of discussion. Local Governments were also asked to supply the Government of India with the latest information regarding any action to improve the social and economic status of the depressed classes that might be contemplated either as the result of the debate in the Legislative Assembly or independently. The intention was to place a summary of the replies received on the table of the House, but in view of the more comprehensive statement of the facts published by the Auxiliary Committee of the Indian Statutory Commission in their report and by the Educational Commissioner with the Government of India in his annual reviews on education in India the idea was subsequently abandoned.

Recommendation to place the papers on the table of the House was not accepted by the Governor General in Council.

In pursuance of an undertaking given in the course of the debate on the resolution, the Government of India in March, 1929, appointed a committee to enquire into the arrangements in force for pilgrims proceeding to the Hedjaz and to make recommendations. The report of the Committee was published in March, 1930. Some of the recommendations made by the Committee have already been adopted, the rest are still under consideration.

7	Mr. K. C. Roy	5th September, 1928	Cable and Wireless Beam merger.	I. and L.	
	Seth Haji Abdoola Haroon.	5th September, 1928	Haj Pilgrim Traffic	E., H. & L.	

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
9	Rev. J. C. Chatterjee	11th September, 1928.	Grant for the education of girls and women in the administered territories by the Central Government.	E., H. & L.	In the course of the Debate on this Resolution it was pointed out that the Government of India had already decided to appoint a committee consisting of educational experts and representatives of the Assembly to investigate the problems of primary education for boys and girls and of the education of untouchables in these areas. The Committee was appointed and its report dealing with the three main areas of Delhi, Ajmer-Marwar and the North-West Frontier Province has recently been published. The subject matter of the resolution and the report in question are now under consideration.
10	Dr. B. E. Moonje	30th January, 1929 and 15th February, 1929.	Compulsory physical training for Indian Boys.	Do.	The Resolution was communicated to all Local Governments and Administrations in accordance with the promise made in the closing speech of the Government spokesman (Mr. G. S. Bajpai). The matter was however confined to the issues arising out of the first part of the Resolution relating to the provision for compulsory physical training, games and drill. The second part of the Resolution relating to the use of miniature rifle ranges formed the subject of a separate communication from the Home

Department. The schemes submitted by local Administrations as a result of this Resolution are now under consideration.

A copy of the debates was forwarded to the Secretary of State for India on the 7th March, 1929.

For the reasons which were stated by the Government spokesman in the debate on the Resolution, the Government of India could not accept the view that a central committee should be appointed to enquire into the administration of a provincial transferred subject. Copies of the debate were, however, forwarded to Local Governments for information and for such action as they might consider necessary. The views of the local Administrations were at the same time invited as to the action which should be taken to stimulate the development of village Panchayats in their respective areas. All the replies from local Administrations have not yet been received but on the basis of the reply from the Chief Commissioner, Delhi, the Punjab Village Panchayat Act, 1921, has been extended to Delhi.

No separate action was taken, the proposal being considered as part of the more comprehensive recommendations made in Dr. Moonje's Resolution of the 8th February, 1930.

No action was taken.

11	Pandit D. P. Misra	15th February, 1929	Assault on Lala Lalpat Rai	Home	
12	Mr. K. V. Rangswami Ayyangar.	17th September, 1929.	Village autonomy	E., H. and Lands.	
13	Mr. M. R. Jayakar	17th September, 1929.	Admission of Indian boys to Military Schools.	Army	
14	Pandit Nilakantha Das	24th September, 1929.	Steel Protection Act, 1927.	Commerce	

Non-official Resolutions adopted by the Legislative Assembly during the years 1927-30—contd.

Serial No.	By whom.	Date on which moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
15	Sardar Gulab Singh	20th January, 1930	Congratulation to His Excellency the Viceroy for his safe arrival after the Bomb outrage in the train near New Delhi Railway Station.	Home	It was communicated to His Excellency on the 24th January, 1930.
16	Mr. K. Ahmed	22nd January, 1930	Stipends to Carnatic family	F. and P.	The Resolution relates to the case of two Carnatic Stipendiaries (1) Muhammad Abdul Ahsad Sahib and (2) Muhammad Abdul Latif Farookhi. Orders have been issued to give effect to it so far as No. 1 is concerned. Case of No. 2 is under correspondence with the Madras Government and the individual concerned.
17	Mr. M. R. Jayakar	28th January, 1930	Revival of the competitive examination for the I. M. S.	Army	Government have decided not to take up the question until the impending constitutional changes have taken place.
18	Dr. B. S. Moonje	8th February, 1930	Defective character training under the present system of education.	E., H. and Lands.	The Resolution, with an extract from the Legislative Assembly debates was communicated to all local Governments and Administrations for information.
19	Pandit Hirday Nath Kunzru.	11th February, 1930	Enfranchisement of Indians in Ceylon.	Do.	In pursuance of the Resolution, further representations were made to His Majesty's Secretary of State for India on the question of Indian franchise in Ceylon.

No non-official Resolutions were adopted during the Simla session, 1930.

CONSTRUCTION OF A NEW BRIDGE OVER THE RIVER NARMADA.

180. **Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether the Bombay, Baroda and Central India Railway is going to construct a new bridge across the river Narmada at Broach in the very near future? If it is so, are there any negotiations going on between the Bombay Government and the Bombay, Baroda and Central India Railway Company on the subject, either to buy the old bridge for public traffic or to construct a combined road and railway bridge in order to complete the scheme of constructing a provincial road from Bombay to Ahmedabad now under contemplation by the Bombay Government?

Mr. A. A. L. Parsons: If the Honourable Member refers to the Narmada Bridge at Broach, the answer to the first part of his question is in the affirmative.

Negotiations have been going on between the Bombay Government and the Bombay, Baroda and Central India Railway Administration regarding the sale of the existing bridge to the Bombay Government for purposes of a road bridge, but the result of these negotiations has not yet been reported to the Government of India.

PLATFORM TICKETS ISSUED AT COLABA RAILWAY STATION.

181. **Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to place on the table a statement showing the number of platform tickets issued at the Colaba Station from the 1st January, 1930, till the 31st December, 1930?

(b) Will Government be pleased to state whether the sum realised from the platform tickets has been submerged in the general fund or was the same utilized differently?

Mr. A. A. L. Parsons: The information is being obtained from the Agent of the Bombay, Baroda and Central India Railway, and on its receipt, I will communicate with the Honourable Member.

CONSTRUCTION OF RAILWAY LINES FROM SAMNI TO MIYAGAM AND CHHOTA-UDEPUR TO MHOW.

182. **Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state whether a new railway line was proposed to be opened from Samni in the Broach District to connect it with Miyagam, a Railway Station on the Bombay, Baroda and Central India Railway, in Baroda State territory?

(b) Will Government also be pleased to state whether they contemplate the opening of a new railway line from Chhota-Udepur to Mhow whereby a facility to the commercial community could be achieved in the shape of the direct connection between the Central Provinces and the Bombay Presidency?

Mr. A. A. L. Parsons: (a) and (b). The answer is in the negative.

STATE AND COMPANY-MANAGED RAILWAY LINES IN INDIA.

183. **Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state what are the State-managed railways in India and also the total mileage of each one of them? And what are the railway lines which are to be taken over by Government?

(b) When are these lines due to be taken over and what is the amount to be paid by Government to each line?

Mr. A. A. L. Parsons: (a) A list of the State-managed Railways in India, with the mileage of each, is appended.

With regard to the second part of (a) and to (b), I would refer the Honourable Member to the statement I laid on the table on the 29th January, 1931, in reply to question No. 212 put by my Honourable friend Lala Hari Raj Swarup.

List of State-managed Railways in India.

Serial No.	Railway managed by the State.	Open route mileage on 31st March, 1930.
1	Burma	2,046.28
2	Eastern Bengal	1,792.72
3	East Indian	4,026.29
4	Great Indian Peninsula	3,194.16
5	North Western	*5,516.85

* Includes 51.96 miles of Mirjawa-Duzdap Section worked by the North Western Railway at the cost of the Military Department.

HARDSHIPS OF PILGRIMS TO AJMER.

184. Nawab Naharsingji Ishwarsingji: Are Government aware that pilgrims visiting the Orus of the Khwaja Sahab at Ajmer have to undergo a great amount of hardship on their return journey on account of their not obtaining tickets due to want of sufficient accommodation in the railway trains? If it is so, do Government propose to instruct the railway authorities to arrange for proper facilities?

Mr. A. A. L. Parsons: Government have received no complaints of shortage of accommodation; but I am sending a copy of the Honourable Member's question to the Agent of the Bombay, Baroda and Central India Railway.

LENGTHY CLOSING OF LEVEL-CROSSING GATES.

185. Nawab Naharsingji Ishwarsingji: Are Government aware that wherever a railway line crosses either a Provincial or District Local Board road on the level, the public have to wait for a considerably long time as the level-crossing gates are kept closed for a long time at a stretch? If it is so, are Government prepared to instruct the railway authorities to give proper facility to the public traffic?

Mr. A. A. L. Parsons: Government are not aware that, as a general rule, the public have to wait an unduly long time at railway level crossings on these roads. In certain cases where it has been known that heavy road

traffic has been subjected to frequent serious detentions, facilities have been provided by the construction of an overhead roadway or a sub-way. The cost of providing such facilities on existing railways is ordinarily met jointly by the railway and the local body concerned. If the Honourable Member has any particular level crossings in mind, I would suggest that he take steps to bring the matter to the notice of the local body concerned.

BADLY DESIGNED LEVEL CROSSINGS.

186. Nawab Naharsingji Ishwarsingji: Are Government aware that some of the level-crossings on the Broach-Jambusar Railway in the District of Broach are so badly designed as to cause very great difficulty to agriculturists in taking their carts over the crossings owing to the very steep slopes of the approach roads and that the matter has not at all been remedied although complaints have been made very often in this respect?

Mr. A. A. L. Parsons: Government have no information, but a copy of the Honourable Member's question is being forwarded to the Bombay, Baroda and Central India Railway Administration.

TAX ON PETROL FOR IMPROVEMENT OF ROADS.

187. Nawab Naharsingji Ishwarsingji: (a) Will Government be pleased to state whether it is a fact that a two-anna tax is levied on petrol in order to improve the roads in British India and that a Road Board has been appointed in the Central Government as well as in each of the Provincial Governments for the proper administration of the income? If it is so, will Government be pleased to state what amount was realised up to the 31st December, 1930, and how that amount has been distributed among the Central and the Provincial Governments and for what purpose?

(b) Will Government be pleased to state whether this amount and the grant which is given by the Provincial Governments to the various District Local Boards are quite distinct from each other?

Mr. J. A. Shillidy: (a) The Honourable Member is referred to the Resolution adopted by this House on February the 4th, 1930. Import and excise duties on petrol have been increased from four to six annas, the additional revenue being credited to the Road Development Account. No Road Board has been appointed in the Central Government. The Road Development Account is administered by the Governor General in Council on the advice of a Standing Committee of the Central Legislature. It is understood that certain local Governments have appointed Road and Communications Boards with advisory functions covering generally road administration within the province. Credits are made to the Road Development account as at the 31st of March and the 30th of September in each year. The credits to date amount to Rs. 162 lakhs, of which Rs. 112 have been distributed to Provincial Governments, for expenditure upon schemes approved by the Governor General in Council on the advice of the Standing Committee. Part of the balance represents the share of minor administrations and states, and part the reserve with the Government of India for special grants and research, demands in respect of which are now under consideration.

(b) If by the grant which is given by the Provincial Governments to the various District Local Boards, the Honourable Member means the normal or usual subventions, the answer is in the affirmative.

RESTRICTIONS ON EXPORTS AND IMPORTS.

188. **Nawab Naharsingji Ishwarsingji**: Will Government be pleased to state if they have considered the question of placing such restrictions on exports and imports whereby the interests of the agriculturists may be safeguarded in view of the fact that at present the market of every agricultural product has fallen down? If so, do they intend to place such restrictions on exports and imports?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I would refer the Honourable Member to the replies given to Sardar Sant Singh's unstarred questions, Nos. 15 and 16 on January 26th, to Mr. Muhammad Azhar Ali's unstarred question No. 111 on January 26th and to Mr. B. Das's starred question No. 392 on February 9th.

DEATH OF SIR JAMSETJEE JEEJEEBHoy.

The Honourable Sir George Rainy (Leader of the House): Sir, during the course of the last three or four days a distinguished former Member of this House has passed away. Sir Jamsetjee Jeejeebhoy was a member of a well-known family in Bombay, famous for its public benefactions and generosity. He himself played a prominent part in the public life of Bombay for a number of years. For a period, I think, of about three years he was a Member of this House, that is, of the first Assembly elected after the reforms. The respect in which he was held by his fellow Members is shown by the fact that in September 1921 he was elected to the post of Deputy President. I do not know how many Members there are in this House who sat in the first Assembly—perhaps their number is not very large—but those whom I have consulted assure me that when occasion called Sir Jamsetjee Jeejeebhoy to preside over the deliberations of this House, he carried out his duties with dignity and impartiality and to the satisfaction of his fellow Members. As a Member I am told that he spoke infrequently, and only on important subjects where he could make a real contribution to the debate. As to the general respect and admiration in which he was held I am sure that there can be no doubt. I believe that it would be in accordance with the wishes of the House, Mr. President, if you would communicate to the family of the deceased our deep sympathy and regret.

Dr. R. D. Dalal (Nominated Non-Official): I desire to associate myself with the remarks that the Honourable the Leader of the House has kindly given expression to in connection with the sad, untimely and sudden death of the leader of the community to which I have the honour to belong. Sir, as a representative from Bombay and as a member of the Parsee community I should be failing in my duty if I did not speak on

this mournful occasion. Coming as you do from Bombay, and a sincere admirer and well-wisher as you are of the Parsee community, you are aware that Sir Jamsetjee Jeejeebhoy came of a family who are highly respected throughout the country generally and Western India in particular, and who are well-known for their great philanthropy and public spirit. Sir, the charities of this family are not confined to India. May I be allowed to illustrate this from personal experience? I was the first native of India who held a public appointment in London, and that was in connection with the Finsbury Dispensary in London. After I took over charge, a study of the old records showed that the second Baronet, Sir Jamsetjee Jeejeebhoy had contributed £200 to the Finsbury Dispensary. The deceased Baronet was the fifth Baronet of his name; and he was a fine type of a gentleman—always loyal to the King and true to his country; and he was always upright in all his dealings; in short, he was a great gentleman. Sir, owing to ill-health and owing to heavy work in connection with several Trust Funds of the Parsee community in recent years he found little time to take part in public affairs. He was the leader of the Parsee community; and this office of leadership carries great responsibilities, and he discharged them according to the best traditions of his family. He was a member of the Bombay Municipal Corporation for a number of years; and by good work on that Board he earned the appreciation, admiration, and approbation of the people of Bombay.

Sir, I shall not now speak of Sir Jamsetjee Jeejeebhoy as a Parsee, nor as a leader of the Parsee community, but as a Member of this House and as its Deputy President for three long years from 1921 to 1924. He acquitted himself most creditably, and I understand that he made substantial contributions to the debates of this House. Sir, I earnestly and sincerely hope and pray that there will never be a time when the members of the community to which Sir Jamsetjee Jeejeebhoy belonged will not be ready to come forward and to render such services as they can to the future of India. Sir, with these few words I respectfully beg that you will kindly convey our sense of grief and sorrow—our sincerest sympathy and condolences to the Dowager Lady Jamsetjee Jeejeebhoy and other members of the bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I associate myself with what has fallen from the Leader of the House regarding the late Sir Jamsetjee Jeejeebhoy, who was the acknowledged leader of that enterprising community, the Parsees of India. The Honourable the Leader of the House has said that there are very few Members of the first Assembly now left in this House and that those that were there then, knew a lot more about Sir Jamsetjee Jeejeebhoy than himself. That, alas, is true, but I happen to be one of the survivors of the first Assembly, and I knew Sir Jamsetjee intimately, and I can vouch for the expression of opinion that has fallen from the Honourable the Leader of the House. Sir, my relations with the late Sir Jamsetjee Jeejeebhoy were cordial. As a matter of fact they were so cordial that in the friendly contest for the Deputy Presidentship we both obtained an equal number of votes (Laughter), and it was by the casting vote of the Chair that my friend was elected to the Deputy Presidentship of the Legislative Assembly. I know however that his election was well deserved.

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LEGISLATIVE ASSEMBLY.

[11TH FEB. 1931.]

[Sir Hari Singh Gour.]

Sir, he was one of those few men who took very little part in the day to day life of the Assembly, but when he did take part, it was to say something which would have been lacking in the debates had he not intervened. I feel, Sir, that this House would be perfectly justified in agreeing to the motion made by the Honourable the Leader of the House, and we on this side of the House join with him in requesting you to convey our condolence to Lady Jamsetjee Jeejeebhoy, his son and the other relatives of the deceased.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, on behalf of the Independent Party, I also support the motion of condolence at the death of the late Sir Jamsetjee Jeejeebhoy, which has been moved by the Honourable the Leader of the House. As has been already said, Sir Jamsetjee Jeejeebhoy was a Member of the first Assembly, of which, alas, there are so few survivors left—only our friend, Sir Hari Singh Gour on the right, and our esteemed friend, Mr. K. Ahmed on the left.

Mr. S. O. Shahani: And myself.

Maulvi Muhammad Yakub:who are present today in the House; and I can say on the authority of the Honourable Members, who had the pleasure of knowing him personally, that he was very popular with his colleagues, and that, as the first Deputy President of this House, he performed the duties of his office with remarkable ability and independence. Sir Jamsetjee Jeejeebhoy belonged to that distinguished family of Bombay Parsees who occupy a unique position in the public life of that city. In politics, he belonged to the liberal school of thought; and sometimes, by his cautious warnings for a slow pace in the march of progress, he worked as a brake operating to prevent politics from falling into the pitfalls of extremism. It is, as my Honourable friend, Sir Hari Singh Gour, says, perfectly just and right, that this House should convey its sincere grief at his sad death.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, it is a matter of great regret that, as reported in this House already by the Honourable the Leader of the House, our friend Sir Jamsetjee Jeejeebhoy has been snatched away from this world by cruel death. Sir, as my friend of the Independent Party has pointed out, I am one of those Members of the first Assembly surviving still. I may say that I had the honour of knowing Sir Jamsetjee Jeejeebhoy very closely since he was returned to this Assembly in the year 1921. I remember, Sir, the day when I first met him at the breakfast table in the Western Hostel. I have had the greatest pleasure of knowing him more closely since then, and gradually our friendship became very intimate. Sir Jamsetjee Jeejeebhoy belonged to that famous family of Bombay Parsees whose generous and benevolent charities are, Sir, widely known in this country. There is a great Trust Fund, which has been distributing not only benefits to the educational institutions, but is also utilized widely in the direction of the amelioration of the conditions of poor people in this country. Sir Jamsetjee Jeejeebhoy belonged to that family; and I think he was the second Baronet in India.

When he stood as a candidate for the Deputy Presidentship, I remember there were several other rival candidates in this House, but his charming personality and his polite way of intercourse with the other Members brought him to the forefront in getting him elected as the Deputy Speaker of the Assembly. Sir, I have the highest admiration for him, because as a matter of fact I was supporting the candidature of my friend who has spoken already and I found Sir Jamsetjee Jeejeebhoy returned only by the casting vote of Sir Frederick Whyte, the then Speaker of this House. Thereafter, Sir, I used to see Sir Jamsetjee Jeejeebhoy in the House taking a great interest in the business. I remember him presiding once when the Criminal Law Amendment Bill of 1923 was on the anvil of the Assembly. A dispute arose, Sir, between the Treasury Bench and the Opposition Bench. Ours was, Sir, the Democratic Party which took a leading part then in the opposition and I belonged to that party. Members of the Treasury Bench were fighting over the Racial Discrimination Bill, over the passage of some very important section of the Criminal Procedure Code, and there used to be passages-at-arms between the Democratic Party Opposition Members and the Treasury Benches on the floor of this House, and the late Sir Jamsetjee Jeejeebhoy with his great ability discharged his duties very well. Sir, Sir Jamsetjee Jeejeebhoy was a very generous man. He used to take a leading part in the social life amongst the Members of the Assembly. He was very sociable. Very often after dinner time, I used to see him play chess downstairs in the sitting room. He used to mix freely with all Members. He used to talk with them and exchange thoughts and ideas over the agenda of the business of the House. In spite of his being a Deputy President—and in those days Members had very limited experience of parliamentary life—he used to take part in the preparation of budget questions and also in deciding how to tackle such questions adequately. I remember, Sir, that in 1921, the Members of the Assembly used to gather a lot of information from Sir Jamsetjee Jeejeebhoy. He was really a great asset to this House. He remained Deputy President until 1923 when the House was dissolved. Thereafter I had the pleasure of knowing him, as he used to come here frequently. Last time I met him in Bombay in 1930. He was very busy, looking well. Even just before his death, I understand he was doing his daily business. There was no sort of illness or trouble that could warn the people of his approaching end. All of a sudden, he had an acute heart attack and owing to heart failure he was removed from this world. Sir, it is only fair, that as the Leader of the House suggested, a Resolution of the kind should be sent to his worthy wife who used to be here watching the debates of the Assembly from the galleries above. She also used to contribute much to the social life amongst the Members. His son and other members of the family of Sir Jamsetjee Jeejeebhoy used to come here, and we found all of them very cordial in social life. Sir, it was with great regret that we heard of the death of Sir Jamsetjee a distinguished friend of ours. Sir, I do not find sufficient words to give expression to the sad loss that we all feel.

Sir Hugh Cocke (Bombay: European): As with other Benches, so with these Members come and go, and I fear no one sitting here today on these Benches was in this House with Sir Jamsetjee Jeejeebhoy. I joined myself in the Second Assembly in 1924, and, coming from Bombay as

[Sir Hugh Cocke.]

I do, it was with much regret that I learnt that Sir Jamsetjee Jeejeebhoy had not come back again. I know him as a prominent and respected citizen of Bombay and we, on these Benches, desire to join in this expression of sympathy.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I am one of the few Members who were in the first Assembly, and I knew Sir Jamsetjee Jeejeebhoy in this House, he being respected on all sides of the House. We belonged to different parties and we all had great admiration for Sir Jamsetjee Jeejeebhoy, and in proof thereof he was elected Deputy President of this House. I associate myself with every word that has been said about him.

Mr. S. O. Shahani (Sind: Non-Muhammadan Rural): As a Member of the first Assembly surviving in this House today, I feel it my duty to associate myself with the Resolution moved by the Honourable the Leader of the House to convey the sympathy of this House to the bereaved family of Sir Jamsetjee Jeejeebhoy. He was a much respected leader of his community. He discharged the duties of the office of Deputy President in the Assembly very well. I know that he was trusted by everybody, and his manner of life was altogether dignified. He was a loyal friend and an amiable colleague.

Mr. President: Gentlemen, I wish to associate myself with all that has fallen from the Leader of the House and other Honourable Members who have spoken on this mournful occasion. I knew Sir Jamsetjee Jeejeebhoy for many years and I always found him ready to serve the cause which he took in hand. I have known him as a Member of the Bombay Municipal Corporation and as a Member of the Bombay Legislative Council and during the period of his service on these bodies, he discharged his duties in the manner referred to in this House. He was not a frequent speaker, but when he did speak, his contribution was very well worth listening to. Gentlemen, Sir Jamsetjee Jeejeebhoy was highly respected amongst all sections of the Bombay public and his loss will be seriously felt by both the City of Bombay and the Bombay Presidency.

Agreeably to the wishes of the House, I shall convey a message of sympathy to the Members of the bereaved family.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): Perhaps it will be for the convenience of Honourable Members, Mr. President, if I make a short statement now about one particular part of the business of

the House. What I have to say might ordinarily have been included in the statement usually made on Thursday, but it seems better I should say it now. Honourable Members will remember that the House adjourned on Monday without transacting any business, and consequently the non-official Bills which were set down for that day were not taken. In order that the Honourable Members who gave notice of these Bills may not be deprived of the opportunity of moving their motions and having them discussed, Government propose, subject to your direction, Mr. President, that the House should sit on Saturday forenoon. They believe that probably the House would not desire to sit on Saturday afternoon, but Government are prepared to put down so much of the business as is not disposed of on Saturday after the Government business on Tuesday next. I do not anticipate that on that day there will be any Government business likely to take much time, apart from the introduction of the Railway Budget, and I think we may be reasonably sure that the whole of the afternoon will be free for these private Bills.

Mr. K. Ahmed: Sir, on the last occasion when we heard the Leader of the House on this subject, we were told that we would get a holiday on the 13th and the 14th. Now, I find that we are going to have our Bills taken up for discussion on Saturday.

Mr. President: The Leader of the House has announced that Government are prepared to provide facilities for discussing non-official legislation which could not be taken up on Monday last on account of the House having adjourned in consequence of the death of Pandit Motilal Nehru. The proposal now made by the Leader of the House is that the House should meet on Saturday morning and on Tuesday after the Government business is over. I take it that the House is agreeable to that arrangement by which non-official Members will get the opportunity of discussing private legislation on these two days.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

THE GOLD THREAD INDUSTRY (PROTECTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the fostering and development of the Gold Thread Industry in British India.

THE STEEL INDUSTRY (PROTECTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the modification of certain import duties relating to the fostering and development of the Steel Industry in British India.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, I beg to move:

"That the elected Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own Members to be Members of the Court of the University of Delhi in pursuance of sub-clause (5) of clause 2 of the First Statutes of the University scheduled to the Delhi University Act, 1922 (VIII of 1922)."

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to oppose this Resolution because it is not the business of the Government Benches to move a Resolution like this. It is a matter which concerns the elected Members of this House, and the Resolution could have come with good grace from this side of the House if it was needed at all. We have had elections to the Delhi University Court before, but never was any Resolution like this moved and never before was it found necessary to be moved by the Members on the Official Benches.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How was it effected then?

Mr. Amar Nath Dutt: The elected Members used to meet and the Secretary used to take the votes of the Members, and the gentlemen who obtained the largest number of votes were elected. But this is the first time when a new procedure is being introduced, and although on the face of it this may appear to be a very harmless procedure, I beg to point out, firstly, that it is an official interference with our rights, and secondly, that the method of election was always by ordinary voting. I do not know what procedure may be adopted, but it seems that the official Members want to have control even over the election of these four members for the court of the University of Delhi. The statute did not contemplate the moving of any such Resolution, nor the handing over of the power to the Honourable the President, for whom I entertain the greatest respect, about the method of voting. I think the Honourable Member's move is not a move in the right direction. He wants to hoodwink us in this matter and to encroach upon our rights. It is for us, and for us alone, to decide whom we shall send to the Court of the University of Delhi, and we shall do it in such manner as we approve. Members who are new to this House may not know all these things, and therefore, in order to acquaint them with the position, I beg to submit this for their consideration, so that they may oppose this Resolution.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): Sir, I confess I am new to this House, but I do not appreciate the objection which has been raised by my Honourable friend Mr. Dutt. The proposal before us does not in any sense amount to any withdrawal or curtailment of the rights of this House. The motion is that the elected Members should elect these four representatives. No doubt it says that the election shall take place in such manner as you, Sir, may approve. If my Honourable friend and those who are of his way of thinking did not approve of that method of election, it was quite open to him or to any of them to send in notice of an amendment that the election should be in such other manner as might find acceptance with the majority of this House. As it is, I do not see how a mere statement that the election shall take place in accordance with the procedure which you may decide upon amounts to any restriction of the privileges of the Members. Having regard to the fact that my Honourable friend, although he felt so strongly on the subject, did not give notice of any amendment, I take it that until now at any rate he had sufficient confidence in the Chair.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I find my friend Mr. Biswas taking objection to the remarks made by my friend Mr. Dutt because he did not send notice of any amendment. When I read this particular Resolution, I could not see why this unnecessary Resolution was brought before the House. It is a well known practice for this side of the House or the whole House to suggest to Government that they are going beyond the procedure and convention of this House and that we should follow the usual procedure that has been adopted so far. We oppose this because this is not the stage when Government can encroach upon our privileges and rights. If the Honourable Member wanted to show that he was giving us certain fresh rights by his Resolution, he could have told us and circulated a memorandum to that effect, telling us what new privileges he is giving us which we have not so far enjoyed. So I suggest to Government that they should withdraw the present Resolution and bring it in in such other form as may be in accordance with the usual practice, or after consultation with the leaders on this side of the House.

Mr. K. Ahmed: I thought that we should not have much to say on this motion, but Mr. Dutt and his supporter Mr. Das, have an unwise way of introducing oppositions in this Assembly and have conducted themselves like this. I remember in previous years when some elections had taken place, Mr. Amar Nath Dutt and Mr. Das from Orissa have been going from one side of the Assembly to the other canvassing, begging and entreating for votes.

Mr. Amar Nath Dutt: I object to that language.

Mr. B. Das: I repudiate it.

Mr. K. Ahmed: Mr. Amar Nath Dutt, in years gone by, since he came to this Assembly, has been begging Members reasonably or unreasonably. . .

Mr. Amar Nath Dutt: Is he entitled to make such remarks?

Mr. K. Ahmed: . . . knowing that Members knew him well enough to know whether to vote for him or not. (*An Honourable Member:* "Question.") That is, Sir, the extraordinary way of canvassing, a brilliant thought of capturing Members to vote for him. It is an extraordinary and marvellous manner only confined to him. Sir, knowing his work as our delegate and representative in the Court of the University of Delhi, he has abused the courtesy that we had used in the matter of voting and returning him there for a year or two or three. He comes here today very badly saying that he has not acquired there sufficient experience though he has been there for three years. The first thing he thought was to oppose this Resolution rightly or wrongly and without any justification, and Mr. Das who is bracketed with him in the art of canvassing, having been disappointed many times not only in the matter of election to the Delhi University but to the Science College of the south coast of India, Bangalore, now supports him. Sir, when two conspire to do a thing which does not suit them, 98 per cent. on the other side find that there is some underlying policy confined to those two who conspire. (*An Honourable Member:* "What was the wrong?") I do not find anything wrong. I first put a query to my Honourable friend Mr. Amar Nath Dutt. He is forgetting the practice and procedure in this Assembly. It is a matter of regret that he conducts himself unbecomingly. Today, Sir, when I put that question to him, how was that election effected, how was he returned, how did he secure the votes, without explaining all that, as a leading member of the Bar of the district of Burdwan in the province of Bengal, he evades it. If I were in his position, I would have been the first to take a lesson from now not to do a thing which others do not venture to do. If there is no chance for him or there is no liking in him to go to the University Court of Delhi, that is another matter. But what justification is there, Sir, to oppose the Resolution moved by the Honourable Member representing the Education Department for the election of four Members of this Assembly to the University Court? Without saying anything on the merits of this Resolution, without showing his ignorance, he could have enlightened us as a lawyer of great reputation, and I should have been very much obliged to him for that.

Mr. President: Order, order. I should like to draw the attention of the Honourable Member to the fact that so far there are no candidates who have stood for election, and therefore the Honourable Member is hardly justified in trying to sit in judgment on the representatives of the Assembly on the Delhi University. There are none so far. I should like him to confine his remarks to the issue that is now before the House, whether the House should proceed to elect in the manner which the Resolution contemplates, or whether he supports the view of some Honourable Members that the motion should be opposed.

Mr. K. Ahmed: I am very thankful to you, Sir, and I appreciate each and every word couched in this Resolution and I had the experience of knowing also that this is merely a motion and the election will take place sometime after. . . . Knowing all the things, Sir, and understanding also that there is no chance for the two friends, Mr. Das and Mr. Amar Nath Dutt. . . .

Mr. B. Das: I have never been a candidate.

Mr. K. Ahmed: I did not say that he was a candidate. He has been a candidate and has been disappointed and I hope he is not going to do that again. There is no justification for those two Honourable Members opposing this motion.

Now let me come to my former point. I was putting the question to my friend, Mr. Dutt, how he effected his election in the previous years. My friend, without explaining how it was done, when he was on his legs, is now saying, "No, no". That is not a business-like way of opposing the Resolution. They do a thing which others should not have done. Sir, I know perfectly well that in this House a motion of this description always comes up and when that motion is carried, the election takes place in the ordinary manner, when my friends get the chance of knocking at the doors of others and asking for votes. That I know, and others also know. No case has been made out by the other side for opposing this motion. They have not said a word as to why it should be opposed, and what are the reasons and grounds on which they are basing their opposition. Why threaten the Government?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): It is for the Government to prove what was wrong in the old procedure.

Mr. K. Ahmed: The onus is on the man who finds fault. My friend has caught hold of the wrong end of the stick and is opposing the motion. I therefore, support the motion moved by the Honourable Sir Fazl-i-Husain.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, in intervening in this debate, I wish to draw the attention of the House and particularly of the Honourable Sir Fazl-i-Husain, to what I am about to state on the constitutional issue. Honourable Members will find that this Resolution is intended to carry out the purpose of the Schedule of the Delhi University Act, VIII of 1922. That Schedule lays down as follows:

"In addition to the officers mentioned in sub-clause (1) the following persons shall be *ex-officio* members—(and then you have got the other members):

The number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own members shall be two and four respectively."

Apart from the unnecessary verbiage, a statute of the Indian Legislature provides that the Court of the Delhi University shall consist *inter alia* of four members to be elected by the elected Members of the Legislative Assembly. If that is so, the statutory behest cannot be evaded or altered by any Resolution of this House, nor indeed is that statutory requirement subject to any Resolution of this House. You cannot override a statute by any Resolution of this kind. The Honourable Member will, I trust, indulge me for one second; he has brought forward this Resolution; as a Resolution of this House it is open to any Member of this House to bring in an amendment; it is open to the Members of this House to refuse to accede to that Resolution. If we refuse to accede to that Resolution, what is the result?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Non-co-operation.

Sir Hari Singh Gour: No, no. The result is this; the statute says—and that statute is binding upon this House and upon all persons including the Honourable Member—that the elected Members of the Legislative Assembly shall elect four Members to the Court of the Delhi University.

That, I submit, is the statutory requirement of Act VIII of 1922. That being the case, no further sanctity can be given to that statute by any Resolution, and therefore this Resolution seems not only to be superfluous, but *ultra vires*, because it does not require any Resolution of this House to give effect to the statute, which, by its own force, this Assembly is bound to accept. That being the case, I would ask the Honourable Member to withdraw this Resolution because it is not necessary at all, and moreover a Resolution of this character is likely to create confusion regarding the operation of a statute. You have got a number of other statutes in which it is presumed that certain public bodies will have a certain number of seats allotted either in the Court or in some other directing organisations of those bodies. That itself is sufficient; all that this House can therefore do is to leave its elected Members free to proceed to elect in accordance with the requirements of that statute.

Mr. K. Ahmed: How will that help you?

Mr. President: Let the Honourable Member continue please.

Sir Hari Singh Gour: I am glad that the Honourable the Law Member has just stepped in. . . .

The Honourable Sir Brojendra Mitter (Law Member): I know nothing about it.

Sir Hari Singh Gour: That is the pity of it. I should like that the Honourable the Law Member would be good enough to attend this Assembly, because occasionally questions of constitutional law do crop up, and we want his advice.

This is the first point. Now, we pass on to the next point. If the statute is self-sufficient and gives the Assembly the right to elect four members what is the procedure? That is the next question. One of the canons of interpretation of all statutes is—and all Honourable Members who belong to the legal profession will bear me out—that a statute cannot be supplemented by anything from outside. The statute must be regarded as self-sufficient.

Mr. K. Ahmed: This is not a district court; this is the Assembly.

Sir Hari Singh Gour: The statute here does not give the Legislative Assembly, or for that matter the Council of State, a direction for the purpose of laying down the manner of the election, that the election shall be in such manner as is laid down by the Legislative Assembly or the Council of State. That being the case, this Resolution contravenes the statute in so far as it purports to implement it. Therefore I submit it is *ultra vires*. The statute must be regarded as self-sufficient and self-contained; and when it says a certain thing shall be done, you cannot say that that shall be done in any particular manner by bringing a Resolution in this House. Therefore I respectfully submit to the Honourable the Education Member that he should withdraw this Resolution and

reconsider it. He can bring it forward again after consulting the Law Department and the Honourable the Law Member as to the legal implications of this Resolution. He is himself a distinguished lawyer and can well understand what I am driving at.

These, Sir, are the two points; first that the statute does not give this House but only its elected Members, that is a section thereof, the right to elect four members; secondly, the statute does not give this House the right to state that the election shall take place in any particular manner; therefore it must take place unfettered by any Resolution that this House passes, determining the manner in which such election shall take place.

Now, I pass on to the third point. When this Delhi University Act of 1922 was brought into operation, I happened to be the first Vice-Chancellor of the Delhi University. (Hear, hear.) When the question came up of electing four members from amongst the elected Members of the Assembly, that question was considered by your predecessor, and the procedure which was then adopted, during the tenure of my office as Vice-Chancellor, was this, the Secretary of the Legislative Assembly used to issue notices to all the elected Members for the election, and that election used to be held under the direction of the Secretary of the Legislative Assembly, or rather the Legislative Department, and not when the House was sitting, because it is not an election by this House; it is an election by the elected Members of this House. Remember the distinction. It is not an election by the Assembly, but it is an election by the elected Members of this House. How, then, can a motion be brought in this House and how can the election be held under the aegis of this House?

Mr. K. Ahmed: That is a difference without a distinction.

Sir Hari Singh Gour: I therefore submit that you, Sir, should rule that this Resolution is out of order because it contravenes a statute—Act VIII of 1922. In the second place, I further ask you, if this election is to take place, that the election cannot take place under the orders of the Legislative Assembly, but under the provisions of the statute itself. That statute provides for the election of four members by the elected Members of the Legislative Assembly. Thirdly, I submit, following the procedure that has been observed ever since the initiation of the Legislative Assembly in 1921—the first election took place I believe in 1922 (I speak subject to correction)—the procedure has been that the elected

Members have sat down and Mr. Gupta, who has been the Secretary of the Legislative Department and now Secretary of the Legislative Assembly, used to conduct these elections. . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: What business had he to do that?

Sir Hari Singh Gour: And what business have you to bring forward this Resolution?

Now, I ask one more question before I resume my seat. The Honourable Member is an Executive Member of the Government of India.

Mr. K. Ahmed: Everybody knows it.

Sir Hari Singh Gour: He can only bring up Government business, but he cannot bring in any business unconnected with the Government business. He has no jurisdiction to ask this House by a Resolution to carry out the purposes of the Delhi University Act.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Is that not a Government measure?

Sir Hari Singh Gour: I therefore submit that he himself not being an elected Member, because the election is to take place under the Act . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: He happens to be a pro-Chancellor of the Delhi University.

Sir Hari Singh Gour: He himself not being an elected Member, and consequently as this Resolution is not a Government business nor is it connected in any way with the business of Government, I submit he has no right to bring forward this Resolution. As the Honourable the Law Member was not present in this House, may I summarise my arguments for his information. Sir? (*An Honourable Member:* "No.")

Mr. K. Ahmed: That is not the practice of this House.

Sir Hari Singh Gour: I therefore submit that all things considered, I would appeal to the Honourable the Leader of the House to advise his colleague to withdraw his Resolution. If this Resolution is not withdrawn, I would ask you, Sir, to give your ruling upon the various constitutional issues I have raised.

Mr. President: You cannot raise a point of order conditional upon something happening. If you raise a point of order direct, I will deal with it.

Sir Hari Singh Gour: Very well, Sir.

Mr. President: What is your point of order? Please restrict yourself to it.

Sir Hari Singh Gour: The point of order I wish to raise is, I beg to state in a categorical form as follows. The first is that the Delhi University Act VIII of 1922, Schedule, Clause 2, sub-clause (5) provides for a self-contained procedure for the election of four Members to the Court of the Delhi University by the elected Members of the Assembly.

Mr. President: Does it lay down any procedure to be followed?

Sir Hari Singh Gour: All statutes must be presumed to be self-contained. That is the first point. The second point is, that being the case, this Resolution which lays down that the Members shall elect four Members to the Court of the Delhi University in a particular manner is not in accordance with the Schedule to the University Act, because there might be half a dozen amendments; it may be not 4 Members but 6 Members. Another amendment may be that not only elected Members but Nominated Members as well should take part in it. Third may introduce class representation in an academic body which knows of no caste, class or creed. This Resolution, if it is once placed before the House, might be subjected to a series of amendments which would contravene the Act.

My third point of order is, a Member of the Executive Council of the Government of India can only bring forward a motion concerning the Government of India and not one affecting the privileges of the elected Members of this House.

My fourth point is that such a procedure is unprecedented; ever since the establishment of the Delhi University such a procedure was never adopted. And the Honourable Member has given no reason why he is making a departure in respect of the procedure which has been hitherto followed by this House in electing four Members to the Court.

Mr. President: While the debate was proceeding I gave my best consideration to the points raised by the Honourable Member Sir Hari Singh Gour anticipating that perhaps a specific point of order would be raised. I am therefore able to give my ruling on the various points that the Honourable Member has raised. His first contention is that the Delhi University Act lays down a self-contained procedure. I asked him whether it laid down any specific method of election. It apparently does not. I have come across a large number of Acts of the Provincial as well as the Imperial Legislature which provide the right to elect, and in many of them express provisions are made regarding the manner and the method of carrying out such elections. If any specific method is provided in the statute conceding the right of election, then that method is obligatory and must be carried out. In some cases the Acts provide that the electing body should frame rules and regulations for carrying out such elections. In such cases elections are held in accordance with rules so framed. If, as in this case no provision is made, then it obviously follows that the Assembly, as a whole, should determine the manner in which these elections should be held. The present motion is intended to lay down the procedure which should be followed to carry out the election. On that point, I hold that the Assembly is entitled to determine the method and the manner in which this election should take place.

The second point that was raised was that if the procedure to be laid down for election was by way of a Resolution, then it was open to the House to move amendments. I recognise that it is open to the House to move amendments to any Resolution that may be brought forward, but let us examine what amendments can be moved to this Resolution. The Honourable Member urged that you could amend the motion by substituting four Members for six, or six Members for two. Those amendments, if they are moved, would be ruled out of order because they would be inconsistent with the statute which gives you the right to elect. The House has two courses open to it. One is to oppose the Resolution and throw it out. What the legal consequences of that action will be I am not called upon to decide, but the effect of it will be that it will be construed as meaning that the Assembly refuses to exercise the right which the Legislature has given to it. A valid amendment can be moved to this motion, laying down specifically the procedure that should apply to this election, say by the method of proportional representation or by some other method, but no one can move an irrelevant amendment altering the provisions of the statute under which this election is proposed to be held. I hold that that point also fails.

[Mr. President.]

As regards the third point, the Honourable Member has contended that the Honourable the Mover is a Member of the Executive Council and that he can only bring forward motions on behalf of the Government. I have been always of the opinion that Members of the Assembly, from whatever avenue they may come, are all equal, and that we are here in our corporate capacity dealing with the work entrusted to us by the Constitution. Any attempt to make such distinctions I personally very much deprecate. No doubt, where we have got a constituency we have to discharge our obligations by such constituency, but when we are assembled here as one corporate body we ought always to work in the spirit in which I take it that every Honourable Member is working, namely, in the best interests of our country. In my opinion, there is nothing in the constitution which deprives any Member on the Treasury Benches of his equal right as a Member of this Assembly.

Now, let me ask the Honourable Member a question. When a motion is brought forward before the House, are not Members on the Treasury Benches entitled to discuss it, whether it is Government business or non-official business? I think that every Member of this Assembly is entitled to bring forward such a Resolution. But my answer would be complete in regard to all the various points raised, including the one that the Honourable the Mover of the motion is a Government Member, if I draw attention to what has happened in the past in regard to this matter. I find the following in the official records:

"Hitherto the election of the non-official Members of the Legislative Assembly to the Court of the Delhi University has been treated as a more or less informal affair and has been held by the Secretary of the Assembly at the request of the Registrar of the University."

If a point of order can be raised, I should like to know what authority the Secretary had to carry out this informal election, but I am not raising that point because I want to go on and read what follows, which will show to Honourable Members that the procedure now adopted is the procedure laid down by my predecessor Mr. Patel. Let me read:

"It was however decided by the President of the Legislative Assembly (and this was in 1929 when Mr. Patel was presiding) on the last occasion when a request for an election was received from the Registrar that the statutory election should be held formally as in the case of election to the Public Accounts Committee and other Standing Committees and an appropriate motion for election should be made in the Assembly by the Member of Government concerned."

This completely meets all the points that have been raised, and when I am ruling that the motion is quite in order, I am merely doing so in accordance with my predecessor's decision.

Sir Hari Singh Gour: May I just point out that your predecessor's ruling was not given after considering. . . .

Mr. President: Order, order. Whenever I am honoured by being asked to preside over any public assembly, it is my practice to give every opportunity for placing a point of order as fully as possible before the House, and I think that the Honourable Member has had full opportunity. But it is also my practice that when I have given my ruling—whether Honourable Members regard it as right, or whether they regard it as wrong—no further discussion is allowed.

(At this stage Mr. B. Das rose in his seat.)

Are you speaking on the ruling?

Mr. B. Das: No, Sir. I am asking a question of the Honourable Member arising out of the ruling, as to why this paper was not supplied . . .

Mr. President: That is not a point of order. I should like the House to restrict discussion on this Resolution as much as possible. Does any Honourable Member wish to address the House?

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I must confess that I was not at all impressed by the speech which the Leader of the Opposition has made and the intricacies of the law which he has propounded. They appear to me to be absolutely out of point and have got no sense.

Sir Hari Singh Gour: I rise to a point of order. I understand your ruling to be that once a ruling is given the matter dealt with in the ruling shall not be discussed.

Mr. President: The points of order on which a ruling has been given cannot be re-raised, but fresh points of order can be raised at all times and I cannot stop that. But having regard to the fact that discussion has already proceeded at some length and also that it is very nearly lunch time, I should like to know whether the House desires to vote now, or whether it wishes to adjourn for lunch and resume the debate afterwards.

Mr. Amar Nath Dutt: On a point of information, Sir. May I know whether elected Members alone will vote?

Mr. President: That is the Resolution.

Mr. Amar Nath Dutt: I am talking about the Resolution itself,—whether votes will be taken from amongst the elected Members only or the official Members also will be allowed to vote on the Resolution.

Mr. President: I should like to draw the attention of the Honourable Member to the wording of the Resolution. It says, "that the procedure shall be as laid down by the Chair". You may be quite sure that if the Resolution is carried I shall issue voting papers only to elected Members.

Sir Hari Singh Gour: May I say that the point of order of Mr. Amar Nath Dutt is that when this Resolution is submitted to the vote of the House, will all Members be entitled to vote for or against the Resolution, or only elected Members?

Mr. President: I think I have explained at considerable length the position of this House as a whole, and I think I pointed out then that the Assembly as a whole shall decide the method and the manner in which the election shall take place. This House having done that, it will be the elected Members only who will take part in the election to the Delhi University.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, Sir. The last speaker, Mr. Yamin Khan, referring to certain points of order raised by the Leader of the Opposition, said that there was no sense in them. I should like to know whether that is in order or not, and I would ask the Honourable Member to withdraw his remark.

Mr. Muhammad Yamin Khan: I never said that about the point of order; I said that about his speech and the distinction which he had tried to make.

Mr. President: Gentlemen, I hope you will respond to my appeal and intimate to me whether you desire that we should adjourn now for Lunch or whether we should continue the debate. . .

Some Honourable Members: Continue and finish.

Some Honourable Members: Let the question be now put.

Sir Hari Singh Gour: Sir, in the afternoon we have an engagement. . .

Mr. President: I know that. Closure has been asked and I am accepting it subject to the wishes of the House. Order, order. The question is that the question be now put.

The motion was adopted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Sir, I must say that I was taken by surprise when from the opposite Benches objection was taken to what I considered an extremely innocent Resolution.

An Honourable Member: Every one considers his Resolution an innocent one.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: And I was just revolving in my mind the possibilities of the human mind discovering all sorts of fiendish schemes and conspiracies in what, as I even now claim, is nothing but an extremely simple, inoffensive and innocent proposal.

An Honourable Member: But a new proposal.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: At the time I did not know that this innocent Resolution of mine which appeared to me to be extremely simple and rational had the support of the august authority who presided over the deliberations of this Assembly for a number of years and within the authority of which authority, or under the control of which authority—not to repeat the same word—the privileges of this House were always safe. So, Sir, when the Honourable Members sitting opposite attribute to me all sorts of sinister motives with the object of depriving them of their rights and privileges, I am afraid they are doing me an injustice. Sir, it never does anyone any good to develop a suspicious frame of mind. It leads one to all sorts of difficulties as apparently it has done today. (Laughter.) Well, Sir, when you once develop a suspicious mind and bring forward arguments of all sorts in the heat of the moment, those arguments later on, when you are calmly deliberating over what you have said, strike you as having been said without calm and quiet deliberation. Sir, one of the Honourable Members went so far as to ask what I have got to do with the Delhi University. The Delhi University, Sir, being a non-official body, a Government

Member trying to propose a Resolution in connection therewith was considered absolutely out of order and very bad manners. The Honourable Member who made that speech had filled the distinguished office of Vice-Chancellor of that University. But Honourable Members will remember that he was nominated by the Government to that exalted office when the University was created.

Sir Hari Singh Gour: I was elected on the second occasion.

An Honourable Member: Not on the second occasion.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Nor on the third either. To continue my speech, Sir, if the Education Member, who is virtually the *ex-officio* pro-Chancellor of the Delhi University, has no concern with the question whether the University is properly constituted in the sense that the statutory obligation that four of its members should be the distinguished elected Members of this House is being carried out or not.

Sir Hari Singh Gour: Did I understand the Honourable Member to say that the Education Member is the *ex-officio* pro-Chancellor of the Delhi University? Is he quite sure of his facts?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: He is pro-Chancellor, and if the Honourable Member thinks he is not *ex-officio*, does he not realise that there is no chance for anybody but the Education Member being pro-Chancellor of that University? No, Sir.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Are you speaking in the capacity of pro-Chancellor of the Delhi University?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have many capacities, Sir, but here before this House I am in my capacity as a Member of this great body. Sir, as I said before, the Resolution really is an extremely simple and innocent one, and but for the fact that there was such a lot of heat imported into the controversy, I should not have thought it really necessary to make any observations; and my only excuse for taking a few minutes of the House is that perhaps for the future I may be in a position to save time on similar occasions. Now I think I really ought to make it quite clear to Honourable Members that there is no intention whatsoever on the part of Government, and could never certainly be on my part, to interfere with the election of representatives by the elected Members of this body. Here, in the matter of electing to Standing Committees the Members of the Government, official Members as well as nominated Members, vote, but in some of the provincial Legislatures the practice is that only non-official Members of the Legislature elect their own Standing Committees, and I was one of those who pressed for that particular rule in the Legislature where I was a Member. So I can assure the Honourable Members that the rights of non-official Members of this Assembly. . .

Mr. B. R. Puri: Not non-official Members, but elected Members only. Not non-official.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I quite understand the distinction between non-official Members and elected Members. Under this Resolution the elected Members shall have the right and not non-elected non-official Members.

Sir Hari Singh Gour: Should they not determine how they will vote?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: But the distinction I was trying to emphasise was that in my humble opinion it is the non-official Members who have certain specific rights as distinct from those possessed by other Members of the Assembly who are not non-officials, i.e., who are official Members. The Honourable Member wants no doubt, in a general way, to say that a non-elected Member does not count, while to my mind he does count for a great deal, because as yet there are a number of interests which have not got elected seats, and through no fault of their own. Therefore he ought not to be hard on those non-official Members who do not happen to be elected Members.

Mr. K. Ahmed: That time is coming.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Quite, the time is very near indeed. Therefore, Sir, I trust Honourable Members, having seen that there is nothing wrong about my Resolution, having also seen that their opposition arose out of suspicions which were unfounded, having also seen that not only is my Resolution simple, innocent and reasonable but it has behind it the great authority of an ex-President of this Assembly in whose custody the privileges, rights and liberties of this House developed and prospered. . . .

Mr. Amar Nath Dutt: Is that the opinion of the Government?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: It is only the opinion of the Honourable Member sitting opposite that in this matter counts! I have no doubt, Sir, that in the spirit that befits this House and befits all Parties in this House, they will not press their opposition, having seen the light of reason, as well as of authority.

Mr. President: The question is:

"That the elected Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own Members to be members of the Court of the University of Delhi in pursuance of sub-clause (5) of clause 2 of the First Statutes of the University scheduled to the Delhi University Act, 1922 (VIII of 1922)."

The motion was adopted.

Mr. President: I may inform the House that for the purpose of election of Members to the Court of the University of Delhi, the Assembly Office will be open to receive nominations up to 12 noon on Thursday, the 12th February, while the election, if necessary, will take place in this Chamber on Wednesday, the 18th February, 1931. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

Mr. President: I think, as the agenda has not been finished, the House will have to adjourn for lunch now and meet again in the afternoon.

Sir Hari Singh Gour: I do not know whether the Honourable the Leader of the House would permit us to say that we have an engagement in the afternoon and Members on this side of the House would very much like if the House adjourned now for the day. The rest of the agenda might be taken up on some other Government day.

The Honourable Sir George Rainy: I cannot undertake that time will be found later in the Session for the discussion of the Report of the Public Accounts Committee if the House elects not to discuss it today.

Mr. President: The issue is this. If the House wish to discuss the Public Accounts Committee's Report, they have to meet in the afternoon after lunch. Otherwise Government are not prepared, as I understand it, to guarantee any time for the discussion of that Report on some other occasion.

The Honourable Sir George Rainy: I can give no guarantee.

Mr. B. Das: We should discuss the Report now, because the Railway Budget is coming before us shortly; and in order to enable us to lay down the proper procedure with regard to the Railway Budget and the General Budget, we should discuss the Report of the Public Accounts Committee now.

Mr. President: Then, we will meet in the afternoon. We will adjourn till 2-45 P.M.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled at a Quarter to Three of the Clock, Mr. President in the Chair.

STATEMENT LAID ON THE TABLE.

WHITE PAPER IN CONNECTION WITH THE ROUND TABLE CONFERENCE.

The Honourable Sir George Rainy (Leader of the House): In accordance with the undertaking which I gave in the Assembly in answer to Sir Hari Singh Gour's short notice question on the 26th January, 1931, I lay on the table a copy of the first White Paper* presented to Parliament in connection with the Indian Round Table Conference.

Sir Hari Singh Gour: Sir, may I inquire how soon the second and third parts will be available to the Members of this House?

The Honourable Sir George Rainy: I have not heard of a third part, but the second part ought to have arrived or is arriving by air mail this week.

Sir Hari Singh Gour: I see in the introduction to the first part that there are three parts in contemplation. The third contains, I think, the evidence and the memoranda submitted by the various Departments to the Conference.

The Honourable Sir George Rainy: I cannot say when that will be received.

Mr. K. Ahmed: Do we understand, Sir, that the first volume which has been distributed to all the Members of the Assembly this morning is the one which is laid on the table?

The White Paper was placed in the Library of the House.

The Honourable Sir George Rainy: Yes, it was circulated in advance of being laid on the table.

Maulvi Muhammad Yakub: May I take it, Sir, that the House will be given an opportunity to discuss these when both the volumes have been received?

The Honourable Sir George Rainy: I said, already, in reply to a question, that I will do my best to find a day, and I shall be very glad to communicate with the various parties in the Assembly as regards the particular date and also whether the House would wish to have both the sets of papers or also the third. I fancy the third may take some time.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move that the Report of the Public Accounts Committee on the accounts of 1928-29 be taken into consideration.

I think Honourable Members are well aware of the various discussions which led to the adoption of this procedure for discussing the Report of the Public Accounts Committee. I think perhaps I might say that the procedure which it represents might be regarded as a child which has been born after long labour, in which my Honourable friend, Mr. B. Das, took an important part. (Laughter.) But it has been born in very unfortunate times. This motion seems to have been dogged by ill luck. Last year it could not be taken up until the end of the Session and it then had to be postponed till the Simla Session, and then came up for discussion at a time when Honourable Members' thoughts were elsewhere. And now again it has happened to come on a day when there are many other matters of perhaps more compelling interest and also at a time when Honourable Members' thoughts are perhaps more occupied with other issues. I trust, Sir, that, if there is some lack of interest in the discussion today that will not be regarded as an augury for the future, because I feel strongly that the discussion of the Public Accounts Committee's Report should be an important part of this Assembly's business. But if any of my Honourable friends, who might normally have wished to speak on this motion today, feel that the time is inappropriate for making an important speech, it may be that they can let that feeling prevail without the fear that they are damaging the future prospects of the discussion in years to come of this motion. Sir, this is a question on which we on these Benches are perhaps more prepared to act as listeners to suggestions which come from the other side than to make long speeches ourselves, and I reserve anything that I myself have to say until I have heard the observations of my Honourable friends on the Opposition Benches.

Sir, I move.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, considering the fact that the discussion of this Report is so very important and also taking into account, as the Finance Member has himself said, that today we have got some other functions to attend and the House is very thin and not in a mood to enter into a serious discussion, will it not be proper that after one or two speeches

have been made this afternoon, this debate should be carried over to some other day if the Finance Member agrees?

The Honourable Sir George Schuster: Sir, if you should think fit, and if it is the desire of most of the Members present today, I for my own part should offer no objection to that suggestion. But I would remind my Honourable friends of what fell from my Honourable colleague this morning as regards the claims which already exist on the future time of the Assembly. Although I feel sure he will do his best to find time, no guarantee can be given of that, and if the Assembly does not take advantage of this opportunity it may be impossible to find any other time. But speaking for myself, if it is the general wish of Honourable Members present here today that they are prepared in this particular case to take upon themselves the responsibility of foregoing an immediate opportunity for the sake of a chance in the future, I would offer no objection at all.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I quite agree with my Honourable friend, the Finance Member, that the atmosphere is not opportune when we can discuss the financial control of the finances of the Government of India. Yet, I think we must be fair to the Treasury Benches. We are glad that the Treasury Benches have given us this opportunity to discuss the implications of the Reports of the Public Accounts Committee, and if on this side we have failed to appreciate that privilege which the Government conferred on this House, the fault is on our side and not on the Treasury Benches. As regards the suggestion that the debate should be carried on to some other day, I do not know whether it will be adjourned *sine die* during this Session. There is no use of adjourning it to another day because we must introduce the practice that the Public Accounts Committee's Report should be discussed on the floor of the House before the budget discussions take place. The Railway Budget is coming up shortly and the General Budget will come up at the end of the month. So the new Members who have shown their lack of interest by their absence today will not derive any profit by our discussion today. (Interruption.) I am not anxious to inflict a speech on this House, but I think, as I was a member of that Committee, it is for us to state what we have done. We have discharged our duty in that Committee, and the Report is there, and we would like the other Members of the House to criticise the Report. Of course I am very much interested in the financial control of the finances of the Government of India and I would very much like to contribute my humble part to the discussion.

Mr. President: Will the Honourable Member start with his observations on the motion before the House?

Mr. B. Das: Sir, Honourable Members know that the functions of the Public Accounts Committee are given in paragraphs 163 and 164 of the Legislative Manual. They know what work is expected from that Committee. As stated therein, the Honourable the Finance Member happens to be the Chairman of that Committee. I think that privilege he will exercise for another two years, and the English practice will come into vogue in this House and probably one of the non-officials will then preside. But I must pay my tribute to the Chairman of the Committee in which I have worked for the last five years as a member. My Honourable friend, Sir George Schuster, has always presided as a very impartial

[Mr. B. Das.]

and able Chairman and has always acted as a member of the Committee without thinking that he represents the Finance Department of the Government and whenever we had pursued any points exercising stricter financial control, the Honourable the Finance Member had pursued the point in such minute detail, and by bringing his great financial knowledge into such lucid, and shrewd cross-examination, that at times I thought that he was a greater nationalist than many of us here. (Hear, hear) I pay him that tribute. In the Committee I have always found very little difference between him and myself.

Mr. S. C. Mitra: So also was his predecessor.

Mr. B. Das: Yes, that tribute I gave to his predecessor, Sir Basil Plackett, last year when I spoke at Simla. The purpose of the Public Accounts Committee is stricter financial control. There are also other statutory committees that have been evolved by Resolutions of this House, such as the Standing Finance Committees, where unfortunately Members who are there do not see the whole picture of the finances of the Government of India. It is only in the Public Accounts Committee that we see how the finances have been spent and whether they are rightly spent. Sir, my Honourable friend, Sir George Schuster, referred to the procedure we have for the present adopted about the discussion of the Report on the floor of this House. That is given in paragraph 5 of this year's Report, and the Committee has accepted there the Government of India, Finance Department, Resolution paragraph 4, which is given on page 48. I do not want to read any extracts, because I find the atmosphere is not opportune to read extracts. But I personally am satisfied

3 P.M. with the present procedure by which the Honourable the Finance Member will move his Resolution and we can make such suggestions as we can in this House when taking the Report into consideration. Sir, although, in the Public Accounts Committee, we are expected to see that the grants that the Assembly has sanctioned have been spent on the particular Demands for which the grants were voted, and we have to see that the appropriation and reappropriation under particular sub-heads on a particular grant are properly made, we have established conventions for giving better financial control to the Finance Department and also to this House. There has been at times overbudgeting to the extent of 25 per cent. or more, and for that my Honourable friend, Mr. Parson's Department had been responsible in the past. I will just point out one or two things that we raised in the last year's examination before the Public Accounts Committee. Certain glaring instances of faulty estimating in the Eastern Bengal Railway were brought to notice and the Committee has recommended and the Departmental witnesses also have given the assurance that no such things will occur in the future. Another point that was brought out before the last Public Accounts Committee was that the Railways were not keeping commercial accounts for their collieries and they were not publishing annual balance sheets for their Railways. In this matter, the non-official members of the Committee received valuable support from the Honourable the Finance Member as Chairman, and it has been recommended by the Committee that annual balance sheets of different Railways, whether State or Company-managed, should be published and submitted before the next Public Accounts Committee, and I hope this will materialise. Incidentally, I may

observe that, so far, the practice is that the Finance Department reviews the Report of the Public Accounts Committee by a Resolution. As the Government have conferred this privilege on the House to discuss the same, they have also decided that they will not present any more such omnibus Resolutions where Government decisions will be announced to the public and to this House; but there will be tri-monthly statements from the various Departments, collected by the Finance Department, which will be presented before the Public Accounts Committee. But as the Public Accounts Committee has not come into existence this year, those of us who are interested in that matter have not been able to ascertain from the Finance Department whether such tri-monthly reports have been submitted to the Finance Department by the various departments and whether action has been taken on various recommendations of the Committee. One other important chance in regard to last year's Report is this. Not only the Report as it is signed by the members forms part of the Report but also the proceedings—I read this from paragraph 38 of the Report, page 14—

“We do not desire to add to the length of this Report by including in it things of minor importance which appear in the proceedings appended. We desire that the suggestions and recommendations made therein should be dealt with in exactly the same manner as those embodied in the Report proper”.

That means a heavy responsibility to the officer of the Finance Department who is in charge of the Public Accounts Committee's Report to see that its recommendations are carried out and given effect to by the various Departments of the Government of India.

There is another important point. I would refer to the Stores Accounting of the East Indian Railway which has been pending for the last two or three years. The Public Accounts Committee took strong views on the matter and it was pointed out by the then Controller of Accounts, Mr. Scott, that by his mechanisation process, by introducing machines, he would put the accounts in order within six months. When after a year we examined the Department again, it was pointed out that the machines had failed; Mr. Badenoch, the Director of Railway Audit, told us that the machines had failed, in the N. W. Ry., and that they were still in an experimental stage. But we were afterwards assured by Mr. Parsons and his new Controller of Accounts, Mr. M. K. Mitra, that by February this year the East Indian Railway Stores Accounts would be reorganised completely and the Report would be discussed by the Public Accounts Committee. As no Public Accounts Committee exists, we have not been able to inquire how far action has been taken in the matter.

I will now digress a little and refer to the Controller of Indian Stores. In the Public Accounts Committee's Report of 1927-28, the Committee suggested that, if the various Departments, like the Army Department and the Railway Department, did not patronise the Indian Stores Department and give them sufficient orders to make it self-supporting, then Government would appoint a Committee of this House to consider whether the existence of that Department was justified. We had last year the privilege of examining the representatives of the Army and Railway Departments as also the Chief Controller of Stores, and we found that though Departments are willing to patronise it in a rather half-hearted way, it still remains to be seen how far the Indian Stores Department will be self-supporting. Perhaps the Stores Department will come with a Report

[Mr. B. Das.]

next year before the Committee, and the Committee will then have to examine the whole position. There is one other thing about the Indian Stores Department. It was pointed out that part of the money spent on the Stores Department is spent on educative work. But neither the Chief Controller of Stores, who appeared as a witness, nor the Industries and Labour Department could produce any leaflets or books that they had issued for educative work in India. The Committee has therefore recommended that that Department should bring out such publications about their educative work as they have done or do from year to year in order to industrialise the country.

I do not want to take up much more time: I will conclude my speech by alluding to the loans and debt position. As I said last year in Simla, this House is not privileged to discuss non-voted grants and certain other items; but yet in the Public Accounts Committee we have secured the privilege of discussing the principles underlying those things. While discussing the loans and debt position last year in the Public Accounts Committee, we found instances of financial control not having been exercised in regard to capital expenditure on Railways, and the Government of India at times paying more interest and incurring debts; and we tried to impress on the Finance Department and the Railway Department that they should confine their loans to the actual capital expenditure that was necessary during the year. We also found instances of the Government of India coming to grief on account of the Provincial Governments. There is the Government of the Punjab, which has made the Government of India spend money on two important loans: one for the Kangra Valley Railway, which at first was budgeted for a crore and afterwards came to three crores, while the Government of the Punjab guaranteed interest of four lakhs only for thirteen years. The Government of India have had to incur fresh loans on this account. Another project is the Sutlej Valley irrigation project, for which the Government of India have to advance heavy loans to the Punjab Government, and the Punjab Government indirectly committed the Government of India to advance loans to an Indian State—the Bahawalpur State—to the extent of eleven crores, and for which, as would be found in the discussions, the State could not pay interest for the last year. We were indebted to the Auditor General for bringing out this subject—provincial balances, which has been quoted in full in paragraph 37 at page 13 of the Report. I shall read only two or three lines:

"As in 1928-29 treasury bills were outstanding throughout the year, for the purpose *inter alia* of supplementing the Central balances, the overdrawals of Burma in 1928-29 must have had the effect of increasing the borrowings of the Central Government and of increasing the interest charges borne by Central Revenues. It is clear that in every way the present position in regard to this matter is irreconcilable with the ordinary accepted principles which govern either business or public finance."

The Public Accounts Committee observes as follows:

"We have been informed that the whole question is bound up with the vexed questions of the treatment of provincial deposits and advances, the incidence of the cost of management of treasuries, etc. The question is one which has actually been referred to in the Statutory Commission's Report and is to come up at the forthcoming constitutional review. We desire to recommend, however, that it should be carefully examined and that the services rendered by the Central Government to the Provincial Governments as their banker, should be treated on a strictly commercial basis, the Provincial Governments being required to keep balances according to the needs of the situation and to pay interest on overdrafts, just as they would do with a banker."

I hope the Finance Member, whether he is in a position to assure me today or a year hence, will be in a position to say that the Central Government's relation with the Provincial Governments as regards banking and provincial balances are treated on a strictly commercial basis, and that the Finance Department will exercise control over Provincial Governments to the extent of seeing that they do not incur debts unnecessarily, as has happened in the Kangra Valley Railway project and the Sutlej Valley Irrigation project, or even the Bombay Development scheme, which this Committee dealt with two or three years ago. These are points we have to look into. Also restricted capital expenditure on railways is a point which we have to look into.

Then again, Sir, various points came up before the Public Accounts Committee, and we were told that some of those points would be decided after the statutory changes had been made. For example, the convention about the separation of the railway finances, the settlement of the financial question between the provincial balances, whether Provincial Governments who draw overdrafts will pay interest to the Central Government, whether the Government of India are going to prepare statements about these points left over from the Reports of the Public Accounts Committees, and to place them for final settlement before the Secretary of State or before such Committees or Commissions that might sit in the near future to decide upon the constitutional charges arising out of strict financial control, are important points. I should like the Honourable the Finance Member to enlighten us.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, we are very thankful to the members of the Public Accounts Committee for placing such valuable material in the hands of the Members of this House. I read every word contained in these two volumes, and I entirely agree with my friend, Mr. B. Das, that the Honourable the Finance Member has done yeoman service in bringing out and elucidating all the obscure points in connection with the finances. I also associate with him the Auditor General, whose Report has proved to be very valuable to the members of the Committee, as I noticed that that was really the basis of discussion in their meetings. No doubt, this Report does not give such a lucid account of the general finances of India as I would like to see it do, but it throws a flood of light on certain very important questions. For example, I have been reading the evidence contained in these volumes, and I find that all is not well so far as the Railway and Post Office Departments are concerned. These two are very important Departments from the point of bringing in revenue to the coffers of the Government.

There is one more thing which I would have liked the members of the Public Accounts Committee to do, and that is to discuss the details and affairs of the Public Works Department and especially those relating to some of the works carried out at Dehra Dun during the last five years. I hope that in the future meetings, the Public Accounts Committee will go into all details in connection with the expenditure incurred by the Public Works Department, and particularly with regard to the expenditure incurred in Dehra Dun.

[Dr. Ziauddin Ahmad.]

Now, I take up the condition of the finance in those two Departments which has been the subject-matter of detailed discussions in the Public Accounts Committee. First, I shall take the Post Office. Reading through these Reports, it would seem that the administration of the Post Office is quite all right at the bottom, but there is something seriously wrong at the top; that is to say, though the officers who are working in the various towns carry on their duties with great satisfaction, there is something wrong somewhere in the general administration at the centre on account of which the Postal Department is not a self-supporting Department. I shall give an illustration. It has been pointed out by the members of the Public Accounts Committee that the Postal authorities give stamps free of cost to various Indian States. I cannot understand why these stamps are given to them without any payment. In olden days every State managed its own Post Office and as compensation for giving up their State postal arrangements in favour of the central organisation, we agreed to give them stamps. I think that it was done as compensation for the loss of income. If the States agree to participate in profits, they ought also to share in our losses. I will give the House some figures to show that the present arrangement which the Postal Department has with the States is not satisfactory, and that it leads to a definite loss. Instead of giving them some stamps, we ought to charge them a proportionate share which the Government of India incurs on its post offices. This is only one thing. I find there are many other things which I think ought to be set right. The question was put to the Director General of Posts and Telegraphs whether the present arrangement of postal organisation is a paying proposition. This is a thing which we Members of this House ought to know. We would also like to know whether in other countries like Europe and elsewhere the Postal Department is a self-supporting Department or whether the State always pays this Department to meet its demands.

I now come, Sir, to the Railway Department. The Public Accounts Committee, in their proceedings, have made serious allegations against the administration of the Railway Board, and I take these allegations in turn. I do not like to enter into a detailed discussion, because we will have an opportunity of doing so when discussing the Railway Budget, but I shall confine myself to only a few points which are brought out by the Public Accounts Committee. Now, in question No. 904 it was stated that a proposal was made to build a certain railway line. It was sanctioned and the railway line was completed, but no estimate was ever prepared nor was it produced before any authority. This is one instance illustrating the manner in which affairs are carried on in the Railway Board. Now, any one who knows even the A. B. C. of finance will notice that a thing of this kind is an impossibility in any sound financial administration. I do not think the Finance Member will allow any works to be executed unless the estimates are laid before him. But in this particular case which I have mentioned, no estimate was ever prepared, and the whole line was completed without practically the sanction of any superior authority.

Now, the second allegation is the one which has been mentioned by my friend, Mr. B. Das, that the estimate for the Kangra Valley line was only one crore, while, as Mr. B. Das mentioned in his question, the actual

cost was about 8½ crores. Mr. Russell however admitted that there was a mistake in estimating only to the extent of 300 per cent. I cannot possibly conceive that an estimate could be changed by this amount. Had we been told at the outset that the line would have cost three crores instead of one crore, then probably sanction would never have been given by this House to such a costly undertaking which will prove a hopeless financial loss to the Government. So this mistake of 300 per cent. is really a very serious affair, and in any other Government besides the Indian Government, the persons who were primarily responsible for such mistakes would never have found a place in the future administration of the country.

Now, we are promised that a Committee has been appointed to prepare a Report, and we are anxiously waiting for this Report. We are also equally anxiously waiting to see what punishment is going to be awarded to those who are responsible for this serious mistake.

The third allegation that is brought out is in question No. 893.

Mr. B. Das: They are not allegations, but they are facts.

Dr. Ziauddin Ahmad: Still they have to admit these charges. Now, all these things show how unreliable the estimates of the Railway Board are. The Honourable the Finance Member asked Mr. Russell as to what he thought the value of orders the Railway Board was likely to place with the Railway Stores Department. In reply, Mr. Russell said this:

"I think this year possibly the orders might be 2 crores, but I cannot prophesy whether the amount would be 3 crores, 4 crores or 5 crores".

It is quite all right in private conversation to say a thing like that and say that a certain project might cost one, two, three, four or five crores, but we can least expect such an indefinite statement from an officer holding the position of Financial Commissioner for Railways.

Mr. A. A. L. Parsons: I did not say that.

Dr. Ziauddin Ahmad: I don't say you said that, but it looks rather strange, that Mr. Russell of your Department should make such a vague statement.

This was my third allegation. The fourth allegation that has been made by the members of the Committee is this. They say, "You intentionally put up your estimates so that you may have a large margin to meet new items of expenditure." This was brought out in connection with a certain expenditure of Rs. 20 lakhs incurred in regard to some arrangements in the Burma Railways. Of course, I am not concerned with the fact whether the expenditure was justifiable or not, but what is important is this, that you obtained this permission by a back door. You put your estimates intentionally at a very high pitch, and from the savings of those wrong estimates you incur this expenditure. Really speaking, the Railway Board ought to have come directly to the Assembly and get permission. What we seriously object to is this, that you take the permission by means of the back door and that you manipulate these figures yourself.

[Dr. Ziauddin Ahmad.]

The fifth allegation was that the Railway Board was asked to appoint a Retrenchment Committee, and Mr. Russell in his reply said that the Railway Board was in itself a Retrenchment Committee. This is a very strange reply. We believe that God can do everything, but there is one thing that God cannot do, and that is that He cannot create another God like Himself. So is the case with the Retrenchment Committee. We want to retrench the Members of the Railway Board, and they themselves say "We are the Retrenchment Committee", and I cannot see how they can retrench themselves.

The next allegation which I would like to bring forward is on page 253. It is a very curious thing. I hope Mr. Parsons had some experience in his early days of district administration, and I am sure that the Honourable the Commerce Member has had a good deal of experience of district life, and I wonder whether a thing of this kind would ever have been allowed by them, and how they swallowed this big pill. Here was the case of the dismantling of abutments of a certain bridge. What happened was this, that a certain engineer went there and in his opinion it was desirable that the dismantling of the abutments should be carried out. He was transferred and somebody else took his place. He went to the place and thought that dismantling was not necessary. He made a report to that effect, but while this report was going on, the whole thing had been dismantled, and afterwards he found that there was nothing to be discussed. I quite understand that there may be a difference of technical opinion, but while the thing is being discussed, I cannot understand that any administration will allow action to be taken. Now, Sir, if a district officer is of a certain opinion about a particular thing, and his successor comes and is of a different opinion and refers the matter to a higher authority, then the thing could never be carried out, and if the subordinates had done so, they would have no place in the administration of the Government. There is no mention in the Report whether the Railway Board, which possess princely authority and functions also as a Retrenchment Committee, took any action against the subordinate officers who were responsible for this action. They did not wait for evident personal reasons for the final orders but carried out the demolition on the supposition that a report would be what suited them. This time it was Mr. Parsons who answered the question in the Committee, and instead of apologising, instead of asking for a final report from the officers concerned, instead of taking any action, he simply says that the Engineer in charge was in no way at fault and that it was purely a difference of technical opinion. I ask, is this the sort of reply that should be given considering the great mistake that was committed by the officers concerned?

The next point to which the Committee have drawn attention is the abnormal expenditure on publicity. When the Railway Board were questioned about it, they said that it was not abnormal, but when they were asked to mention the expenditure that was incurred by other countries and other Railways, no reply was forthcoming. It means that they really do not know their own business; they simply go on passing orders without knowing their trade.

There is one remark to which I would like to draw attention, and that is at pages 99 and 100. It deals with permission for capital grants, and

they have put forward a proposal. It is published here, but any one who scrutinises it will be surprised at the wisdom of the person who has adumbrated it. He said:

"What we are really to do is that we should give 5 or 6 alternatives and leave it to the Assembly by means of token cut to suggest which of the alternative projects they would like."

What I should have expected was they should have a committee of experts who ought to decide definitely and come forward with definite suggestions. The method of deciding questions of this kind by a token cut is really a very novel way of doing business, and I hope that the Railway Board and the Finance Department will devise some new method by means of which permission for capital expenditure may be obtained. Of course, I do not desire at this stage to dilate on the difficulties under which the Railway Board are suffering now, because I know very well that the Railway Board do not command the same respect and the same confidence as its predecessors once commanded, owing to the mistakes they have committed. I hope that they will be able to come out with some solution of the difficulties, and as we shall have another opportunity of discussing the matter in all its details when the Railway Budget comes up before us for consideration, I shall leave the question at this stage.

In the end, I thank the members of the Public Accounts Committee once more for the valuable services that they have rendered. I do not want to discuss the work of the Finance Committee at this stage, as a time will come when we shall discuss it, but I may mention today that the way in which they are carrying on their work is by no means satisfactory and we need some kind of reform in the procedure of their work as well.

Mr. S. O. Shahani (Sind: Non-Muhammadian Rural): Sir, I rise to make a few observations on the Report of the Public Accounts Committee. If Honourable Members will look at page 1, Volume I, they will find that in the statement of total grants voted by the Legislative Assembly compared with the total expenditure against these grants, the final grants amounted to Rs. 15,542 lakhs, and the actual expenditure amounted to Rs. 15,208; that is to say, there was a surplus of Rs. 334 lakhs. Now, if we have a look at the non-voted appropriations sanctioned by the Government of India, and compare these with the total expenditure against such appropriations, we find that nearly the whole amount of the appropriations has been spent. This leads a man like me to think that less effective control is exercised over non-voted appropriations. Then, if Honourable Members will look at paragraph 13 of the Report, they will find it stated:

"On the Railway side, there are two connected problems, viz., the introduction of a system of proper commercial accounts on all collieries worked by Railways and the presentation of the results of the working of each Railway in the form of regular trading and profit and loss accounts and balance sheets. As regards the former, it has been explained to us that the difficulty is one of determining the prices which the Railways ought to pay to their own collieries for coal. We consider that accurate costing accounts should be kept, including all charges, so that, in a broad way, one could see from year to year whether it paid the Railways to work their own collieries or whether they were losing in doing so instead of buying their coal from outside."

[Mr. S. C. Shahani.]

I wonder if the costing accounts of the collieries owned by private individuals or groups could be secured, and if these accounts could be secured and given for comparison, it would in a broad way enable one to see from the national point of view whether the railways should continue to work their own collieries.

Then, if Honourable Members will look at page 43, they will see it stated in paragraph 135:

"The Committee further considered the question of the relationship of the Army to the Indian Stores Department in regard to the purchase of stores."

In the next paragraph, it is stated:

"The Committee expressed satisfaction that the Departments had come into closer contact and wishes to see the results after some time."

I would like very much to know how far the purchase of articles for the Army through the Indian Stores Department has progressed.

On page 44, it is stated:

"The Chief Controller then explained certain general points put to him by Mr. Das. The Committee considered that it would be valuable if the Indian Stores Department could consider the question of publishing a pamphlet showing the extent of educative and other work which it was doing in the direction of assisting Indian industries."

Mr. Das has already referred to it, and has said that not a leaflet has been put forth. I do not know whether I understood him correctly. I would therefore like to ask again if any pamphlet has been published. I would also very much like to know the steps that have been taken by the Indian Stores Department to assist Indian industries. If the steps taken were recounted on the floor of this House, I think it would be both interesting and edifying.

If we look into page 53, we find it is stated:

"Supply of copies of 'Epitome of the Reports from the Central Committee of Public Accounts', 1923-27, prepared by the Auditor General, to members of the Committee and such other Members of the Assembly as ask for it."

If such an epitome is available, I beg to suggest that a separate day for instituting comparisons between the accounts of different years from 1923-28 would be very desirable.

Then I would ask Honourable Members to look at page 129. I find it stated there that the purchase of lubricating oils through the Indian Stores Department in the years 1927-29 meant a saving of 17,976. I find that this analysis is somewhat misleading. It is stated in the analysis that there were five items over which a loss was incurred and there were seven other items over which a gain was secured. I would very much like these items to be described each in detail and not five or seven items together.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Hugh Cocke.)

I think that would enable us to compare the results of the purchase by the Indian Stores Department item by item.

It is stated on page 130 in the last paragraph that:

"Lubricants, Paints, Kerosine and M. T. Petrol—the economies effected by purchase through the Director of Contracts over the three years 1927-30, aggregated Rs. 8,38,674 and it is still open to the Indian Stores Department to produce concrete evidence that it is able to purchase as cheaply and as efficiently for the Army as the existing Army Department agencies. Until such evidence is produced, it is for consideration whether the Army would be justified in entrusting the Indian Stores Department with additional purchases."

I would very much like to know if such evidence has been forthcoming, and if it is deemed desirable to purchase articles for the Army through the Indian Stores Department.

I would also say one or two things with regard to what is contained in Volume II. If Honourable Members will look into page 3, they will find in the concluding paragraph the following:

"It is improving every year. I want the Committee to be quite clear. I don't regard this as the last word on the subject. I was talking to the Auditor General yesterday, and I gathered that the Director of Commercial Audit had already been working a good deal on those lines. . . . What I feel is at present a good deal of information is given, but it is very difficult for members of the public to get at a glance a comparison of the results."

I would like to know whether such a comparative statement enabling the Members of this House to get at a glance a comparison of the results has been prepared. What you want to do is to compare a series of years.

Then on page 18, Volume II, it is stated in connection with question 61:

"One might ask the Financial Adviser whether he accepts the criticism that there is room for improvement in the estimating and also in the control of expenditure throughout the year",

and in the next paragraph it is stated:

"There is a progressive improvement. We are getting closer and closer to the actuals. You will see that the difference in 1928-29 between the final estimate and the actuals of the working expenses was Rs. 4,68,000. The previous year it was Rs. 8 lakhs odd and the year before it was a still higher figure."

I would like very much to know what steps have been taken to effect this progressive improvement.

The Honourable Sir George Schuster: Sir, at this hour of the afternoon I am sure Honourable Members will not take it amiss from me if I do not reply in detail to all the points that have been raised. Some of these are difficult to reply to in debate, and if they will accept from me an assurance that every point that has been raised will be carefully considered, I hope it will satisfy them. I am grateful to my Honourable friend, Mr. Das, for what he has said about any small part which I may have played in the work of the Public Accounts Committee; and although I think it is desirable to avoid any suggestion that this debate should develop into a sort of mutual admiration society of members of the Public Accounts Committee, I still would like on my side to say one word of appreciation for the support which I have always had from the Public Accounts Committee, and particularly from my Honourable friend, Mr. Das, who has taken so very much interest in the matter. (Applause.) These are very important questions, and it is a great encouragement to us in charge of the Finance Department if, in our rather ungrateful task

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of trying to restrain demands from other Departments, or in trying to criticize things that go wrong, we do receive support from the non-official Members of this House; and it is a great help if we find signs of interest taken by the representatives of the public.

My friend, Mr. Das, in his speech referred to some very important points. I am however only going to select one of them for special mention. He referred to the general importance of the control of our capital expenditure programme, and he referred to the loan and debt position. He made three points: the control of capital expenditure on the railways, the control of expenditure or rather of the finance provided by the Central Government for the provinces; and his third point was the control of the financial assistance rendered by the Government of India to certain Indian States. The particular instances to which he referred are of course all past history. The control of capital expenditure on the railways generally has of course been one of the most important tasks which have had to be taken up in the last two years owing to the deterioration of the financial position. I do not think that my Honourable friend would find anything to complain about in the rigidity of our control at present.

Then again the question of the financial relations between the Central Government and the Provinces and the liabilities to which the Central Government may be put owing to their having to carry the obligation of acting as bankers for the provinces is a very important question—one which will have to be considered in the new constitutional review. The particular instance to which my Honourable friend referred, *viz.*, the expenditure on the Kangra Valley Railway, is, I am glad to say, past history. This has not been a happy incident. It was all over many years ago, and I understand the Report of the special committee of investigation is just about to become available.

Dr. Ziauddin Ahmad: Is not the history of the expenditure on the Bombay, Baroda and Central India Railway in Bombay equally bad?

The Honourable Sir George Schuster: I was trying to pick out one or two points in the speech of my Honourable friend, Mr. Das. He also referred particularly to the heavy capital commitments in which the Government of India had been placed in connection with the Sutlej Valley Irrigation project, and particularly in connection with the large loan to the Bahawalpur State. That again, I am glad to say, is past history, though unfortunately the commitment still continues and in the present bad times, with low prices for agricultural produce, the returns which ought to come from the sale of land are of course being held up. At any rate we are not increasing that commitment, but we simply have to face something that was undertaken several years ago. I can assure my Honourable friend that I agree with every word that he has said on that subject; and I would like to take this opportunity to say—perhaps what one says on the subject may be of value in the future—I should like to take this opportunity of making one special observation, and that is this. A great deal of attention is paid in popular Assemblies generally to the control of budgetary expenditure. But budgetary problems and the control of budgetary expenditure are really comparatively simple matters. You know when you are going wrong with the Budget and things can be corrected at once. Capital expenditure is much more difficult to control; and from my experience of public finance in various countries, I think

that is a subject which does not receive nearly so much attention as budgetary expenditure does; and one could point to several examples. I do not wish to mention any particular names because I do not wish to commit myself in a public speech to criticisms of other countries—I could point to several examples that are in my mind today of countries that have got into serious financial difficulty owing to insufficient control of their borrowing programme and to their relying too much on borrowed money to meet unproductive expenditure. (Applause.) India in the past has had a very high standard in these matters; and there is no country in the world today whose public debt is so well covered by assets which really bring in a return every year which meets the interest charges on the expenditure. (Applause.) I trust that Honourable Members in the future who succeed to our responsibilities will keep up this high standard. There is nothing more important, and my Honourable friend, Mr. Das, has done a public service in calling attention to this very important question. I hope that he will long be in this House, however it is composed in the future, and that the value of his experience in these early years of the Indian constitution will be available in the future. For, Sir, it is a thing which sometimes causes one to regret that, though one in a small way devotes a great deal of trouble and effort to work on these Committees, feeling that they may be of some educative value, yet at times one fears that perhaps those who have served on them may not be able to play an important part in the future. I trust, however, that they will, because I do believe, in spite of the shortcomings of the constitution hitherto, or in spite of what the Honourable Members opposite may think about those shortcomings, I do believe that on these Committees in a quiet way most valuable educative work has been done, and a tradition has been started which will be of enormous value to India, with her national Government in the future.

Then, Sir, my Honourable friend, Dr. Ziauddin Ahmad, took us through a number of points for criticism. He brought us down from the rather congratulatory and optimistic atmosphere in which the first speaker had travelled and to the lower ground of criticism. In connection with that there are two things which I would like to say. First of all in dealing with the Public Accounts Committee's Report, one must realise that one is dealing with past history. Here we are in 1931 discussing the accounts of 1928, 29. It is a long time ago, and looking back on my own responsibilities, it covers actually the year before I became responsible for the affairs here. I merely mention that to bring out how far back and into what distance of past history the discussions of the Public Accounts Committee's Report carry us. Many of the points of criticism, of course, have been dealt with, and I think I may claim that in almost all important cases action to correct what was criticised therein has been taken. The other thing that I wish to say about the Public Accounts Committee's Report is that it is solely concerned with things that have gone wrong. It is not part of the duty of the Public Accounts Committee, when calling attention to perhaps two or three things which have gone wrong in the accounts, of a particular Department, to mention at the same time perhaps 500 instances of good work which has been done. I would ask critics like my Honourable friend, Dr. Ziauddin Ahmad, to bear that point in mind. The Report is simply an account of points for criticism. It does not bring out the enormously preponderating proportion of records of good work in all the Departments. But let me not be taken as suggesting

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that criticism should not be made, because it is of the greatest value, I think, to the efficiency of Government that the representatives of the public should criticise, and criticise most severely, provided only that they really understand the facts and do not ask for unreasonable protection in small items at the risk of putting too heavy a burden for accounting charges and supervision on to the general work of Government. (Hear, hear.)

I do not think, Sir, that it is necessary for me to say anything in detail about the observations made by my Honourable friend to whose speech I am now referring. But once again, I say that I will take account of everything that he has said and see that it is considered most carefully by the Departments concerned.

Then, Sir, the last speaker made one point which struck me, I must say, as a trifle curious. He referred to the Public Accounts Committee's Report, on page 1, and as far as I understood him, he made the point that the savings on the final appropriation in respect of voted expenditure were much greater than the savings in the case of non-voted expenditure. And he therefore suggested that the financial control as regards non-voted expenditure was much less severe than financial control over voted expenditure. But, Sir, if I remember aright the discussions that we have had on these matters, certainly if I refer to the sort of criticism that has been made in the Public Accounts Committee, the subject which is generally being made one for criticism is what is generally described as over-budgeting; and, if at the end of the year, a large saving on the final appropriation is found, my Honourable friends on the Public Accounts Committee would select that as something which seems to suggest the need

for further enquiry. They take as a test of excellence in financial control, the fact that the actual expenditure in any year approaches most exactly the amount which has been asked for in the budget estimates. Therefore, I think my Honourable friend's criticism rather turns into praise and the evidence of these figures is that there is much closer control on non-voted expenditure than on the voted subjects. But I do not wish to carry the point to any great length for in both cases I think the record of past years shows that we have been steadily approaching better budgeting and a more accurate estimate of all our expenditure. The mere fact that there is some difference between voted and non-voted expenditure cannot, I feel, be taken as indicating a system of financial control which is really much better on the one side or the other.

Sir, I think with my promise to look into all the points that have been raised, Honourable Members will be satisfied with the reply that I have made. I would only like to say in conclusion that I hope that next year we shall be able to have this sort of discussion under happier auspices and that more time will be available so that more speakers can be heard and, we, on the Government Benches, may get a greater opportunity of learning what are the views of the representatives of the public.

Mr. President: The question is:

That the Report of the Public Accounts Committee on the accounts of 1929-30 be taken into consideration.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th February, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 12th February, 1931.

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

QUESTIONS AND ANSWERS.

FORMATION OF A BOARD FOR THE ADMINISTRATION OF THE POSTS AND TELEGRAPHS DEPARTMENT.

450. *Mr. S. O. Mitra: (a) Is it a fact that a Board has recently been formed for the administration of the Posts and Telegraphs Department on behalf of the Governor General in Council?

(b) Is it intended that the Board will function in the same way as the Railway Board, and if not, in what respects does the constitution of the former differ from that of the latter?

(c) Are any officers of the Posts and Telegraphs Department *ex-officio* members of the Board and, if so, have their duties and responsibilities increased thereby?

Mr. J. A. Shillidy: (a), (b) and (c). A Board has not been formally constituted, but as an experimental measure the Director General, the Chief Engineer, the Senior Deputy Director General and the Financial Adviser have been empowered by the Honourable Member in charge of Industries and Labour to deal collectively and individually with certain classes of cases which would otherwise be submitted to Government for orders. If the experiment proves a success, the formal constitution of a Board will be considered.

HINDU AND MUHAMMADAN HOLIDAYS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

451. *Mr. S. O. Mitra: (a) Is it a fact that in the office of the Director General of Posts and Telegraphs no Muhammadan clerk is required to attend office on a Muhammadan holiday? If so, do the Hindu clerks enjoy the same facility in respect of Hindu holidays?

(b) Is it a fact that the Muhammadan clerks of the office are granted special holidays, e.g., the Dusserah Holidays? If so, is the same concession ever extended to the Hindu clerks in respect of any Muhammadan holiday?

Mr. H. A. Sams: (a) The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative. The reason for the difference in treatment is due to the fact that, if all Hindu clerks were allowed to stay away on Hindu holidays, which are not treated as entirely closed holidays, the work of the office would be at a stand-still, as the very great majority of the staff consists of Hindus.

(b) During the last Dusserah holidays, the Muhammadan clerks were granted compensatory holidays in lieu of the ones to which they were

entitled and on which they were required to attend in order to give all the Hindu clerks the benefit of complete absence from office. The reply to the rest of the question is in the negative.

Mr. S. C. Mitra: Am I to understand that the position is that there is discrimination as regards privileges between Muhammadan clerks on Hindu holidays and Hindu clerks on Muhammadan holidays? If so, why is there this discrimination?

Mr. H. A. Sams: I do not think there is any discrimination. It is a matter of convenience. When the office is not entirely closed, we have to make arrangements after considering the work of the office. As I have already explained, the Muhammadan clerks were given compensatory holidays during Dusserah in lieu of other holidays on which they attended office in order to allow the Hindu clerks to enjoy those holidays.

Mr. S. C. Mitra: Do the Hindus get the same privileges if the occasion arises?

Mr. H. A. Sams: The occasion would not arise because the great majority of clerks in my office are Hindus.

Dr. Ziauddin Ahmad: Are the post offices entirely closed on Hindu and Muhammadan holidays?

Mr. H. A. Sams: The question relates to the office of the Director General of Posts and Telegraphs and not to the post offices.

Dr. A. Suhrawardy: Will the Honourable Member consider the desirability of removing this invidious discrimination by increasing the number of Muhammadan employees in the office?

(No answer was given.)

HOLIDAYS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

452. ***Mr. S. C. Mitra:** (a) Is it a fact that the grant of holidays to the staff of the offices permanently located in Delhi is governed by the Notifications issued by the Chief Commissioner, Delhi? If so, is the same practice followed in the office of the Director General of Posts and Telegraphs both during the summer and winter?

(b) Is it a fact that in the office of the Director General of Posts and Telegraphs the recent *Basant Panchami* holiday was ordered to be treated as a communal holiday, following the practice obtaining in the Government of India Secretariat? If so, why was such a departure made in this case?

Mr. H. A. Sams: (a) Yes, provided that the state of work in the office permits the grant of holidays.

(b) Yes, for the disposal of urgent work largely in connection with the preparation of replies to questions asked by Honourable Members of the Legislature.

WITHHOLDING OF MEMORIALS OF THE CLERICAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

453. ***Mr. S. C. Mitra:** (a) Is it a fact that the memorials addressed to the Secretary of State by the clerical staff of the office of the Director General of Posts and Telegraphs, praying for a revision of their scales of pay were withheld by the Government of India on the ground that the memorials were mere applications for pecuniary relief presented by persons manifestly possessing no claim or advancing a claim of an obviously unsubstantial character?

(b) Is it a fact that, after the withholding of the memorials the Government of India sanctioned the revision of pay of the clerical staff of the office of the Director General of Posts and Telegraphs?

(c) Will Government be pleased to state whether, in the event of the reply to parts (a) and (b) being in the affirmative, the withholding of the memorials to the Secretary of State on the ground stated was in accordance with the rules?

Mr. J. A. Shildy: (a) No, the memorials were withheld for the reasons given in reply to part (b) to Mr. Amar Nath Dutt's starred question No. 308 on July 18th, 1930, to which the Honourable Member's attention is invited.

(b) Yes.

(c) Yes.

PRIVATE PRESS RUN BY BABU JAWAHAR KHAN, ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

454. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Will Government please state whether any investigation was made in connection with a private press being run by B. Jawahar Khan, Assistant Manager, Government of India Press at Simla, and was there any contention regarding its independent ownership by his sons? If so, how far is the contention true?

(b) Is it a fact that the so-called owners of the press are minors and studying in an Islamia School at Lahore and B. Jawahar Khan himself has been managing and conducting all sorts of business connected with the Press, under his own authority?

Mr. J. A. Shildy: From enquiries made by Government, it transpired that Mr. Jawahar Khan was connected with the working of a private press at Simla registered in the name of his two sons who are minors. Instructions have accordingly been issued to him to sever his connection with the press and he has been transferred to Aligarh.

LACK OF GOVERNMENT QUARTERS IN THE VICINITY OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

455. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that the employees of the Government Press at Delhi are provided with quarters in the vicinity of the Press while the employees of the Simla Press are debarred from the facilities in the shape of Government quarters in the vicinity of the Press?

(b) Were any representations made to the authorities? If so, what action was taken?

Mr. J. A. Shillidy: (a) Most of the employees of the Government of India Press, Delhi, have been provided with Government quarters in the vicinity of the Press. A limited number of quarters which are not at a great distance from the Press have also been provided for the employees of the Government of India Press, Simla.

(b) Yes; Government do not admit that officers are entitled to claim quarters in the vicinity of their work.

RETIRING AGE FOR GOVERNMENT OF INDIA PRESS EMPLOYEES.

456. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that Government servants are made to retire on pension at the age of 55 on the basis of their having put in such a total amount of energy as makes them incapable of rendering further service?

(b) Will Government please place on the table a statement showing the number of men retired from their service from Government of India Presses at Simla, Delhi and Aligarh during the last ten years showing also how many of them retired on superannuation pension and how many of them were invalidated?

Mr. J. A. Shillidy: (a) Government servants other than ministerial servants are, as a rule, required to retire from Government service on attaining the age of 55 years, while ministerial Government servants are, if they continue efficient, ordinarily retained in service up to the age of 60 years.

(b) Government regret that they cannot undertake to collect the information asked for by the Honourable Member as it would entail an amount of time and trouble disproportionate to the result.

NEW LEAVE RULES FOR GOVERNMENT OF INDIA PRESSES.

457. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact, that new leave rules have been framed for the Government Presses and men confirmed after 1928, although employed much earlier, are affected by these rules?

(b) Are Government aware that under these rules no casual leave is allowed to the men confirmed after 1928 and all other kinds of leave are also much reduced in their case? Will Government please state why this differential treatment is shown to the men working side by side?

Mr. J. A. Shillidy: (a) Yes.

(b) Government are aware that these rules are not as liberal as the ordinary leave rules embodied in the Fundamental Rules, and it is for this reason that permanent salaried industrial employees, who were in enjoyment of the benefits of the latter, were allowed to retain the benefits.

PAYMENT FOR EXCESS WORK IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

458. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that the compositors of the Government of India Press, Simla, are not paid for doing excess work when deductions are made for their shortages?

(b) Are Government prepared to take steps either to pay them for their excesses or exempt them from the deductions due to the shortages?

Mr. J. A. Shillidy: Enquiries are being made.

COMPLAINTS AGAINST THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

459. ***Sardar G. N. Mujumdar** (on behalf of Mr. Nabakumar Sing Dudhoria): (a) Is it a fact that complaints have been made regarding the general treatment and behaviour of the present Head Clerk of the Government of India Press, Simla, towards his subordinates as being rough and ungentlemanly, but with no result?

(b) Is it also a fact that the work in the Clerical Branch of the Government Press has fallen in arrears since the present Head Clerk has taken over charge and he himself attends office at about twelve o'clock daily?

(c) Is it a fact that he has got three brothers and a son-in-law working in the different branches of the Press?

Mr. J. A. Shillidy: (a), (b) and (c). No such complaints have reached Government, but a copy of the Honourable Member's question will be forwarded to the Manager of the Government of India Press, Simla.

REFUSAL OF LEAVE TO CLERKS BY THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

460. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that in the office of the Director General, Posts and Telegraphs, privilege leave is not recommended for the clerical staff by the Chief Superintendent of that office in the ordinary course when such leave is applied for?

(b) Is it a fact that the Chief Superintendent generally insists on production of medical certificates from the Civil Surgeon and he scarcely recommends leave without such certificates?

(c) Is it a fact that the Chief Superintendent refuses to grant privilege leave or any other leave to the staff owing to the paucity of staff in that office?

(d) Will Government be pleased to state how many of the staff of that office were granted privilege leave (1) with medical certificate and (2) without such certificate since the said Chief Superintendent was appointed and (3) in how many cases of casual leave medical certificates were demanded by the Chief Superintendent?

Mr. H. A. Sams: (a) and (b) The facts are not as stated by the Honourable Member.

(c) The Chief Superintendent has not the authority to grant any leave other than casual leave upto three days to clerks and menials under his direct supervision.

(d) Government do not think that any useful purpose would be served by collecting the information asked for. Any member of the staff who feels aggrieved has the right of making representations to me.

GRANT OF LEAVE TO CLERKS BY THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

461. *Mr. D. K. Lahiri Chaudhury: Is it a fact:

- (a) that the Chief Superintendent of the office of the Director General, Posts and Telegraphs, recommends grant of privilege leave without production of medical certificate in cases of some among the staff of that office;
- (b) that a clerk of that office named Mr. A. T. Bhattacharjee was recommended such leave by the Chief Superintendent without medical certificate and also in granting him extension of leave such certificate was not demanded by the Chief Superintendent;
- (c) that the Chief Superintendent insisted on countersignature from the Civil Surgeon on a medical certificate submitted in applying for extension of privilege leave by an assistant Mr. S. P. Mukherjee working under the Chief Engineer, Telegraphs, although the applicant was granted leave originally on medical certificate from another Civil Surgeon;
- (d) if the reply to parts (b) and (c) is in the affirmative, will Government be pleased to say whether (1) the principle followed by the Chief Superintendent of that office was dictated by any rule in any special circumstances, or (2) whether the Chief Superintendent has the latitude of acting, so or has he any authority of using his discretion independently of any defined policy in the matter of granting leave; (3) whether there is or is not any gazetted officer responsible in that office to see co-ordination of action on the part of the Chief Superintendent; if so, who that gazetted officer is; if not, why not?

(e) what remedy do Government propose to restrain the Chief Superintendent so that he will not be able to stand in the way of granting privilege leave to the staff when applied for?

Mr. H. A. Sams: (a), (b) and (c). No.

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

DUTIES AND PAY OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

*Mr. D. K. Lahiri Chaudhury: (a) Is it a fact (1) that there is a gazetted officer in the office of the Director General, Posts and Telegraphs, designated Chief Superintendent of the office; and (2) that he is in the scale of pay of Rs. 600—800?

(b) If so, will Government be pleased to state the duties performed by him actually and say whether he has got to function like the Chief Superintendent of the Railway Board and the office of the Director General, Indian Medical Service?

Mr. H. A. Sams: (a) Replies to both parts are in the affirmative.

(b) It would take too long to recapitulate in detail the duties of the officer mentioned, but they may be epitomized by the term "General management of the office".

NON GRANT OF AN IMPORTANT HINDU HOLIDAY IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

462. *Mr. D. K. Lahiri Chaudhury: (a) Are Government aware of the fact:

- (1) that *Basant Panchmi* or *Saraswati Puja* day is one of the very important holidays observed by the Bengalee Hindus, on which day they do not hold even a pen or pencil in their hands;
- (2) that on this holiday in the past no Bengalee Hindu clerk of the office of the Director General, Posts and Telegraphs, was required to attend office;
- (3) that on the last *Basant Panchmi* day some of the Bengalee Hindu clerks of that office were compelled to attend;
- (4) that being ordered to attend office, the clerks concerned submitted a petition jointly and it was thrown out without taking the Director General's orders on the recommendation of the Chief Superintendent of that office on the ground of its being simply a joint petition under the petition rules by a Deputy Director General;

(b) If the reply to above is in the affirmative, will Government be pleased to say:

- (1) what was the reason of the Chief Superintendent's recommending this; and
- (2) what the particular rule is under which the representation of the clerks was thrown out and in which Code it is defined?

(c) Do Government propose to see that the Bengalee Hindu clerks of that office are not deprived of this holiday in future?

Mr. H. A. Sams: (a) (1). Government understand that amongst Hindus in Bengal considerable importance is attached to the festival of *Basant Panchmi*.

(2) No.

(3) *Basant Panchmi* was observed as a communal holiday, but a few Bengali Hindu clerks attended office for the conduct of urgent work owing to the Legislative Assembly being in Session.

(4) Yes.

(b) (1) and (2). The action of the Chief Superintendent was in accordance with rule 111 of the Posts and Telegraphs Manual, Volume II.

(c) Government regret their inability to give a general undertaking of the nature contemplated in this question.

COMPLAINTS AGAINST MR. BOOTH, DEPUTY DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

464. *Mr. D. K. Lahiri Chaudhury: Is it a fact:

- (a) that Mr. Booth, now the Deputy Director General, Posts and Telegraphs, when he was Postmaster General, Punjab, inflicted punishment on several officials by dismissal or other means;

- (b) that all such of his orders had to be reviewed afterwards by the next Postmaster General, on the orders of the then Honourable Member as the result of several questions in this Assembly;
- (c) that as a result Mr. Booth was relieved from the charge of the Circle and brought in as Deputy Director General in the Directorate;
- (d) that it was decided and ordered by the late Member in charge of the Department, Sir Bhupendra Nath Mitra, that Mr. Booth should not be placed in charge of a Circle any more;
- (e) that as Deputy Director General (Staff) he again became concerned with the staff of the Department in dealing with appeal cases;
- (f) that under a peremptory order of a day the late Member in charge of the Department relieved Mr. Booth from the charge of the Deputy Director General (Staff) and placed him as Deputy Director General (Establishment);
- (g) that, in spite of all these, he is allowed in some cases to deal with staff questions directly now-a-days having been authorised by the Director General himself; and
- (h) that the Director General does no office work now-a-days and therefore Mr. Booth has been authorised to act on the Director General's behalf?

Mr. J. A. Shikdy: The Honourable Member is not seeking for information so much as endeavouring to establish certain charges against an individual officer by making insinuations which are without justification. In the opinion of Government Mr. Booth is an able and conscientious officer.

APPOINTMENT OF MUHAMMADANS IN THE MALABAR DIVISION OF THE POSTAL DEPARTMENT.

465. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state how many Muhammadans have been entertained in the Postal Department in the Malabar Division by the present Superintendent of Post Offices? If no Muhammadan has been entertained at all, is it because there has been no applicant from among the Muhammadans?

(b) Is it a fact that the majority of candidates entertained by him are Christians, and if so, what are the reasons for the same?

(c) Is it a fact that the Superintendent of Post Offices, Malabar Division, is causing great inconvenience and hardship to subordinates under him by frequent transfers?

Mr. H. A. Sams: (a) — (c), The attention of the Honourable Member is invited to the reply given to Mr. S. C. Mitra's starred question No. 869.

APPOINTMENT OF DELIVERY PEONS IN BRANCH POST OFFICES.

466. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether they have prescribed any minimum monthly income for Branch Post Offices in the mufussil to warrant the appointment of a delivery peon; if so, what is the amount?

(b) Will Government please state whether in all such Branch Post Offices as have got more than the prescribed income there are delivery peons at present; if not, do Government propose to issue orders to appoint them?

Mr. H. A. Sams: (a) The answer to the first part of the question is in the negative. The second part does not arise.

(b) Does not arise.

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EMPLOYMENT OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

476. ***Dr. Zia-ud-din Ahmad:** (a) Have the Government of India (Railway Department) received a copy of the resolution passed by the Muslim Association, Peshawar Cantonment, on the 5th January, 1981, about employment in the North Western Railway, a copy of which was sent to the Secretary, Railway Board?

(b) What reply did the Secretary, Railway Board, give to the Association?

(c) Will the Government give effect to the demands of the Muslim Association, Peshawar Cantonment? If so, when?

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

(b) and (c) The letter was acknowledged. The requests made are under consideration and a definite reply to the Association will be sent later. A copy of the reply will be sent to the Honourable Member.

NEW RAILWAY PROJECTS IN SOUTHERN INDIA.

477. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state what are the new railway projects that are to be taken in hand in South India in the ensuing financial year?

(b) In what stage is the Mangalore-Malpi extension proposal; which route, the coast or via Karkal, is proposed to be adopted?

(c) Have Government issued orders to begin the survey of the Kollengode-Trichur Line? When will the construction of this line be begun?

Mr. A. A. L. Parsons: (a) None.

(b) Traffic reports for both routes have been received and considered. Neither is likely to be remunerative and both will require a large guarantee. Government have decided to wait for an engineering estimate before making a final decision.

(c) Yes. The survey report has not yet been received and until it has been considered, it is not possible to say if and when construction of the line will be begun.

† These questions were not called, as the Honourable Member (Mr. N. M. Dumasia) had not yet taken the oath.

[12TH FEB. 1931.]

TRAINING OF INDIAN STUDENTS IN BRITISH FIRMS.

478. *Mr. Bhuput Sing: Will Government be pleased to state:

- (a) the number of Indian students in the United Kingdom whom the High Commissioner for India or his Department has assisted directly or indirectly in getting practical training in British firms or companies or workshops on payment of premium in 1929 and 1930;
- (b) the number that has been so assisted on non-payment of premium in 1929 and 1930;
- (c) the names of the students so assisted in (a) and (b);
- (d) the names of British firms, companies, or workshops that have afforded facilities for practical training to Indian students at the instance of the High Commissioner, either on payment or non-payment of premium;
- (e) the number of Indian students that sought his intervention or assistance for getting facilities for practical training in British firms, companies, or workshops in 1929 and 1930; and
- (f) the number of Indians that have been provided with appointments either with Government or private parties at the instance or assistance or intervention of the High Commissioner?

Mr. J. A. Shalby: The information asked for by the Honourable Member is being obtained from the High Commissioner for India and will be supplied to him in due course.

THE MEERUT CONSPIRACY TRIAL.

479. *Mr. Bhuput Sing: Will Government be pleased to state:

- (a) since how long the Meerut conspiracy trial has been going on;
- (b) how long yet it is expected to continue; and
- (c) the amount that has already been spent on the trial?

The Honourable Sir James Orerar: (a) The case started in the court of the enquiring Magistrate on the 12th June, 1929.

(b) So far as can be foreseen, the Sessions trial should conclude about the middle of June, 1931.

(c) I would refer the Honourable Member to the answer given by me on the 2nd February, 1931, to part (b) of Lala Hari Raj Swarup's question No. 268.

Mr. Anas Nath Dutt: May I ask whether there was any criminal trial in India which lasted for such a length of time?

The Honourable Sir James Orerar: Some cases, I think, have lasted almost as long a time as this; but for details I must ask notice.

SEPARATION OF BURMA FROM INDIA.

480. *Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether arrangements have already been set afoot for the separation of Burma from India;
- (b) if so, the nature of those arrangements in detail;
- (c) the name of the Committee which has been appointed to work out the details;
- (d) the names of the members of that Committee;
- (e) the name of the special officer who leads that Committee;
- (f) whether the Members of the Legislative Assembly will receive a chance to know the details of the inner working of the Committee that has been appointed for the purpose;
- (g) whether Government will consider the question of expenses that had been incurred in the acquisition of Burma to be solely laid upon Burma in future?

The Honourable Sir George Rainy: (a) to (g). The general position appears clearly from the speech of the Prime Minister and the reply given in the House of Commons by the Secretary of State to the question put by Major Graham Pole.

No arrangements have been set on foot by the Government of India. The Government of Burma have, however, received sanction to appoint a small informal committee, as proposed in their review of the recommendations of the Statutory Commission, to consider and report how best the Burma Defence Force can be organised and what the strength and composition of that force should be. The Government of India have agreed that the General Officer Commanding, Burma Independent District, should preside over that Committee.

As a preliminary to a financial settlement between India and Burma, two experts are at work, one on behalf of the Government of India and one on behalf of the Government of Burma, collecting materials and preparing a statement of the case for the consideration of the two Governments and in order that public opinion may be able to apply itself intelligently to financial issues presented clearly and in detail. Their scrutiny would include the proper apportionment of debt, productive and non-productive.

The Government of India, as will be clear from their Reforms Despatch, have always intended that public opinion in both countries should be satisfied that each is being fairly treated in any financial settlement which may be made. But the Government of India have not yet considered the method by which representatives of the public are to be brought into consultation, and will not be in a position to do so until they are in possession of the experts' statement.

OUTPUT OF THE RAILWAY ENGINEERING WORKSHOPS AT ARKONAM.

481. *Mr. B. Sitaramaraju: Will Government be pleased to lay on the table a statement showing the annual output of manufacture and repair work done in the Railway Engineering Workshops at Arkonam on the Madras and Southern Mahratta Railway every month for the last five years?

Mr. A. A. L. Parsons: With your permission, Sir, I would like to reply to questions Nos. 481 to 485 together. It will not be possible to obtain much of the information for which the Honourable Member asks in these questions without a very large expenditure of time and labour, to which Government are not prepared to put the Madras and Southern Mahratta Railway Administration. But on certain points, where I think, the information will be available or can be procured without undue difficulty, I have made enquiries from the Agent and will communicate with the Honourable Member when his reply is received.

SUPPLY OF PERMANENT WAY MATERIALS FOR THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

† 482. ***Mr. B. Sitaramaraju:** (a) Will Government be pleased to state the nature and the value of engineering materials placed on contract for supply to the Madras and Southern Mahratta Railway, classifying separately the work hitherto outturned in the Engineering Workshops at Arkonam, during each of the last three years?

(b) Has the attention of Government been drawn to the fact that the Madras and Southern Mahratta Railway have been giving out on contract orders for supply of permanent way materials, even when the same can be manufactured in the Railway Workshops, contrary to the recommendation of the Raven Committee (para. 882 of the Report)?

COST OF WORK AT THE ARKONAM ENGINEERING RAILWAY WORKSHOPS.

† 483. ***Mr. B. Sitaramaraju:** (a) Will Government kindly state what has been the cost of manufacturing and repair work undertaken at the Arkonam Engineering Railway Workshops, in regard to principal items of output, showing the following details (i) English stores, (ii) Indian stores, (iii) Indian labour, and (iv) general charges?

(b) What items separately constitute general charges according to the present accounts procedure in the Engineering Department of the Madras and Southern Mahratta Railway?

CAPITAL OUTLAY ON THE RAILWAY ENGINEERING WORKSHOPS AT ARKONAM.

† 484. ***Mr. B. Sitaramaraju:** Will Government be pleased to state the capital outlay on the Railway Engineering Workshops at Arkonam, showing separately for each shop both book value and estimated present day value (depreciated), with special reference to (i) Workshop buildings, (ii) Workshop Plant and equipment?

LOSS SUFFERED BY THE RAILWAY ENGINEERING WORKSHOPS AT ARKONAM AS A RESULT OF ORDERS GIVEN TO PRIVATE FIRMS.

† 485. ***Mr. B. Sitaramaraju:** (a) Is it a fact that the Railway Engineering Workshops at Arkonam are not working to the full extent of their capacity? If so, will Government be pleased to state, how far placing orders with private firms has been responsible for this state of things?

† For answer to this question, see answer to starred question No. 481.

(b) Will Government kindly state the loss suffered by the Madras and Southern Mahratta Railway on account of the machinery in the Engineering Workshops at Arkonam being not used to the full extent of their capacity, taking into account the capital invested in fully or partially idle machinery?

(c) What has been the minimum and maximum amount of stores Balances handled by the Engineering Workshops at Arkonam on the average in each of the last five years?

(d) What is the procedure adopted by the Madras and Southern Mahratta Railway in regard to rating of scrap material in the Engineering Department and what are the rates estimated in regard to the typical representative items?

STRENGTH OF STAFF OF THE RAILWAY ENGINEERING WORKSHOPS AT ARKONAM.

486. ***Mr. B. Sitaramaraju:** (a) Will Government kindly state what has been the reduction of man power in each of the shops of the Engineering Workshops at Arkonam every year since 1925 and the saving effected in the labour costs accordingly?

(b) Will Government also kindly state the reduction in the supervisory charges in the said Workshops on account of the curtailment of supervising work due to reduction of man power during the last five years?

(c) Are Government aware that there has been an increase of supervising officers in the establishment of the Engineering Workshops in recent years, although the strength of the Workshops has been reduced from about 2,000 to 1,000?

(d) Has the attention of Government been drawn to the fact that while a mechanical workshop employing nearly 900 men at Bangalore is manned by one General Foreman, Engineering Workshops of the same Railway at Arkonam employing about the same number of men maintain one Works Manager, one General Foreman and three Assistant Foremen? If so, will Government kindly state the reasons for this wide difference in supervising establishment?

Mr. A. A. L. Parsons: I have called for information and will communicate with the Honourable Member on its receipt.

OUTTURN AND COSTS OF RAILWAY WORKSHOPS.

487. ***Mr. B. Sitaramaraju:** Will Government kindly lay on the table a statement showing the monthly outturn of each of the Engineering Workshops on each of the State-owned Railways (including Company-managed), together with a statement showing production costs classified as (i) English stores, (ii) Indian stores, (iii) Indian labour, and (iv) general charges?

Mr. A. A. L. Parsons: Government regret that they are not prepared to undertake the extremely lengthy enquiries which the collection of the information for which the Honourable Member asks would entail.

LABOUR EMPLOYED IN WORKSHOPS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

488. *Mr. B. Sitaramaraju: (a) What is the average labour turnover in the Engineering and Mechanical Workshops of the Madras and Southern Mahratta Railway, on account of the following causes (i) discharges and dismissals, (ii) resignations, (iii) deaths, (iv) other causes, during each of the last five years?

(b) What is the percentage of absentees in each of the Mechanical and Engineering Workshops of the Railway, covered by (i) authorized leave excluding sickness, (ii) sickness, and (iii) other reasons, during the last twelve months?

Mr. A. A. L. Parsons: I have asked the Agent, Madras and Southern Mahratta Railway, to supply me with such information as can be readily obtained and I will send it to the Honourable Member when received.

LEAVE RESERVE, STRENGTH AND COST OF EMPLOYEES IN RAILWAY WORKSHOPS.

489. *Mr. B. Sitaramaraju: (a) Will Government kindly state what is the normal leave reserve they have recognized and propose to recognize in the Railway Workshops in each category of employees, if the new leave rules are applied?

(b) What is the strength of the Madras and Southern Mahratta Railway Engineering Workshops and also Mechanical Workshops, in regard to skilled, semi-skilled and unskilled labour, respectively, and what is the amount of wages disbursed monthly under each head?

(c) What is the amount of wages disbursed among supervising staff only in each of the Madras and Southern Mahratta Railway Workshops every month on the average?

Mr. A. A. L. Parsons: (a) The question is under examination.

(b) and (c). I have called for the information and will communicate with the Honourable Member on its receipt.

WASTAGE IN RAILWAY WORKSHOPS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

490. *Mr. B. Sitaramaraju: What is the percentage of wastage on all manufacturing operations conducted in the Madras and Southern Mahratta Railway Workshops and what is the existing procedure for calculating wastage?

Mr. A. A. L. Parsons: The information for which the Honourable Member asks is not procurable.

PRESENT POSITION OF STATE-OWNED RAILWAYS.

491. *Mr. B. Sitaramaraju: Will Government be pleased to lay on the table schedules of information applicable to each of the Class I State-owned Railways regarding the latest position in regard to each of the items asked for in the Raven Committee's Questionnaire contained in pages 98 to 101 of the Raven Committee's Report?

Mr. A. A. L. Parsons: It will not be possible to give all the information for which the Honourable Member asks, without undertaking anew the very lengthy enquiries which the State-managed railways make in order to provide material for the State Railways Workshops Committee, and much of the information could be of no practical use; for example an estimate of the possible expenditure on machine tools in the course of the next ten years. I am, however, arranging to collect for the Honourable Member a good deal of up-to-date information on points dealt with in the questionnaire given as Annexures I and II of the State Railways Workshops Committee's Report. Even this information will be voluminous and involve references to all railways, and I think it would be preferable for copies of it to be placed in the Library rather than on the table of the House. I will send a separate copy of it to the Honourable Member, but must warn him that it will take a considerable time to collect.

APPOINTMENTS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

492. *Mr. B. Sitaramaraju: (a) Is it a fact that the Madras and Southern Mahratta Railway have recruited as Travelling Ticket Collectors, six dismissed or discharged ex-Police and Excise Sub-Inspectors and super-annuated ex-militarymen while many Ticket Collectors of long service have been applying for the posts in vain?

(b) Are Government aware that many of the staff failed in medical examinations for Guards, Station Masters, Assistant Station Masters, Block Operators, Signalmen and similar posts but fit to hold Travelling Ticket Examiners' posts have been overlooked on account of direct recruitment in the latter class of posts? If so, will Government kindly furnish a statement of the staff so affected on each of the Railways (including Company-managed)?

Mr. A. A. L. Parsons: (a) I have called for information and will communicate with the Honourable Member on its receipt.

(b) The answer to the first part is in the negative; the second part, therefore, does not arise.

WORK OF THE PERSONNEL OFFICER ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

493. *Mr. B. Sitaramaraju: Will Government kindly supply full information as regards the work done by the newly appointed Personnel Officer on the Madras and Southern Mahratta Railway, stating the number and nature of staff questions dealt with by him favourably or otherwise since his appointment, and also the additional cost involved in maintaining this post?

Mr. A. A. L. Parsons: The duties of the post are to enquire into grievances of the staff, to co-ordinate the work of the Administration in establishment and labour matters, and to assist in the investigation of questions relating to wages and service conditions of the staff.

The cost of the post, which has been created as a temporary measure for two years, is Rs. 1,625 per mensem.

Government regret that they cannot see their way to call for information from the Madras and Southern Mahratta Railway showing the number and nature of staff questions dealt with favourably or otherwise by the officer holding the post since his appointment to it.

ANNUAL REPORTS OF WELFARE COMMITTEES ON STATE RAILWAYS.

494. *Mr. B. Sitaramaraju: Will Government kindly furnish copies of annual reports of the work done by each of the Staff or Welfare Committees on each of Class I Railways (including Company-managed), since their inception?

Mr. A. A. L. Parsons: The latest reports available are for the year ended 31st December, 1929, and copies of these are in the Library of the House.

THE INDIAN RAILWAY AMENDMENT ACT.

495 *Mr. B. Sitaramaraju: Is it a fact that the Indian Railway Amendment Act of 1930 has not yet been enforced on any of the Indian Railways and that the Act does not fully comply with the provisions of the Washington Hours and Geneva Weekly Rest Conventions?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the affirmative and to the latter part of the question in the negative.

SPECIAL OFFICERS OF THE RAILWAY BOARD.

496. *Mr. B. Sitaramaraju: Will Government kindly state the number of Railway Board's Officers on special duty at present, together with a statement of expenditure incurred and proposed to be incurred on them, and the work done so far?

Mr. A. A. L. Parsons: The answer to the first part of the Honourable Member's question is that there are at present 16 officers on special duty under the Railway Board.

I am collecting information concerning the other parts of the Honourable Member's question and will communicate with him when it is ready.

FINE FUNDS ON RAILWAYS.

497. *Mr. B. Sitaramaraju: What is the amount of fines collected and the amount of Fine Fund accumulated every year since 1925 on each of the Indian Railways?

Mr. A. A. L. Parsons: Statements giving the information desired have been placed in the Library.

FEMALE EMPLOYEES ON RAILWAYS.

498. *Mr. B. Sitaramaraju: What is the number of female employees working on each of the Class I Railways, under the following heads (i) inferior staff, (ii) subordinate staff, (iii) upper subordinate staff, and (iv) others, classified in the same manner as male staff in the Railway Board's statistics?

Mr. A. A. L. Parsons: The information asked for is not available and Government do not consider that, if prepared, its value would be commensurate with the clerical work and expense entailed. Generally speaking the position is that there are few women among the permanent employees on railways, though they are occasionally to be found as clerks and typists in offices and as attendants in waiting and refreshment rooms. Female coolie labour is, of course, not uncommon on ballast trains and earth work.

RECRUITMENT DURING THE STRIKE ON THE GREAT INDIAN PENINSULA RAILWAY.

499. *Mr. B. Sitaramaraju: Will Government be pleased to state the number of posts permanently filled up during the strike recently on the Great Indian Peninsula Railway, and the number of Europeans, Anglo-Indians and Indians recruited during the strike?

Mr. A. A. L. Parsons: In answer to the first part of the question, I would refer the Honourable Member to the reply given to part (iii) (c) of short notice question by Diwan Chaman Lal in this House on the 25th March, 1930. As regards the latter part of the question Government have no information.

REPORTED SECURITY SCHEME FOR RAILWAY STATIONS.

500. *Mr. B. Sitaramaraju: Has the attention of Government been drawn to the statement in the *Morning Post* about the intention of the Railway Board to introduce a new scheme called a Security Scheme, to post Anglo-Indian staff to hold charge of each important station, with a view to meet emergencies caused by strikes among the Indian Staff? Will Government place full details of the scheme on the table?

Mr. A. A. L. Parsons: Government have seen the article referred to by the Honourable Member. There is no such scheme.

Mr. B. Sitaramaraju: Sir, with your permission I will read the article. I will point out to the Honourable Member that this is the article in the *Morning Post* which refers to the scheme.

The Honourable Sir George Rainy: Will the Honourable Member kindly say to whom his question is put?

Mr. B. Sitaramaraju: Is it not a fact that this scheme is mentioned in the *Morning Post*?

Mr. A. A. L. Parsons: The scheme is mentioned in a paragraph of the *Morning Post* dated, I think, the 24th of November of last year. If the Honourable Member wants a more explicit reply than that I have given, that there is no such scheme, I am quite prepared to give it to him. The article says:

"It would appear that Mr. Hayman, a Labour Member of the Railway Board, submitted to the Board a proposal to exclude both Europeans and Indians from the traffic service of the Indian railways, thereby ensuring a close preserve for only Anglo-Indians."

Neither Mr. Hayman nor anybody else has prepared any such scheme, or any scheme which can conceivably be so described. The article goes on:

"This proposal which has been designated the 'security scheme', has been supported by the Railway Board;" (it has not,) "and has gone up for consideration by the Viceroy's Executive Council."

No such proposal has gone before His Excellency the Governor General's Executive Council.

Dr. Ziauddin Ahmad: Has the Honourable Member read this article already referred to?

Mr. A. A. L. Parsons: I have just been reading it out, Sir.

Mr. S. C. Mitra: Does he want a copy from the Honourable Member reading it?

Sir Abdur Rahim: Is any such scheme under contemplation of the Railway Board?

Mr. A. A. L. Parsons: No, Sir; as I have explained, the article is an entire fabrication.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM REPRESENTATION IN THE POSTAL DEPARTMENT.

189. **Mr. M. Maswood Ahmad:** (a) Have Government seen the communication published on page 6 of the 14th January, 1931, issue of the *Muslim Outlook* of Lahore, entitled "Muslim representation in the Postal Department"?

(b) Will Government be pleased to state whether the figures given in the said communication are substantially correct and, if not, will Government be pleased to state the correct figures?

(c) Will Government be pleased to state whether the percentage of Muslims as stated below is correct:

Gazetted Staff.

	Total strength.	Muslims.	Percentage.
1. Postal and R. M. S.	287	40	14
2. Engineering and Wireless	193	2	1
3. Traffic	90	..	..

Non-Gazetted Superior Staff.

1. Postal and R. M. S.	35,217	6,718	19
2. Engineering	1,645	285	17
3. Traffic	4,448	218	4

Non-Gazetted Inferior Staff.

1. Postal and R. M. S.	65,000	15,325	23
2. Engineering	4,117	1,531	37
3. Traffic	2,720	710	26

(d) Will Government be pleased to state the information under the heads given in part (c) above separately for every Postal Circle in India and what special steps do Government intend taking to give proper representation to Muslims?

Mr. J. A. Shalidy: With your permission, Sir, I propose to answer questions Nos. 189 to 195 together. In these questions information relating to the communal composition of several classes of employees of the Indian Posts and Telegraphs Department has been asked for. Government do not possess the information, nor do they propose to call for it, as its collection will involve the expenditure of time and labour not commensurate with the advantage to be gained. As regards the steps taken by Government in the matter of redressing communal inequalities in the services, the Honourable Member is referred to the answer given to

Mr. Anwar-ul-Amin: starred questions Nos. 72, 73, 75, 78 and 201 on the 5th September, 1928, by Sir Arthur McWatters in the Legislative Assembly.

MUSLIM REPRESENTATION IN THE POSTS AND TELEGRAPHS DEPARTMENT.

†190. **Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to the communication printed on page 6 of the *Muslim Outlook* of Lahore in its issue of the 5th January, 1931, under the caption "Posts and Telegraphs Department"?

(b) Will Government be pleased to state whether the figures of communal representation in the Posts and Telegraphs Department as a whole and in the Punjab and North West Frontier Postal Circle as stated in the said communication are correct and, if not, will Government be pleased to state the correct figures under the respective heads given in the said communication?

(c) Is it a fact that the Director General of Posts and Telegraphs felt the necessity of drawing the attention of his subordinate officers to the Government orders about recruitment in services with special regard to Muslims?

(d) Is it a fact that from the information collected by the Director General, Posts and Telegraphs, it was observed that Government orders were not strictly carried out by certain officers of the Department?

(e) If the reply to part (d) above is in the affirmative, will Government be pleased to state the action taken by the Director General, Posts and Telegraphs, against such officers and what steps Government propose to take to prevent the preponderance of any one community in the Posts and Telegraphs Department and to give Muslims their due representation as contemplated in Government orders?

COMMUNAL COMPOSITION OF CERTAIN POSTAL STAFFS.

†191. **Mr. M. Maswood Ahmad:** (1) Will Government be pleased to state the communal composition of candidates, (a) clerks and sorters, (b) postmen and mail guards, (c) inferior servants, approved of and entertained for the period from the 1st January, 1926, to the 31st December, 1930, in respect of the following Head Post Offices and Postal and R. M. S. Divisions, etc.:

1. R. M. S. 'L' Division, Lahore.
2. Lahore G. P. O.
3. Amritsar G. P. O.
4. Rawalpindi G. P. O.
5. R. M. S. 'D' Division, Delhi.
6. Delhi Division.
7. Delhi G. P. O.
8. Simla G. P. O.
9. Office of the Postmaster General, Lahore.
10. Dead Letter Office, Lahore.
11. Postal Stock Depot, Lahore?

† For answer to this question, see answer to unstarred question No. 189.

(2) Will Government be pleased to state the communal composition of (a) graduates, (b) relations of postal and R. M. S. employees approved as candidate clerks in respect of the offices and divisions stated in part (1) above?

COMMUNITIES REPRESENTED BY POSTMASTERS IN CERTAIN POST OFFICES.

†192. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the existing communal composition of Sub Postmasters in the following Postal Divisions and first class Head Post Office groups:

1. Lahore, Delhi, Rawalpindi, Simla First Class Head offices; and
2. Lahore, Delhi, Amritsar, Lyallpur, Ludhiana and Kashmir Divisions?

COMMUNITIES REPRESENTED BY RECORD CLERKS IN CERTAIN POST OFFICES.

†193. **Mr. M. Maswood Ahmad:** Will Government be pleased to state the communal composition of (a) Head Record Clerks and (b) Sub Record Clerks separately in the R. M. S., D. & L. Divisions?

COMMUNITIES REPRESENTED BY CORRESPONDENCE CLERKS IN CERTAIN POST OFFICES.

†194. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the total number of Correspondence Clerks sanctioned for each First Class Head Post Office in the Punjab and North West Frontier Circle and R. M. S., D. & L. Divisions?

(b) Will Government be pleased to state the communal composition of correspondence clerks in the offices referred to in part (a) above?

COMMUNITIES REPRESENTED BY CLERKS AND ACCOUNTANTS IN CERTAIN POST OFFICES.

†195. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the total number of clerks (including accountants and assistant accountants) sanctioned for each first class Head Post office in the Punjab and North West Frontier Circle and in the R. M. S., D. & L. Divisions?

(b) Will Government be pleased to state the communal composition of the officials referred to in part (a) above?

(c) Will Government be pleased to state the number of passed accountants employed in the Accounts Branch of each of the first class Head Post Offices in the Punjab and North West Frontier Circle, with the period of their tenure in that Branch?

(d) Will Government be pleased to state the names and particulars of any passed accountants not at present employed in the accounts branch and the period for which such passed accountants were employed in the accounts branch since the date of their passing the accountants examination?

† For answer to this question, see answer to unstarred question No. 189.

COMMUNAL COMPOSITION OF CERTAIN POSTAL STAFF IN THE PUNJAB AND NORTH WEST FRONTIER PROVINCE.

196. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the communal composition of officials of the lowest Selection Grade in the Punjab and North West Frontier Postal Circle?

(b) Will Government be pleased to state the communal composition of the Head Clerks and Assistant Postmasters of the lowest selection grade employed in each of the first class Head Post Offices?

(c) Will Government be pleased to state the communal composition of officials of the lowest selection grade employed in each of the R. M. S., D. & L. Divisions?

Mr. J. A. Shillidy: (a), (b) and (c). Government have no information and do not propose to call for it. The Honourable Member's attention is drawn to the reply given by the Honourable Mr. McWatters to starred question No. 72 of Mr. Anwar-ul-Azim on 5th September, 1928.

PROMOTION TO SELECTION GRADE IN THE POSTAL DEPARTMENT.

197. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether in view of the restrictions of (i) nominations, (ii) selections, (iii) service limit, (iv) seniority, the Postal Accountants' examination is a qualifying or competitive examination?

(b) Will Government be pleased to state whether the Director General of Posts and Telegraphs has decided that seniority and not date of passing the examination of the available passed Accountants shall be the criterion for acting or permanent promotion to the selection grade appointments of Accountants?

(c) Is it a fact that in view of the decision of the Director General, Posts and Telegraphs, referred to in part (b) above, the Director General, Posts and Telegraphs, considers the examination as a qualifying test?

(d) Are Government prepared to consider the question of declaring that seniority in the gradation list subject to efficiency and not the dates of passing the examination shall be the only criterion for (i) drawal of special pay, (ii) appointment as Accountant and Assistant Accountant, and (iii) for promotion to higher grades?

Mr. H. A. Sams: (a) The Postal Accountants' examination is qualifying and not competitive.

(b) Yes. Seniority combined with fitness.

(c) Yes.

(d) The principle suggested by the Honourable Member is already followed when it is a question of promotion as Accountants and Assistant Accountants in the Selection Grades. In making appointments of Accountants and Assistant Accountants in the ordinary time scale, which carry with them a special pay, the date of passing the examination is the criterion and not the relative seniority in the gradation list. Government do not propose to depart from this arrangement.

MOTION FOR ADJOURNMENT.

ACTION TAKEN AGAINST THE GENERAL COUNCIL OF BURMESE ASSOCIATIONS.

Mr. President: I have received a notice from Mr. Tun Aung that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows: the declaration by the Government of Burma that the General Council of Burmese Associations are unlawful under the Criminal Law Amendment Act. I have to inquire whether any Honourable Member has any objection to this motion.

Some Honourable Members: No, no.

The Honourable Sir James O'Grady (Home Member): Sir, under Standing Order 28 I must take objection. I should like to point out very briefly that the action dealt with in the motion is action taken by the Local Government on their own discretion and within their own competence. The Burma Legislative Council meets today, and I suggest that if a matter of this kind ought to be discussed in the Legislature, the proper forum would undoubtedly be the local Legislative Council. For these reasons, I suggest that discussion, at any rate at this stage, in this Assembly is not likely to be conducive to any purpose.

Mr. President: As objection has been taken, I would request those Honourable Members who are in favour of leave being granted to rise in their places.

(More than twenty-five Members rose in their places.)

As not less than twenty-five Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): Sir, I desire with your permission to make a statement as to the probable course of Government business in the week beginning Monday, the 16th. That Monday, Sir, is a gazetted holiday and the House will not sit. Tuesday, the 17th, has been appointed by His Excellency the Governor General for the presentation of the Railway Budget. On the afternoon of the same day, as I explained yesterday, Government are providing time for the continuation of business not disposed of by this House on the morning of Saturday, the 14th. On Wednesday the 18th, you, Sir, have directed that the elected Members of this House shall proceed to the election of Members to the Court of the Delhi University. Thereafter motions will be made to take into consideration and, if those motions are accepted, to pass the following Bills:

Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

Bill to provide for the fostering and development of the gold thread industry in British India.

Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India.

STATEMENT OF BUSINESS.

On the completion of the legislative programme of the day, the House will proceed to deal with excess grants under the General Budget and supplementary grants under the General Budget and also under the Railway Budget. Thursday, the 19th, has been appointed by His Excellency for the general discussion of the Railway Budget. As at present arranged, Sir, it is not proposed that the House should sit on either Friday or Saturday, the 20th or 21st, one of which days will in any case be a gazetted holiday.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, it is very possible that Thursday, the 19th, may be the 1d day and therefore I would request that if it is an 1d day, the Assembly will not sit on that day.

The Honourable Sir George Rainy: According to the calendar it is either Friday or Saturday. But if that day should fall on the 19th, then I think undoubtedly the matter will require reconsideration.

Maulvi Muhammad Yakub: It cannot be Saturday. It will be either Thursday or Friday—it depends on the day when the moon appears; but it is quite possible it may be on Thursday.

The Honourable Sir George Rainy: In that case different arrangements will have to be made, and I will certainly undertake to take the matter into consideration.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, for certain reasons I do not propose to move the Resolution* standing in my name.

RESOLUTION RE VANASPATHI GHEE.

Mr. Bhupat Singh (Bihar and Orissa: Landholders): Sir, the Resolution that stands in my name today and which I beg leave to move is as follows:

"This Assembly recommends to the Governor General in Council that pending legislation on the lines of the English Food and Drugs Act in the Imperial and Provincial Legislatures, prohibitive Custom duties be levied on that questionable commodity which goes by the name of 'Vanaspatti', or Vegetable Ghee, or Vegetable Oil."

It was early in 1917 that this commodity first made its appearance in this country. At the outset the foreign importers experienced great difficulty in their attempts to introduce it into the Indian markets as a cheap substitute for ghee. The most unfortunate features of the situation at that

*"This Assembly recommends to the Governor General in Council that instructions be issued giving liberty to Hindus enumerated at the ensuing census to state whether they do or do not belong to a caste and that this liberty be given not only to those who have in their marital or commensal relations proved their dissociation but also to those who have ceased to regard themselves as belonging to a caste and have conscientious objection to stating it."

[Mr. Bhuput Sing.]

time were that the foreign importers found in our trading community ready supporters for pushing on the sale of that article and that at some important towns owners and editors of Indian newspapers were induced to write articles crying up the virtues of that stuff. But what tended to give it a lease of life was the action of the European Health Officer of the biggest Municipal Corporation in India who declared the product *as fit for human consumption* without entering into any analysis whatsoever, in order to enable the dealers to take out licences from the Corporation. But soon after that he availed himself of a long leave and never returned to his duties. The result is that since then, through Calcutta, the trade has permeated into the whole of Northern India and the stuff has been freely used as a substitute for or an adulterant of genuine ghee everywhere. The spurious stuff is packed and stored in tins similar to those used in packing of genuine ghee and thus the people are all the more easily duped.

The Netherlands, Belgium, and Germany are the places from which that product is sent out to this country. A perusal of the "Official Statement of the Sea-borne Trade of British India", 1928-29, Volume II, will show that the import of the stuff is steadily increasing; the total import figures calculated in rupees stand at two crores, the total weight imported being about 500,000 cwts.

But we are all yet in the dark as to the real composition and processes of manufacture of that substance. Whatever information we possess about it is what the foreign importers, represented by the various European Chambers of Commerce, have been pleased to furnish us by way of giving this stuff their certificate—that it is a thing in which "the process is scrupulously clean", that "it is clean, pure, wholesome and cheap", that "it is made from such articles as cotton seed, cocoanut, sesame arachis, etc.", and the like. The Government Department concerned have not yet given us any reliable analysis of the product, nor have they declared in unequivocal terms its food value. They have more or less echoed the foregoing statements of the European Chambers of Commerce. But the general impression in the country is that the product is some chemical preparation from some substances—whether they are entirely vegetable, or wholly animal substances, or both combined is what is yet unknown.

Now to enter into the chemistry of the substance. All fats and oils are mainly mixtures of three compounds—stearin, palmitin, and olein. Our ghee has besides those three, a fourth constituent called butyrin. Of the three ingredients the first two namely, stearin and palmitin, are solids and olein is a liquid. If in a mixture the first two ingredients, *viz.*, stearin and palmitin preponderate, it is a solid at an ordinary temperature and is called a fat; but if olein preponderates, it is a liquid and is called an oil. The difference between olein and stearin lies in the fact that olein contains less hydrogen than stearin and by introducing hydrogen chemically into liquid olein, it is converted into solid stearin. Any oil can be converted into solid fat in the presence of fine nickel dust at a high temperature by the process of hydrogenation. But the fact remains that, in spite of careful refining some residue of nickel dust is left over after the chemical process has been completed. That process of converting liquid oil into solid fat by hydrogen-process is carried on in an extensive scale

in the Netherlands and Belgium. Vegetable ghee is such a product and it is for you to consider whether such a hydrogenated chemical product with very minute traces of nickel dust present in it can serve as a substitute for ghee, which is an organic substance, the legal definition therefor being "fat derived from the milk of mammals, namely, cows and buffaloes". It is thus manifest that in chemical composition the so-called vegetable ghee is not identical with and cannot approach ghee, because of the fact it lacks butyrin, the most essential ingredient in ghee.

Then there is the considered testimony of our medical men, physiologists and scientists to prove that a vegetable product and our ghee have different physiological effects upon the human system. Ghee is more easily assimilable than oil and is abundantly rich in Vitamin A, in which the vegetable product is entirely deficient. Again according to expert medical opinions the presence of traces of nickel in the article is liable to bring about affections of the eyes and the hydrogenated oil contributes to affections of the heart and is largely believed to be the chief cause of beri-beri and similar complaints. Opinions of European medical men are also forthcoming in support of those views. Dr. Plimmer, an authority on dietetics, in his book on "Food, Health, and Vitamin" says:

"Vegetable oils generally do not contain Vitamin A; that the danger of rickets and of stunted growth and bad teeth will increase if the people rely for their fats on vegetable product. There is reason to believe . . . that tuberculosis, leprosy, cholera, dysentery, plague and malaria have often in India a mal-nutritional element in their genesis and course."

Colonel F. P. Mackie, I.M.S., Director, Bombay Bacteriological Laboratory at Parel, in giving his own opinion on vegetable substitutes says thus:

"I am dead against the substitution of animal fats by vegetable oils, and consider that it should be vetoed at once. I am sorry to see these substitution products put on the market at all and think the municipal authorities should prohibit their sale unless they can be proved to contain a fair quantity of fat soluble vitamin. Otherwise the requirements of economy will result in children being brought up on those oils—a procedure which may have a disastrous effect on public health. As to the question of giving them to the hospital patients, I should forbid it absolutely."

Captain J. R. Thomas, another Member of the Indian Medical Service, who was for some time the Chemical Examiner to the Punjab Government, in making his experiments on the effect of vegetable ghee upon lower animals, arrived at the conclusion that the product produced a decided degenerating effect even upon lower animal life. In his opinion:

"Vanaspathi cannot be used as a substitute for genuine ghee. It must not be given to infants and lactating mothers. There is something missing in Vanaspathi, which is present in ghee, something which is necessary for growth and good health."

(Vide his paper in Volume XIV of the *Indian Journal of Medical Research*.) Again, in reply to a question put by the Honourable Rai Bahadur Ram Saran Das about that product in the Council of State on 23rd August, 1926, the then Commander-in-Chief of the Indian Forces observed as follows:

"Ghee contains this vitamin in considerable quantities. Vegetable oils, such as Cocogem, do not contain it except perhaps in traces negligible for practical purposes. It is not thought desirable to deprive the Indian soldier of an article which contains substances essential to the growth and physical fitness in favour of one which does not and which would probably be much less acceptable to him than the article to which he has been accustomed from childhood."

[Mr. Bhuput Singh.]

But all those opinions and statements notwithstanding, we are confronted with some stern realities about the vegetable product. From the busiest town to the meanest hamlet pure ghee is being steadily displaced by that questionable commodity. Both manufacturers and dealers of pure ghee are being ousted from their trade by the cheapness of the article; some are even being forced to adopt the adulteration of the genuine stuff with that product just in order to get on with their business. On the other hand consumers are made to pay quite dearly for this stuff in the belief that it is genuine ghee and also have to imbibe this poison in the name of the much-prized ghee. Economically, therefore, both manufacturers and consumers are hard hit. On the top of this, is the drain of about two crores of the country's wealth by this product of questionable merits.

I need not emphasise the important part that ghee plays in the Indian sentiment and the extent of the sanctity that is ordinarily attached to it. It is daily used in our Pujahs and Homas and our Shastras enjoin that nothing, but the purest stuff, should be used for our religious observances. Again there can be no feast or festival in an Indian home, be it that of a Hindu, or a Mussalman, or a Christian, that can dispense with some preparations or other made from the purest ghee. It is absolutely necessary, therefore, that an article which plays such an important part in our dietary and is so very essential for our religious observances, should be made immune from adulteration, and no cheap and spurious imitation should be suffered to take its place, and that in the best interests of the health of the nation, in the interests of indigenous dairy-farming and cattle-breeding and in the interests of the healthy development of future generations.

The European Chambers of Commerce, which are vitally interested in the import of the commodity, will tell us that when pure ghee is not to be had quite enough for all the requirements of the whole population, when what we get is allowed to be adulterated with animal fats and other foreign substances, we should have no objection to have this product either as a substitute for or as an adulterant of ghee. They confess that the substance is deficient in vitamins, but still they will tell us, "Go on taking it but have the deficiency of vitamin supplemented by other things possessing that food value". They will also maintain that the Government should afford every encouragement to the sale of the product so that the poor people in India—for whom their hearts melt at least when the sale of some imported commodity is concerned—may consume it largely owing to its cheapness in place of natural ghee, which is rather too costly for them. They say also that when margarine is allowed to be used for the adulteration of butter in Europe and America, we should also have no compunction to allowing vegetable ghee to be freely mixed with our natural ghee. That sort of reasoning need not surprise us, for that has always been the logic with the European trading community in India, who think of nothing else but the expansion of their trade.

Evidently with a view to awaken the conscience of the Government of India to the undesirable situation that has been created by the widespread sale of vegetable ghee, the Honourable Lala Ram Saran Das, whose attempts at checking the evils of vegetable ghee are too well-known,

moved in 1929 in the upper House a Resolution to introduce some distinguishing colouring effect in vegetable ghee so that people might be put on their guard about the stuff they purchased. The motion was adopted by the House and the Local Governments were addressed for their opinions on the subject. The European Chambers of Commerce in a body stoutly opposed the proposal. For reasons best known to them the various Local Governments took an unusually long time to send in their replies. But the Ministry of Local Self-Government of the Punjab took prompt action in the matter and introduced the Punjab Act 1929 to prevent adulteration of the natural ghee, very much on the lines of the English Food and Drugs Acts. Again, when my brother, Mr. Surput Singh, brought forward Resolution for the entire stoppage of the import of that commodity into this country in the same Chamber last year, the Government Member, the Honourable Mr. Woodhead, gave a reply in which he felt convinced about the extensive adulteration of ghee with vegetable product, and although opposing the Resolution, promised that the Government of India would address the Local Governments on the subject of minimising the evil, and would request them to consider the advisability of undertaking legislation on the footing of the Punjab Act, based on the lines of the British Food and Drugs Act of 1928.

I may inform the House for their information that all European countries without exception and the United States of America have introduced stringent legislation to prevent adulteration of genuine food articles on the one hand and on the other have prescribed a standard to which all imported things having any food value should strictly conform. I may also add that quite a number of Indian States, too numerous to mention here, have either legislated against the total import of or introduced heavy terminal duties on this vegetable product with a view to banish it from their territories altogether. But our Municipalities are somewhat powerless in the matter, for they cannot levy on articles, subject to sea-custom duty, more than Rs. 3-2-0 per cent., in accordance with the Government of India, Home Department Resolution No. 208-12 (ii) of 9th December 1904. Of course, they can prescribe a very high prohibitive license fee for the dealers, but that will be something ridiculous. It is also stated for the information of the Honourable Members that the selling price of the vegetable ghee is ordinarily about Rs. 25 per case of two tins weighing 80 lbs. This price works out to approximately Rs. 25-13-0, per maund, whereas the price of natural ghee is about Rs. 60 per maund. This comparative cheapness of the article, coupled with the fact that in colour it is akin to natural ghee, makes it an easy and profitable adulterant of ghee.

I think I have made it clear both from the opinion of experts as well as from the information obtained from various other sources, that I have a case and that I can very well ask the House that we should check the evils of this vegetable product betimes before that stuff, by the lapse of time, is allowed adversely to affect the health, vigour, and growth of the nation already ill-nourished. It is therefore incumbent upon the Government of India to devise some means forthwith on the lines of what they have done in the European countries and America in order to check the adulteration of articles of food so as to ensure the Indian public that the ghee which they buy may be of the same nature, substance, quantity and quality as it purports to be. What is wanted is that, pending the introduction of legislation, as promised by the Government of India last year on the floor of the other House on the lines of the English Food and

[Mr. Bhuput Sing.]

Drugs Act of 1928 by the Imperial and Provincial Legislatures, the customs duty on this vegetable product should be enhanced so much as to render it so costly that it should no longer be found to be a convenient medium for the adulteration of ghee. My prayer is modest and I trust the House will record their vote in favour of my proposal.

With these words, Sir, I beg to move my Resolution.

Dr. R. D. Dalal (Nominated Non-Official): The Resolution of my Honourable friend Mr. Bhuput Sing involves the consideration of a highly technical subject of great public health importance, and if the House will bear with me for a few minutes, I shall explain all to the House in simple lucid language, and as brevity is the soul of wit, I shall be as brief as possible.

The Honourable Member hails from Bihar and Orissa. He is a landholder. It is common knowledge that landholders are the largest ghee producers in this country, and when I read the Resolution for the first time, I wondered if Mr. Bhuput Sing was a ghee producer. Now, it is high time that I should proceed with the subject, and we shall see whether it will be "paradise lost" or "paradise regained" of the Honourable Mover's Resolution.

Sir, in the first place, I do not like the words "vegetable ghee". From the point of view of fraud on the consumer, the expression "vegetable ghee" is unfortunate and misleading. The first point that strikes me is this. Is consumption of vegetable oil injurious to health? Well as a public health expert, I can, with all the force and conviction of which I am capable, assure the House that it is not injurious to health in any way. Now, let us compare vegetable ghee—or rather I will call it vegetable product or vegetable oil—and the genuine ghee. As cooking fat, there is no difference at all between genuine ghee and vegetable oil. The only point is that genuine ghee is rich in vitamins, and the vitamin that we are concerned with here is vitamin A and vegetable oil is deficient in vitamins. Now, what are vitamins? Vitamins are substances about which we do not know much, but vitamin is something that is absolutely essential for the maintenance of health. When ghee is actually consumed, do we get this vitamin A? Does it enter the system? No. During the manufacture of ghee, the fluid is raised to a high temperature and so the vitamins are done away with to a certain extent, and the process of destruction is complete during the culinary cooking process. The ghee is raised to a high temperature, and the vitamins are completely destroyed.

Mr. Bhuput Sing: Can you prove that it is completely destroyed?

Dr. R. D. Dalal: The Honourable Member had his turn; and interruptions are inadmissible during a maiden speech.

An Honourable Member: Especially when you cannot answer a question.

Dr. R. D. Dalal: It is admitted that the vitamins are completely destroyed when the ghee is actually consumed. Now, Sir, margarine has supplanted genuine butter in Europe to a great extent. When margarine was first introduced into England, the arguments that are now being

used in India to prohibit the import of vegetable oils were then advanced. Now, how is this vegetable oil prepared? It is manufactured in up-to-date factories by machinery under aseptic precautions; and it is pure and wholesome, and it has a definite food value.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): But it is sold as ghee.

Dr. R. D. Dalal: I shall come to that, Sir Hari Singh. When it is hardened to the consistency of genuine ghee by a chemical process which is known as hydrogenation, it is sold as ghee, as Dr. Gour says. I have pointed out that vegetable oil is not injurious to health in any way, and therefore on the ground of public health there is no justification at all for interference with the import of vegetable oil into British India. Now, I will admit that genuine ghee is adulterated with vegetable oil; and every one would like that the adulteration should be prevented; but if you prohibit the import of vegetable oil, have we not other adulterants and are they not objectionable and are not they offensive? The traders will make use of objectionable adulterants. There is one point which I must make clear, and that is that the adulteration of ghee did not begin with the introduction of vegetable oil, and will not disappear with the prohibition of import of vegetable oil. Then the cost of genuine ghee is so high that it is beyond the means of millions of people in India. Now, in the province from which the Honourable Mr. Bhuput Sing hails, 90 per cent. of the population use vegetable oil; and if you deprive the poor rustic people of this admittedly pure and wholesome article, do you think that the poor people will bless Mr. Bhuput Sing?

Then, Sir, there is another thing. It has been suggested that colouring matter should be used to prevent adulteration. I strongly deprecate that suggestion. Any attempt to colour vegetable oils would lead to the possibility of introduction of poisonous matter. Further, if the consumer sees that the article is coloured, he will think ten thousand times before purchasing it. So, it would wreck the industry; and there is the general tendency now-a-days to prohibit the use of artificial colouring matters and preservatives; so the proposal to colour vegetable oils cannot possibly be supported. Then, what is the remedy? To my mind it seems that tins of vegetable oil should be labelled, and the sellers of vegetable oil should exhibit a notice making it quite clear that pure ghee is sold here, and also vegetable oil, and also a mixture of ghee and vegetable oil. If the adulteration is objected to, then what is the remedy? The remedy is quite simple. You take samples and then you analyse them and examine them, and then if they be found faulty, prosecutions should be launched. Now, as regards the duty, the vegetable product already bears a high duty of 15 per cent., and I am strongly opposed to any increase in the duty and I am strongly opposed to undue interference with trade.

***Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): In my capacity as Chairman of a Municipal Board, I have had to deal with this question very often, and the remedies which have been suggested by my Honourable friend Dr. Dalal have been found to be absolutely incapable of coping with this evil. There are health officers in each and every town. They take samples of the ghee which goes about in the name of pure ghee. This is really an adulterated mixture of vegetable oil and

*Speech not revised by the Honourable Member.

[Mr. Muhammad Yamin Khan.]

pure ghee. You take the sample and send it for chemical examination. Before that comes back and a legal remedy can be had, the same commodity is being sold every day with impunity and we cannot check this evil by this dilatory method proposed by my Honourable friend, Dr. Dalal. Hundreds of petty dealers come in on the market day and it is very very difficult to take samples from these people. They only visit the town once a week and you cannot deal with them properly by having recourse to

law, as suggested by my Honourable friend, Dr. Dalal. Probably he had experience of Bombay only, which is a big town and is not visited by the rural population at all. But when you deal with the question in the towns where you have the people selling ghee from the villages, you cannot deal with the question in the manner suggested by my friend, Dr. Dalal. My friend says that the zemindars are the largest producers of ghee. I do not agree with him. The zemindars are not the producers of ghee, it is the tenants who produce ghee, and therefore my friend, the Honourable Mr. Bhuput Sing had no personal interest in moving this Resolution, if that was the insinuation which my friend, Dr. Dalal, made.

Dr. R. D. Dalal: I did not mean to make that insinuation at all.

Mr. Muhammad Yamin Khan: I am glad he did not mean that, and he admits in effect that his intention was not to say that the zemindars are the producers of ghee. Then, again, he has tried to create a distinction between vegetable oil and vegetable ghee, and he objects to the words vegetable ghee being used because the article is not really vegetable ghee but vegetable produce. I quite agree, but here what my Honourable friend, Mr. Bhuput Sing, wants is not a legal distinction; he wants to cope with the evil as it presents itself to the ordinary consumer in the streets. A man does not know whether it is ghee or whether it is vegetable produce.

Sir Hari Singh Gour: He wants to prevent a fraud.

Mr. Muhammad Yamin Khan: The only thing which he wants is that a thing which is sold in the name of vegetable ghee should not pass in that name at all. That is why he suggests a certain remedy, so that every consumer must know on the very face of the article when it comes into the bazaar that it is not ghee but something else and that it should not be sold in the name of ghee at all. There are thousands of shops which put up boards in bold letters saying that pure ghee is sold there, but certainly we know that thereby a fraud is committed on the people; and even those people who sell the commodity cannot find out the fraud committed on themselves also; and they are obliged to sell this commodity after examining whether, when a seer or two of ghee is brought by a particular producer, that contains some vegetable oil or not. That is very difficult, and it cannot be done as easily as my friend suggests. We have been seeing this evil for such a long time and trying to stop it, but we have not succeeded in any way. The only remedy which can be successful is this, that there should be some colour which may at once distinguish pure ghee and vegetable ghee from other articles which come into the market in the name of ghee and are not really ghee.

Then there is another class which has arisen, the petty dealers; I know that at least they are in my district in large numbers. They purify fat

by certain chemical processes and they mix a certain quantity of oil in that and a little bit of this vegetable ghee (An Honourable Member: "Coconut oil"), and you cannot distinguish between pure ghee and this mixture. Of course the producers can sell it at the rate of one seer and a half per rupee. But what do the petty dealers do? They purchase this stuff from these people, who of course show in bold letters that it is not pure ghee but an adulterated mixture, but the petty dealer who purchases the stuff from them goes about and sits in the market on the market day and sells it under the name of pure ghee, and the people living in the cities are led to believe that that man has brought the stuff from the village, and so it must be pure ghee because the man is a rustic, and so they purchase under the impression that it is pure ghee, but they find out afterwards that it is not really ghee but fat. Sir, from the Hindu point of view it is a great fraud committed on the Hindu community, the members of which are prohibited by their religion from taking any kind of animal fat apart from that obtained from milk; and it is a fraud committed upon other persons as well who would like to purchase pure ghee but who are not supplied with that. My friend, Dr. Dalal, will agree with me that it cannot have the same effect on health as pure ghee would have. Vegetable oil may not be so injurious to health but it cannot be so good for health as pure ghee.

Dr. R. D. Dalal: There is no difference at all.

Mr. Muhammad Yamin Khan: That may be his view, but that is not the view of the people who can claim to be experts equally along with him.

Dr. R. D. Dalal: Sir, on the other hand

Mr. Muhammad Yamin Khan: When the consumer does not like to purchase it, there is no meaning in one man from the Public Health Department coming up and saying that, "you must purchase it because it won't affect your health". What I found however in his speech was not so much love for the Public Health Department as for the people who deal in this business, because his concluding words were to the effect that he does not like to stop the trade, and that he does not like to hamper the trade going on as I say by fraudulent methods in this country. So the whole gist of his argument was that he wants to save the trade—which as I say is committing a fraud upon the people—and he tries to speak in the name of the Public Health Department. If that Department wants that the fraud may continue to be committed on the consumers, he is quite all right in defending it in that shape, but what I suspect is that he was probably speaking from the point of view of the tradesman dealing in this stuff, and not so much out of love for the Public Health Department. Sir, I very strongly support the Resolution, and I think that it is high time that this evil was stopped at once.

Rai Sahib Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Bhuput Sing. The question of artificial ghee was raised several times in this Assembly during the life time of the second and third Assemblies. I put several questions in connection with this matter, and Mr. Bajpai, on behalf of the Government, assured the House that the matter was being looked into, that the Government was considering this question seriously, and that they would take such steps as would be necessary to enable purchasers to see that they purchased the genuine article and not artificial ghee. Several

[Rai Sahib Harbilas Sarda.]

years have past, however, and Government have not taken any action in the matter. And I want to emphasise that this is a matter which deeply concerns the people of this country because it affects their health and vitality. I wish again to appeal to the Government to levy a heavy import duty on artificial ghee and to order that it should be either coloured or that some other steps should be taken to enable people who want to purchase the genuine article to see that they do not purchase "brummagem" but get the genuine article. If Government will only take steps to see that adulteration does not take place, they shall have earned the thanks of the public.

The Revd. J. C. Chatterjee (Nominated Non-Official): Sir, this question of vegetable ghee and the evil effects thereof has on various occasions been discussed at length in the Delhi Municipality. It cannot be denied that there is a strong feeling, whether from the point of view of health, or because of its being a foreign article, or may be because of sentimental reasons, against the free use of this commodity. I remember that on the last occasion when the question of imposing a heavy terminal tax on this article was discussed in the Municipality of this city, a venerable City Father got up and said that studying the birth and death returns in the City of Delhi, he found that the mortality rate had been going up, while there was a fall in the birth rate, and he was of opinion that this was largely due to the increased use of vegetable ghee. How far he was correct I cannot say, but I would only point out how people believe that even birth and death returns are affected by the use of this ghee.

Now, Sir, the point is this. I am not quite clear as to what are the real grounds on which the Honourable the Mover of this Resolution wants to base his plea for the imposition of a heavy import duty on vegetable ghee. If it is on the ground that this imported article is having an injurious effect on and offers an unfair competition to a home made article—that is real ghee—if that is the real ground, then it is a different matter and we ought to consider the proposition on that score alone. We must consider whether vegetable ghee imported from foreign countries is having an injurious effect on the production and sale of pure ghee. If that is so, then we ought to ask for legislation on that ground and I have no quarrel with that point of view.

The second point is the question of public health. Now, is it really correct that public health is being undermined by the use of this ghee? That is more a medical and public health question. Dr. Dalal has expressed his view. I may also say that this question was referred to our Municipality. The Health Officer of our Municipality, another distinguished member of the Public Health Service—he is an Indian, not a European—gave it as his considered view that the use of vegetable ghee in itself had no injurious effects whatsoever on public health. But I am not competent to go into that question. I can only repeat what is said by the medical profession or by the Members of the Public Health Department on that subject.

Now, the next question is the sentimental objection to this product and also the more important problem of adulteration of the real article with this stuff. There is considerable strength in that plea. There are other people who have a greater right to speak on that aspect of the question. They object to the use of vegetable ghee on sentimental grounds.

Some object on religious grounds also, but I prefer not to bring religion into this matter, though I do not question their right to say that they object to its use on sentimental grounds. I also support my Honourable friend Mr. Yamin Khan in his plea that this question of adulteration of the real article with the mixture or the fear of fraud by imitations of this kind is certainly a very important problem. We, in our Municipality, have tried to prevent it by various means, but I confess we have not been able to prevent it completely. It has been urged by my friend Dr. Dalal that samples of ghee can be taken and analysed to discover fraud on adulteration. I do not know whether my Honourable friend knows it, but I know that it is very difficult to get samples analysed. In most towns in India, there is no analytical laboratory to deal with any such stuff. To do this properly, we must get a large number of samples taken and thoroughly examined. That is not at all a practical proposition. We have tried various methods of colouring and all the rest of them, but we found we could not prevent admixture or adulteration.

Dr. R. D. Dalal: We can do it; let the Food and Drugs Adulteration Act come.

The Revd. J. C. Chatterjee: But we have not been able to do it. The Honourable Member wants legislation for a certain period only. That certainly is not the only difficulty. I must also point out on the other hand that whenever serious objections have been made to the use of such articles, I have noticed—I may be wrong and I speak subject to correction—that these objections come from the well-to-do quarters, from people who can afford to get real ghee, the really good article. It is possible, there may be ample justification for it. But I want to know whether it is not after all a question of supply and demand. After all, does it not come down to that? Can we argue that everybody in this country—a vast majority of people in this country can use real ghee? Have they got the means to use real ghee? It is well known that in Bengal—the Honourable friend, Mr. Amar Nath Dutt, who is not at present here would bear me out—the vast majority of people cannot afford to have real ghee. They never make any attempt to use that ghee. They have always used vegetable oil in the preparation of their food. That, again, is true of people in these places also. I have to work among very poor people, and I find that real ghee is absolutely unknown or very little known to them. I wish they could obtain real ghee. I do not for a moment suggest that vegetable ghee can take the place of real ghee. Vegetable ghee has very little nutrition as compared with pure ghee, and every one needs pure ghee. But all the same the fact remains that many people cannot get it; they cannot afford it, and so they do not attempt to get it. The fact is that most people have to use vegetable oil of some kind; and the medical authorities or the public health authorities have not demonstrated that the vegetable oils produced in the country are superior to this particular vegetable ghee or oil as we prefer to call it. They have not proved that this particular oil is really injurious. There may be differences of opinion between medical men and public health experts, but the fact has not been properly established. I still say it is all a question of supply and demand and so long as there is a demand for the use of vegetable oils, that demand will be fulfilled. If my Honourable friend feels that this particular article is pernicious, then what is the proper remedy? It is public education. He should undertake extensive propaganda against the use of this article and they should teach people why certain articles should not be used.

[The Revd. J. C. Chatterjee.]

Now, take the case of margarine. I remember during the time of war—I happened to be in England at that time—when margarine first made its appearance, there was a tremendous propaganda against it. People said that it was going to undermine national health and so on, but there was no better substitute for butter. It was widely used and even now I believe that margarine still continues to be used largely. The same thing happens in this country. Let us try to prevent adulteration by all means. Let Municipalities ensure that there should be separate dealers for different kinds of ghee. You can take any steps to prevent adulteration and fraud; there can be no objection to that. But I think legislation of the kind proposed will not help forward the cause that we have at heart. Municipalities can deal with the problem. They have been dealing with the matter. In the Delhi Municipality a heavy terminal tax has been imposed on the import of this article though it is still being brought in. What we really need is public education and not legislation.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, the Resolution which I have the honour to support is, I think, quite an innocent one and it does not at all require any argument for or against in great elaboration. The point that is contained in that Resolution is not whether it is injurious or otherwise, but the point is, do not sell a thing under a fraudulent name. If yours is not ghee, then why do you call it so? That is the whole question. It is not a question whether the producer objects to it or whether it is the consumer who objects to it. I would respectfully submit that, as far as I understand the Resolution, the intention of that Resolution is quite plain. Why call a certain thing, which you know is not known to be ghee, as ghee, and try to sell it and pass it off to the consumer as if it was real ghee? As my Honourable friend Revd. Chatterjee said, a large class of poor people in this country use vegetable oil. I think it is admitted on all hands that as between vegetable oil and ghee, the latter is considered to be certainly superior. What these people do is this. They take the adulterated substitute, go and tell the unfortunate villagers that it is ghee, which they know is superior to vegetable oil and try to pass it on at a price which otherwise it would not fetch. It is that to which my Honourable friend, Mr. Bhuput Singh, objects. And after all, what does he want? There has been an undertaking on behalf of Government that legislation would be brought forward. That undertaking has not yet been fulfilled, and until that is done, you should take steps to stop the sale of this article which is brought in under a false name and brought for the purpose of inducing people to take it as a particular substance when it is not really so and which it would otherwise be difficult to sell in the bazar in an easy manner. There is absolutely no harm in that; and as for its being injurious or not, you may take it that as long as the doctors are able or not able to analyse it, there is going to be no finality in the matter. Those of us who have had any experience of chemical analysis in criminal trials can very easily realise what the result of this analysis by chemical processes amounts to. One particular doctor comes to one conclusion or another: another doctor comes to another conclusion, and you can never satisfactorily decide when doctors disagree. As for taking a sample and getting it analysed, my Honourable friend, Mr. Yamin Khan, has stated the difficulties in clear terms, and there is no point in repeating them.

There is one point which was raised by Mr. Bhuput Singh, which I think has not been sufficiently emphasised, and it is this, that up to the present there is no authoritative analysis on behalf of the sellers of that commodity as to what it really contains. I have seen certain patent medicines, on the bottles of which they say what are the ingredients of which the medicine is composed and in what quantities, so that the man who purchases the medicine may know the particular ingredients of the medicine and the proportion of each. If it is a non-injurious product and there is so much difficulty in submitting it to examination after it is put on the market, what is the difficulty in saying that a man who wants to bring this article into the market should say what the composition is. Then we shall have no difficulty about any doctor coming in and giving his opinion. We shall then know whether it is injurious or not and whether to prohibit it or not.

As for prosecutions, the least said about it the better. You first allow the mischief to be done, God knows to what extent, and then you go and take hold of probably a man who is not able to defend himself, fine him five rupees because it is probably a summary procedure, and no one is any better for it except perhaps Government which puts five rupees into its pocket. Therefore a prosecution is not the proper remedy. The proper remedy is to take drastic steps and not allow this thing to come into the country at all. If you cannot do it, the next best thing is to stop it until you have the proper piece of legislation by which you can regulate it if you cannot stop it from coming in. With these words, I very strongly support the Resolution of my Honourable friend, Mr. Bhuput Singh.

The Honourable Sir George Rainy (Member for Commerce and Railways): I do not propose, Mr. President, to speak at any great length upon this Resolution. Some of the points I had intended to make have been anticipated by two of the previous speakers, my Honourable friend Dr. Dalal and my Honourable friend Mr. Chatterjee. I want to begin with a point which was made by Dr. Dalal, namely, that vegetable ghee, so-called, is a substance which is not injurious to health and has a definite food value. The last speaker took a somewhat pessimistic view as to qualifications of the medical profession and the credence which we ought to give to them. He rather suggested that, as there was so much disagreement among experts on this question, one man's opinion was as good as another's. But I cannot share that view; nor do I think the Honourable the Mover of the motion was quite fair when he suggested that all the information we had about vegetable ghee came from the exporting firms in European countries, and that there have been no reports from Government experts. This question was referred to all Local Governments and we have had their replies; and no doubt before they gave these replies the Local Governments must have consulted their experts, and the experts again would not themselves have given their opinions without having taken steps to satisfy themselves on an obvious point of that kind.

Now, the purport of the replies we have received from the Local Governments—with one exception, namely, the Central Provinces,—was that although the vegetable product was deficient in certain vitamins, it was not injurious to health. And all that the Central Provinces Government had to say on the subject was that,—

"the Local Government is inclined to agree that the substitution of an article deficient in vitamins must necessarily be harmful to that section of the population whose diet is so meagre that the deficiency is not made up otherwise."

[The Honourable Sir George Rainy.]

But that falls a great deal short of saying that in itself the vegetable product is injurious to health. All that the statement of the Central Provinces Government really comes to is this, that a certain proportion of vitamins is necessary to health, that these vitamins may come from different substances, and that if the population cannot obtain them from other food substances, then the vegetable product is injurious in the sense that the people would be better if they could get pure ghee. That does not in the least affect the main proposition which, as far as I can see, is firmly established, namely, that the vegetable product has a definite food value and is not injurious to health. If that be so, it is a very strong measure indeed to impose a prohibitive duty on the import of this substance with the intention of keeping it out altogether. Very strong reasons would have to be adduced before that can be shown to be a justifiable course; and the first reason against any such measure to which I would wish to direct the attention of the House is this. What would be the consequences of the imposition of such a duty? Would the result be that the people of India would be able to buy, to the full extent they desire, ghee or unadulterated ghee? I am afraid there is only one answer to that question, that the measure would not have that result. And my Honourable friend Revd. Chatterjee pointed out with great cogency that as a matter of fact it is a question of demand and supply, and that there is not a sufficient production of pure ghee in India to enable the great mass of the population to obtain it at the price they can afford to pay. And if the importation of the so-called vegetable ghee is prohibited, then I am afraid the only consequence will be that adulteration will be effected with even more undesirable substitutes. My Honourable friend Mr. Woodhead in another place, a few months ago, referred to what was said by Sir George Watt as long ago as 1885 on the subject of adulteration. This is what Sir George Watt said:

"The chief articles used in the adulteration of ghee are vegetable oil, such as coconut, groundnut, cotton, safflower, poppy, sesamum, niger and kokam. These are all harmless enough, though cheaper than ghee; but injurious oils are also used, especially mahua, salvadora and castor oil. Other animal fats, especially mutton, are largely utilised."

Then again it came to our notice quite recently that large quantities of a mineral white oil had been imported into Burma and were being used for the adulteration of the ghee there. It seems to me that, if by prohibiting the importation of this *vanaspathi ghee*, the result is that the ghee is adulterated not with a harmless substance with a definite food value, but with all sorts of other substances, some of which may be definitely pernicious, instead of benefiting the people, we should be injuring them, and it is for this reason that Government do not feel that any sufficient justification has been advanced for the action proposed in the Resolution. My Honourable friend, Mr. Yamin Khan, took the line, and he received some support from my Honourable friend, Mr. Chatterjee, that it is very difficult, if not impossible, to enforce legislation directed to prevent adulteration and to secure an adequate supply of pure food.

(At this stage Mr. President vacated the Chair, which was taken by Rai Sahib Harbilas Sarda.)

I quite admit that there are difficulties, but on the other hand, if the line taken is that there is no use passing legislation to secure these objects because nobody can enforce that, then it is wholly inconsistent with the

terms of the Resolution as it has been actually moved, because the Resolution says, "that pending legislation on the lines of the English Food and Drugs Act in the Imperial and Provincial Legislatures, prohibitive Custom duties be levied". Presumably they would cease to be levied as soon as the legislation has been passed and therefore the line of argument adopted by my Honourable friend, Mr. Yamin Khan, ought not to lead him to support the Resolution as it stands on the paper. One speaker, I think, said that an undertaking had been given by Government to pass legislation and that this undertaking had not been carried out. I have several times gone through all the papers in possession of the Government in connection with this matter, and I do not recollect that any binding undertaking was on any occasion given that Government would legislate on the subject in the sense which the Honourable the Mover of the Resolution desires. What we did promise to do several years ago was to examine the question. We did examine the question and we consulted all Local Governments, with the result which I have already indicated to the House. Last year, my Honourable friend, Mr. Woodhead, said in the Council of State that the Government of India had come to the conclusion that the proper way to deal with the matter was by provincial legislation directed to prevent adulteration. He also said that if the Local Governments found that, in order to make their legislation effective, Central legislation on the subject of the nomenclature to be applied to vegetable products at the time of importation was necessary, the Government of India were quite prepared to consider passing such legislation. But up till now we have not received from any Local Government any request that we should legislate in that way. When I had notice of the terms of this Resolution, telegrams were sent to all Local Governments on the subject to find out what steps they themselves had actually taken in the way of passing provincial legislation. The Punjab has of course its Pure Food Act, passed in 1929, and I think Members already know that. The Government of Bengal said that they have already taken steps under the Bengal Municipal Act notifying a set of rules in order to ensure that what is sold as ghee is pure ghee. As regards legislation to prohibit the application of the term "ghee" to the vegetable product, they report that the term "ghee" is not in practice on the labels of any vegetable product nor on the shop sign boards. There is not therefore in Bengal this practice on any considerable scale against which legislation could be directed. Bihar and Orissa report that the question of legislation is under consideration. The Central Provinces do not consider special legislation necessary, and say that bye-laws regulating the sale of ghee and vegetable products and preventing adulteration are in force in most of the municipalities. The Bombay Government have already issued a notification under the Bombay Prevention of Adulteration Act. The relevant portion of their notification prescribes that no ghee substitute that resembles ghee shall be sold except under the name of "Vegetable Product" or "Vanaspathi". Packages containing this substance have to be conspicuously marked with the name, "Vegetable Product" or "Vanaspathi". This notification applies only to Bombay City at present, but its extension to other municipal towns is under consideration. The United Provinces passed last July legislation amending their Prevention of Adulteration Act. The new Act gives all necessary powers for dealing with adulteration of ghee or for imposing conditions, if needed, on the sale of vegetable ghee. Madras did not legislate further, and they say that their Prevention of Adulteration Act of 1918, as amended in 1928, prevents the sale as ghee of what is not pure ghee.

[12TH FEB. 1931.]

[The Honourable Sir George Rainy.]

The circumstances being what they are, and the Local Governments, or the great majority of them, being apparently satisfied with the legal position as it stands, I cannot feel that any emergency exists which would justify the Government of India in taking the action which the Resolution suggests. I have already explained to the House the reasons which render it impossible for the Government of India to accept the Resolution, and if I may state it again in a single sentence, it is this.

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

It is not right or proper to impose a prohibitive duty on a commodity which is not injurious to health and which has a definite food value, when the result of that prohibitive duty would be, not to prevent or reduce the adulteration of pure ghee nor to enable the population to obtain in larger quantities pure ghee, but more probably with the result of greater adulteration with more deleterious substances.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, coming from two districts in the United Provinces which are the most important Eastern districts, I wish to submit to this House that the feeling against the sale of vegetable ghee is very strong in the districts of Gorakhpur and Benares. The real point is not what my Honourable friend, Dr. Dalal, has said, that the vitamins would not be there; if that was carried to its logical consequence, the result is that we should not use any cooked food, because the scientific opinion is mostly in favour of saying that anything which is cooked and anything which goes beyond the temperature of steam does not have vitamins. It may be a sound principle; it may not be a sound principle that cooked food or uncooked food should be taken. But because you boil your ghee or oil, and therefore take away the vitamins is, I submit, no argument against this Resolution which has been moved by my Honourable friend, Mr. Bhuput Sing. The real point is not whether this vegetable ghee is wholesome or not. Many Honourable Members have said, and I think rightly, that that is a question for the individual consumer to be guided by the opinion of the medical authorities on the subject. Each man is at liberty to use whatever product he likes and to be guided by the medical authorities who have pronounced for or against it. Why I wish to support this Resolution is this; why should this fraud be continued on the poor consumer and a product which is not pure ghee sold as pure ghee? This fraud is always perpetrated on the poor consumer, and unless we can stop the import of this vegetable ghee or somehow prevent by legislation this *vanaspathi ghee* being sold as ghee, this fraud will continue. I have absolutely no objection to this article being sold as a vegetable product or as oil. We have so many kinds of oil in the market, mustard oil, linseed oil, til oil and other oils. Let this be sold as an oil or vegetable product, but do not call it vegetable ghee; and if any legislation can be introduced by which the sale of this product under the misname of vegetable ghee can be stopped, then I submit that the object of this Resolution will be served.

Speaking personally, from the experience of one of the biggest Municipalities, Gorakhpur, I can endorse every word of what my friend, Mr. Yamin Khan, has said. We have tried in various ways to stop the perpetration of this fraud, but have not been able to do so successfully, and

because we have failed in the United Provinces and because the Municipal authorities have failed, therefore we ask the protection of this House to enable us to do something by which this fraud will not be allowed to continue in future. The real object of supporting this Resolution is that something should be done by which no article which is not ghee but merely a vegetable product should be allowed to be called ghee. If this object can be served by some legislation, I think it will be for the good of the community as a whole. I have been listening carefully to all the speeches made so far, including that of the Honourable the Leader of the House—arguments for and against the Resolution—but not one word has been said by any Member opposing the Resolution to show whether he is in favour of this fraud being perpetrated or not. The question is not one of adulteration, because if you stop vegetable ghee, probably there will be many other products with which ordinary ghee would be adulterated. Leaving aside therefore the question of the wholesomeness of the article or the question of adulteration, the only point on which I appeal to Honourable Members of this House to focus their opinion is this: as to whether they should or should not allow this fraud to continue in the country by allowing some article which is not the article which it purports to be. That is why I support this Resolution.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, we on this side of the House must confess to a sense of disappointment at the speech delivered by the Honourable the Leader of the House. We all expected that this Resolution, or at any rate the substance of it, would be accepted by the Government. But the Honourable the Leader of the House, far from accepting either the Resolution or its substance, opposed it on various grounds which we are not in a position to endorse. He tells us, in the first place, that this imported article which is *vanaspathi* or vegetable ghee is not injurious, or is not proved to be injurious to health. But I beg respectfully to point out to him that that is not relevant at all. The point at issue is that if brass is imported into this country and is sold as gold, would Government take action or not? Here, vegetable oil produced in modern factories comes into this country in large quantities and is sold as a colourable imitation of genuine ghee. What action have the Government taken to prevent the importation into this country of this spurious article which they know is a colourable imitation of the genuine article for which it is sold in the country? If this were all, it would be a sufficient charge against the Government. But this is not all. We have been told—and I accept that statement because it has not been contradicted by the Honourable the Leader of the House—that this spurious article that is imported into this country from Europe is sold at the rate of about Rs. 25 a maund, whereas the genuine ghee in this country is sold at the rate of Rs. 60 a maund. If this be the fact, and it must be a fact, we have to remember that this spurious article comes into this country and, by being either sold instead of pure ghee or being mixed with the pure ghee, fetches a high price and passes for genuine ghee which sells for Rs. 60 a maund. In other words, the importers make out of this spurious article a much larger profit than they would otherwise make if they were not permitted to sell it as genuine ghee. That, I submit, is clearly a charge which we on this side of the House make regarding the importation of *vanaspathi* or vegetable ghee.

Then, Sir, it has been said that if this *vanaspathi* oil is not permitted to be imported into this country, the genuine ghee produced in this country

[Sir Hari Singh Gour.]

is not sufficient to meet all requirements, and therefore that our ghee would be adulterated with more deleterious substances. But I would point out to the Honourable the Leader of the House that the adulteration of ghee in this country by the admixture of more deleterious substances would be more easily recognised in the market and more easily detectable than this adulteration with vanaspathi oil, which is produced in modern factories, and as the Honourable Dr. Dalal has pointed out, produced under most scientific supervision with a view to its importation into this country with the object of its adulteration with ghee so that the genuine and the counterfeit articles may be indistinguishable. All scientific appliances are used for the purpose of making the spurious article look the pure and genuine article. That, I submit, is the distinction between the deleterious admixture of ghee in this country and the adulteration of ghee with imported vanaspathi oil. We therefore think that the fraud to which the importation of foreign oil into this country leads is far more dangerous than the danger to which we would be otherwise exposed if genuine ghee were adulterated in the country.

Then, Sir, it has been said by the Honourable the Leader of the House that he has consulted the various Local Governments. We have not the slightest doubt that the various Local Governments are against the enactment of any law on the lines of the English Foods and Drugs Act in this country, but the Local Governments have not met the objection which we on this side of the House raise, and that objection has been reiterated in this House time and again as the Honourable the Leader of the House is only too well aware. Some four or five years back there was a Resolution in which this question was raised, and my friend Mr. Sarda has just now pointed out to this House that he has also been agitating on the same lines by putting questions to the Treasury Benches.

Sir, it has been suggested that the mischief is easily susceptible of relief if municipalities under their bye-laws were to take action. Honourable Members on the opposite Benches and Honourable Members on this side of the House have pointed out that the municipalities with their present equipment are not able to cope with this mischief. Sir, I have been myself connected with the municipality of my town, and I can support all that has been said on the subject by Honourable Members in this House. It is impossible for the municipalities to cope with this mischief. They cannot go about examining every sample that is sold in the bazar, and you have got ghee vendors going from door to door with tins or pots on their heads selling for ghee what is nothing but vegetable oil produced in Belgium. I therefore submit that the Government should take action in this matter, and it will not do to leave this matter to the initiation of the Local Governments or to the local bodies. Honourable Members here seem to think that because this vegetable oil, which is imported into this country, does not contain Vitamin A to the same extent as pure ghee, therefore we should penalise the importation of it into this country. The ground upon which we on this side of the House are pressing the Government is this, that the importation of this oil into this country leads to fraud, and it is a widespread fraud. That fraud cannot be otherwise checked than by the intervention of the Government and by means of legislation. That the fraud is there is admitted, but it is said that if we were to penalise the importation of vegetable oils, or prohibit this importation, the fraud would still be there. Our answer is that the risk of the fraud

contemplated in the latter case is nothing compared to the widespread fraud which the wholesale importation of foreign oil into this country leads to, and upon this ground I hope Members on this side of the House will support the Resolution.

Several Honourable Members: The question may now be put, Sir.

Mr. President: Closure has been proposed, and I accept it. The question is that the question be now put.

The motion was adopted.

Mr. Bhuput Singh: Sir, I don't wish to make any reply.

The Honourable Sir George Rainy: I don't wish to say anything more.

Mr. President: The question is:

"That this Assembly recommends to the Governor General in Council that, pending legislation on the lines of the English Food and Drugs Act in the Imperial and Provincial Legislatures, prohibitive Custom duties be levied on that questionable commodity which goes by the name of 'Vanaspathi', or Vegetable Ghee, or Vegetable Oil."

The Assembly divided:

AYES—58.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhargava, Rai Bahadur Pandit T. N.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Brij Kishore, Lala.
Das, Mr. A.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Shaikh.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Ishwarsingh, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury Muhammad.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Maswood Ahmad, Mr. M.
Mitra, Mr. B. N.
Mitra, Mr. S. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Majumdar, Sardar G. N.

Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Raghubir Singh, Kunwar.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rao, Mr. M. N.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit S. N.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Dr. A.
Sukhranj Rai, Rai Bahadur.
Talib Mehdi Khan, Nawab Major Malik.
Thampan, Mr. K. P.
Tun Aung, U.
Uppi Sahab Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.
Walayatullah, Khan Bahadur H. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.
Zulfiqar Ali Khan, Sir.

NOES—39.

Acheson, Mr. J. G.
 Alexander, Mr. W.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Ayyangar, Diwan Bahadur V.
 Bhashyam.
 Bajpai, Mr. R. S.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Boag, Mr. G. T.
 Chatterjee, The Revd. J. C.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. B. L.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.

Jawahar Singh, Sardar Bahadur
 Sardar.
 Khurshed Ahmad Khan, Mr.
 Macmillan, Mr. A. M.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Mukherjee, Rai Bahadur S. C.
 Parsons, Mr. A. A. L.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Row, Mr. K. Sanjiva.
 Roy, Mr. K. C.
 Sahi, Mr. Ram Prashad Narayan.
 Sams, Mr. H. A.
 Schuster, The Honourable Sir George.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Tin Tut, Mr.
 Young, Mr. G. M.

The motion was adopted.

(Mr. President called on Mr. Gopika Ramon Roy to move the Resolution* standing in his name, but the Honourable Member was not in his place.)

Mr. B. Rajaram Pandian (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I do not propose to move the Resolution† standing in my name for certain reasons today.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Having regard to the answer given by the Honourable Sir James Crerar on the 29th January, 1931, to the effect that necessary instructions have been issued to the various officers to carry out the important part of my Resolution‡ I do not propose to move it. Nor do I wish to move the other Resolution‡ also standing in my name.

(Rai Sahib Pandit Hari Das when called on to move the Resolution‡ standing in his name, was not in his place.)

Mr. Jagat Nath Aggarwal (Jullundur Division: Non-Muhammadan): I do not wish to move the Resolution§ standing in my name. But I wish to make my position clear with regard to it. The Resolution is important, and I hope, Sir, that the Honourable the Leader of the House and the Government will be pleased to grant us another day for the discussion of this important Resolution. In view of the urgency of some other matter on the agenda, I do not wish to move my Resolution.

* "This Assembly recommends to the Governor General in Council to take steps to get incorporated in the new constitution a provision to the effect that the proprietary rights of any citizen in the land should not be taken away for any reason whatsoever without the payment of adequate compensation."

† The same as that standing in the name of Mr. Gopika Ramon Roy.

‡ The same as that of Mr. T. N. Ramakrishna Reddi on page 797 ante.

§ "This Assembly recommends to the Governor General in Council to appoint a committee of officials, non-officials and experts to enquire into the whole question of public borrowing in India in all its branches, to lay down general principles for guidance as regards the future policy and programme of Capital Expenditure with borrowed funds and to suggest other measures for the better administration of the Indian Public Debt."

The Honourable Sir George Rainy: With reference to what has fallen from my Honourable friend, I should like to say this, that the assignment of days for non-official business does not rest with Government but with the Governor General. I should be quite prepared, however, to ask the Governor General whether another day could be allotted for Resolutions, but I must make it clear that I can see no chance of giving a day before the Finance Bill has been passed.

Some Honourable Members: That is all right.

Mr. President: That completes the agenda for to-day's meeting, and the House will now adjourn till quarter past two when we will take up the adjournment motion.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

MOTION FOR ADJOURNMENT.

ACTION TAKEN AGAINST THE GENERAL COUNCIL OF BURMESE ASSOCIATIONS.

U Tun Aung (Burma: Non-European): Sir, I feel it my duty to place Honourable Members in possession of certain relevant facts in connection with the G. C. B. A. or the General Council of Burmese Associations in Burma. The General Council of Burmese Associations in Burma is one of the pioneer political organisations and it has been in existence for the past decade. The policy of these associations has been not to seek election to the Legislative Councils but to work from outside on constitutional lines. The main General Council of Burmese Associations has now been split up into three different bodies under three different leaders, one of which is the General Council of Burmese Associations under the leadership of U Soe Thein. These associations, 129 in all, have now been declared unlawful under the Criminal Law Amendment Act, which has been introduced into Burma in the form of an Ordinance. That Ordinance has been introduced very recently. I am far as I have been able to gather, this G. C. B. A. under the leadership of U Soe Thein, along with other G. C. B. A.'s, sent messages to England when the Round Table Conference was engaged on the question of the separation of Burma from India. They emphatically said that they did not wish separation alone. As a matter of fact in the province also, they have been agitating all along that separation alone would not be beneficial to the Burmese. They are to some extent similar to the Indian Congress in India, with this difference that they do not go to great extremes. The Government have justified their action by the issue of a Government communication which I propose to read out to you. The Government in a Private Communication to U Soe Thein's G. C. B. A.

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unlawful, details out of the history of the recent rebellion, and points out evidence as to complicity in the rebellion of Athins or Associations affiliated to the above G. C. B. A. It states:

"The rebellions in Tharrawaddy, Insein and Pyapon districts were all part of a concerted plan to overthrow the Government by armed force, Saya San being the leader. He in 1924 was a member of an Athin affiliated to Chit Hlaing's G. C. B. A. but after a quarrel joined Soe Thein's G. C. B. A."

After describing how he organised this rebellion, commencing preparation thereof from the beginning of November, 1930, by secret conferences and meetings, the communiqué states:

"The information obtained from prisoners and other sources established that the rebellion was a rebellion of Wanthanus (being the Burmese expression for Nationalists) belonging to Athins affiliated to Soe Thein's G. C. B. A. who was cognisant of the preparations made for it."

This portion of the communiqué is important and I would particularly invite the attention of the House to it.

"There is no evidence to prove that the Committee of Soe Thein's G. C. B. A. explicitly approved of these unlawful activities of Saya San and others but it is certain that the President and the Secretary were aware of them and connived at them by remaining silent."

That perhaps is the only bad point which the Government can make against the Association. As a matter of fact, it is a very bad argument. Then the communiqué states:

"The past record of Soe Thein's G. C. B. A. was bad for creating disaffection against the Government. As an instance, reference was made to the capitation tax campaign of 1927 in Tharrawaddy. Open rebellions in Tharrawaddy, Insein and Pyapon are the results of such unlawful activities in the direction of creating disaffection against the Government, besides the immense harm, general misery and unhappiness caused. The rebels are known to have murdered 28 persons, mostly Government officers, killed three policemen in action and wounded seven."

The latter part of the communiqué deals with the number of deaths and casualties. Honourable Members will see that there is a distinct declaration that there is no evidence to connect the G. C. B. A. with the open rebellion. I may remind you that a question was asked in Parliament the other day and the Secretary of State for India declared that the rebellion was the outcome of the economic distress in the country. No reference whatsoever was made to show that the Associations in Burma have anything to do with the rebellion. The only point that I wish to bring into prominence is this, that these G. C. B. As. are primarily responsible for the delay in the disposal of the question of separation in England by sending telegraphic messages at the time the discussion about separation was going on and the Governor had to come back without that well nourished object of his being fulfilled. As you are aware, this Ordinance was introduced into Burma only about two or three weeks ago, and promptly this Ordinance has been applied to these Associations. In this connection I would like to remind you that there is much more than meets your eye at the present moment. This is the beginning of the repressive measures and repression that will obtain in Burma. In a week or two Burma will be receiving back the delegates that went to the Round Table Conference and these delegates represent various associations, and they

will surely give vent to their views which they have gathered while in England, and if the repressive action now adopted by the Government of Burma be countenanced by this House, I shall not be surprised if all the associations and all parties engaged in any political movement in Burma are silenced by this Ordinance.

Reference was also made in the Government statement to the capitation tax. I may tell you that the capitation tax is a tax peculiar only to Burma. This is not known in any part of the world. This capitation tax has been a source of misery to the people of Burma, particularly to the poorest of the poor class. They are assessed to pay a certain sum annually irrespective of the fact that they are poor, aged, diseased or otherwise. This tax has been engaging the attention of all associations, not only this G. C. B. A. but all other associations, and as a result question after question and resolution after resolution have been made in the Local Council for the abolition of this tax, and the unanimous opinion is that this tax should be abolished. The mere fact, that a party or an association takes up the cause of its people and agitates that this tax should be abolished by Government, does not prove that it is inciting the people to take up arms against the Government. You will see from the statement of the Government that at the most the Government could say that Saya San and some other members of the Association, were responsible for the rebellion. How can they on the strength of that point alone make the whole Association unlawful? Perhaps I might tell you also that, before I left Burma, I had occasion to see the Chief Secretary in connection with the application of the Press Ordinance. After I had finished my work there, I told him that I would be going to India, and I told him that the people in Burma were very much perturbed by the fact that the Ordinance had been introduced into Burma and that much uneasiness had been caused thereby. People have been under the apprehension that any agitation, irrespective of whether that agitation is conducted on constitutional lines or not, would be brought within the purview of the Ordinance. Well, he told me that the Ordinance was meant for, and would be only applied to, cases of terrorism and anarchical movements which, according to him, have been imported into Burma from outside, and to no other case would the Ordinance be applied. To my great surprise, however, on the very day I arrived here, I saw in the *Hindustan Times* that 129 Associations affiliated to this General Council of Burmese Associations have been declared unlawful under that Ordinance. I wish only to say that I have every reason to fear that this is just the beginning of a repressive policy in Burma. While I was going through the debates here, Sir, I found there was a motion about the repressive policy and repression in India. Repression, Sir, I may say, begets only resentment and reaction and no good results can be expected from repression. ("Hear, hear.") If, Sir, the repression and repressive measures adopted by the Government of Burma were to be countenanced by this House, I can safely say that the history of India would be repeated in Burma. ("Hear, hear.") This Ordinance, as you are aware, is a very dangerous weapon and should not be experimented with, and for a dangerous weapon of this nature to be left in the custody of a man who has an axe to grind is all the more dangerous. The capital fact that has been made in the Government statement is that there is a rebellion under the leadership of the so-called Saya San. Well this Saya San, according to the Government, is a pretender to the throne. Sir, I shall only say in the words of Shakespeare that "greatness

[U. Tun Aung.] has been thrust upon him by the Government quite unduly." (Laughter.) Since the Government have not been able, according to their own confession made in the Government's statement, to adduce any evidence to connect the rebellion with the G. C. B. A. Executive, I fail to understand what case they have to apply this Ordinance to the Association. I would therefore ask that this adjournment motion may be duly appreciated and accepted in view of the fact that this declaration by the Government of Burma, I fear, is just the forerunner of a series of repressive measures which are most likely to come in that province, of which I am a member. (Applause.)

Mr. President: Motion moved that the House do now adjourn.

The Honourable Sir James Ozerar (Home Member): Mr. President, as a preliminary I think I must briefly reiterate the contention which I laid before the House this morning, *viz.*, that the subject-matter of this motion is no doubt one of considerable importance, but that in all the circumstances of the case it would probably have been better that the matter should have been left, in the first instance at any rate, to be debated in the local Legislative Council which meets today. The action taken was action taken by the Local Government acting at its own discretion and within its own powers.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): You were never consulted about it?

The Honourable Sir James Ozerar: The Local Government informed us that action of this kind would probably be necessary. That being the case, I think it was perhaps not an entirely well conceived idea on the part of the Honourable the Mover to move this motion here today in this House. I am nevertheless in a position to give the House some general idea of the position as it stands, and of the grounds which moved the Local Government in taking the action which they did. Indeed, I think the best thing I can do is to read out more *in extenso* the most important passages of the Government of Burma's communiqué, some passages of which were read out by the Honourable the Mover:

"The Government are issuing today a notification declaring the Soe Thein G. C. B. A. an unlawful association under section 16 of the Criminal Law Amendment Act, 1908. The reasons why they are taking this action are explained below.

It is now known that the rebellion in the Tharrawaddy, Insein and Pyapon Districts were all part of a concerted plan to overthrow the Government by armed force. The leader of the rebellion was one Saya San. It was he who proclaimed himself Thupannaka Galon Raza Mingyi (King of the Galons) and who issued a proclamation, a copy of which has been obtained from prisoners, declaring war upon the British. He is a person who has been previously convicted and is well known to the Police. In 1924 he was a member of an Athin affiliated to U Chit Hlaings G. C. B. A., but after a quarrel he left this Athin and joined Soe Thein's G. C. B. A. He attended the conference of this G. C. B. A. at Minbu in 1928 and when visiting Rangoon usually stays at the G. C. B. A. Hall. It has been established that he made careful preparations for the rebellion and these preparations seem to have begun before the beginning of November, 1930, when he is reported to have visited Dedaye Township in the Pyapon District, the scene of the rebellion in January last. Conferences were held by him in November, at Taikkyi in the Insein District and at Inywa in Tharrawaddy and towards the end of November, Saya San again visited the Dedaye Township. A secret meeting was held by night, at Htandaw, in the house of Aung Hla, the leader of the Pyapon rebellion, and, at this meeting plans for the rebellion

were discussed. A final conference was held at Spwenakwin in Insein District on December 12th. At this meeting Saya San explained his plans and announced that a palace had been built at Alantaung and that he had assumed the title of King of the Galons. Arrangements were also made at this meeting for tattooing and the distribution of charms. The meeting was attended by delegates from Pyapon as well as from Tharrawaddy and Insein.

The information obtained from prisoners and other sources makes it clear that the rebellion was primarily a rebellion of Wunthanu belonging to Athins affiliated to the G. C. B. A. and affords good grounds for believing that the Soe Thein G. C. B. A., though it may not have explicitly approved of the rebellion, was cognisant of the preparations made for it. The former point admits of no dispute. To take the Pyapon rebellion first. The rebellion took place in the Dedaye Township. This Township is a strong-hold of Wunthanu Athins all affiliated to Soe Thein's G. C. B. A. The Athins are organised into circles or taiks and the most active of these circles was the Mayan Taik which had eight affiliated societies. The President of the Mayan Taik was Maung Aung Hla, the local leader of the rebellion in Pyapon, now absconding. It was in his house that the secret meeting was held by Saya San at the end of November last, and this meeting was attended by the leading Wunthanu. The Dedaye Athins are known regularly to have sent representatives to the annual conference of Soe Thein's G. C. B. A., and among those who are known to have attended these conferences are, Aung Hla himself, Kyaw Shin the leader of the rebels in the fight with the Police on January the 7th, who is now absconding, Ba Sein son of Aung Hla now a prisoner who was wounded in the fight, and Ba Aye who is now under arrest at Tharrawaddy. Two of these, Ba Aye and Kyaw Shin were the Pyapon representatives at the conference of December 12th at which the final plans for the rebellion were matured and it was Kyaw Shin who seems to have taken the lead in tattooing in the Dedaye Township. There is ample evidence that the Athin organisation was used for obtaining recruits and that the Athin leaders were the leaders of the rebellion. Enquiries into the Tharrawaddy and Insein disturbances are not so far advanced as in Pyapon but the evidence, so far collected, all points to the conclusion that the members of the Wunthanu Athins affiliated to the Soe Thein G. C. B. A., were the mainstay of the rebellion; that the Athin organisation was made use of for the purpose of the rebellion, and that in most villages the lead was taken by office bearers of the local Athin. The Presidents or leading members of Athins at the villages of Ingankkyi, Yedaik, Sinakhwa, Zeinza, Kyaungnyagan, Hlwazadon and Ngapyugale, are known to have taken a prominent part in the rebellion.

As regards the second point, the evidence consists of a letter found in the search of the Secretary of the Soe Thein G. C. B. A. It is a letter written by the President of the G. C. B. A., to the Secretary, and is dated November the 2nd, 1930. In this letter the President expressed alarm at the unlawful actions of Saya San and suggested that he should be written to to stop these unlawful actions.

It is to be noted that he refrained from giving any information to the authorities regarding the activities of Saya San. There is no evidence to prove that the committee of the Soe Thein G. C. B. A., as a committee, explicitly approved of these activities, but it is certain that the President and the Secretary of that Committee were aware of them and connived at them by remaining silent. It is also known that the Soe Thein G. C. B. A., deliberately in spite of their being aware of the preparations which were being made by Saya San in the Tharrawaddy and Insein Districts recommended the enrolment of volunteers in those Districts.

The record of the Soe Thein G. C. B. A. in the matter of creating disaffection against Government is a bad one. In 1927, a regular campaign was instituted by coupon preachers affiliated to the Soe Thein G. C. S. S. which is the religious section of the Soe Thein G. C. B. A. Meeting after meeting was held in the District and at these meetings violent speeches were made with the object of creating disaffection towards the Government. Most of the speakers were prosecuted and convicted under section 124A of the Indian Penal Code, but the result of the campaign was a determined refusal on the part of certain villagers in the Tharrawaddy District to pay capitation tax and one of the objects of the meetings held by coupon preachers throughout the year was to induce the villagers to take this action. The movement led to one serious riot and it was only suppressed after a large force of Military Police had been sent to the area and after punitive police had been stationed in the villages affected. The Government has no desire to interfere with the legitimate political activities of any body or association in Burma, but they will not tolerate activities designed to create disaffection and to overthrow the Government. Activities of this kind have led in

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the last few weeks to open rebellions in three Districts of the Province and it is difficult to exaggerate the harm done and the general misery and unhappiness caused by these rebellions.

Then the Local Government communiqué details the casualties and the other damage caused in the course of this rebellion and continues:

"In addition the rebels have left a legacy of armed dacoit bands in Tharrawaddy, and Insein which it will take some time to put down. These are some of the results of the activities of the Wunthanu Athins in these Districts and for the reasons given the Soe Thein G. C. B. A. to which they are affiliated cannot be acquitted of complicity in the rebellion.

In these circumstances the Government have thought it necessary to notify the Soe Thein G. C. B. A., and a number of other Athins in the Tharrawaddy, Insein and Pyapon Districts as unlawful associations. Similar action has been taken in respect of selected Athins in certain other Districts. The Government being satisfied that the Athins in question constitute a danger to the public peace."

Now, Sir, I thought it convenient to let the House have, somewhat more fully than was given by the Honourable Member, in their own words the grounds on which the Local Government have taken this action. But I have some few additional comments to make. In the first instance, the Honourable the Mover was under an obvious misapprehension as regards the enactment under which this action was taken. The action, as is stated in the communiqué, was taken under the second part of the Criminal Law Amendment Act. It was not taken under the recent Ordinance which as the Honourable Member was informed by an official of the Burma Government, is directed solely against the terrorist activities. This action was taken not under the Ordinance, but under the second part of the Criminal Law Amendment Act. Then, the Honourable Member naturally enough from his own point of view, stressed a passage in the Government of Burma's communiqué in which they said there was no direct evidence to prove that the Committee of the Association had, as a Committee, definitely approved of the projects for the rebellion. That no doubt is true, but the communiqué goes on to explain that prominent office-bearers of that Association were fully cognisant of the plans of the rebellion and not only that, but that the organisation of the General Council was employed for the purpose of rebellion in the way of enrolment of volunteers, and the leaders of the rebellion were actually, in nearly all cases, prominent members of the local associations affiliated to the main association. Consequently the passage which my Honourable friend emphasised will by no means bear out the inference which he desires to draw that the General Council of Burmese Associations was not itself cognisant of, and to that extent at least, in complicity with the rebellion.

One other point, as my time limit has almost been reached, I wish to emphasise. The Honourable Member has suggested that the action taken, as he supposed under the Ordinance, but in fact under the second part of the Criminal Law Amendment Act, was in some way directed against the movement unfavourable to the separation of Burma. That, Sir, is entirely remote from the facts. The Government of Burma have no intention whatsoever, by the action they have taken, to restrict in any way any constitutional movement, either for or against separation. Everyone will recognise that views on the subject of separation may very properly and very legitimately differ and any motion of interfering

with the constitutional expression of that opinion would be entirely unwarranted. The Local Government, not less than the Government of India, would be absolutely opposed to any such action. The action taken by the Local Government has no relation whatsoever to any motive of the kind. The action was taken because, for the reasons which the Local Government have given, briefly and summarily necessarily, but based on larger information on record at their disposal that there was a definite connection established between the rebels in these districts and the local associations, and also between the local associations and the General Council of Burmese Associations. For these reasons and because they were confronted with a very serious situation in the whole Province, the Government of Burma took the action they did. The rebellion was not confined entirely, the danger of rebellion was by no means confined, to those districts in which it actually broke out. There were serious grounds for apprehension of, and indeed attempts had been made to provoke and promote, rebellions in other districts of the Province, and the amount of injury inflicted upon the miserable inhabitants of those districts is beyond calculation. I do not exclude from the victims of that misery a large number of misguided people who were induced to take part in this lamentable rebellion. But the duty of the Local Government in the matter was clear. A very serious situation had arisen which might have involved even a greater part of the Province than was actually affected, and if the Government had not taken prompt action, then a situation of incalculable danger would have supervened. Prompt action has fortunately limited the trouble to two or three districts, but the situation is still far from being free from danger, and I contend that the Local Government not only are fully justified, but they did no more than their plain and manifest duty, in taking every precaution for the speedy end of these troubles. (Applause.)

Sir Hari Singh Gour: Sir, nobody on this side of the House would be a party to a motion that in the slightest degree embarrasses Government in quelling disorders in whatever part of the British Empire they arise. But we on this side of the House have supported the motion of the Honourable Member from Burma on two grounds. In the first place, it is clear from the communiqué issued by the Government of Burma that the General Council of Burmese Associations is not shown to have been privy to the disorders that took place.

The Honourable Sir James Crerar: If the Honourable Member will forgive me for interrupting him, that is not correct. What the Burma Government state is that they were privy to the disorders, but that there is no definite evidence to prove that the Committee of the Council as a Committee had clearly identified themselves with the movement.

Sir Hari Singh Gour: That is exactly the point that I was making. There is no evidence that the Association as such

The Honourable Sir James Crerar: The Committee.

Sir Hari Singh Gour: I am talking of the General Council of the Burmese Association. I am not talking of the Committee. I am dealing with the declaration that has been made by the Government of Burma declaring the General Council of Burmese Associations an unlawful association. I am therefore dealing with the General Council of Burmese Associations and the question before the House is whether the declaration made

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by the Government of Burma against the General Council of Burmese Associations is a declaration which this House should support. The Honourable the Home Member has pointed out that this declaration was not made under the Ordinance which has recently been promulgated in Burma, but that it was made under section 16 of Part II of the Criminal Law Amendment Act of 1908. Therefore we have to refer to that section. Section 16 under which this declaration is made reads as follows:

"If the Local Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, it may, by notification in the official Gazette, declare such association to be unlawful."

I think the Honourable the Home Member will therefore admit that the only question relevant to the present discussion is whether the General Council of Burmese Associations has been guilty of any of the acts which constitute interference with the administration of law; and from what the Honourable the Home Member has stated and from what the Honourable Member from Burma has stated, nothing has been said against the General Council of Burmese Associations. What has been said is this, that certain office-bearers of the General Council and certain members of the General Council have been guilty of interfering with the administration of law. If that be the case, I beg to ask the Honourable the Home Member what ground is there for declaring the whole body of the General Council of Burmese Associations an unlawful body, when the only charge made by Government is against certain office-bearers and certain members. That, I submit, is a point which calls for an explanation.

The second point to which I wish to draw the attention of the House is this. Part II of the Criminal Law Amendment Act was passed in 1908 and ever since, the initiation of the Montagu Reforms, the Legislative Assembly has condemned the Criminal Law Amendment Act. In 1921, immediately upon the assumption of office, the Members of this House pressed upon Government the desirability of repealing this Criminal Law Amendment Act along with other repressive laws. A Committee was appointed and that Committee recommended that this along with the other repressive laws should be repealed as soon as possible. That was some eight years ago. After that Members of this House have tabled various Resolutions and two of us had brought in amending Bills repealing Part II of the Criminal Law Amendment Act, along with the other repressive laws which remained unrepealed on the Statute-book. This House by an overwhelming majority decided in favour of their repeal, but when they went to the other House, the repeal was not carried out. I wish to bring this to the notice of this House for this purpose, that I want to make it clear that Part II of the Criminal Law Amendment Act is not one of those Acts which should be regarded as part of the general statutes of this country. It was an Act which was passed at a time of great national crisis and it has been condemned by the late Imperial Legislative Council and has been condemned, if I mistake not, at least twice by the Legislative Assembly. In view of the opinion of this House, resort to section 16 of the Criminal Law Amendment Act must be justified only in exceptional cases, and the Honourable the Home Member has therefore to make out a case of exceptional necessity justifying resort to section 16 of the Criminal Law Amendment Act. Therefore

the question that arises is, upon the facts that he has read from the communiqué of the Government of Burma, is there anything to condemn the Association as a body, as an organisation which interferes or has for its object interference with the administration of law? I wish to emphasise one fact. Honourable Members will observe that section 16 of the Criminal Law Amendment Act does not say that if the Local Government is of opinion that any association or any of its members interferes, etc., the whole association may be condemned. It says that the association as such must be found to interfere or to have the object of interfering with the administration of the law. Therefore I submit that the mere fact that some members of that association, or for that matter some office-bearers of that association have been interfering with the administration of the law would not justify recourse to the provisions of section 16 of the Criminal Law Amendment Act. And the reason is obvious. Any individual who interferes in an illegal manner with the administration of law, or is a danger to the public peace can be prosecuted under the ordinary law; and if he cannot be prosecuted, or if there is no evidence to prosecute him under the ordinary law, Government know too well that they have the extraordinary power under the Regulations to detain him or deport him. In other words, there is absolutely no justification whatever for charging a collective body of men constituting an association by declaring them an illegal body under section 16 on the mere ground that some of its members may have been guilty of individual acts of lawlessness. I therefore submit that this was certainly not a case for a declaration under section 16 of the Criminal Law Amendment Act. All that the Honourable the Home Member has said and all that he has read out from the communiqué of the Government of Burma justifies action under the ordinary law and against individuals who have been guilty of offences of which they are suspected. But that is not a reason, as I have said, for charging the whole Association consisting of thousands of people, the majority of whom are innocent, as an unlawful association.

I therefore submit, Sir, that the Honourable the Home Member has shown no cause whatever why the action of the Local Government should be held as justified. Honourable Members will remember that when the Honourable the Home Member rose to speak on the wisdom of this House in granting leave to the Honourable Member from Burma, he said that this was a matter for the Local Government. I interjected and asked him, "Is it the Local Government that has issued this notification? Have you had nothing to do with it?" I am sure, Sir, that the Honourable the Home Member is only too cognisant of the part he has taken and that his Government have taken in issuing this notification under section 16 of the Criminal Law Amendment Act, and I think the Honourable the Home Member is not justified in taking shelter behind the Local Government and asking this House to dismiss this question as a parochial question and a proper question only to be disposed of by the Government of Burma. So long as the Government of India Act remains what it is and this House is charged with the duty of controlling the policy of the Government of India, and so long as the Government of India are in charge of law and order in Burma as well as in other parts of British India, I think it is not only a duty but it would be a dereliction of duty if Members of this House do not take upon themselves to express their views on questions of this momentous issue. I therefore think that, far

[Sir Hari Singh Gour.]

from this being a question for the decision of the Local Government, it is a question upon which this House is fully entitled to express its view. Now that the Honourable Member has read out to the Members of this House the terms of the communiqué of the Government of Burma, we should have no hesitation whatever in voting for the adjournment of this House, because according to the Honourable the Home Member himself there is absolutely no justification, much less no allegation against the unlawful activities of the G. C. B. A. as such, and I wish to emphasise the fact because some Honourable Members may say, "if you are a thief your neighbour must be a thief as well". That is the sort of criminal administration of justice which the Government of India and the Government of Burma might sometimes, in times of panic, indulge in. I would, therefore, ask the House dispassionately to consider this question. Burma is a far off cry from Delhi; and one of the reasons why the Burmese people want separation from India is that they do not receive from the Government of India, or for that matter from this House, that justice to which they, as members of British India, are entitled. I therefore feel that we should not dismiss this question because it is a question of an outlying province, a province that is asking for separation and therefore we need not interest ourselves in it. So long as Burma is a part of India, so long as Burma is an integral part of British India, it is the primary and sacred duty of every Member of this House to assist our fellow countrymen across the seas. (Hear, hear.) And whether Burma separates or not, let us send our message to the people of Burma that, so far as the people of India are concerned, we have our good wishes for the people of Burma and we shall strive to help you in your struggle for liberation. If the Burmese can get Dominion Status or freedom for which they are thirsting, we shall be very glad to part company with them. But ours is a fight for freedom, and in the struggle for freedom for India, we regard Burma as a part of ourselves. (Hear, hear.) Sir, it is for this reason that I ask every Honourable Member to treat this question not as a question of an outlying province of this Empire, but as a question which primarily concerns every hearth and home, and if we are concerned—and I am sure every one of us is concerned—if we are convinced that the Burma Government have taken this action with a precipitancy which was not justified by the facts disclosed in the communiqué, we should be well justified in asking this House to adjourn. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs: Muharraman Urban): Sir, in rising to speak on this motion, one no doubt feels some difficulty because the facts are not so close to us as they would be in a case which had happened in one of the ordinary provinces of India. But all the same, so long as Burma is a part of India, this Assembly is responsible for giving its careful consideration to all that happens in that territory. Sir, the Honourable Member for Burma, it seemed to me, was perfectly justified in bringing this case to the notice of the House. (Hear, hear.) It is not an ordinary case of local administration; it is a case of great importance affecting the political life of Burma. I understand this G. C. B. A., the General Council of the Burmese Associations, is a political association which has affiliated to it a very large number of other associations and these have been in existence and have been working for a long period of time. Under the

Act of 1908, to which reference has been made, the general body has been declared an unlawful association. That means that a great deal of the political activities of the Burmans would be paralysed, and this House has to consider very seriously whether that is a step which is justified. The Local Government has, in its communiqué, given certain reasons which have been read out to us by the Honourable the Home Member. But it seems to me that the reasons do not go far enough to justify a step of this character. In Burma as well as in any other part of India, we have got the Penal Code, the Criminal Procedure Code and other penal statutes which are in daily operation, and if individuals are proved to be guilty of any offence under those Codes, there are courts of justice where they can be brought to book, and if there was evidence before the Local Government of Burma and before the Magistrates and the courts of any individuals taking part in rebellion or inciting rebellion, they, and those that have been detected in committing those acts should have been punished under the ordinary law. (Hear, hear.) But here what has been done is something of a far more comprehensive and serious character. A whole group of political associations has been declared to be unlawful, that is to say, they are to be suppressed. Now, what has been shown which connects this general body with the rebellion in Tharrawaddy and may be in some other localities in Burma? To my mind no proof has been put forward in support of any such allegation. The Honourable Member from Burma stated to us that in the House of Commons, in answer to a question, it was stated that the rebellion was the outcome of economic distress. I do not think the Honourable the Home Member has contradicted that statement. There is no allegation that the rebellion was connected with, or was incited by, this General Council of Burmese Associations. The Honourable the Home Member has repudiated the suggestion that because this General Council did not take part in advocating the separation of Burma from British India, this action has been taken against it. That is a matter of inference. What we have to see now is whether the Burmese Government had any good legal grounds for declaring this Association unlawful. If as a matter of fact it had been proved that the Association had for its object interference with the administration of law and order, that would bring it undoubtedly within the Act of 1908. But until the Association as such, to use the language of the Act, has been shown to be unlawful in that sense, the Government of Burma would not be justified in declaring it an unlawful association. I take it—and it cannot be denied—that the aims and objects of the Association, so far as the public know, are of a perfectly lawful and perfectly legitimate character. Then all that is alleged is that perhaps some members of the Association have been guilty of certain acts in connection with the rebellion in Burma. If that be so, then it is only those individuals that are answerable. But that is no ground for suppressing a whole association. Nowadays when there is unrest in the country, whether here or in Burma, some members of some associations may be guilty of excesses and of violations of the law. But surely that can be no ground for suppressing lawful ordinary legitimate political associations. In the case of secret conspiracies and terrorist movements, where the Government are unable to reach the offenders, there would be justification undoubtedly for special laws which might to some extent dispense with the ordinary procedure prescribed by the Criminal Procedure Code or the Evidence Act. But

[Sir Abdur Rahim.]

unless any association is shown to be a secret organisation of that character, there can be no ground for treating a political association as an unlawful body.

Sir, I think the Vice-Leader of the Nationalist Party was perfectly justified in saying that this Assembly is not only expected but is bound to take notice of such cases, and whether the cry for separation of Burma from India has the support of the general population of Burma or not—if it has, undoubtedly separation would be justified—but whether that be so or not, so long as Burma is an integral part of British India, it is the duty of this Assembly to take note of these important cases and to help the Burmans as much as it is our duty to help the people of Bengal, or the United Provinces, or the Punjab. We can make no distinction against them, and I am absolutely sure that no member of this House will desire that because of the distance, the Burmans should not receive a proper hearing from this House. Sir, with these words I support the motion.

Mr. E. F. Baum: (Burma: Nominated Official): Sir, my Honourable friend, U. Tun Aung, has made various statements in his speech which may, I think, give the House a mistaken impression of what is happening in Burma. He has informed us that the General Council of Burmese Associations is a body rather like the Congress except that it is not extremist. I challenge that statement. We know that Saya San, one of the principal organisers of the rebellion was a member of that Association. So were the majority of rebels who have since been captured in Burma. In face of all this, I think it is impossible to say that the G. C. B. A. is not an extremist body and is not responsible to a very large extent for the trouble we are having at present.

Then my Honourable friend went on to suggest that the orders passed by the Government of Burma were not really intended to suppress the rebellion merely, but to meet the agitation for separation of Burma from India. With that again, I cannot agree. Everybody who has served in Burma for any time knows that the majority of the Burmese population are solid for separation. (*Honourable Members on Nationalist Benches:* "No, no and question".) (*An Honourable Member:* "Have you served in Burma?") I believe a Resolution was passed in the local Legislative Council advocating separation

Mr. S. O. Mitra: After the Nationalists had non-co-operated.

Mr. E. F. Baum: In any case the question has been settled in principle at the Round Table Conference.

Mr. Gaya Prasad Singh: Has it been settled?

Mr. E. F. Baum: So I do not really see why the Government of Burma should concern itself to meet any agitation.

There is one other point. The people of Burma are perhaps one of the most lovable races in the Indian Empire, but they are exceedingly credulous, and that makes political agitation among them all the more dangerous. The Burma Government is faced with a dangerous and widespread rebellion, and I think that this House will agree that it has a right to protect the Burman from subversive and dangerous propaganda. For that reason, Sir, I feel that I must disagree with the action taken by my friend, Mr. Tun Aung.

Mr. C. S. Ranga Iyer: (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, the Honourable the official representative from Burma, who just now concluded, said the House should extend its "protection," and truly we are extending our protection to the representative of the Burmese people, who has made a very clear case that the General Council, which contains a large number of members, is being punished wholesale for the action of a few who also happen to be members of that Council. Sir, in Burma at any rate, I concede, those members who have been known to have identified themselves with the rebellion have become rebels probably of a violent type, while in India, even a non-violent organization like the National Congress, which has not been found guilty of the same kind of offences of which the Burmese Government think certain members of the Burmese General Council are guilty, even the National Congress organizations have been declared unlawful. I propose, therefore, Sir, to examine this Burmese question from the Indian point of view.

I cannot accept the argument of the Government for the very simple reason that rebellion, whether violent or non-violent, is being punished by the wholesale declaration of public bodies as unlawful. Sir, supposing a few Members of the House of Commons, or supposing one Member of the House of Commons had left some explosives under the seat of Mr. Gladstone, one could not condemn the entire House of Commons. Supposing a few members of an organization which is non-violent and constitutional—the Burmese Council to the best of my knowledge has not been a supporter of violent methods: at any rate even the Honourable the Home Member when he read out the communiqué of the Burma Government did not say that the Burmese Council, which is declared unlawful, was guilty of violence as a whole, nor did he say that it was a part of the terrorist organization, nor did he make out that its creed was violent—supposing a few members of an organization which is constitutional and non-violent adopt violent methods, you cannot declare the whole organization as unlawful. Under these circumstances, Sir, I really cannot understand how the Government of India could initiate the step they have taken and how the Government of Burma could carry out their policy of condemning a whole organization as unlawful. This, Sir, directly goes against the spirit of the Resolution of the House of Commons last year. I was a witness to that debate in the House of Commons when it passed a Resolution taking strong exception to interference with expression of opinion by Indian organizations, and when they said Indian organisations, they also meant Burmese organizations. We all know how the Governor of Burma, though a very very great favourite of this House when he was in the place of the present Commerce Member over there, went on what appears to us as an ugly propagandist venture, on what appears to us . . .

Sir Lancelot Graham: (Secretary, Legislative Department): Is not the Honourable Member reflecting on the conduct of the Governor of Burma?

Mr. C. S. Ranga Iyer: I say that the Governor of Burma went to England in connection with the separation of Burma from India. Far from me to make any reflection on the conduct of the Governor of Burma, but I consider that the fact that the Governor of Burma went to England in connection with a mission—(*An Honourable Member:*

[Mr. C. S. Ranga Iyer.]

'He had then ceased to be Governor of Burma')—yes, he might have then ceased to be the Governor of Burma technically, but that does not at all interfere with the point that I am making.—I believe the Governor of Burma was actually deputed either by the Government at Whitehall or by the Government in this country, but he was actually deputed to England on what appears to be

The Honourable Sir James Crerar: He went on leave.

Mr. C. S. Ranga Iyer: An ugly propagandist venture, namely the separation of Burma from India, a question on which Indians have as much right to express an opinion as the Burmese, or for that matter, the instigators of Burma to bring about the separation. Sir, I will ask Sir Lancelot Graham to go into Edwin Montague's "Diary" where there is an abundance of facts in regard to the manipulations connected with the question of the separation of Burma from India. Sir, one organization in Burma, namely the organization to which the Burmese Member has referred and to which also the Honourable the Home Member referred while quoting a communiqué from the Burma Government which he read out to this House, an organised body of Burmese opinion has stood out strongly against the separation of Burma with the ugly motive,—the ugly imperialist motive to which the Burma Government, the Government at Whitehall and the Government of India are parties of converting Burma into a kind of outhouse of British Imperialism while India may be forging ahead with constitutional developments and even Dominion Status. Nowhere, to my knowledge at any rate, has Burma been promised the same position that India is to achieve. Sir, the political organization in Burma, the General Council and all its branches, stand out against separation, because they want to know exactly where they stand in regard to their country's status. They want to know whether Burma is going to be an appendage of British Imperialism, or whether Burma, like India, is going to be made responsible to the people of Burma.

The organization under discussion contains, it is stated, some rebels, that certain of its members are rebels,—not underground rebels, not revolutionaries, but clean rebels, rebels in the open, like the followers of Oliver Cromwell, who made the modern parliament and modern history. Sir, because a few members went out for open rebellion, not secret conspiracies—and not all of them have a great following in the Council itself because the Council has not identified itself with that rebellion, at any rate to my knowledge no resolution has been passed by that Council adopting the rebels' methods or endorsing the rebels' action—merely because a few members of that Council launched an open rebellion, I think it is very improper, it is very uncanny, it is extremely ugly that the Government of India should extend the tentacles of Ordinance to Burma and instigate the Government of Burma, as they have no doubt instigated them to introduce what may be called an almost martial law atmosphere there. Sir, I quite sympathise with the Honourable Member from Burma when he apprehends that Burma is going to be treated in the same manner as the Government of India have been treating the people here. Time and again they have been doing this. Sir, you remember as an old politician how when the Morley-Minto Reforms were being introduced, we were treated to a dose of repression; how when the

Montague Reforms were being introduced, martial law and monstrosities were perpetrated in the Punjab and certain ugly things were done later on all over the country. And now they are following up the same policy, trying to dilute the spirit of reforms with repression. If they mean to repeat in Burma, just what they are doing in this country, this House, I venture to say, Sir, cannot be a party to the perpetration of what is a very irresponsible policy of an executive unwilling to be responsible to the people, unwilling to be responsive to their aspirations; an executive which is doing everything in their power through the instrumentality of every little law that they can get hold of or make, to destroy the awakening of the Burmese people. This is a thing we should resist very strongly, especially as we know that the Government of Burma as well as the Government of India have identified themselves with the policy of separation of Burma from India without giving an opportunity to the Indian people to express themselves in the matter.

I am sorry, Sir, that I could not see eye to eye with my Honourable friend, Sir Lancelot Graham, when in his extremely interesting interruption he tried to make out that I was casting any reflection on the Governor of Burma. I may tell you that I have the great privilege of enjoying what I may consider the personal friendship of the Governor of Burma. He made a great name as the Collector of Malabar, the district from which I come. And, Sir, everybody in this House knows that when a social function was arranged on the eve of his departure, though I belonged to a particular party which boycotted that function, I, at any rate, attended that function. Needless to say, I will be the last man to cast any reflection on Sir Charles Innes, who is one of the very best friends of India that we have got, or for the matter of that, of Burma. But I am criticising the system of which he is the head in Burma, and I am criticising the method which was responsible for sending him to England in connection with a policy with which the Association which is being suppressed is not in agreement any more than this House.

The Honourable Sir George Rainy (Member for Commerce and Railways): There is one thing, Mr. President, which I have noticed in all the speeches of Honourable Members after the Honourable the Mover of this motion, and that is a certain timidity in dealing with the proper names involved in the Government of Burma's communiqué, and I own myself that I share that feeling because as to the pronunciation of any of them I am extremely uncertain. Apart from that, I do not think that we have the materials before us for any prolonged discussion upon this question. In spite of all that has been said by Honourable Members opposite, it is a long way to Burma, and it is difficult for Members of this House, even for Members of the Government, to have the same kind of acquaintance with what is going on there as they have with what is going on in other parts of the Indian Empire.

Now, Sir, what I particularly wish, in the very brief remarks I shall make, to refer to, is the suggestion that the notification of the General Council of Burmese Associations is part of some covert plot to prevent any expression in Burma of opposition to the separation of Burma from India, and I find it difficult to believe that my Honourable friends opposite seriously in their own hearts entertain that idea. My Honourable friend the last speaker spoke highly of the personal qualities of His Excellency Sir Charles Innes. But it is more than a personal question, and does any

[The Honourable Sir George Rainy.]

Honourable Member seriously suppose that the British Government, or the Government of India, would lend themselves to any sort of manoeuvre of that kind?

Mr. O. S. Ranga Iyer: Certainly they have lent themselves. How can you deny the fact that the Governor of Burma, Sir Charles Innes, went to England on the mission of bringing about the separation? Can you deny it?

Sir Hari Singh Gour: And sent a telegram that the separation had been accomplished?

The Honourable Sir George Rainy: The Governor of Burma went on leave to England.

Mr. O. S. Ranga Iyer: Are you aware that he sent a telegram to the acting Governor of Burma congratulating him upon the separation? And do you understand the implications of that telegram?

The Honourable Sir George Rainy: I am totally unable to follow the workings of my Honourable friend's mind which seems to me to be filled with a double dose of the poison of suspicion, of which we have had a good deal in this House. But I say that the suggestion is preposterous. ("Hear, hear," from the Treasury Benches.) And the extent to which it has been pressed from the other side of the House might possibly raise a feeling in this House that that line was being taken with the opposite motive. These weapons of suspicion are double-edged, Mr. President, and sometimes, they resemble boomerangs in their recoil.

Sir, I am not going to argue the general question whether the action of the Government of Burma was justified, and I will tell you why. When a Government is faced with a very serious position—with an armed rebellion which has broken out in three districts—and when it finds that the local association affiliated to a central organisation are taking an active part in that rebellion, there are *prima facie* grounds for supposing that the General Council to which they are affiliated is a body which requires very careful watching and against which it may be necessary to take action. That is the *prima facie* ground, and nothing that I have heard from Honourable Members on the other side of the House leads me to feel that that is an inadequate ground. I think, Sir, that the House ought not to accept the motion which has been moved.

Several Honourable Members: Let the question be now put.

Mr. President: The question is:

"That the question be now put."

The motion was adopted

U Tun Aung: It was very interesting to me to listen to the speech made by the official Member from Burma just now. He said that separation is a question that has been settled already. I think that he is mistaken in having that idea. No doubt, in the Legislative Council, Resolutions were passed to that effect before the Burmans began to realise that separation was not to be asked for by them but was going to be given to

them by the Government. They have realised it, so much so, that when the discussion in the Round Table Conference was going on, the Burman delegate, the leader of the Peoples Party, U Ba Pe, refused to be made a party to the question of accepting separation alone, and that is why this question of separation has not been settled there. Added to that, as I have stated before, the General Council of Burmese Associations sent a number of telegrams to England stating in very clear terms that they did not wish to have separation, the general opinion being that separation alone would be far more dangerous than being attached to India. If separation were to be accompanied with a status in no way inferior to that to be given to India, in that case separation with that status would be acceptable; but, as I say, separation alone is no longer the desire of the people of Burma. My Honourable friend from Burma should now understand that the attitude of Burmans as regards separation has changed.

I have listened to the speeches from the official side, but I must confess that I have not been convinced that, whatever parts individual members of the Association might have taken in the open rebellion the action now taken by the Government against the Association as a whole is justified. The rebellion has been shown to be the activity of a particular section of the members, and if so, how can the Association and all its members be declared unlawful? I therefore ask the House to accept my motion.

The Honourable Sir James Crerar: I am happy to be in the position of congratulating my Honourable friend from Burma on having adopted in his closing speech a very prudent course. I observe that he devoted the whole of his argument, not to the question now before the House, but to a question, which I myself admit, is much more open to legitimate enquiry and even argument, that is to say, the merits and the demerits of the policy of separation. In that regard, I do not intend to say anything further in rebuttal of the suggestion which has been made that the action taken by the Government of Burma had any relation whatever to the movement for or against separation. This has been dealt with by myself and it has been dealt with very forcibly and concisely by the Honourable the Leader of the House and I would only add that if, on further reflection, the Government of Burma and even the Government of India are to have attributed to them an effort of Machiavellian diplomacy in the matter, that surely implies a certain amount of intelligence at any rate, though it may be intelligence of a low order. Nevertheless, I do not think that anybody who is prepared to grant some measure of intelligence would himself so greatly fail in intelligence as to suppose that a measure of this kind would be adopted, which so openly and palpably defeats its own object. In conclusion, I will only add this, that I sympathise, at any rate in their immediate object, with the appeals which were eloquently made by Honourable Members on the opposite Benches that this House should show its sympathy for Burma and give an eminent sign of its goodwill to the people of Burma. That is precisely what I would like Honourable gentlemen to do. Measures are being taken by the Government of Burma for the restoration to that province of its tranquillity, which has been unhappily seriously disturbed recently. Let us on our side do our best to restore that peace and tranquillity by supporting the Government of Burma in the measures which they are taking for that end.

Mr. President: The question is that the Assembly do now adjourn.

The Assembly divided.

AYES—42.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Das, Mr. A.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Das, Rai Sahib Pandit.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Hajee.
Isra, Chaudhri.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Pandian, Mr. B. Rajaram
Puri, Mr. B. R.
Ranga Iyer, Mr. C. S.
Rao, Mr. M. N.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Kumar G. R.
Sadiq Hasan, Shajkh.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit S. N.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Dr. A.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U.
Uppi Saheb Bahadur, Mr.

NOES—42.

Acheson, Mr. J. G.
Alexander, Mr. W.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Ayyangar, Diwan Bahadur V.
Bhashyam.
Bajpai, Mr. R. S.
Banarji, Mr. Rajnarayan.
Baum, Mr. E. F.
Boag, Mr. G. T.
Chatterjee, The Revd. J. C.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
Fazli-Husain, The Honourable Khan
Bahadur Mian Sir.
French, Mr. J. O.
Graham, Sir Lancelot.
Gwynne, Mr. O. W.
Hamilton, Mr. K. B. L.
Hasthote, Mr. L. V.
Heslett, Mr. J.
Jawahar Singh, Sardar Bahadur
Sardar.
Khurshed Ahmad Khan, Mr.

Macmillan, Mr. A. M.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Muazzam Sahib Bahadur, Mr.
Muhammad.
Mukherjee, Rai Bahadur S. C.
Parsons, Mr. A. A. L.
Rafuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Row, Mr. K. Sanjiva.
Roy, Mr. K. O.
Sahi, Mr. Ram Prashad Narayan.
Sams, Mr. H. A.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shillidy, Mr. J. A.
Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tut, Mr.
Young, Mr. G. M.
Zulfikar Ali Khan, Sir.

Mr. President: There are 42 votes for the "Ayes" and 42 votes for the "Noes". (Applause.) Following the well-recognized practice *status quo ante*, I vote against the motion. ("Hear, hear.")

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 14th February, 1931.

LEGISLATIVE ASSEMBLY.

Saturday, 14th February, 1931.

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

MEMBERS SWORN.

Mr. B. V. Jadhav, M.L.A. (Bombay Central Division: Non-Muhammadan Rural); and

Mr. H. B. Fox, C.I.E., M.L.A. (Assam: European).

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President: Further consideration of the following motion moved by Mr. Gaya Prasad Singh on 3rd February, 1931:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 144*), be referred to a Select Committee consisting of the Honourable Sir James Crerar, Sir Lancelot Graham, Mr. B. R. Puri, Sir Abdur Rahim, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Maulvi Sayyid Murtuza Saheb Bahadur, Mr. Arthur Moore and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I support the motion to refer this Bill to the Select Committee. I congratulate the Honourable the Home Member on the restraint with which he made his speech the other day, although he opposed the motion, but I am afraid I cannot commend the attitude of his Government in connection with this Bill. For after all, Sir, the Bill says that certain deficiencies have been brought out in the application of the section to certain recent events and that sufficient provision may be made in order to obviate the recurrence of those events in the future. Now, either those facts are correct or those facts are not correct. In either case, there is no doubt that there is a grievance that the Act has not been administered, at least the particular section 144 has not been administered properly in the only manner in which it was originally intended that it should be administered. I cannot understand the reluctance of the Government to explore the matter, and find out whether the said statement that is the basis of this amendment is true before opposing this motion. Sir, the other day in connection with the election of some Members to the Delhi University Court, one of the Honourable Members of the Government deplored the existence of a suspicious mind in many non-official Members whenever a Member of Government made a proposal. Now, a suspicious mind wherever it exists has to be deprecated, and we have got the highest scriptural authority for the position *samsayatma vinashgati*, that is a man who doubts or who is suspicious comes to destruction. But, Sir, should it be only a one-sided warning? Does it

[Raja Bahadur G. Krishnamachariar.]

not appear from the attitude of the Government regarding this Bill that they suspect what we have got in view when we ask for this amendment? Why not straight away say plainly that, so far as our statement is concerned, either you believe it or you do not believe it. We know cases—I personally can cite at least half-a-dozen examples—where there was absolutely no justification for the application of this section 144, and what I respectfully submit should be the correct attitude in these matters is that, when a complaint is brought forward, Government should try and investigate and show that there is nothing wrong in it; then we shall be perfectly satisfied, rather than asking us to accept this *ipse dixit* of yours, and when we do not accept it making it a matter of complaint. About the year 1908, when the late Lord Minto had to face a serious trouble with the then critical unrest that was raging over the country, he turned among other things to the advice of Indian Princes, and the first man to whom he went was the late Nizam of Hyderabad, who was one of the shrewdest princes that ever sat on the Indian *gadhi*. What did he say in reply? After an administrative experience of 25 years, his advice to the late Earl of Minto was that not only should the administration do justice, but that it should make the people believe that justice has been done. That may appear to be a common place, a copy book maxim, but there is a good deal of truth in it. Applying this to the particular case complained of, what I should have expected the Government to do is this. We say there is an injustice; either there is an injustice or there is not an injustice, and how are you going to make us feel that there is no injustice? Not by your saying that there is no injustice, nor by your people, who have been in our opinion doing that injustice, saying that there is no injustice. I do not think even the Government would assume infallibility in this matter. They have got a large army of officials, all of whom are not of the same mind, and it is quite conceivable that in their excessive zeal in what they consider to be their masters' policy, they overstep their bounds. Where is the harm in investigating? Where is the harm in trying to prevent that state of things? That, Sir, is the only thing which this Bill wants to be done. Although I am not particularly enamoured of the remedies suggested by my Honourable friend Mr. Gaya Prasad Singh by asking that an appeal should lie to the Sessions Court—I would rather that an appeal should lie to the High Court than to a Sessions Court for more reasons than one—although I say I am not particularly enamoured of the remedy suggested, I submit that it will come with very good grace on behalf of the Government if they accept his motion for reference to a Select Committee, go there, thrash out the whole thing, and then convince my Honourable friend Mr. Gaya Prasad Singh that, after all, his fear of abuse is groundless; and then come back triumphant. That is one of the most reasonable positions to take, rather than merely asserting the fact on your own authority and then asking us or expecting us to accept the position. Sir, as I said, whenever we make a proposal, my respectful request to the Government Benches is not to take it with any suspicion, not to consider that there is something very uncanny behind it, but to test it for what it is worth and then to try and come to some conclusion. In this connection, before I resume my seat, I think I ought to invite the attention of Government to these pertinent words uttered by the Honourable Chancellor of the Chamber

of Princes, the Maharaja of Patiala—not an agitator, nor a man who is particularly anxious to embarrass the Government of India—when he addressed recently a meeting in London, wherein he said:

"In the face of the Nationalist movement, which in a government based on the people of the country would find its natural response, the Government of India found itself in difficulties. These difficulties lead it on occasions to strain unduly the loyalty of those whose support it believes it can rely upon in all circumstances, and for the sake of political advantages whether real or imagined, to overlook its moral and legal obligation to those whose conduct never warranted such a course."

Most of us, Sir, have come here in order to do our best to assist Government in their task of administration, and if they work the administration in the real spirit, they will never fail.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, I beg to move the amendment of which I have given notice and which is as follows:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931."

Apart from the inapt and inartistic drafting of the Bill, as I will proceed to show, the Bill is singularly ill-conceived and ill-thought out. One would have thought that the maxim "prevention is better than cure", was of universal acceptance, but in thinking so I seem to have counted without my host, the Honourable the Mover of this Bill. One would have thought that at a time when earnest appeals have been made in this House and in the Provincial Councils for special preventive legislation, the Honourable the Mover would refrain from tinkering with a piece of legislation which has proved its salutary existence for the last 70 years without eliciting any the least dissentient opinion during that very long period. When one considers the nature and the extent of the evil which the section was designed to prevent and which in actual practice the section has prevented, one would be immediately convinced of the utter inadvisability of the measure proposed by the Honourable and learned Mover. And its undesirability becomes so glaringly apparent that one would think, and one would be justified in thinking, that the Bill has been brought, not for the serious consideration of this House but for purposes of pure propaganda against "the iniquities" of our police and magistracy of which we hear so much and, I am constrained to say, see so little. To prove what I have said, I will proceed to quote the relevant portions of section 144 of the Criminal Procedure Code which the Honourable the Mover seeks to amend. The heading of the Chapter of which it is the only section is:

"Temporary orders in urgent cases of nuisance"

and it begins

Mr. O. O. Biswas (Calcutta: Non-Muhammadan Urban):

"Or apprehended danger."

Mr. N. N. Anklesaria: Yes. And is ready.

"In cases where in the opinion of the District Magistrate . . . immediate prevention or speedy remedy is desirable, such Magistrate may by written order stating the material facts of the case and served in the manner provided by section 134 direct any person to abstain from a certain act . . . if such Magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance or injury or risk of obstruction, annoyance or injury to any person . . . safety or disturbance of the public tranquillity or a riot or an affray."

[Mr. N. N. Anklesaria.]

Now, Sir, the essential part of the section and the essential condition under which the section operates is that immediate action is required. Cases of immediate action are the cases provided for in this section. If the action brooks delay, then this is not the appropriate section and it is not applicable to the case. There are other sections in the Code for that.

Secondly, in order to enable the Magistrate to come to a swift decision and to take immediate action, the Magistrate is relieved of the duty of formally recording evidence. I say this is common sense. If delay is caused in formally recording evidence, the action which would be taken after that delay would, in ninety-nine cases out of a hundred, be absolutely nugatory. Because *ex necessitate rei* the action has got to be immediate, and immediate action could not possibly be taken if wide discretion to enable the Magistrate to come to a swift decision were denied him. At the same time, though the discretion given to the Magistrate under the section is wide, that that discretion shall not be used capriciously is abundantly provided for by the safeguard mentioned in the section. The section requires that, before a Magistrate can take action under that section, he must record in the written order the material facts which prompt him to take action. If he is not able to record the material facts, then his action is absolutely illegal, and the High Court would interfere and set aside the order. Then, again, supposing the Magistrate does blunder, what happens? The Magistrate's blunder harms or hurts nobody.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muham-madan): *Lathi charges.*

Mr. N. N. Anklesaria: As I said, the section is purely a precautionary and preventive measure, which imposes no penalty on anybody. The penalty is provided by section 188 of the Indian Penal Code, and that too could not be used indiscriminately, because section 188 is subject to the provisions of section 195 of the Criminal Procedure Code, which requires previous sanction of the authorities concerned before action can be taken for infringement of the order. I submit that these are sufficient safeguards against any indiscriminate or oppressive use of the section. The sole *raison d'être* of the section is that it gives the Executive power to give a warning to all peacefully minded citizens that if they hold a meeting, or join a procession, or go to a place where speeches are delivered, they do so at their peril. That is the only thing which the section, I say, provides for, and if such legislation were not in existence, if legislation which enables the magistracy to give warning to peacefully inclined citizens not to take a certain course of action, not to go to certain places because by doing so they would be exposing themselves to the risks involved in a riot or breach of peace or *lathi* charges, or even indiscriminate shooting by the police, I say if such a law exists, then it should be approved of by all responsible people. Sir, how valuable and how efficient this section has proved in actual working can be seen by a few figures I proceed to cite. The figures are confined here, Sir, to what has happened at dispersals by firing alone. It appears that during the two months of April and May last there have been 31 shootings by the military. (An Honourable Member: "Where do you get the figures

from?") I will tell you the source of my figures presently. In those 31 shootings, 125 citizens were killed and more than 500 wounded and in those 31 shootings 4 military and 6 police died . . .

Mr. C. O. Biswas: All this happened though Mr. Gaya Prasad Singh's Bill was not there.

Mr. N. N. Anklesaria: And 16 military and 450 police were injured. These are the figures in connection with shootings alone and the casualties in connection with *lathi* charges must have been, I presume, at least 10 times the number, but we have not had these figures up till now. And I say these are the figures when the preventive and precautionary section 144 has been in full operation. We can very easily imagine, Sir, how these figures will mount up if the precautionary and preventive operation of the section is restricted in the manner sought to be restricted by the Honourable the Mover. I say "restricted", but if you just consider the various alterations in the section suggested by the learned Mover, you will find, Sir, that the operation of the section would be nullified. Now, what are the learned and Honourable Mover's proposals? He restricts the magistrate's discretion by imposing on him the necessity of taking formal evidence. The only word in connection with this proposal which I can possibly use without any offence to the learned Mover, is that it is absurd. *Ex hypothesi*, you have got to take immediate action, and how is the immediate action possible if the magistrate is required formally to record evidence, as the Honourable Member says, after "evidence duly recorded". Now those who are lawyers know what is "evidence" and what is "evidence duly recorded" and they also know what formalities are required for the Magistrate to follow in order to "duly record" evidence. I say by the time the evidence is "duly recorded", the mischief which the Magistrate sought to prevent, in 99 cases out of 100, would have taken place. Then, Sir, the Honourable Member would restrict the duration of the operation of the section from two months to two days. This also I am constrained to say is absurd, if you consider the object of the section. For, what happens if you restrict the operation of the order to 48 hours? The mischief-makers against whom the order is designed to operate have simply to lie low for 48 hours and by keeping silent for 48 hours, *ipso facto*, get the order vacated. I say that the proposal of the Honourable the Mover betrays singular ignorance of the psychology of crowds. I would recommend him to read "Psychologie des Foules" or the Psychology of Crowds. If he does not know French, I believe there are translations of that book in English. If one were to realise the genesis of riots and breaches of the peace, one would at once see that the proposal of the learned Mover is absolutely ill-conceived. How do riots start? Two, three, four or five mischief-makers collect a few people with them. Innocent passers-by are attracted by the assemblage. The crowd increases, and when the crowd has reached a certain proportion in numbers, the mischief-makers just put a little idea in their minds, just make a suggestion and the thing happens. That is the genesis of riots, and it is to prevent that sort of thing that section 144 is pre-eminently designed.

The learned Mover has cited cases to show that the section has been misused and abused by the Magistrates. Now we do not know the facts with reference to those cases, and we do not know if any of these cases was

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[Mr. N. N. Anklesaria.]

taken to the High Court and judicial decision taken on the course of action pursued by the Magistrate. But *prima facie* I say those cases in no way support the course suggested by the learned Mover. The learned Mover cited the case mentioned by Sir Surendranath Banerjee about people crying *Bande Mataram* being prevented from doing so. There are cases in our law reports in which the mere repetition of the word "Amin" has led to sanguinary riots. "Amin" is a very innocent word; certainly as innocent as "Bande Mataram"; but that word has led to sanguinary riots. Then the second case cited was that of Mr. Gandhi, the apostle of peace and non-violence, being prevented from entering Champaran.

An Honourable Member: He was sought to be prevented.

Mr. N. N. Anklesaria: . . . and I say he was very rightly sought to be prevented, because Mr. Gandhi, whatever his proclaimed proclivities for peace and non-violence may be, is a man who much resembles the God Hanuman. (*Cries of "Withdraw."*)

Kumar G. R. Roy (*Sura Valley cum Shillong: Non-Muhammadan*): This is most objectionable, Sir, the speaker must withdraw his statement.

Mr. Amar Nath Dutt (*Burdwan Division: Non-Muhammadan Rural*): I object. No man should be compared with a God.

Mr. N. N. Anklesaria: If I have offended my Honourable friend's feelings I withdraw. But if my Honourable and learned friend had heard me further he would have seen that I meant no offence to his religious susceptibilities.

Mr. Amar Nath Dutt: No human being should be compared with Hanuman who is a God.

Mr. N. N. Anklesaria: In Hindu mythology the God Hanuman is said to have set fire to Lanka, the modern Ceylon.

Kumar G. R. Roy: Lanka is not modern Ceylon.

Mr. N. N. Anklesaria: All right. Then the case was cited by the learned Mover about Gandhi caps being prohibited by the District Magistrate of Guntur. On the face of it, it does appear to be a very unnecessary interference with the liberty of the subject. But who does not know the state of mind of the different communities in the country? Even the sight of an innocent article of food like beef is enough to upset people of a certain temperament.

An Honourable Member: Beef and ham; include both the communities.

Mr. N. N. Anklesaria: Yes: I mean something like this would hurt the susceptibilities of the different communities in India; and circumstances may be imagined when the Gandhi cap would hurt the susceptibilities of certain individuals who were not of the Congress persuasion. ("Hear, hear" from the Nationalist Benches.) Even granting that these cases do prove abuse or misuse of section 144, does it prove that the law is bad because the administration of the law is bad? I say, no. This section was enacted some seventy years ago, and if the necessity for that section

was felt seventy years ago, in the present state of the country the necessity is seventy times greater than what it was then. Seventy years ago, Sir, there was no boycott; seventy years ago there was no picketing of foreign cloth shops, there was no picketing of liquor shops, no civil disobedience movement as we see it at the present day; in those days there was no defiance of the salt law or the forest laws of the land.

Mr. B. R. Puri (*West Punjab: Non-Muhammadan*): Were there no British laws in those days?

Mr. N. N. Anklesaria: Yes, there were, but there were people like you who would not break those laws.

An Honourable Member: He was not born then.

Mr. N. N. Anklesaria: Sir, the Honourable the Home Member the other day said that this section would provide a valuable weapon in connection with communal discords. I say, as things are moving at present, communal discords are being cast into the shade by political discords. We are fast approaching the conditions which prevailed in Ireland during the period 1914-1921. Sir, there are people in this country to whom the tyranny of the Congresswallas has become unbearable. These people are thoroughly disgusted with the apathetic attitude of helplessness and apathy adopted by the Government. And these people, Sir, now show an inclination of taking the law into their own hands. On one day alone about four or five days ago in the *Times of India*, in one column, we found reports of Muhammadan shopkeepers taking the law into their own hands against the Congress picketers in Poona, Karachi and in some other places which I don't quite remember.

Mr. G. G. Biswas: Could not section 144 have been applied against them?

Mr. N. N. Anklesaria: It is a great pity it was not applied in time. And I say, Sir, that Honourable Members of this House will not enhance their reputation for responsibility if they pass a measure like the one moved by the Honourable the Mover. For, Sir, the belief, rightly or wrongly, prevails outside this House and also inside it that the forces of violence and disorder are now manœuvring for positions of vantage, and those forces have got supporters in this House. My friend the Mover of this Bill has already sponsored three Bills which are bound to give an impetus to forces of violence and disorder ("Hear, hear" from the Nationalist Benches), and one of the Bills is this.

Lastly, Sir, I would bring to the notice of the House, the effect which the passing of such a measure as this would produce on our police and the magistracy. Already, Sir, the police and the magistracy are exhibiting an apathy and an unwillingness to take responsibilities which, if allowed to continue, will prove deplorable, and I think it is absolutely necessary that, before this Bill comes to be considered by this House, the House should have before it for its consideration the opinions of the police and the magistracy who are vitally interested in the administration of this section. I therefore move, Sir, that the Bill be circulated for eliciting opinion thereon by the 31st of August, 1931.

Mr. President: Order, order: The amendment proposed is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931."

[Mr. President.]

I notice that the Honourable Mr. Maswood Ahmad has also given notice of a similar amendment*. I do not find him in his place here. I take it that this amendment having been moved, he will not press his own. It only differs in the date within which opinion must be obtained.

Mr. J. Hazlett (Assam: Nominated Official): Sir, I rise to oppose the Bill before this House and also the motion which has been moved by my Honourable friend Mr. Gaya Prasad Singh. Hitherto I have been a silent Member of this House, and I hoped at one time, in these days of championships, to be in the running for the title of champion listener of this House. I now must give up my aspirations as regards that, Sir. I feel that if the principle of this Bill is accepted by this House, it will so injuriously affect the maintenance of order and good administration in this country, that I must attempt, Sir, with your indulgence, to place my views before this House. Perhaps, Sir, I have some special qualifications for speaking on this subject. I have had more than 31 years service in this country, and during all that period I have been employed in the direct work of administration in the districts of this country. Perhaps, Sir, I have longer administrative experience than any other officer of this House, and I have seen a good deal of the working of section 144, Criminal Procedure Code, which we are now considering. I feel, Sir, that my task has been rendered much easier by the speech of my friend who has just sat down. I have listened with much attention to the speech made by my friend the Mover of the motion we are considering, and I have also studied his Statement of Objects and Reasons. The main reason given for introducing this Bill is that section 144 has been misapplied and misused in certain cases. I admit, Sir, that the section may have been misapplied, but I would ask my Honourable friend what section of the Indian Penal Code, what section of the Criminal Procedure Code, what law either revenue, civil, or criminal in this country, has not been misapplied? (*Cries of "Hear, hear" from Nationalist Benches.*) (*An Honourable Member: "A frank admission."*) My Honourable friend who is a lawyer knows all those volumes which we call law reports, and there are thousands and thousands of such volumes. If I ask my office to produce I. L. R., 35 Calcutta, page 357, it is produced; if I ask them to produce volume 1000, page 690, it will also be produced. And you have volumes of these law reports. What do they contain? They contain, I submit, mostly decisions of cases in which the lower courts have misapplied the law to the facts of the case before them. And not only do Magistrates make mistakes; Judges make mistakes too, even those august bodies, the High Courts, make mistakes, and have to be corrected. Therefore, Sir, I ask, why should my Honourable friend select section 144 of the Criminal Procedure Code for modification, because that has been misapplied, and I admit that it has been misapplied, in certain cases? I submit that my Honourable friend's argument will not stand.

Now, Sir, if my Honourable friend wants to revise section 144 of the Criminal Procedure Code, why should he not revise all the other laws of this country? I know from my Honourable friend's activities in this

* "That the Bill be circulated for the purpose of eliciting opinion thereon by the 21st May, 1931."

House that he is one of the world's workers. I cannot claim to belong to that honourable body of men. But I must say that he would have to be very busy indeed if he attempted to revise all the laws of this country so as to make them fool-proof, so to amend them that they would not be misapplied by those officers who are responsible for administering them. Again, it must be remembered that, since the passing of the Act of 1923, the High Court has powers to revise orders passed by Magistrates under section 144, and has exercised those powers. As a result, a body of case law is being built up for the guidance of Magistrates. Now, I am sure my Honourable friend will admit that Magistrates pay much attention to the rulings of the Honourable High Courts. I am also sure that my Honourable friend, Sir Abdur Rahim, who has the distinction of having been a Judge of a High Court, will bear me out when I say that Magistrates pay much attention to the rulings of the High Courts. Therefore, I say, Sir, that this Bill is not necessary. The safeguards already provided are sufficient for guiding Magistrates in the proper application of this section, and the Bill before the House is really not required in the interests of justice or good administration.

But my main reason for opposing the Bill before the House is not only that I hold that it is unnecessary—and I hope I have convinced my Honourable friend to that effect—but also because the present time is not opportune for introducing a measure of this kind. Now, Sir, we are all aware that a reformed constitution will soon be working in this country; perhaps it may come into effect in one year, or two years, or perhaps, if the suggestion made by my Honourable friend Mian Muhammad Shah Nawaz is taken into consideration, it might come into effect even in two or three months. I ask, then, is this the time to seek to undermine the authority of those officers who are responsible for the maintenance of peace and good administration in this country? I submit, it is not. It also has to be remembered that there is still a party in this country whose openly declared object is to paralyse the present administration and to overthrow the present "satanic" Government, whose representatives we see in our front Benches. Sir, we all know that this party is still in power and has considerable influence in the country. It is also a fact that the civil disobedience movement has not been called off, that the Hindu-Muslim dispute has not been settled, and that the terrorist movement has not been crushed. India is about to pass through one of the most critical junctures in the history of the country, and I submit that the time is very inopportune to weaken the authority of those officers who are responsible for peace and good administration.

If we go into the provisions of the Bill, what do we find? We find that the Bill provides that a Magistrate can only pass an *ex parte* order valid for a period of 48 hours. I would ask the Honourable the Mover of this motion, what will happen after the expiry of this magic period of 48 hours? I presume following the spirit of the recent rulings of the High Courts which have been quoted in this House, the offending party will have to be given a period of grace, a *locus penitentiae* as it were, to see whether he will take action such as the Magistrate thinks he might take. Then, the Magistrate, before he could pass an order valid for more than 48 hours, has to take down evidence. My Honourable friend who preceded me has shown how it is impossible for Magistrates

[Mr. J. Hezlett.]

to take evidence under this section. An appeal is allowed to the Sessions Judge. No doubt, a motion will be made to the Sessions Judge to suspend the order while he is considering the application. It may take one week, two weeks, or a month, before the Sessions Judge passes an order. In the meantime, disorder breaks out and the Magistrate responsible is powerless to prevent disorder breaking out.

Sr Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): That can be done now in revision by the High Court.

Mr. J. Hezlett: That is what I say. The High Court has revisionary powers, but a Magistrate can pass an order valid up to a maximum of two months, and not for 48 hours.

My Honourable friend who preceded me has already touched another important consideration, and that is the effect which the passing of a measure of this kind will have on those services which are responsible for peace and good administration in this country. From what we have heard in this House, Sir, one would consider that Magistrates and police officers like dispersing an unlawful assembly. I can assure you from personal experience that no more unpleasant duty, no more thankless task, can fall to the lot of a Magistrate or a police officer than to have to disperse an unlawful assembly. If the officer in charge does not take action in time, with the result that the small force at his command is overwhelmed, or innocent lives lost, or valuable property destroyed, he will be called to account by the Home Department of his Government. If, on the other hand, he takes action and uses the necessary force to disperse the crowd, mob or unlawful assembly, there will be a howl throughout this country, votes of censure will be passed, and motions of adjournment made in this House. It has been said that the lot of a policeman is not a happy one. I can assure my Honourable friends opposite that the lot both of Magistrates and the police in this country during the last year, and perhaps, during the last number of years, has been most unhappy. It is not right at this juncture that this House should do anything which would weaken the authority of those services who are responsible for peace and good administration. We, on this side of the House, when we make over charge to the reformed Government, are anxious to make over a prosperous and peaceful India. We want to make over services working efficiently. We want to make over services animated by that high morale, that strong sense of public duty, that strict sense of discipline, tact, forbearance and good sense, which at present characterise the services of this country. Therefore, Sir, I think that my Honourable friends opposite should not do anything which would tend to lessen the efficiency of those services. But this Bill we are taking away the powers of officers to maintain peace and good administration. We are taking away their powers, and we are holding them responsible for peace and good administration, and even under the reformed Government they will still have to be held responsible for peace and good administration, collection of taxes and all that kind of thing, if the reformed Government is going to function properly.

12 Noon.
In conclusion, Sir, I oppose the motion before the House, first, because it is not necessary, secondly, because the present time is very inopportune for introducing a measure of this kind, even if it is held to

be necessary, and thirdly, because if the principle of this Bill is accepted, it will tend to lower the high morale, to break down the strong sense of public duty and the strict sense of discipline which at present animate those splendid services which are responsible for peace and good administration throughout the length and breadth of this vast country.

Sardar Sant Singh (West Punjab: Sikh): I have listened with great surprise to the strained speech which came from my Honourable friend Mr. Anklesaria. If it were not for the fact that I felt convinced that he was speaking from his conviction, I would have thought that probably he was not serious about what he was saying. My friend has jumbled together various items in his speech, which will be very surprising if they are analysed individually. My friend has stated that the law as enacted in section 144 of the Criminal Procedure Code is a preventive provision. It no doubt is, and he has stated that prevention is better than cure. No doubt that is true, but the question still remains whether these preventive provisions in the Criminal Procedure Code tend to maintain the liberties of the subject or tend to restrict the legitimate actions of individuals. Before discussing the main provisions of this section, I will submit for the consideration of my Honourable friends whether there is any such provision in any criminal code of any other country in the world. So far as I have been able to find out, I have not been able to lay my finger on any other code which contains a provision similar to this. The reason is quite obvious, because this section deviates from the principle of British criminal jurisprudence. The criminal jurisprudence mainly deals with punishing the acts or omissions of individuals, and it is only in those cases where another individual is threatened with felony or with a similar offence, that the criminal law is set in motion and stops the hand of the suspected offender. Now, this section 144 really does not do so. It actually tends to prevent the lawful activities of individuals or associations. My friend has again stated during the course of his speech that the *ex parte* method of proceeding under this section is of that nature which if removed will affect the powers of the police and the magistracy to such an extent that a breach of the peace will be the likely result. Now, if my friend had studied the rulings of the various High Courts given under this section he would have come to know that this section gives power to the Magistrate to pass an *ex parte* order only in very emergent circumstances and such an order is not contemplated in ordinary cases. You will find cases in the Weekly Reports, where it was held that ordinarily the party against whom an order is made should have an opportunity to show cause against it. Evidence shall be recorded and witnesses examined, and then only in urgent cases may an order be passed *ex parte*. *Ex parte* orders are not contemplated in the first instance and only in very rare cases are *ex parte* orders permitted. In the very recent cases cited by my friend Mr. Gaya Prasad Singh, an *ex parte* order has been passed in very innocent affairs, and what we find from the present motion proposed by my friend Mr. Gaya Prasad Singh is that this *ex parte* order, if necessitated at all, will remain in force only up to 48 hours. After that, of course, evidence could be recorded, and after recording evidence, the necessary orders may be passed. So the amendment proposed by the Bill does not take away anything which is already there. It only wants to explain the provisions as they already exist, and this explanation has become necessary owing to

[Sardar Sant Singh.]

the fact that the section has not been properly used by those who are in charge of the administration. Further we find, when we see how this section is worked, that the police reports the case to a Magistrate and the Magistrate quietly passes his orders on that without caring to know what evidence the police had at the time. The result is that, before a person knows what is against him, he is silenced by the service of an order on him, and thus the lawful activity of a particular individual is restricted. We have found during the last year or so that when a person comes to give a public lecture in a particular city, the city is decorated in his honour and he is received with open arms. All at once a bombshell in the shape of an order under section 144 falls on the pretext that his arrival in the city is likely to disturb the public tranquillity. Now, one fails to understand how the very public which decorates a city and its hearths and homes in order to honour a man whom it respects in the highest degree can be guilty of a breach of the peace when he arrives there. This is incomprehensible. Really what happens, and really what has led to the abuse of the section, is this, that in the present state of political agitation and unrest, there have been two distinct parties existing side by side in the country. One party is the Executive, and the other party is the people's party who want to protect their liberties. The Executive, being afraid of the lawful activities of individuals and being unable to check them in any lawful manner, use this section for their own ends and prevent the lawful activities of those individuals. Well, this certainly calls for an amendment of the section so that it should be made clear to all the Magistrates and other authorities that this section is not intended for this purpose. Thus, in clause (3-A.) my friend, Mr. Gaya Prasad Singh, has made it quite clear that:

"Notwithstanding anything hereinbefore contained, no order under this section shall be made by a Magistrate so as to restrict the right of any person or persons to convene, attend, or take part in any public or political meeting, association, procession, or other demonstration, unless the Magistrate finds an evidence duly recorded that such direction is necessary to prevent obstruction, annoyance, or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray."

Now herein there is no emergency. A person has already announced that he is coming to a town to address a meeting there. His programme is already announced in the papers. He does not come secretly, and he comes openly. Well, meanwhile, the Magistrate is called upon to restrict his action under this section. There is no emergency. There is nothing of that sort which will lead to a public affray. Therefore, it is absolutely necessary that in such cases the political activities of individuals, who probably are not welcomed by a particular section of the services, should not be restricted till the evidence is duly recorded in a legal manner. Then, again, my friend who opposed my friend, Mr. Gaya Prasad Singh's motion, says, "this section has been in existence for 70 years, and should not be changed now because it is probably too old to be changed." (Laughter.) But I think, Sir, that this argument goes, against my friend rather than in his favour. A piece of legislation 70 years old does require a change when the circumstances in the country have changed so materially during the last two years. At this time when we find that a particular section of political workers refuses to take any notice of the course of the administration of justice, it becomes all the

greater a duty of the courts to inspire confidence in the public that justice is administered, not that justice is denied to them, and it is greatly incumbent upon the executive authorities to re-establish the confidence of the public in the administration of justice. Therefore, Sir, any change which is brought forward at this time to restrict the arbitrary action of Magistrates or the police should be welcomed by them and should not be opposed. Furthermore, I quite agree with the maxim of my Honourable friend, that it is not the administration of justice alone but the general feeling that justice is being administered which is more important and more valuable for any Government in any country. Lastly, I would respectfully urge that it is now time that such amending Bills should be welcomed, so that any law which restricts the just liberty of any subject should be modified in such a manner as to enlarge the liberties of the subject. Therefore I support the Bill which has been introduced by my Honourable friend, Mr. Gaya Prasad Singh.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, if the object of this amending Bill was to substantially weaken the provisions of section 144 of the Criminal Procedure Code, not to say of repealing that section, I should not think of supporting it for one moment. I think a great deal of misconception has arisen with reference to the scope of this Bill which has been introduced by my Honourable friend, Mr. Gaya Prasad Singh. There can be no doubt that, owing to the somewhat vague and certainly very general and wide language of section 144, there has been considerable uncertainty in its application to various cases that arise from time to time. Everyone who has had to deal with this section has to admit that in many cases the section has been misapplied, and that has been practically admitted from all sections of the House. If that be so, it seems to me, having regard to the way section 144 has been applied recently, that it ought to be amended so as to prevent misapplications of the nature that have aroused so much opposition in the country. Now as I understand the amending Bill, it is directed entirely to preventing interference with *bona fide* public meetings, and Associations. That is the object of the Bill as I understand it. If that be so, I do not think there will be many Members of this House who would be inclined to oppose it. Now, so far as the prevention of breaches of the peace or of danger to property and the lives of persons is concerned, there can be no two opinions that there should be some weapon in the hands of the authorities in this country, the magistracy, by which speedy prevention might be secured. We know that in these days the Magistrates ought to have power to achieve and to secure tranquillity and peace in the country. Sir, I am looking forward to the time, I believe every one of us is looking forward to the time, when there will be complete provincial autonomy in the provinces, which means throughout the length and breadth of India, and I am sure the judicial authorities and the executive authorities will feel the need of having some measure which they can resort to in times of apprehended trouble. For that reason especially I should be loth to deprive the future Government of any useful measure of this character which is designed to prevent breaches of the peace or apprehended danger to people's lives and property. But, Sir, having in view especially the political developments in the country and the constitutional advance that we are all eagerly expecting, I should be very much disinclined to see that there should be in the Code any provision which would prevent any expression of

[Sir Abdur Rahim.]

political opinion, because in the times to come, free expression of political opinion will become then far more necessary than even now. If the party in power, for instance, were to have ready at their hands a weapon of this character which is so liable to be applied against political opponents, it would augur ill for the administration of the country in the near future. Sir, I think there are very cogent reasons indeed why this House should carefully consider the provisions of this section and wherever it is too indefinite and too wide, it should be amended by appropriate words. Now, Sir, I do not wish to commit myself or the Independent Party, of which I am privileged to be the spokesman, to the exact wording of the amending Bill or to the exact proposals contained in it, but what we do support is this, that section 144 should be so amended so as to prevent in the future any use of it to curtail the liberty of the people to hold public meetings or to carry on any political agitation having for its object, not the commission of any crime nor the commission of breaches of peace. As regards the details of this Bill, I do not want to enter upon any discussion now; but I think it is eminently a matter which ought to be considered by a Select Committee (Hear, hear). A Select Committee has been proposed and I do not think, Sir, any good purpose will be served by having the Bill circulated for public opinion. It is really a matter of proper drafting. We know that certain provisions of the Bill are liable to be misapplied on a very large scale and it is to correct that, this Bill is sought to be incorporated into the law of the country. Take for instance the main provisions of the Bill, section 3-A. The whole idea is to prevent the law under section 144 being applied to restrict the rights of public meetings and public associations. Now, Sir, I do not think that any person can reasonably object to the perfectly sound argument that has been advanced by Honourable Members opposite that mere mis-application of the law in isolated cases is no ground for repealing the law. That is a perfectly correct proposition, but at the same time when we find that a particular provision of the law is couched in such wide terms that it is liable to be misused on a very wide scale, then the public has a right to insist upon that law being properly amended and that is exactly the position in this case. I do not think any one can deny that public opinion for some time for the last 10 or 20 years has been greatly stirred by the use that has been made by a number of Magistrates all over the country of this section 144. There is strong public opinion in this matter and I do think, if for nothing else, in order to satisfy that opinion, this House should consider whether it cannot be properly amended and whether such amendment would not improve the section.

Now, Sir, as regards the provision that no *ex parte* order should be passed unless evidence has been duly recorded in support of such an action being taken, I do not think that the object of the section would be frustrated by that. (Hear, hear.) I am perfectly aware that immediate prevention in certain cases is necessary, but the section itself as it stands at present says that the Magistrate ought to pass a written order recording the facts which have justified him in taking action and serve the order on the parties, except in cases of absolute emergency when there is no time for it. If that be so, it follows, as it ought to, that a certain time must elapse before the order comes into operation. That being so, it is not surprising to me that there can be any difficulty on the part of the Magistrate

in recording some evidence, putting on record the evidence which has induced him to take this action. I do not think that need cause any unnecessary delay. The police, I take it, will be the informants in most cases and their evidence may be recorded.

Then, this Bill seeks to provide also an appeal against that order, whether it be an appeal or a revision it makes no difference. But under the section, as it stands at present, it is impossible, it is very very difficult, for the revising court, the High Court or the Sessions Judge, effectively to revise an order of this nature. Every legal practitioner must be aware that in a large number of cases, the High Court has to say, "Well, there are the facts recorded; we cannot go beyond that. We are not required to go into the evidence. It is for the Magistrate to decide whether a case has arisen under section 144 or not and there the matter rests". But if there be some evidence on record, then the High Court or the Sessions Judge would be in a position to say whether, as a matter of fact, there was good ground for the Magistrate to proceed under this section. As it is, as the law stands at present, I am absolutely sure and my Honourable friend, the Law Member would bear me out, that it is very difficult for the High Court to revise an order of this nature, especially in case of political meetings or associations. Surely it is desirable that if the Magistrate is really of opinion that some action should be taken in the interest of public safety, then he ought to put on record the evidence on which he has formed that opinion. If he does that, then if the persons who are affected by that order challenge that order, they can move the High Court or the Sessions Judge to revise it; and then if he has a good case, surely the Magistrate's order would be set aside and ought to be set aside. As regards the exact period for which the *ex parte* order should last, my learned friend has suggested 48 hours. So far as we are concerned, we are not prepared to commit ourselves to the exact period mentioned. That is a point which ought to be considered in the Select Committee. I think, Sir, there is really a very good case made out for reconsidering the scope of section 144, and I think it is a very sound and reasonable proposition that section 144 should not be used recklessly by the Magistrates so as to hamper the people in their ordinary legitimate political activities. For these reasons I support the Bill.

Mr. Khurshed Ahmad Khan (United Provinces: Nominated Official): Sir, the Honourable the Mover of the Bill alleges that section 144 of the Criminal Procedure Code has been grossly abused for suppressing political agitation. I do not think, Sir, that the Honourable the Mover is justified in condemning magisterial action in this wholesale fashion. He cited a few instances of the application of section 144, and even if the facts alleged by him are accepted as correct, I am certain Honourable Members will not be led to believe that the abuses referred to by him are the order of the day. Moreover, Sir, it is not fair to a Magistrate to judge the motive of the action taken by him by the results of the order passed by him under section 144. It is conceivable that in certain cases it may appear in the light of subsequent events that the order under section 144 was not called for; but as Honourable Members will admit, a Magistrate is after all a man with all the limitations of a man. He passes an order under section 144 on the information in his possession at the time of passing the order. He does so in perfect good faith. He apprehends a breach of the peace. It is quite likely that later on he may find that the apprehension was not

[Mr. Khurshed Ahmad Khan.]
justified. But this does not mean that in passing the order he abused his power.

Now, Sir, I come to the provisions of this Bill. It would appear from the Statement of Objects and Reasons that the Honourable the Mover is particularly anxious about restricting magisterial discretion in passing orders under section 144 in respect of political activities. But clause 2(1) of the Bill does not confine itself to political activities alone. The provision is intended to apply to all public or political meetings, associations, processions and demonstrations as well. The procedure prescribed for dealing with the above-mentioned activities is that the Magistrate should, before taking action, duly record evidence in order to satisfy himself that action under section 144 is called for. It is further provided that *ex-parte* orders shall not be passed without duly recording evidence. It is also provided that an order passed *ex-parte* under section 144 shall not last for more than 48 hours; and lastly it is provided that an appeal shall lie from an order passed under sub-section (8) to the Court of Session.

I propose to examine each provision separately.

As regards the proposal that the Magistrate should record evidence before passing an order under section 144, I would submit that the Honourable the Mover has not properly appreciated the difficulties with which a Magistrate is faced when he has to take action under that section. If the Honourable the Mover will calmly reflect on the consequences that are sure to follow if this measure were brought on the Statute Book, I am almost certain that he will not press for its acceptance by the House. It requires no great imagination to picture the predicament in which the Magistrate will be placed if he is required by the law to sit down and start recording evidence when passions are excited, disruptive forces are threatening the public peace. Sir, I can assure Honourable Members that I am not trying to overdraw the picture. I have been a Magistrate myself, and I think I can speak for Honourable Members who have experience as Magistrates that I am not overdrawing the picture; and my own experience is that had I been compelled under the law to follow the procedure which is prescribed in the amending Bill, the salutary provisions of section 144 would have been rendered completely inefficacious.

Apart from this, I am not quite sure what sort of evidence the Honourable the Mover has in view. So far as my knowledge goes, evidence can be recorded in three ways. Firstly,—I am open to correction,—section 164 of the Criminal Procedure Code provides that statements may be recorded of witnesses who may turn hostile. Then again evidence may be recorded under section 202 by way of preliminary inquiry. Then, Sir, evidence may be recorded either in a summons case or a warrant case. I have given careful consideration to the proposition of the Honourable the Mover and I am sure he does not intend by the term "evidence duly recorded" that a regular trial according to the procedure laid down for the trial of a warrant case or a summons case should be held. Such a course would be obviously impossible. All that could be done is to record statements on oath, and here the question arises—whose statements? There is the Magistrate who gets information that a riot is about to take place. Who brings this information to him? In 99 cases out of a 100, it is the police officer. I ask the Honourable the Mover whether he would be satisfied if the statements recorded by the District Magistrate or the Sub-Divisional Magistrate, whatever the case might be, are the statements of police officers or of

witnesses produced by police officers. If he says "Yes", I would ask him, with all seriousness, whether it would not be a sheer waste of time to do so. Where is the District Magistrate going to get the witnesses from? He gets information either from the police officer or from some other source, and suppose that source will be called tainted, because the Honourable the Mover has no faith in the good intentions of the magistracy. I should certainly think that, instead of wasting his time in sitting down and recording evidence while a riot is about to take place and the public peace is threatened, the Magistrate should pass orders on the information he has received; and under the law he is required to state his reasons and the material facts of the case, which in the difficult situation he has to deal with is all that he can reasonably be expected to do. Instead of recording evidence as suggested by the Honourable the Mover, it would be far more desirable for the Magistrate to go at once to the spot and stop the trouble, and I think every sensible man would recommend this course. The course suggested by the Honourable the Mover is impracticable and will lead to unhappy results. The fact of the matter is that no country in the world can be properly governed if the officers entrusted with the administration are not given a fairly wide margin of discretion, of course, with certain reasonable safeguards. The question is whether the measure introduced by the Honourable the Mover removes the defects which may be present in section 144 as it stands. I maintain that it does not, and instead of making things easy for the Magistrates, or for the matter of that for the public or the persons concerned, it will make the work of the Magistrates much more difficult, almost impossible at times.

I now take proviso (a) of the Bill. It says:

"Provided that no *ex parte* order shall be passed by a Magistrate in such cases without evidence duly recorded."

This provision, Sir, is absolutely redundant, because the cases contemplated therein are already covered by the main clause which I have just discussed. This is my view and I am open to correction.

The third point for consideration is the proposed curtailment of the period for which an order under section 144 may be enforced. I find no good reason for showing partiality to an *ex parte* order. As far as I am aware, and I am open to correction, the only difference in law between an ordinary order and an *ex parte* order is that an *ex parte* order under section 144 is not served on the party or parties concerned, but so far as the operation of this order is concerned, I fail to see any difference whatever, whether it is passed *ex parte* or otherwise. It will have the same effect so far as the maintenance of the peace is concerned and so far as the liberty of action of the person against whom the order is served is concerned. I fail to see why insistence should be made on curtailing the period of the order passed under section 144 from two months to 48 hours. As Honourable Members will have no difficulty in realising it is at times absolutely impossible to serve an order under section 144. Suppose an angry mob is bent on loot and arson. The Magistrate gets the information that this is happening, say 40 miles away from the headquarters. The police officer comes and gives the information. What is the Magistrate going to do? He cannot serve an order on the people who are about to commit breaches of the law. Immediate action is required. I do not see why only an *ex parte* order passed in such exceptional circumstances should remain in force only for two days. It is very likely, as was pointed out by one speaker, that if the period is reduced, mischiefmakers might make capital out of it.

[Mr. Khurshed Ahmad Khan.]

Now, Sir, the last clause, which provides for an appeal to the Court of Session. I have carefully read sub-section (6) of section 144 which runs as follows:

"No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs."

Now clause 2(2) of the Bill states:

"An appeal shall lie from an order passed under sub-section (6) to the Court of Session."

Honourable Members will see that a Magistrate passes no order under sub-section (6). How can, then, an appeal be preferred as provided in the Bill? The Honourable the Mover in the excess of zeal provides a remedy for an evil which does not exist.

In conclusion, Sir, I would like to read a portion from the speech made by Rao Bahadur C. S. Subrahmanyam who was a Member of this House in 1928, when a Bill to amend section 144 of the Criminal Procedure Code was under discussion. He said in the course of his speech:

"After all there is a good deal of confusion and error about the right of public meeting and all that sort of thing. Where do we get this right? Which constitutional lawyer has told you that you have a right of public meeting? I can quote you Professor Dicey. He will tell you that what is called a right of public meeting is not the right which you have been describing here in this Assembly and a question like that is not a question which can really be discussed in this Assembly. As for the rights of public procession and public meeting, you have read Professor Dicey just as well as I have. But if for a moment you want to rise to heights of eloquence and appeal to the sentiments and feelings of Honourable Members here, you may, I suppose, say that our rights are being disturbed if action is to be taken under this section. But what will happen? A Magistrate passes an order and you go to the Sessions Judge."

I especially want to draw the attention of Honourable Members to this particular passage.

"A Magistrate passes an order and you go to the Sessions Judge. What materials will the Sessions Judge have before him for examining the propriety of the order? The Magistrate does not record detailed evidence; he has information and knowledge of all kinds placed before him; many a thing is said before him which helps him in forming an opinion; often he has his own private information and ideas; he knows the district, the area in which he is working and the temperament of the parties to the dispute. Those are the conditions under which an order like this would be passed; and if you ask the Sessions Judge to examine that order, how can he do it? That is the real point. Suppose the Sessions Judge disagrees with the order of the District Magistrate or the Magistrate who has taken action under this section, and he passes an order saying that the meeting may be held. What will happen? The Magistrate is responsible for keeping the peace, but he is told that a particular sect is to be supported in the exercise of its right to hold a meeting. In other words, he has to muster a sufficient force to support these people at a public meeting and so uphold the order of the Sessions Judge who had upset the Magistrate's order. Is that feasible in the districts? Has a Magistrate got sufficient forces under him for these sort of skirmishes? Let us examine both sides of this matter. Do not let us assume hastily that a Magistrate always exercises this power erroneously. That is not a fair assumption to make in arguing on a legislative enactment. If this Assembly were here discussing the particular case of Magistrates, then it would be a different matter. But when a change in the law is proposed, are we to set out with the assumption that a large number of these responsible men are going to use their powers erroneously and that therefore the law must be hedged in in various directions?"

To sum up, Sir, I will submit that clause 2(1) of the Bill is injudicious, unworkable and ill-conceived. Proviso (a) is absolutely redundant and proviso (b) is in my opinion altogether indefensible and clause 2 is, as I have already pointed out, a remedy for an evil which does not exist. I, therefore, strongly oppose the motion.

Several Honourable Members: The question may now be put.

Mr. President: Closure has been asked for, and I am inclined to accept on the ground that the matter has been discussed fairly fully and that the agenda before us is a very long one. I leave it to the House to decide whether they want to continue the debate or whether they wish to go to vote on it. (Some Honourable Members: "Vote, vote.") I have now put the question that the question be now put.

The Assembly divided:

AYES—44.

Abdoolah Haroon, Seth Haji.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chandi Mal Gola, Bhagat.
Das, Mr. A.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Ismail Khan, Haji Chaudhury
Mahammad.
Isra, Chaudhri.
Jamal Muhammad Saib, Mr.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Maswood Ahmad Mr. M.
Misra, Mr. B. N.
Mittra, Mr. S. C.
Mujumdar, Sardar G. N.
Pandian, Mr. B. Rajaram.

Puri, Mr. B. B.
Puri, Mr. Goswami, M. R.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Roy, Kumar G. R.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit S. N.
Shah Nawaz, Mian Muhammad.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Dr. A.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—53.

Acheson, Mr. J. G.
Alexander, Mr. W.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Ayyangar, Diwan Bahadur V.
Bhashyam.
Bajpai, Mr. R. S.
Banarji, Mr. Rajnarayan.
Baum, Mr. E. F.
Bhargava, Rai Bahadur Pandit T. N.
Boag, Mr. G. T.
Chatterjee, The Revd. J. C.
Crapper, The Honourable Sir James.
Dalal, Dr. R. D.
Fazal Haq Piracha, Shaikh.
Fazl-i-Husain, The Honourable Khan
Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Hamilton, Mr. K. B. L.
Heathcote, Mr. L. V.
Heslett, Mr. G.
Ibrahim Ali Khan, Lt. Nawab
Mahammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajeer.
The motion was negatived.

Jawahar Singh, Sardar Bahadur
Sardar.
Khurshed Ahmad Khan, Mr.
Macmillan, Mr. A. M.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. M. N.
Row, Mr. K. Sanjiva.
Sahi, Mr. Ram Prashad Narayan.
Sams, Mr. H. A.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shillidy, Mr. J. A.
Studd, Mr. E.
Talib Mehdi Khan, Nawab Major
Malik.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfqar Ali Khan, Sir.

Mr. President: The debate will continue.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural):

1 P.M. Sir, there is no one in the House who will deny that there have been cases in which this law has not been properly applied; there is no one in the House who will say that there has been no miscarriage of justice, because in the matter of administration of justice people have got different views and each officer applies the law according to his own view, and there might be cases in which there might have been miscarriage of justice, and this depends entirely upon circumstances and upon the views of the particular individual officer who applies the law. But, Sir, here we have to remember that the law which is sought to be amended is a permanent measure on the Statute-book. It is not a temporary law, but it is a permanent law, and when we change a permanent law, we must examine its provisions properly and thoroughly and we should not be guided merely by our political sentiments, but we should see that our permanent law is not subordinated to the whims and caprices of the opinion in the country. The permanent law must stand on the Statute-book in such a manner that it will not be altered to suit the sentiments of a particular party which might come into power at a particular time, otherwise the law will be used like a football rather than as a law.

Now, I have examined this Bill very carefully and what do I find? I find that my Honourable and learned friend wants the law to be altered in such a manner that on the very face of it one can say that it is not meant to be used for the proper administration of justice but that it is meant only to suit a particular view point of a particular movement which exists in India at the present time. If that is so, Sir, as soon as these circumstances change, my friend will bring in another Bill to alter the law which he now seeks to introduce. (An Honourable Member: "Change of time.") That kind of thing, Sir, is not conducive to progress of any country, and it is bound to lead to many evils, and those evils will surely arrest the progress of the country.

Now, Sir, I want my Honourable and learned friend to convince me that his Bill will improve the existing law. I say, Sir, that it will not improve the existing law even from his own point of view. It says "to restrict the right of any person or persons to convene, attend or take part in any public or political meeting....." I want my Honourable and learned friend to explain what he means by a "public meeting". Of course, one can certainly understand what is meant by a political meeting, but what is a public meeting? For what purpose is it convened? And for that purpose he wants the Magistrate to duly record evidence before passing any order. Probably "by duly recording evidence" he means that certain witnesses should be called by a process, they must be administered the oath, the other party must be given an opportunity to cross-examine them in the ordinary way, and so on. That is the way by which you can "duly record evidence". Of course, there can be no such thing as evidence when you record a particular statement of a man, and evidence in any case, whether it is recorded *ex parte* or in the presence of another person, is different from a statement, and when you duly record an evidence, you want a certain procedure to be gone through before any action can be taken by the Magistrate. Then my friend wants another change to be made in the

existing law. Supposing it is proposed to hold a public meeting, the object of which may be known only to the Magistrate or the police, and which may not be known to the public, and the Magistrate might feel that by holding such a meeting the peace of the district would be disturbed. At that time my Honourable and learned friend wants that the Magistrate instead of taking action then and there, should issue a process to certain individuals to attend his Court and give evidence, should summon the conveners of the public meeting, those conveners of the meeting should also be present to examine those witnesses whom the Magistrate might be pleased to summon and then bring certain other witnesses in defence to contradict the evidence of those who have given evidence against the conveners, and so on. If that is my friend's object, if that is the law which he wants, then I think the House will at once reject the Bill that my friend has placed before it.

Then, Sir, there is one other thing. What is a public meeting? How does it take place? What do we find now-a-days? A man sits in a *tonga*, a hired *tonga*, he has a drum with him, and he goes about beating it and announces that there will be a public meeting at such and such a place at a particular time. That is called a public meeting. Now, in such a case my friend wants that the Magistrate should thoroughly examine the whole case by calling witnesses to find out whether the man who has been going about the streets beating the drum in the *tonga* and announcing the holding of a public meeting is *bona fide* and whether the meeting is going to be held without any breach of peace. Are the public aware of what is the object of that? Supposing a Magistrate comes to know at the nick of time that there is a likelihood of a breach of the peace, or supposing that a public meeting is going to be held, say, on the day of the *Mohurram*, or *Bakr-id*, and my Honourable friend comes to know that the butchers of a particular locality are going to collect on the *Id* day and they want a cow to be decorated and taken in the street in procession for slaughter and that there is likely to be a breach of the peace and that that action is likely to stir up the sentiments of the Hindu public, will he require that evidence should be taken about these things before they can be averted? Sir, I think he is mistaken there. His object will be frustrated. I can give examples of hundreds and hundreds of cases regarding the words which my Honourable friend uses, "public meeting". The words which he has used are "public meeting". That is quite different from political meetings. There may be hundreds of public meetings of different kinds, of different nature, which may be likely to bring about a disturbance of the peace or which might involve the city in a turmoil. My Honourable friend wants the Magistrate to sit and not to act and discharge his duty promptly. If he does not act promptly, he may be called to account as to why he delayed in the matter. I have no doubt that that state of things was never the intention of the Honourable the Mover of this motion when he drafted this Bill. Let me give another example. My Honourable friend says "..... unless the Magistrate finds an evidence duly recorded that such direction is necessary to prevent obstruction....." What is obstruction? I do not know what he means by obstruction in the legal sense. I can argue in a Court of law that the word "obstruction" can be used in many senses. If I appear on behalf of the prosecution, I will argue it in one way; if I appear on behalf of the defence, I will argue it in a different way. (Laughter.) This word "obstruction"

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Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The word is there in the Code itself now.

Mr. Muhammad Yamin Khan: I am not concerned, with the Code, but the Bill.

Mr. S. C. Mitra: It is there.

Mr. Muhammad Yamin Khan: Again, my Honourable friend uses the word "annoyance". Does not my Honourable friend know that a Magistrate can use these words "obstruction" and "annoyance"?

Mr. S. C. Mitra: They are all from the Code.

Mr. Muhammad Yamin Khan: "or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray".....

Sir Hari Singh Gour: I rise to a point of order, Sir. This discussion has proceeded as if the details of the Bill were under discussion in this House. I beg to invite your attention to paragraph 77 of the Manual, at page 28, namely, that "the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle". My Honourable friend is dealing with the Bill in minutest detail, which I submit is not appropriate at this stage of the discussion.

Mr. President: I have often been faced with a point of order on those lines, and I have tried my best to find out the strict dividing line between principle and detail. It is perfectly true that opinion might differ as regards what may well be regarded as principle and what as detail. I felt that the matter had been discussed sufficiently fully and I therefore accepted the closure. But the House is of a different opinion and I will therefore allow the debate to proceed on the same lines as heretofore.

Mr. Muhammad Yamin Khan: Take the word "obstruction". Suppose a volunteer comes and pickets a liquor shop or a foreign cloth dealer. If the magistrate comes to know that a particular man is obstructing, or for the matter of that, a few persons, are obstructing—we may call it an association, for two persons can form an association—if that association comes to picket a liquor shop or a foreign cloth shop, that means annoyance or obstruction, and it at once brings this Bill into operation and the magistrate passes an order at once. Is that the idea of my Honourable friend? (An Honourable Member: "We don't want it.") But that is in the Bill. That is what appears from the Bill, but my Honourable friend's idea is different from what appears on the paper. This Bill, as it stands, is not improving the law, but it is going against the law. Of course, certain changes may be required in the present law, but it does not mean that we may make any changes. Any change is not desirable, but what is desirable is an improvement of the law. Don't we know what is happening at present? Don't you know that certain people are suffering on account of their convictions? Can any one deny that at present there are people who are suffering because they do not agree with the opinions or methods of particular associations? Have we not read in the papers the state of affairs in Benares? People have been shot down because they were not willing to give up their trade in foreign cloth. Of course, it is open to everybody to convince or persuade people by all law—by means to use *swadeshi* cloth and to give up foreign cloth altogether;

but when the agitation comes to such a pitch that people who do not share the views of the men engaged in the movement are molested and the volunteers take the law into their own hands and commit acts which instead of helping them causes injury to their cause—that is what really happened in Benares, because a man was not willing to give up his foreign cloth trade he was shot dead. If such a state of things were to prevail.... (An Honourable Member: "The case is *sub judice*.") It resembles Europe in the mediæval ages when people were burnt for their convictions,—because they believed in a certain way, they were burnt alive. Nowadays if they are not burnt alive, they are shot down, for their convictions. We cannot allow this state of things to go on in the country, however laudable the object may be behind the movement. It takes away the sympathy of people when they find that the men in charge of the movement misapply their sentiments and resort to violence. I submit that the Bill before us cannot be a remedy for the state of things which prevails at the present juncture.

When the Leader of the Opposition moved that the motion for the release of political prisoners should be adjourned *sine die*, he did so because he wanted to produce a calm atmosphere in the country for the peace negotiations now going on. I thought that a similar motion would come from him on this occasion also. This is not the time when we may discuss controversial measures. We want to discuss this coolly, in a calm atmosphere and we want to have also the opinions of High Courts and the various political associations, bar associations and so on. That is the object of the amendment of my friend Mr. Anklesaria. We want to know the opinions of people who are engaged in administering the Act, the Local Governments, the High Courts, and so on. There is no hurry at present. We can wait for a few months more. By the 31st August when we shall get all the opinions, the House will be in full possession of all the opinions, and then we can alter or amend the law as we think fit. I am very sorry that I cannot support the motion for Select Committee. I would have supported the motion if the Bill was for improving the existing law, but I am convinced that, instead of improving the law, this Bill will spoil it.

Mr. S. C. Mitra: Change it in the Select Committee.

Mr. Muhammad Yamin Khan: The Select Committee cannot alter the two principles contained in the Bill. We do not want dilatory action. We want urgent action to be taken at once. Instead of putting on an extra sub-section, the section itself can be amended to suit the Mover's point of view. My Honourable and learned friend will be well advised if he would support the amendment of my friend Mr. Anklesaria. After receiving the opinions of the various bodies we will be in a better position to vote upon this motion. We should not be guided by the views of a few persons in the Select Committee, however eminent they may be. We require the experiences of a wider range of people. Therefore I would support the motion of my friend Mr. Anklesaria.

(At this stage Mr. Studd rose in his place.)

Mr. President: I should like to ask Mr. Studd how long he proposes to take. If he is going to speak at some length, I would ask him to reserve his remarks to the next meeting.

Mr. B. Studd (Bengal: European): I shall only take about 5 or 10 minutes.

Mr. President: In that case, please proceed with your remarks.

Mr. E. Studd: Sir, I have listened with close attention to the speech of the Mover of this Bill and of those who supported him. Sir Abdur Rahim in his speech admitted that there was certainly a necessity for some weapon of this kind in the hands of authorities to deal with the urgent possibility of disorders, but he gave two reasons for supporting the amendment of section 144, which has been put forward. The first of these reasons was that he was afraid, in its present wide terms, that in the near future when autonomy actually came into being it might be misused by the political party at the moment in power to suppress the political activities of their opponents. Sir, I am very loath to believe that he could really think that any political party would attempt to use this section deliberately in order to suppress perfectly legitimate activities of their political opponents, and I am equally loath to believe that even if they wished to do so, they would be able to persuade the Magistrates concerned that that was proper and fitting use of this section. The second reason was that as it stands at present it interferes with legitimate political activities. Sir, it is very easy to be wise after the event and to say in the light of further knowledge that it was unnecessary to have applied this section, but I submit that the decision of the Magistrate has to be made on the facts known to him at the time. It might easily be said afterwards that he need not have taken action, although he may have been perfectly justified in the action he took on the facts which were before him; and even if afterwards it might appear not to have been necessary, who can say that a breach of the peace might not have occurred if no action had been taken? At the present time, there is in the country an element of disorder, an element anxious to take every opportunity of flouting Government and creating disorders; and therefore it seems to me that what in times of tranquillity might be perfectly legitimate activity, can quite well be considered, under the inflammable influences which are unfortunately existing today, to be a danger which may lead to disorder, and therefore may be justly treated under section 144 now, whereas in times of tranquillity such action might not be justified. Sir, the Magistrates and the police have an extremely thankless and difficult task to perform ("Hear, hear"), and I for one am full of admiration of the restraint, the discipline and the high sense of duty which they have exhibited in the performance of that difficult task. ("Hear, hear.") (*Some Honourable Members:* "Question".) Therefore it seems to me, Sir, that we should be very careful not to do anything which might make that task still more difficult, which might make them feel that they have not got our confidence and our admiration for the way they are fulfilling that task. ("Hear, hear.") I feel, Sir, that the very foundation of the Bill which has been proposed is the misapplication of section 144. Now if that be so, it means there is no inherent vice in that section, but that the Magistrate or Magistrates who apply it wrongly do not know their business. Therefore, it seems to me that the proper remedy is not to amend the section, but rather to attempt to improve the quality of the authority who has to apply that section. Therefore I submit that if there is a feeling that the section has been largely misapplied, the proper remedy is to insist upon seeing that the people who have to apply it are properly qualified. Sir, I therefore oppose the Bill. (Applause.)

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th February, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 17th February, 1931.

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

MEMBERS SWORN:

Mr. K. C. Neogy, M.L.A. (Dacca Division: Non-Muhammadan Rural); Sir Cowasji Jehangir, K.C.I.E., O.B.E., M.L.A. (Bombay City: Non-Muhammadan Urban); Nawab Sir Sahibzada Abdul Qaiyum, K.C.I.E., M.L.A. (Nominated Non-Official); and Mr. Albert Melville Hayman, O.B.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

†501*

CLASSIFICATIONS FOR THE CENSUS.

502. ***Mr. Bhuput Sing:** Will Government be pleased to state:

- whether in connection with the present census immediate instructions have already been sent out to all places in British India, so that Jains, Sikhs, Brahmos, Buddhists, and Arya Samajists may, on request, be classified also as *Hindus*;
- what interpretation have they to give to the term "literate" so far as the present census operations go; and
- whether a Pandit or a Maulvi, versed either in Sanskrit or Arabic will be described as *literate*, even when he cannot read and write English?

The Honourable Sir James Ormer: (a) The Honourable Member is referred to the reply which I gave to Mr. Gaya Prasad Singh's question No. 86 on the 27th January, 1931.

(b) The term "literate" as used for census purposes means able to read and write a letter in any language.

(c) The answer is in the affirmative.

RECRUITMENT OF INDIAN EXAMINERS OF RAILWAY CARRIAGES.

503. ***Mr. Bhuput Sing:** Will Government be pleased to state:

- whether considerable attempts were made by the Government of India last year to recruit a couple of Indians studying in the United Kingdom as examiners of trucks, coaches, and carriages for some of the State Railways;
- if the answer to part (a) be in the affirmative, whether their efforts met with any success;
- the sort of efforts that were made by the High Commissioner for India to find out two such men from among the lot of Indians who were then taking special training in the railways in the United Kingdom; and

† This question was withdrawn by the questioner.

- (d) what attempts have since then been made by Government to train Indians as examiners of railway vehicles, either in this country or abroad?

Mr. J. A. Shillidy: (a) The Honourable Member is presumably referring to Assistant Engineers (Inspection, Wagons) such as are employed in the Indian Stores Department. As the efforts of the Public Service Commission to find suitable candidates in India for these posts had proved unsuccessful, the High Commissioner for India was asked to recruit two new officers from the United Kingdom, one in 1929 and another in 1930, and to give preference to suitably qualified Indians, if available.

(b) The High Commissioner was able to recruit only one officer, who is a European.

(c) The vacancies were extensively advertised by the High Commissioner in the general and technical Press and also notified to the various University Appointments Boards, to the General Managers of the Railway Groups and to a large number of leading firms concerned with the manufacture of rolling stock.

(d) On the recommendation of the Public Service Commission, an Indian has been appointed as a Probationary Assistant Engineer (Inspection) in the Indian Stores Department for a period of one year, and is now under training in wagon inspection. Indian subordinates are also being trained in wagon inspection work, and one such subordinate has been recently promoted to gazetted rank as an experimental measure.

NUMBERS AND COST OF BRITISH AND INDIAN SOLDIERS AND OFFICERS.

504. *Mr. Bhuput Sing: Will Government be pleased to state:

- the annual cost of a British soldier before the War and at present;
- the cost of an Indian soldier before the War and at present;
- the annual cost of a British officer before the War and at present;
- the number of British officers kept in excess of requirements in 1929-30;
- the heads or items of military expenditure that have been transferred to the civil; and
- the numbers of British and Indian Commissioned officers in the Indian Army in 1929-30?

Mr. G. M. Young: (a) Rs. 805 and 1,237, respectively.

(b) Rs. 229 and 433, respectively.

(c) The average annual cost of a British regimental officer of the Indian Army, taking all ranks upto and including a Lieutenant-Colonel of 80 years' service, was Rs. 9,128 before the war and is 14,444 now.

(d) None, Sir.

- (e) Since 1922-23, the following items of expenditure have been transferred from the military to the civil estimates:

	Rs.
(1) Establishments of the Deputy Financial Adviser, Royal Air Force, and the Budget Section of the Military Finance Branch	85,000
(2) Charges for the Nepal Escort	49,000
(3) Charges for the Perim Light House and coal depots at Basidu and Bushire	24,000
Total	1,58,000

(f) On the 31st December, 1930, there were 3,062 British officers, 102 Indian officers holding the King's Commission, and 4,027 Indian officers holding the Viceroy's Commission.

NUMBER OF PASSENGERS ENTRAINING AND DETRAINING AT AZIMGANJ.

505. *Mr. Bhuput Sing: Will Government be pleased to state:

- the number of first and second class passengers that entrained and detrained at Azimganj City and Azimganj Junction, respectively in 1929-30; and
- the number of intermediate and third class passengers that entrained and detrained at Azimganj City and Azimganj Junction, respectively in 1929-30?

Mr. A. A. L. Parsons: A statement is being sent to the Honourable Member.

THE CO-OPERATIVE SOCIETY OF THE TELEGRAPH DEPARTMENT, PUNJAB CIRCLE.

506. *Mr. Muhammad Azhar Ali: (a) Will Government please state whether the Co-operative Society, Telegraph Department, Punjab Circle, Limited at Lahore, has any mofussil branches incorporated in it; if so, in what places?

(b) Have any officer-bearers of the above Society at Lahore—paid or otherwise compensated—held office for more than three years consecutively; if so, (1) who and (2) for how long?

(c) How long has the present Treasurer of the above Society held office continuously; (1) how long has he been attached, in his official capacity, continuously, to the Central Telegraph Office, Lahore; (2) is there an official bar of limitation in either case aforementioned?

(d) Are applications for loans to the Society, afore-named, always submitted by members through the heads of their respective offices or administrations? If so, is payment by the Society made in the same inverse order through heads of offices and administrations concerned? If not, why not?

(e) Is it, or is it not a fact that the Treasurer of the above Society has not been remitting the actual amounts, due on loans, directly, to several members, as mentioned or sanctioned in their loan applications?

(f) Is it not a fact that loan applications by prospective member-debtors to the Society are discharged and also *post-receipted* prior to submission for acceptance by the said Society, even before considerations of sanction or rejection are taken up by the Society's officials? If so, has this important consideration been taken into account by the Society's auditors for the last three years under audit, and payments or Society's actual disbursements therefore verified in each case with remittances actually made against forwarding drafts? If not, why not?

(g) If payments to members for three calendar years, ending the 31st December, 1930, are not actually in accordance with loans asked for or sanctioned, are Government prepared to institute, immediately, a regular inquiry into the matter; and will Government state, specifically, the evident gross shortage detected in payments made by the Society during the parallel period indicated above at least?

(h) Are Pass Books issued to every member of the Society? If not, why not?

Mr. H. A. Sams: (a) to (h). The Honourable Member appears to have been misled by the name of the Society as to the actual position of the Posts and Telegraphs Department in regard to it. While it is true that the Society is composed of members of the telegraph service, with the Postmaster-General, Punjab, as *ex-officio* President, its members elect their own office-bearers and its business is conducted without reference to the Posts and Telegraphs Department by a Managing Committee also elected. The Registrar, Co-operative Credit Societies, Punjab, acts as a general adviser to the Society and arranges for the audit of its accounts, and I would suggest that if the Honourable Member desires to pursue his interrogations, he should do so in direct communication with that officer, since Government are not in a position to reply to them.

ESTABLISHMENT OF DISTRICT AND MUNICIPAL BOARDS IN PESHAWAR.

507. ***Khan Bahadur H. M. Walayatullah:** (a) Is it a fact that in July, 1930, the Government were pleased to promise the immediate establishment of District and Municipal Boards in Peshawar and elsewhere in the North West Frontier Province?

(b) If so, will Government be pleased to state what action has been taken in this direction during the last seven months?

(c) When will the election of members for the District and Municipal Boards take place?

(d) Have the Government formed wards for election purposes?

(e) How many wards have been formed for the Peshawar Municipality and how many District Boards have been formed in the North West Frontier Province?

(f) Will the non-officials be in a majority in these bodies?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) It was announced in July last that the District and Municipal Boards in the North West Frontier Province would be reconstituted as early as possible.

(b) The time which has elapsed since last July has been occupied in essential preliminaries, *viz.*, the prescription of franchise and membership qualifications, the formation of wards and the preparation of electoral rolls.

(c) and (f). The Honourable Member is referred to the reply given to starred question No. 333 asked by Dr. Ziauddin Ahmad in this House on the 3rd of this month.

(d) and (e). The Honourable Member is referred to the Press communiqué issued by the Chief Commissioner, North West Frontier Province, a copy of which has been placed in the Library of the House.

SCHEME FOR THE INDIANISATION OF THE ARMY.

508. ***Mr. S. C. Mitra:** (a) Was there any scheme prepared by the late Lord Rawlinson about the Indianisation of the Army?

(b) Was it ever placed before the Executive Council of the Governor General?

(c) Was it discussed by the Executive Council and sent up to the Secretary of State for consideration?

(d) Was it considered by the War Office?

(e) Is it not a fact that it was turned down by the War Office?

(f) Is it not a fact that the said scheme was not placed before the Sandhurst Committee? If not, why not?

(g) Is it not a fact that the scheme prepared by the late Lord Rawlinson was laid before the Army Sub-Committee of the Round Table Conference, along with the Sandhurst Committee's Report?

(h) Is it not a fact that it transpired that the scheme of the late Lord Rawlinson was never placed before the Sandhurst Committee?

(i) Will Government please inform the House who was responsible for this?

(j) Is it not a fact that the opinion of the Secretary for the Army was taken as to the desirability of placing the Rawlinson Scheme before the Sandhurst Committee; if so, will Government be pleased to inform the House, what that opinion was?

(k) Will Government be pleased to lay on the table now the scheme of Lord Rawlinson or the scheme known as the "Lawrence Scheme"?

Mr. G. M. Young: (a) I would refer the Honourable Member to the answer which I gave on the 29th January, 1931, to Mr. Gaya Prasad Singh's starred question No. 208. A Committee of military officers was appointed in 1921, by the then Commander-in-Chief, Lord Rawlinson, to prepare a detailed scheme for the Indianization of the Indian Army. The Committee reported on the 11th January, 1922.

(b) and (c). Yes.

(d) The scheme was no doubt examined departmentally in the War Office, as well as the India Office, in the course of its consideration by His Majesty's Government.

(e) The decision to reject the scheme was taken by His Majesty's Government as a whole.

(f) The scheme was not placed before the Indian Sandhurst Committee. There is nothing on record to show whether the question of placing it before that Committee was considered; and I am therefore unable to say exactly what the reasons were.

(g) A summary of the scheme was circulated, as a confidential paper, to the Members of the Defence Sub-Committee of the Indian Round Table Conference last month, and has since been communicated to the Government of India. A summary of the Indian Sandhurst Committee's Report was also circulated to the Defence Sub-Committee.

(h) Yes.

(i) The Government of India of the time.

(j) The answer is in the negative. The last part of this question does not arise.

(k) I lay on the table the summary which was circulated to the Defence Sub-Committee. Government have no knowledge of any scheme called the "Lawrence Scheme".

Summary of a scheme of Indianization prepared in 1921-22, by a Committee of military officers appointed by the Commander-in-Chief (Lord Rawlinson). Circulated to Members of the Defence Sub-Committee of the Indian Round Table Conference.

The Committee have regarded it as axiomatic:

- (a) That the efficiency of the Army as an instrument of war must be maintained.
- (b) That a definite standard of efficiency must be laid down.
- (c) That the authority to determine this standard of efficiency must be the Commander-in-Chief acting in accordance with the policy of Government.
- (d) That the military authorities must be the sole judges of the fitness of candidates for commissioned rank.
- (e) That the military authorities must be the sole judges of the progress in efficiency of Indianized units.
- (f) That the scheme of Indianization must be so framed as to ensure that its development shall provide a real and fair test of the fitness of Indians for command in the several ranks and of the fitness of Indianized units for war.

The Committee recommend therefore, that the complete Indianization of all arms and services (excluding Gurkhas for whom special arrangements will be necessary) of the Indian Army be carried out in three definite stages, each of 14 years, commencing from 1925:

- (a) First period: 1st to 14th year.
- (b) Second period: 15th to 28th year.
- (c) Third period: 29th to 42nd year.

This was reconsidered and modified to:

- (a) First period: 1st to 14th year.
 - (b) Second period: 15th to 28th year.
 - (c) Third period: 24th to 30th year.
- i.e., a total of 30 years.

But the Committee felt strongly that they would fail in their duty if they did not record their opinion that it is quite impossible at present to guarantee that it will be possible to provide this very large number of educated, trained and experienced officers in a shorter time than that originally recommended by them, i.e., of 14 years each or 42 years in all.

They recommend that during the first period of fourteen years:

- (a) One regiment per group of cavalry, one battalion, per group of infantry, and a corresponding proportion of other services be selected for Indianization.
- (b) The average number of commissions in fighting formations in the Indian Army to be given to Indians in each year should amount to approximately 81—vide Appendix I.
- (c) The establishment of a Cavalry Regiment and Infantry battalion and a Pioneer battalion selected for Indianization be fixed at 28 officers.
- (d) The establishment of a pack battery selected for Indianization be fixed at 6 officers.
- (e) The establishment of Engineer units selected for Indianization be fixed as under:

Headquarters companies	3 per company.
Field companies	6 per company.
Field troops	4 per troop.
Railway companies	7 per company.
Army Troops companies	7 per company.

- (f) The number of officers to be posted to the Quartermaster-General's services be approximately 148.
- (g) The number of officers to be posted to the Indian Army Educational Corps be approximately 54.

The officers will be posted to units as follows:

- (a) Cavalry, infantry and pioneers: Two Indian officers would enter each such unit yearly displacing one British officer and Indian officer as at present commissioned.
- (b) Artillery: One Indian officer would enter each battery biennially (every second year) displacing either one British officer or one Indian officer as at present commissioned.
- (c) Engineer Units: Indian officers would enter engineer units as follows:
 - (i) Headquarters companies: One officer every fourth year.
 - (ii) Field companies: One officer every second year.
 - (iii) Field troops: One officer every third year.
 - (iv) Railway and Army Troops companies: One officer every second year.

This officer would displace either one British or one Indian officer commissioned at present.

In this way, after twelve years, all British officers in 7 cavalry regiments, 20 infantry battalions, 3 Pioneer battalions, 6 Pack batteries, 1 Headquarters Company, Engineers, 6 Field Companies, Engineers, 2 Field Troops, Engineers, 1 Railway Company, and 1 Army Troops Company undergoing Indianization would have disappeared and such units would be completely officered by Indians.

The Committee further recommend that, with a view to ensuring the necessary supply of military qualified officers for the Quartermaster-General's and Educational services, a number—approximately 16—Indian officers should be appointed annually and posted as supernumeraries one to each of certain selected units undergoing Indianization.

The Committee think that it will be necessary ultimately to post Indian officers to units irrespective of class, but they are of opinion that the point is not one upon which a definite decision can now be given and that experience gained during the progress of Indianization will alone indicate the course to be followed with a view to reconciling the requirements of military efficiency and possible class feeling.

It is recommended that during the second period the numbers of commissions to be given annually should be increased to approximately 182, and this should provide for the Indianization of the following units:

Cavalry regiments	7
Infantry battalions	40
Pioneer battalions	3
Pack batteries	6
Engineer units—	
(i) Headquarters companies	2
(ii) Field companies	6
(iii) Field troops	1
(iv) Army troops companies	2

Together with a proportion for the Quartermaster-General's and Educational services, and an allowance for wastage among first period officers.

The remaining units of the Indian Army would be Indianized during the third period—which if justified by experience might be shortened.

The Committee recommend that all ancillary services be Indianized on the same lines as the fighting troops.

APPENDIX I.

- (i) Number of King's Commissions to be granted, by periods with average number to be granted annually.
(ii) Grand total King's Commissions.

(i) Number of King's Commissions granted during each period:		Officers.
(a) First period—		
(i) Fighting Troops		937
(ii) Q. M. G. Services		148
(iii) I. A. Educational Corps		54
	Total	1,139
Average annually		81.4
(b) Second period—		
(i) Fighting Troops		1,966
(ii) Q. M. G. Services		444
(iii) I. A. Educational Corps		137
	Total	2,547
Average annually		182
(c) Third period—		
(i) Fighting Troops		2,561
(ii) Q. M. G. Services		481
(iii) I. A. Educational Corps		136
	Total	3,178
Average annually		227

- (ii) Grand Total: King's Commissions—

	Officers.
(a) First Period	1,139
(b) Second Period	2,547
(c) Third Period	3,178
Grand Total	6,864

N.B.—1. Corps of Signals whose numbers are relatively small have not been taken into consideration.

2. The Tank Corps, whose numbers also will probably be small and which are yet undetermined has not been taken into consideration.

Dr. Ziauddin Ahmad: Will Government be pleased to circulate that summary report among the Members of the Assembly?

Mr. Gaya Prasad Singh: It is laid on the table.

Dr. Ziauddin Ahmad: Is it laid on the table?

Mr. Gaya Prasad Singh: Yes.

MEETINGS OF ADVISORY COMMITTEES.

509. ***Mr. S. C. Mitra:** (a) Will Government please state, year by year, on how many occasions the Advisory Committees in the Home, Commerce, Industries and Labour, and Education, Health and Lands Departments met since their creation in 1922?

(b) On how many occasions the Advisory Council for Railways met since 1924?

(c) On how many occasions the Advisory Publicity Committee met?

The Honourable Sir James Orerar: The information asked for is being obtained and will be supplied to the Honourable Member in due course.

Mr. S. C. Mitra: Will it be placed on the table of the House for the information of the whole House?

The Honourable Sir James Orerar: I will consider after it is obtained whether it is of such a character that it can usefully be placed on the proceedings of the House.

Mr. S. C. Mitra: Mr. President, I think it is a question for the House. It does not lie with the Honourable Member to say whether it would be placed on the table of the House or not. It is a question of the rights of Members of the House.

Mr. President: I should like to state that when a question is asked in the Assembly, every Member of the Assembly is entitled to know the answer. (Hear, hear.)

REPORT ON THE CLASSIFICATION OF STORES ACCOUNTS.

510. ***Mr. S. C. Mitra:** (a) Will Government please state if they received the detailed interim report to be ready early in February" promised by the Controller of Railway Accounts, to the Public Accounts

Committee about the classification of Store Accounts of the East Indian Railway?

(b) If so, when is it likely to be supplied to the Members?

The Honourable Sir George Schuster: The Report is in the press and copies will be supplied to members of the Public Accounts Committee as soon as possible after the Committee is constituted.

REPORT ON THE GRIEVANCES OF CURRENCY OFFICE STAFF.

511. ***Mr. S. C. Mitra:** Will the Honourable the Finance Member please inform the House of the result of the enquiry of the Jukes' Committee that was appointed on representation by a delegation of some Members of the Assembly, last winter, to report about the grievances of the Currency Office staff and their comparative inferior scale of pay? When was the enquiry made? Will the report be laid on the table?

The Honourable Sir George Schuster: I would refer the Honourable Member to the reply given on the 3rd February, 1931, to Mr. N. R. Gunjal's starred question No. 328. On account of Mr. Jukes having had to act as Finance Secretary and Finance Member, Mr. J. C. Nixon, I.C.S. (formerly Accountant General, Bombay), presided over the Committee, the members of which were Mr. A. G. Gray, Manager of the Bank of India Limited, and Mr. S. N. Pochkhanawala, Managing Director, Central Bank of India Limited. The Committee met in November last. A copy of their Report has been placed in the Library of the House. The Report has already been published in the All-India Currency Union Bulletin.

REDISTRIBUTION OF STATE RAILWAY AREAS.

512. ***Mr. S. C. Mitra:** (a) Do Government contemplate redistributing the State Railway areas which are now worked in spheres, as it existed during the Company-management, into more convenient divisions.

(b) Have Government considered the question of curtailing expenditure by placing the headquarters in Calcutta of the East Indian and Eastern Bengal Railways under one management and taking similar steps wherever possible?

Mr. A. A. L. Parsons: (a) The reply is in the negative.

(b) Government consider that the East Indian Railway, which carries the heaviest traffic of all the Railways in India, is quite large enough a unit to work efficiently without adding to it the Eastern Bengal Railway.

They also consider that the present distribution is probably as economical as one as can be devised in the existing circumstances. When further Companies' Railways come under direct State management, it may be possible and necessary, in the interests of economy, to make certain redistributions between Railways. This question will be considered by Government when the position arises.

Dr. Ziauddin Ahmad: Is the present arrangement more economical than the administration according to provinces?

Mr. A. A. L. Parsons: I am afraid I am quite unable to answer that question except to say that I do not think a distribution according to the provinces would be feasible.

Dr. Ziauddin Ahmad: The word "economical" is a comparative term and I think that the present arrangement is not so economical as the other one.

ROUTE OF THE "BLUE EXPRESS".

513. ***Mr. S. C. Mitra:** (a) Will the Honourable Member in charge of Railways please state why the East Indian Railway Howrah-Delhi Express known as the "Blue Express" does not now pass through the Agra-Muttra line? Is it not a shorter route?

(b) Is it due to any difficulty that the Agra-Muttra portion of the line is under the management of the Great Indian Peninsula Railway Agent? Was there any difference between the two managements on this question?

(c) Was it not convenient that the passengers could get down at the New Delhi Station also?

Mr. A. A. L. Parsons: (a) and (b). The Agent of the East Indian Railway reports that since the 1st September, 1930, this train has been running via the main line between Tundla and Delhi instead of via the Agra-Delhi Chord line, the former route being some seven miles shorter. The Agent explains that this has been done as the traffic for Agra and Muttra by this train did not warrant the additional cost of running it by the longer route.

(c) The halt at New Delhi station prior to the 1st September, 1930, no doubt afforded a convenience to some passengers.

ISSUE OF WEEK-END RETURN TICKETS ON THE NORTH WESTERN RAILWAY.

514. ***Shahk Fazal Haq Piracha:** (a) Is it a fact that the issue of week-end return tickets at concession rates has been discontinued on the North Western Railway?

(b) Will Government be pleased to state, under what circumstances the system of issuing week-end return tickets was begun, and for what reasons has that been discontinued now?

(c) Are Government aware that there is a great demand from the public for re-continuance of the issue of week-end return tickets at concession rates on the North Western Railway?

(d) Have Government considered this public demand and do Government propose to re-continue the issuing of week-end return tickets at concession rates as before on the North Western Railway?

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

(b) The issue of week-end return tickets at reduced rates was introduced on the North Western Railway in the hope of stimulating passenger traffic sufficiently to lead to increased earnings. As this hope has not been realized, these tickets have been discontinued.

(c) The demand has unfortunately not been sufficient to justify the continuance of the experiment.

(d) Government do not consider that this is a matter for their interference. Railway Administrations are in the best position to determine to what extent such facilities may be justified.

[17TH FEB. 1931.]

APPOINTMENT OF A MUHAMMADAN AS OFFICE SUPERINTENDENT OF THE
OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

515. ***Shaikh Fazal Haq Piracha:** (a) Will Government be pleased to state how many times, for how many years and under what circumstances can an extension be granted, after the compulsory age of retirement in the Postal Department under the Fundamental Rules?

(b) Have any extensions been given to the present office Superintendent of the Postmaster General's office, Punjab, after he attained the compulsory age of retirement? If so, how many times and for how many years?

(c) If the reply to part (b) above be in the affirmative, will Government please state the special reasons for justifying the grant of so many extensions to the said officer?

(d) For how long a period has there been a Muhammadan office Superintendent in the Postmaster General's office, Punjab, in the last thirty years?

(e) If never a chance was given to a Muhammadan for the last so many years to work as an office Superintendent in the Postmaster General's office, are there any special reasons for that?

(f) Are Government aware that the holding of the post of the office Superintendent by a non-Muslim officer continuously for more than 30 years has caused great discontent among the Muslims? What action do Government propose to take in the matter and when?

Mr. H. A. Sams: (a) I would refer the Honourable Member to Fundamental Rule 56.

(b) No.

(c) Does not arise.

(d) For about 2½ years.

(e) Does not arise.

(f) From the questions recently put in this House, it would appear that an agitation is on foot in this respect. Government do not propose to take any action as the post of Office Superintendent is ordinarily filled by promotion, not by outside recruitment. I may add for the Honourable Member's information that some of the Muslims who would have been eligible for the post of the Office Superintendent, Postmaster General's office, and would have continued there, left that office on being appointed Superintendents of Post Offices, carrying better pay and prospects than those of the Office Superintendent of the Postmaster General's Office. Had they not left the Circle Office, there would have been a Muslim who would have held the post of Office Superintendent from 1902 to 1930.

MUSLIM REPRESENTATION IN THE POSTS AND TELEGRAPHS DEPARTMENT.

516. ***Shaikh Fazal Haq Piracha:** (a) Has the attention of Government been invited to an article in the *Muslim Outlook*, Lahore, dated 15th January, 1931, regarding the deplorable condition of Muslim representation in the Posts and Telegraphs services?

(b) Will Government be pleased to place on the table of the House the figures of the clerical recruitment in the Posts and Telegraphs Departments made during the last three years, showing the number and percentage of the recruits from different communities in different Divisions in the Punjab and North West Frontier Province, in the Lahore Head Office, in the Lahore R. M. S. Division and in the Punjab Circle office?

(c) In case the percentage of the Muslims so recruited falls short of what it should be in accordance with the instructions issued by Government, vide the answer given to my starred question No. 202 on the 29th January, 1931, do Government propose to consider the advisability of making an inquiry as to why Government instructions have not been brought into effect?

Mr. J. A. Shillidy: With your permission, Sir, I will answer questions Nos. 516 and 518 together. Government have seen the article in the *Muslim Outlook* but not the one in the *Siyasat*. With regard to the complaint of inadequate representation of Muslims, the Honourable Member's attention is drawn to the reply given by the Honourable Sir Bhupendra Nath Mitra to Mr. Anwar-ul-Azim's starred question No. 330 in the Legislative Assembly on the 30th January, 1929.

As regards the clerical recruitment, Government do not possess the information in detail, as asked for by the Honourable Member, but I am sending him separately a statement giving the information in respect of the years 1928 and 1929 which is available, relating to the Punjab and North West Frontier Circle as a whole, from which he will see that more than one-third of the recruits during the two years in question were Muslims, and that the orders of Government have been followed.

Dr. Ziauddin Ahmad: Is the rule of the minorities applied to the Muslims in the North West Frontier Province as well?

Mr. J. A. Shillidy: I should like to have notice of that question. But I understand that we do not necessarily depend simply on questions of population.

Maulvi Muhammad Yakub: Will Government be pleased to say if there has been any change of heart in the Department of Industries and Labour since 1929 when the Honourable Sir Bhupendra Nath Mitra replied to the question?

Mr. J. A. Shillidy: It is a very difficult thing to say whether there has been a change of heart. It would require a major surgical operation to find out.

Dr. A. Suhrawardy: Has it any heart at all?

Mr. K. Ahmed: In view of the fact that the solemn declaration was made in the month of December 1925 by His Excellency the then Viceroy, Lord Reading—and it was a solemn declaration—that the Muslims thenceforward would be given not less than 33 per cent. of the ministerial appointments under the Government of India, have any rules been framed for their benefit and for the truthfulness of that declaration, and to satisfy the people of India and why is it that during the régime of the Honourable Sir Bhupendra Nath Mitra and the present Viceroy, Lord Irwin, this sort

of thing is being done? If the answer is not satisfactory, will they kindly explain their conduct in the matter of the solemnity of the promise given by His Excellency Lord Reading?

Mr. S. C. Mitra: Will you kindly repeat the question?

Mr. K. Ahmed: I will not start a school for the benefit of the Honourable Member. Sir, I want an answer and if the Honourable Member in charge or any other Honourable Member will kindly satisfy me, we shall be very much obliged to them.

Mr. J. A. Shillidy: Sir, I think the Honourable Member made a speech and I am not sure whether he asked a question.

Mr. K. Ahmed: If the Honourable Member has been sufficiently long here to study the rules and Standing Orders of this Assembly, I ask him to kindly exercise his ability to answer the question. If he does not, Sir, I take it for granted that the Honourable Member does not follow the rules of this Assembly.

Mr. J. A. Shillidy: Sir, I do follow the rules. I understand that under the rules questions containing inferences and asking for expression of opinion are not in order.

Mr. K. Ahmed: Is it an inference or is it a solemn promise made?

Mr. President: I should like the Honourable Member to put his question specifically.

Mr. K. Ahmed: Is it or is it not a fact that His Excellency the Viceroy, Lord Reading, in the year 1925, in the month of December, from Belvedere, Calcutta, made a solemn promise and declaration that the Muhammadans appointed in the ministerial offices of the Government of India in future would by no means be less than 33 per cent.?

Mr. J. A. Shillidy: I am afraid the Honourable Member has been so busy constructing his speech that he has not worried to listen to my answer. I said that so far as the information was available I would give the Honourable Member that information relating to the Punjab and the North West Frontier Circle as a whole, from which he would see what apparently the Honourable Member did not hear, that more than one-third of the recruits during the two years in question were Mussalmans and that the orders of the Government have been followed.

EMPLOYMENT OF MUSLIMS IN THE APPOINTMENT SECTION OF THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

517. *Shaikh Fazal Haq Piracha: (a) Is it a fact that the Assistant Postmaster General in charge of the Appointment Section of the Postmaster General's Office, Punjab, and the Head Clerk of the Section dealing with the recruiting staff are non-Muslims?

(b) Are Government aware that in consequence of the Muslims being the largest community in the Punjab and the North West Frontier Province and in consequence of the difficulties experienced by Muslim candidates

for appointment in the said Department in the Punjab and the North West Frontier Province there is a demand from the Muslim community there for Government's appointing Muslims to the recruiting posts referred to in part (a) above?

(c) What steps do Government propose to take in connection with the Muslim demand referred to in part (b) above?

Mr. J. A. Shillidy: (a) Yes.

(b) and (c). Yes, but it is perhaps not understood that the incumbents of the two posts have no powers in respect of recruitment.

EMPLOYMENT OF MUSLIMS IN THE RAILWAY MAIL SERVICE AT LAHORE.

†518. *Shaikh Fazal Haq Piracha: (a) Has the attention of Government been drawn to an article published in the *Siyasat*, Lahore, dated the 30th May, 1930, dealing with the inadequate number of the Muslim employees in the Railway Mail Service Division, Lahore?

(b) Were any enquiries made by Government in connection with the grievances stated in the article referred to in part (a) above? If so, with what result?

UNSUITABILITY OF THE RATE CONTRACT SYSTEM FOR TENDERS FOR STORES FOR THE INDIAN STORES DEPARTMENT.

519. *Mr. Bhuput Singh: (a) With reference to the reply given to starred question No. 158 on the 28th January, 1931, will Government be pleased to state whether in the schedules to the tender forms in use in 1927-28, 1928-29, 1929-30 and 1930-31 the Indian Stores Department mentioned the quantities of the articles for the purchase of which tenders were called for?

(b) Is it a fact that in 1927-28, 1928-29 and 1929-30 the Indian Stores Department used to combine the approximate requirements of a number of indentors with a clause in the condition of the contracts for an increase or decrease of 25 per cent. of the approximate quantity used to be specified in the schedule to the tender? If so, will they be pleased to state the reasons why the same procedure is not possible in 1931-32?

(c) With reference to the reply to part (b) of starred question No. 158 on the 28th January, 1931, will Government be pleased to state how it was possible for the Indian Stores Department to get a correct forecast of the quantities in the years 1927-28, 1928-29, 1929-30 and 1930-31?

(d) Will Government be pleased to state the reasons why the Indian Stores Department found it difficult only in 1931-32 to get an accurate forecast of the quantities?

(e) With reference to the reply to part (c) of starred question No. 158 on the 28th January, 1931, are Government aware that in the system of rate contract the manufacturers remain unaware of the quantities that may be required of the article during the period of contract?

(f) Are Government aware that the tenderers in the absence of any approximate quantities required cannot in their turn make contracts for the supply of raw materials required for the manufacture of the articles?

† For answer to this question, see answer to question No. 516.

If not, do they propose to enquire into the matter from the Indian manufacturers? If not, why not?

Mr. J. A. Shillidy: (a) I regret that my reply to starred question No. 158 on the 26th January, 1931, did not fully explain the position. The schedules to the tender forms issued by the Indian Stores Department for paints and varnishes during the years 1927-28, 1928-29 and 1929-30 did not specify any definite quantities to be purchased, nor did they specifically provide for the purchase from the successful tenderer of any maximum or minimum quantities.

Tenderers were invited to quote their prices for the supply of any quantities which might be requisitioned within the range of the scales mentioned in the schedules.

As explained in my answer to part (b) of starred question No. 158, for the year 1930-31 a form of running contract was introduced. The schedule to the tender form issued during the year was similar in form to that issued with the invitations to tender during the years 1927-28, 1928-29 and 1929-30, but the general conditions of contract issued in 1930-31 were those adopted for running contracts.

(b) The approximate requirements of indentors in so far as known to the Indian Stores Department are ordinarily combined. No clause providing for an increase or decrease of 25 per cent. of the approximate quantities was included in the Conditions of Contracts issued with invitations to tender for paints and varnishes in the years 1927-28, 1928-29 and 1929-30.

(c) It was not possible for the Indian Stores Department to get a correct forecast of the quantities in any of the years mentioned by the Honourable Member.

(d) The difficulty of obtaining an accurate forecast of quantities existed in 1931-32 as in the previous years.

(e) When contracts are awarded, the successful tenderers are informed of the approximate requirements at that time notified to the Indian Stores Department by indenting officers. They are also informed that any further requirements which may be received subsequent to the date of placing the contract and during the currency thereof will be requisitioned from them.

(f) I have explained, in answer to part (e), that at the time of placing contracts, the successful tenderers are informed of the approximate quantities of materials likely to be requisitioned against their contracts, and they can, therefore, arrange for the supply of raw materials required for the manufacture of the articles. It is considered that this system places at the disposal of Indian manufacturers the most reliable information available on which to base their arrangements for supply of raw materials. Government do not propose to enquire into the matter, but any suggestions or representations received from Indian manufacturers will receive very careful consideration.

ALLEGED VIOLATION OF A CONTRACT FOR THE SUPPLY OF WHITE ZINC PAINT.

Mr. Bhuput Sing: Is it a fact that in 1930-31 while the running contract for the supply of ready mixed white zinc was in force with

Messrs. Arnhold and Company, for supply to the Bombay Circle, the Indian Stores Department purchased several hundredweights of that material from a stockist in Karachi? If so, will they be pleased to state the reasons for violating the terms of the running contract in force in 1930-31 with Messrs. Arnhold and Company?

Mr. J. A. Shillidy: During 1930-31 the Indian Stores Department received a demand for ready mixed white zinc paint which owing to the urgency of the demand necessitated a purchase from suppliers who had ready stocks in Karachi. As the contractors, Messrs. Arnhold and Company, had no stocks of the paint in Karachi at that time, and as there was not sufficient time to wait until supply could be made from Bombay, the purchase was made from a supplier who was able to supply from stock.

ALLEGED IRREGULAR PURCHASE OF PAINT, AND ALLEGATIONS RE THE RATE CONTRACT SYSTEM FOR THE SUPPLY OF STORES.

521. ***Mr. Bhuput Sing:** (a) Is it a fact that a running contract was entered into by the Indian Stores Department with Messrs. Shalimar Paint and Varnish Works Ltd., in 1930-31 for the supply of paint oxide of iron dark genuine at Rs. 13-8-0 per cwt. F. O. R. Howrah?

(b) If so, will Government be pleased to state whether the same material was purchased from the same firm at Rs. 17-8-0 per cwt. F. O. R. Bombay while the running contract was in force with the above firm?

(c) If so, will Government be pleased to state the amount of loss incurred to the central exchequer owing to the payment of about Rs. 4 per cwt. extra for the purchase of the paint oxide of iron from a European firm?

(d) Will Government be pleased to state what action did they take against the officer or officers responsible for such a heavy loss to the exchequer? If they did not take any action, do they propose to do it now? If not, why not?

(e) Do Government propose to inquire into the matter? If not, why not?

(f) Is it a fact that the Indian Stores Department have changed the forms of running contract to that of rate contract in 1931-32? Are Government aware that in the system of rate contract the Indian Stores Department will be immune to purchase any quantity from any firm at the standardised rate accepted? What is the reason for introducing the rate contract system?

Mr. J. A. Shillidy: (a) to (e). The information is being collected and will be furnished to the Honourable Member in due course.

(f) I would refer the Honourable Member to the reply I gave on the 28th January, 1931, to part (b) of Mr. Nabakumar Sing Dudhoria's starred question No. 158.

STATEMENT OF QUANTITIES REQUIRED IN CALLING FOR TENDERS FOR STORES.

522. ***Mr. Bhuput Sing:** With reference to the reply to part (c) of starred question No. 159 on the 26th January, 1931, will Government be pleased to state the reasons why the rough estimates of quantities (without

guarantee) based on the most accurate information available cannot be mentioned in the tender forms?

Mr. J. A. Shillidy: Rough estimates of quantities (without guarantee) can be given in the tender forms, but owing to the difficulty in obtaining even close approximations of quantities of paints and varnish likely to be demanded during the period of the contract, there is a great danger that such estimates would prove to be misleading to the tenderers. Furthermore, it is not known until tenders have been received and examined, whether contracts for any item will be apportioned between two or more contractors, thus affecting the quantity allotted to each.

APPOINTMENTS OF POSTAL SUPERINTENDENTS, ETC., IN THE POSTS AND TELEGRAPHS DEPARTMENT.

523. ***Pandit S. N. Sen:** (a) Is it not a fact that, based on the principles of examination, all appointments of Postal Superintendents and Inspectors are confined to passed men only and so are the appointments of Accountants and Assistant Accountants in the Lower Selection Grade of Rs. 160—250?

(b) Are Government aware that the Director-General, Posts and Telegraphs, in accordance with the above principles laid down as far back as 1927 that senior passed Accountants should get the appointments of Accountants or Assistant Accountants in the Selection Grade in offices where such appointments have been specially sanctioned and added that this arrangement would constitute a reward for their initiative in entering for the examination and would be an additional incentive to others to obtain the Accountant's certificate?

(c) Is it not a fact that the orders of the Director-General were perfectly clear that posts of Accountants in the grade of Rs. 250—350 should also be exclusively confined to passed Accountants and there was no indication in the Director-General's orders issued from time to time, and in the Honourable Member's reply to Mr. Kelkar's interpellation in the Winter Session of the Assembly in 1927, that an unpassed official happening to work in the Accounts Branch in the Lower Selection Grade would be promoted as Accountant on Rs. 250—350 before a Selection Grade official who had passed the Accountant's examination?

(d) Is it a fact that a condition was subsequently imposed that an unpassed official happening to work in Accounts Branch in the Lower Selection Grade on the 24th January, 1930, should be promoted to the Higher Selection Grade as Accountant before a passed official?

(e) If answers to parts (a), (b), (c) and (d) be the affirmative, will Government be pleased to state the grounds for promoting an unpassed official to the higher appointments? Is it a fact that an unpassed official is considered unsuitable for the Lower Grade appointments of Accountants? Do these higher appointments require higher technical qualifications?

(f) If there are no grounds as asked for in part (e), are Government prepared to remove the anomaly mentioned in that part?

(g) Are Government aware that the subsequent condition referred to in part (d) has created a serious discontent among the staff?

(h) If so, do Government propose to consider the question of deleting the said condition mentioned above?

Mr. J. A. Shillidy: (a) to (h). Government reached their decision in regard to these appointments after careful examination and are not prepared to re-open the question.

APPOINTMENT OF ACCOUNTANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

524. ***Pandit S. N. Sen:** (a) Are Government aware of the Director-General's orders that the senior passed Accountants should get the appointment of Accountant on Rs. 250—350 in the Post Office but this arrangement should not interfere with the promotion of men now holding on the 24th January, 1930, posts in the lower Selection Grade and employed on work connected with accounts if they are considered fit for promotion to the higher grade?

(b) If so, do Government propose to have the claims of passed accountants to permanent promotion as Accountant on Rs. 250—350 reviewed in the light of the above orders?

Mr. J. A. Shillidy: (a) The orders referred to by the Honourable Member were passed by the Government of India and not by the Director-General.

(b) Promotions will follow the orders of Government.

RATES OF TRAVELLING ALLOWANCE FOR DUTTRIES IN CERTAIN DEPARTMENTS.

525. ***Pandit S. N. Sen:** (a) Will Government be pleased to state what rates of travelling allowances are given to the duttries of,—

- (i) the Office of the Director-General of Posts and Telegraphs;
- (ii) the Meteorological Department; and
- (iii) the Office of the Imperial Records at the time of shifting from and to Delhi?

(b) Will Government please state if the rates of travelling allowance referred to in (a) are uniform?

(c) If the answer to (b) be in the negative, will Government be pleased to assign the reason for any difference in those rates?

(d) Do Government propose to take early steps to remove the difference, if any, in those rates?

Mr. J. A. Shillidy: (a) (i). Duttries of the office of the Director-General of Posts and Telegraphs are granted double third class railway fare each way at the time of their annual move from Delhi to Simla and from Simla to Delhi.

(ii) and (iii). Duttries of the Meteorological Department and of the office of the Imperial Records do not join in the move from Delhi to Simla and Simla to Delhi.

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

GUIDE TO THE ARCHAEOLOGICAL GALLERIES OF THE INDIAN MUSEUM,
CALCUTTA.

526. *Pandit S. N. Sen: (a) Will Government please state whether it was proposed to bring out a comprehensive guide to the archaeological galleries of the Indian Museum? If so, when?

(b) Is it a fact that Dr. Spooner could not undertake the work of bringing out a guide on the ground that he was only a part-time officer of the Archaeological Section of the Indian Museum?

(c) When was a whole-time officer of the Archaeological Section of the Indian Museum appointed?

(d) Has the proposed guide to the archaeological galleries been published? If not, why not?

(e) Is it a fact that the present whole-time officer of the Archaeological Section, Indian Museum, is engaged in works connected with the Muttra, Sarnath and Sanchi Museums?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Government have no information on this point.

(c) In May, 1921.

(d) An introduction to the Guide appeared in 1927 as a Memoir of the Archaeological Survey, and it is hoped to publish Volume I before the close of the current year. The work involved important preliminary re-arrangement of exhibits and comprehensive study that took time.

(e) He has been entrusted with the re-arrangement, on a chronological basis, of exhibits in the Archaeological Museum at Sarnath and was deputed for two weeks to assist in the re-arrangement of exhibits at the Curzon Museum of Archaeology, Muttra. He has not been engaged in any work connected with the Sanchi Museum.

EXTENSION OF THE BUILDINGS OF THE INDIAN MUSEUM, CALCUTTA.

527. *Pandit S. N. Sen: (a) Will Government please state whether a building for the zoological collections in the Indian Museum compound has been sanctioned, if so, at what cost?

(b) Will Government please state whether the question of the desirability of spending so much money for the purpose in the present financial condition was considered?

(c) Is it a fact that free quarters in the proposed building will be provided for the Director and the Superintendent of the Zoological Survey of India?

(d) Will Government please state whether free quarters are provided for the Director and the Superintendent of any other survey in the Museum compound?

(e) Will Government please state whether work in any section of the Indian Museum suffers because the Director and the Superintendent of that section do not live in the Museum compound?

(f) What will be the monthly rent of the free quarters for the Director and the Superintendent of the Zoological Survey of India in the proposed building?

(g) What allowances for house rent are given to officers of the cadre of the Director and the Superintendent of the Zoological Survey of India?

(h) Will Government please state whether the Director and the Superintendent of the Zoological Survey of India are given less pay than officers of their cadre for the provision of free quarters?

(i) Why are they being provided with free quarters in the Museum compound?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes in 1928 at an estimated cost of Rs. 5,12,000.

(b) Yes, and consequently no funds are being provided for the purpose in next year's Budget.

(c) Rent free accommodation in the proposed building will be provided for the Director, Zoological Survey of India, but not for the Superintendent, who will be given a house-rent allowance in lieu of free quarters.

(d) No, but it is considered desirable that some senior officer of the Department should reside on the premises.

(e) No.

(f) It is regretted that the information is not available, but I shall endeavour to secure it for the Honourable Member, if he so desires, and if it can be conveniently obtained.

(g) House-rent allowances given to officers not in enjoyment of rent-free quarters are governed by the Calcutta House Allowance Scheme and may vary from Rs. 45 to Rs. 200 per mensem.

(h) and (i). No, but the salaries of these officers have not been fixed with regard to the high cost of securing suitable residential accommodation in Calcutta. The Honourable Member will observe from the Calcutta House Allowance Scheme mentioned in my answer to part (g) of his question that the grant of some special relief to officers stationed in Calcutta because of the expensiveness of residential accommodation in that city is not confined to the two officers mentioned by him.

PURCHASE OF STORES FOR THE OFFICE OF THE ZOOLOGICAL SURVEY OF INDIA.

528. *Pandit S. N. Sen: (a) What was the amount spent on stationery for the Zoological Survey of India in 1916-17 and 1927-28?

(b) Is it a fact that stores were purchased locally for the Zoological Survey of India? If so, what is the average annual amount for such stores?

(c) Will Government please state whether any tenders are called for the purpose?

(d) Which are the firms who supply stores and are they bona fide traders?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The amount spent on stationery in 1916-17 was Rs. 452-0-9 and in 1927-28 Rs. 274.

(b) Some stores are purchased locally. If the Honourable Member will give me the years for which he requires the average, I shall endeavour to obtain the information.

(c) Yes.

(d) A statement giving the information required is laid on the table. So far as Government are aware, the firms included in the statement are *bona fide* traders.

Names of the firms in Calcutta from whom supply of stores is obtained locally for the Zoological Survey of India.

1. Messrs. Adair Dutt & Co.
2. Messrs. Baird & Tatlock, Ltd.
3. Messrs. H. E. Metzakes, Ltd.
4. Messrs. Smith Stanistreet & Co.
5. Messrs. A. Chandler & Co.
6. Messrs. Butto Kristo Paul & Co.
7. Messrs. Frank Ross, Ltd.
8. Messrs. Choong Sang & Co.
9. Messrs. Chatterji Furnishing Co., Ltd.
10. Messrs. Lyon & Lyon, Ltd.
11. Messrs. Lyall Marshall Co., Ltd.
12. Messrs. D. Waldie & Co.
13. Messrs. Hall & Anderson, Ltd.
14. Messrs. The Army & Navy Co-operative Stores.
15. Messrs. Muir Mills Co., Ltd.
16. Messrs. Mitra & Co.
17. Messrs. The Packing Material Co.
18. Messrs. E. Newman & Co., Ltd.
19. Messrs. John Dickinson & Co., Ltd.
20. Messrs. The Calcutta Camera Stores, Ltd.
21. Messrs. Das & Company.
22. Messrs. T. E. Thomson & Co., Ltd.
23. Messrs. J. A. Johnson & Co.
24. Messrs. Kesoram Cotton Mills, Ltd.
25. Messrs. Turnbull Brothers, Ltd.
26. Messrs. James Glendy & Co.
27. Messrs. Lawrence & Mayo.

REPRESENTATION OF MUSSALMANS ON RAILWAYS.

529. *Mr. Muhammad Anwar-ul-Azim: Will Government please state if in their Report for various Railways in India, they are prepared to state what has been the position of the Mussalmans in various grades—excluding the menials, and those who are paid wages on daily rates, and whose services are not permanent?

Mr. A. A. L. Parsons: As I mentioned in a reply to the Honourable Member on the 11th of February, the question of showing the daily rated men separately in the statistics already given in the appendices of the Railway Board's Report is being considered, and we will also see if it is not

possible to show temporary employees and employees in inferior service separately.

THE ASSAM BENGAL RAILWAY.

530. *Mr. Muhammad Anwar-ul-Azim: Will Government please state when the Assam Bengal Railway is going to be taken over by Government? Will they further state if the losses in income of that Railway are due to the various items of frauds that have been detected during the last two years? Will Government kindly tell the House the loss sustained by the Company in figures? When is their Dohazari line going to be opened? Will they co-ordinate with the District Board of Chittagong in making the Bridge over the Karnafuly river?

Mr. A. A. L. Parsons: The Assam Bengal Railway Company were not prepared, without an inducement, to agree to an extension of the recent date on which their interest could be purchased; and under the contract the option to purchase can next be exercised on the 31st December, 1941.

To the extent to which the losses in the last two years prove irrecoverable, they have reduced the income of the Railway. Their total amount is Rs. 57,415.

The probable date of opening the Chittagong-Dohazari line is June this year.

I am not sure that I understand the suggestion in the last sentence of the Honourable Member's question. If he will kindly speak to me about it, I will see that it is considered.

RAILWAY TO PATENGA POINT IN CHITTAGONG.

531. *Mr. Muhammad Anwar-ul-Azim: Will Government please state if the railway that has been made by the Assam Bengal Railway up to Patenga Point in Chittagong Town is for the convenience of the public, or for the aeroplane people only? How much has it cost them to make that railway? When was that started and when finished? Is it a fact that the Railways have paid more money for their acquisition of lands than what the Government of India paid for theirs in making the aerodrome in the Patenga Sands?

Mr. A. A. L. Parsons: No railway has been made by the Assam Bengal Railway to Patenga Point. The remaining portions of the Honourable Member's question do not therefore arise.

RETRENCHMENT IN GOVERNMENT DEPARTMENTS.

532. *Mr. Muhammad Anwar-ul-Azim: Will Government please state if their project to carry out retrenchments in various Departments under the Government of India is proving successful? What economy are they likely to have by abolishing the posts of orderlies from Howrah, Alipore and Chittagong Post Offices in Bengal?

The Honourable Sir George Schuster: I propose to deal fully with the whole question of retrenchment in my budget speech. There will be an average saving of Rs. 576 per annum in respect of the Chittagong and Howrah Post Offices. No orderly peon is attached to the Alipore Post Office.

RECOMMENDATIONS OF THE PUBLIC ACCOUNTS COMMITTEE.

533. *Mr. Muhammad Anwar-ul-Azim: Will Government please state if the recommendations of the Public Accounts Committee, which sat in Simla last July will be accepted by Government in all their hearings?

The Honourable Sir George Schuster: I would invite the Honourable Member's attention to paragraph 4 of the Finance Department Resolution of the 13th June, 1930, which appears as Appendix I to the Committee's last Report and describes the procedure for dealing with the Committee's recommendations. The action taken by Government will be intimated to the members of the Committee, through quarterly statements, the first of which is expected to be ready in April next.

RETRENCHMENT IN THE PUBLIC WORKS DEPARTMENT AND THE TELEGRAPH ENGINEERING DEPARTMENT.

534. *Mr. Muhammad Anwar-ul-Azim: Will Government please state if they are contemplating increasing their revenues from the Income-tax Department? If so, why? Have they considered the desirability of making retrenchments in the Public Works Department and in the Telegraph Engineering Department, in matters of construction in the case of the former and abolition of posts in the case of the latter? Is it a fact that in the latter Department there are several sinecure posts?

The Honourable Sir George Schuster: I shall deal with the questions of additions to revenue and of retrenchment of expenditure in my budget speech on the 28th February. I am afraid that till then I cannot supply the Honourable Member with any details except that there are no sinecure posts in the Telegraph Engineering Department.

APPOINTMENTS IN THE IMPERIAL BANK OF INDIA.

535. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government please state what is the relation of the Government of India with the Imperial Banks in the matter of administration, and also in the matter of appointments of assistants, who ultimately become Sub-Agents at various places?

(b) Will Government kindly state how many men were there in India answering the above descriptions on the 1st January, 1926, and the 1st January, 1931, and how many of them were Muslims?

The Honourable Sir George Schuster: (a) The question of recruitment to posts in the Imperial Bank of India is the domestic concern of the Bank and not under Government's control.

(b) The information is not available.

TRADE COMMISSIONERS.

536. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state how many Trade Commissioners are there who owe their appointments to the Government of India? How many of them are members of the Indian Civil Service? How many of these Civilians have business experience in the proper sense of the term?

The Honourable Sir George Rainy: There is at present one Indian Trade Commissioner in London. An officer has also recently been selected for appointment as Trade Commissioner at Hamburg this year. Both these officers are members of the Indian Civil Service. I am not sure what the Honourable Member means by "business experience in the proper sense of the term". Neither of these officers has personally engaged in trade, but both have wide experience of trade methods and practice.

MUSLIM ASSISTANTS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

537. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state if all the Muslim assistants in various Departments of the Government of India are on a temporary list? If so, why? How many years have they served in a temporary capacity?

The Honourable Sir James Orerar: The reply to the first part of the question is in the negative. The other parts do not arise.

REPRESENTATION OF MINORITIES IN THE POSTAL AND TELEGRAPH DEPARTMENT.

538. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state if with reference to Sir Bhupendra Nath Mitra's reply to starred question No. 100, dated the 21st January, 1930, the Director-General's Report will contain a chapter regarding the representation of minorities in his Department?

Mr. J. A. Shillidy: In reply to the Honourable Member's question on the 21st January, 1930, Sir Bhupendra Nath Mitra stated that Government did not propose to introduce in the Annual Report of the Director-General a chapter regarding minority communities but a statement showing the distribution of new recruits by communities. The Annual Report of the Director-General will contain that statement.

PROVISION OF AN ADDITIONAL RAILWAY STATION TO THE NORTH OF CHITTAGONG TOWN.

539. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state whether the Railway Administration have heard anything from the Agent, Assam-Bengal Railway, with regard to the location of another station to the North of Chittagong town? Are not the Assam Bengal Railway people feeling the competition of motor cars and lorries on Dacca-Chittagong Trunk Road and Ramgarh Roads, of the Chittagong District?

Mr. A. A. L. Parsons: I am making enquiries and a reply will be sent to the Honourable Member as soon as the information has been collected.

IMPORTS OF SUGAR INTO INDIA.

540. *Mr. Bhuput Sing (on behalf of Lala Hari Raj Swarup): (a) Is it a fact that India possesses about half of the total area of the world's sugar cane cultivation?

(b) Is it also a fact that India imports sugar to the value of about 20 crores a year from other countries?

(c) What steps have Government taken to make India self-sufficient in its production of sugar?

(d) Have Government considered the necessity of co-ordinating the activities of various provinces in this great industry under one central body like the Central Cotton Committee or the proposed Committee for jute as recommended by the Indian Sugar Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Not half. According to the most recent estimates the area under sugar cane in India is about 21 per cent. of the total sugar-cane area of the world.

(b) Not twenty. The average value of imports for the past three years is 15·6 crores.

(c) The lower cost of production in some countries and high subsidies or other artificial stimulants to the industry in others are amongst the complex causes which have militated against the establishment of an extensive sugar manufacturing industry in India. The absence of such an industry is the immediate cause of large imports.

(d) As stated in the reply given on the 26th January, 1931, to question No. 138 by Seth Haji Abdoola Haroon, the Government of India have for many years maintained a sugar-cane breeding station at Coimbatore, the seedling canes from which are now grown on over half a million acres. Since its creation, the Imperial Council of Agricultural Research has devoted special attention to the problems of the sugar industry. It has already taken action in the following directions:

- (i) The provision of a Sugar Technologist, whose services are available to advise Indian sugar factory proprietors and intending factory owners on technical matters;
- (ii) Better provision for the early testing of new varieties of sugar-cane in different parts of the sugar-cane tracts, and better facilities for their multiplication for distribution;
- (iii) Provision for experiments in four provinces of improved sugar-cane mills suited to village conditions; and
- (iv) Provision for more research into the pests and diseases of cane.

Other matters of practical importance to the sugar-cane growers are under examination by the Sugar Committee it has appointed. Of the grant of Rs. ten lakhs which has been made to the Imperial Council of Agricultural Research for work on sugar-cane, the Council has already allocated Rs. 7,88,298 to various sugar research schemes and has under examination schemes the estimated cost of which amounts to Rs. 6,33,188. A statement of the schemes which have been sanctioned by the Council has already been laid on the table.

(e) In the opinion of Government, which is based on the view expressed by the Royal Commission on Agriculture in India in Chapter III of their Report, the establishment of the Imperial Council of Agricultural Research has rendered the establishment of a separate Central Sugar Committee unnecessary. The Imperial Council of Agricultural Research is, through the Sugar Committee it has set up, taking active steps for the improvement of sugar cultivation and manufacture and for the co-ordination of

Maulvi Muhammad Yakub: Are Government prepared to work out a scheme to give sugar-coated replies to the questions of the Honourable Member? (Laughter.)

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Which Honourable Member?

Maulvi Muhammad Yakub: Honourable Members.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Of the Assembly?

Maulvi Muhammad Yakub: Yes.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: It might become necessary to consider the suggestion. (Laughter.)

IMPORT OF SUGAR INTO INDIA.

541. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Is it a fact that the exports into India of beet sugar from the United Kingdom increased in the year 1929-30 from 3,400 tons to 45,100 tons in quantity and from Rs. 7 lakhs to Rs. 77½ lakhs in value as compared with the previous year?

(b) What steps do Government propose to take to check the imports of beet sugar into India at low prices?

The Honourable Sir George Rainy: (a) Yes.

(b) As the Honourable Member is doubtless aware, the question of protection to the Indian sugar industry has been referred to the Tariff Board.

FREE TRANSFER OF MONEY BETWEEN BRANCHES OF THE IMPERIAL BANK OF INDIA.

542. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Are Government aware that the Imperial Bank of India used to allow free transfers of money from one branch to another branch to their customers up to a sum of Rs. 5,000?

(b) Are they in a position to state the reasons why that facility has now been withdrawn?

The Honourable Sir George Schuster: In January, 1930, the Imperial Bank withdrew the concession by which cheques on other branches of the Bank up to Rs. 5,000 were accepted at par, and introduced a sliding scale of commission on such cheques, but Agents have discretion to forego the commission in cases in which it appears desirable to do so. I understand that the concession was withdrawn because it was found that in practice it was being abused.

DEVELOPMENT OF ROADS.

543. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Will Government be pleased to state in what amounts and over what Provinces the Road Fund Committee has distributed its funds since its inception?

(b) Have any definite schemes been framed in the Provinces for developing road communications?

(c) Will Government be pleased to publish them for the general public?

(d) What are the relations between this Committee and the Provincial Communication Boards or Committees?

Mr. J. A. Shillidy: (a) It is presumed that by the Road Fund Committee the Honourable Member means the Standing Committee for Roads which is elected from time to time by the Central Legislature in accordance with clause (6) of the Resolution adopted by this House on the 4th February, 1930. Distribution as to 90 per cent. of the road development account is fixed under the terms of the Resolution referred to and is not made upon the advice of the Standing Committee. A statement showing the amounts so distributed to the nine provinces is laid on the table.

(b) Yes.

(c) A statement of schemes approved by the Governor General in Council on the advice of the Standing Committee for Roads is laid on the table, but the figures given are in most cases only rough estimates. Certain special schemes for execution by special grants from the reserve with the Government of India have also been received and are under consideration.

(d) None.

Statement showing the amounts distributed to Provinces, from the Road Development Account.

Province.	Amount distributed in lakhs of rupees.
Madras	19.40
Bombay.	25.60
Bengal	19.30
United Provinces	7.00
Punjab	11.80
Burma	17.20
Bihar and Orissa	4.30
Central Provinces	4.50
Assam	2.60
Total	111.70

Statement of Schemes of road development approved by the Governor-General in Council on the advice of the Standing Committee for Roads.

MADRAS.

Serial No.	Road.	Work.	Total estimate.
			Rs.
1	A-1	Nathavalsala Bridge	4,42,000
2	A-1	Yerracalva Bridge	3,11,000
3	A-1	Gundlakamma Bridge	3,60,000
4	A-1	Swarnamukhi Bridge	4,30,000
5	A-2	Ponnaiyar Causeway	2,61,000
6	A-2	Malattar Bridge	38,000
7	A-2	Metalling and Construction 100—150	1,37,000
8	A-2	Gomukhi Bridge	61,000
9	A-2	Manimuktanadi Bridge	65,000
10	A-2	Chittanatham Bridge	89,600
11	A-3	Pennar Bridge	1,74,500
12	A-3	Chitravathi Causeway	68,000
13	A-3	Peddayeru Bridge	63,000
14	A-9	Keesara Bridge	7,30,000
15	A-10	Cheyar Causeway	50,000
16	A-14	Re-making ghat portions	3,55,800
		Total	36,35,900

BOMBAY.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
			Rs.
1	Bombay-Poona-Aurangabad Road.	Ferry boat and widening a bridge.	84,000
2	Bombay-Ahmedabad-Rajputana Road.	Constructing missing links in road and crossings over rivers, etc.	12,32,000
3	Dhulia-Bhusawal-Edlabad-Nagpur Road.	Constructing missing links, river, etc., crossings.	2,70,000
4	Bombay-Agra Road	Constructing river, etc., crossings, a diversion round a town and widening.	3,82,000
5	Karwar-Bellary Road	Constructing surface	1,92,000
6	Bombay, Goa or Konkan north to south road.	Constructing missing links and river, etc., crossings.	28,89,000

BOMBAY—contd.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
7	Bombay-Poona-Sholapur-Hyderabad Road.	River, etc., crossings	Rs. 7,23,000
8	Bombay-Poona-Bangalore	Diversion round a town, drainage works, widening, constructing surface.	1,87,000
9	Karachi-Sukkur-Punjab Road on the west side of the river Indus.	Constructing missing links and river, etc., crossings.	Approximately Rs. 3 crores.
10	Karachi-Sukkur-Punjab Road on the east side of the River Indus.		
11	Hyderabad-Mirpurkhas Rajputana Road.		
12	Sukkur-Shikarpur-Jacobabad-Quetta Road.		
Total		..	59,59,000*

BENGAL.

Serial No.	Name of project.	Ultimate Total cost.	Nature of work.
		Rs.	
1	Calcutta-Jessore-Road to Baraset.	8,83,320	Widening, reconstruction of surface and strengthening Bridges.
2	Diamond Harbour Road	6,70,000	Ditto ditto.
3	Grand Trunk Road	14,50,000	Ditto ditto.
4	Chittagong-Aracan-Trunk Road.	†About 10,00,000	Bridging only.
5	Illambazar-Dubrajpur Road.	3,50,000	Reconstruction and bridging Ajoir River.
6	Tangail-Mymensingh Road	3,75,000	Reconstruction, widening and strengthening Bridges.
7	Dacca-Narayanganj Road	6,64,000	Ditto ditto.
8	Pabna-Ishurdi Road	8,10,000	Reconstruction of surface and strengthening of Bridges.
9	Magura-Jhenaidah-Chaudanga Road.	3,00,000	Ditto ditto.
10	Burdwan-Anambagh Road	5,00,000	Construction of new road and partial reconstruction.
11	Mainmati-Barkanta-Comilla Road.	7,66,000	Reconstruction of surface and strengthening of Bridges.
Total		77,68,320	

* Excluding 3 crores for Sind.

† Estimate not completed.

UNITED PROVINCES.

Serial No.	Name of road.	Nature of work.	Approximate cost in lakhs.
1	Roorkee-Hardwar Class I	Road to an important pilgrim centre.	3.41
2	Grand Trunk Road Do.	Inter-Provincial roads to be reconstructed, widened and generally improved.	3.84
3	Delhi-Meerut Dehra Dun Do.		7.45
4	Lucknow-Cawnpore-Jhansi-Saugor Do.		1.40
5	Fatehpur-Saharanpur-Ambala Do.		0.35
6	Jhansi-Gwalior-Agra-Delhi Do.		0.35
7	G. T. R. Mirzapur-Rewah Do.		0.71
8	Benares-Lucknow-Bareilly-Meerut Do.	....	5.32
9	Lucknow-Fyzabad-Gorakhpur Do.	Inter-Divisional Road to be reconstructed, widened and generally improved.	3.44
10	Muttra-(Agra) Bareilly-Nainital-Almora Do.	....	9.70
11	Allahabad-Fyzabad Do.	....	1.72
12	Allahabad-Jaunpur-Azamgarh-Gorakhpur Do.	....	0.70
13	Agra Aligarh-Bulandshahr-Meerut Do.	The length from Bulandshahr to Meerut to be taken over from District Board.	2.85
14	Benares-Sarnath Class II	Road to an important archaeological centre.	0.74
15	Fyzabad-Gonda-Bahraich Do.	....	0.95
Total			42.93

PUNJAB.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
<i>Class I Roads.</i>			
1	Grand Trunk Road	Widening and tarring the road surface, widening narrow bridges and replacing old wooden bridges.	Ra. 2,00,000
2	Lahore-Loralai Road	Completing the gap of 15 miles between Bhai Pheri and Pattoki.	4,21,539
3	Delhi-Multan Road	(a) Acquiring land between Sahuwal and Mandi Dabwali. (b) Acquiring land between Mandi Malant and Abchar. (c) Metalling from Sirsa to Mandi Dabwali. (d) Metalling from Mandi Malant to Abchar. (e) Metalling from Suleimanke to Pakpattan. (f) Metalling from Jahanian to Multan.	6,96,000 86,197 7,63,637 3,10,489 7,46,000 4,42,000
4	Saharanpur-Thanesar Road	(a) Making a diversion past Ladwa. (b) Rebuilding bridges in furlongs 21/1 and 25/4.	38,388 23,020
5	Meerut-Sonepat Road	Connecting Baghpat with the Grand Trunk Road near Sonepat.	1,36,546
<i>Class II Roads.</i>			
6	Lahore-Mianwali Road	Making section from Khushal to Mianwali motorable as an earth road.	1,13,418
7	Jhelum-Talagang Road	Improving the section from Chakwal to Talagang to make it motorable.	2,89,220
8	Ferozepur-Fazilka Road	Improving and metalling— (a) Miles 1-31 (b) Miles 32-51	5,80,232 4,45,259
9	Jullundur-Dharmasala Road	Widening the road where it is at present too narrow and cutting back blind corners.	2,00,000
10	Lyallpur-Sargodha Road	(a) Improving and metalling Lyallpur Chinot Section (b) Improving the Chinot Sargodha Section.	5,86,245 26,326
11	Amritsar-Sialkot Road	Improving the road as an unmetalled road.	2,38,991

Bihar and Orissa.

Bihar and Orissa.

Name of road and length in miles.	Nature of work.	Estimated cost.
Patna-Nawadah (72)	Metalling katcha portions, widening and general improvement.	4,76,000
Rajauli-Debour (7)	Converting village tract into bridged and metalled road.	2,00,000
Debour-Koderma-Burhi (38)	Metalling gravelled portion, widening, improving cross drainage.	1,85,000
Arrah-Patna (58)	Converting fair weather tract into metalled road, providing waterways for Son River spills.	9,00,000
Ghazal-Palkot	N. B. — Son River already bridged. Bridging, draining and improving gravelled road.	1,12,600
Palkot-Kolibera	Ditto ditto	1,42,000
Simdega-Sunk River	Ditto ditto	3,50,000
Jaragada-Sambaspur	Ditto ditto	2,56,000
Bridging Sunk River	Replacing temporary bridge by permanent one.	6,60,000
Bridging Bonum River	Ditto ditto	3,58,000
Bridging Monagum River	Replacing existing causeway	3,00,000
Total		40,00,000

Subject to modification if there be territorial changes.
Probable expenditure in 1930-31 — Rs. 2½ lakhs.

CENTRAL PROVINCES.

No.	Name of road.	Nature of work.	Amount of estimate.
I	Burhanpur-Ichhapur-Edlabad road in the Nimar district, up to C. P. border (length 15 miles).	Construction of a class I (metalled road).	Ra. 3,70,000
II	Great Eastern road. The Mahanadi river bridge at Arang.	Construction of a submerged bridge.	9,00,000
III	Great Southern road (Wurwarora section) Wardha river bridge.	Ditto	4,00,000

ASSAM.

No.	Name of road.	Class of road.	Nature of work.	Approximate cost in lakhs.
1	Gauhati-Shillong-Sylhet Road.	I	Part metalling Shillong to Jaintapur. Part permanently bridging and widening. Kutchha surface to 20 ft. Jaintapur to Sylhet section.	2 lakhs.

THE SWEDISH MATCH MANUFACTURING COMPANY.

544. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Swedish Match Manufacturing Company is incorporated in England, and that it is mainly an English concern? Is it a fact that most of the English Forest Officers are shareholders in that concern, and that thus they are interested in that company?

(b) Is it a fact that the said company is trying to purchase all the Indian concerns, and to have a monopoly of match manufacture in this country? Is it not a fact that the said concern has already amalgamated a number of Indian concerns by resorting to rate-cutting, and other such methods?

(c) Is it a fact that the Indian Tariff Board wanted to get certain information from this concern, but that they refused to supply the Indian Tariff Board with any information? If it is so, have Government taken any steps against this concern?

(d) Will Government be pleased to state their definite policy against foreign firms which try to ruin the infant factories of India?

The Honourable Sir George Rainy: (a) The reply to the first part is in the negative. With regard to the second part, Government have no information.

(b) The Government of India have received complaints to this effect and they have instituted an enquiry. That enquiry is not yet complete, but they received a report very recently which is now under examination.

(c) The Honourable Member is referred to the reply given in this Assembly to question No. 18 asked by Sir Purshotamdas Thakurdas on the 18th August, 1927. A copy of the Tariff Board's Press communiqué referred to therein has been placed in the Library.

(d) The attention of the Honourable Member is invited to the reply given in this House on the 12th September, 1928, to Mr. Lalchand Navalrai's starred question No. 508.

REPRESENTATION FROM THE PRISONERS UNDER-TRIAL IN THE MEERUT CONSPIRACY CASE.

545. *Mr. B. Das: (a) Will Government be pleased to state if they received a representation from the Meerut under-trial prisoners after they were punished as mutineers in August last?

(b) What action have Government taken on that representation and will Government please state if their order has been communicated to the prisoners of the Meerut conspiracy case?

The Honourable Sir James Orerar: (a) I am aware that some of the under-trial prisoners in the Meerut conspiracy case submitted a representation to His Excellency the Governor of the United Provinces in regard to the treatment accorded to prisoners and the punishment awarded to some of those who mutinied in the jail on the 29th August.

(b) The Government of India have taken no action in regard to the representation, which was not addressed to them.

ENUMERATION OF ORIYAS FOR THE CENSUS.

546. *Mr. B. Das: (a) Will Government be pleased to state whether the Census Superintendent of Bihar and Orissa has issued special precautionary instructions, for the correct enumeration of Oriya people by race, to the Supervisors and Enumerators in Singhbhum and its neighbouring areas in Bihar and Orissa?

(b) Have similar instructions been issued by the Census Superintendents of Bengal, Central Provinces, and Madras for enumeration of Oriyas by race in the Oriya tracts of those provinces?

(c) If the answers to parts (a) and (b) be in the negative, will Government be pleased to state what immediate steps they are going to take to ensure correct enumeration of the people of the Oriya race in the four different provinces?

(d) Will Government be pleased to state if the Atlee Sub-Committee of the Simon Commission (p. 51, Vol. II, report of Simon Commission) enunciated that a correct census of the population in disputed areas should be made by the Government and, if so, what instructions have been issued to the different Provincial Governments to ensure correct enumerations in areas under dispute, and will Government be pleased to lay on the table all correspondence that passed between them and the various Provincial Governments?

The Honourable Sir James Orerar: (a) Yes.

(b) Yes.

(c) Does not arise.

(d) The Atlee Sub-Committee recommended that special precautions should be taken to ensure the reliability of returns. Special precautions are being taken, and a special officer has been appointed to ensure the correctness of returns in Ganjam. No correspondence has passed on the matter between the Government of India and the Provincial Governments on this subject.

Mr. B. N. Misra: Have Government issued any instructions laying down the definition or criterion of a race, whether it is by language or otherwise?

The Honourable Sir James Orerar: That is a matter largely for the local Census Officers to determine in accordance with local enquiries.

APPOINTMENT OF ASSISTANT COMMISSIONERS AND ASSISTANT POLITICAL AGENTS IN THE NORTH WEST FRONTIER PROVINCE.

547. *Mr. B. Das: (a) Will Government be pleased to state how many Indians are serving as Assistant Commissioners and Assistant Political Agents in the North West Frontier Province and how many years of service each has?

(b) Has any of the above Indian Assistant Commissioners and Assistant Political Agents officiated or been appointed as Deputy Commissioner or Political Agent? If not, why not?

(c) Will Government be pleased to state how many Europeans are serving as Assistant Commissioners and Assistant Political Agents and how many years of service each has?

(d) How many of the above Assistant Commissioners and Assistant Political Agents officiated or were appointed as Deputy Commissioners or Political Agents?

Mr. J. G. Acheson: With your permission, Sir, I will answer questions Nos. 547 and 548 together. The information required has been asked for and will be supplied to the Honourable Member in due course.

SUPERSESSION OF AN INDIAN POLITICAL OFFICER.

†548. ***Mr. B. Das:** (a) Are Government aware that recently in Hazara District of the North West Frontier Province, Colonel Rae, Deputy Commissioner, went on long leave, and a European Assistant Commissioner, who is 118th in the list of the Political Department was sent from another district to officiate for three weeks (till the arrival of a permanent Deputy Commissioner from Kathiawar) when an Indian officer of the Political Department, who is 59th on the list and much senior and was serving in the Hazara District was not made to officiate?

(b) Is it a fact that the Indian officer was not made to officiate because he, as City Magistrate of Peshawar, gave evidence before the Suleman Committee, regarding the affair of the 28rd April, 1930?

(c) If the answer to part (b) be in the negative, will Government be pleased to state why he was not given to officiate?

(d) Is it a fact that Mr. Hopkinson who was transferred from Kathiawar to Hazara as permanent Deputy Commissioner is senior to the Indian Officer of the Political Department? If not, why was the latter superseded?

PAY AND PENSIONS OF EUROPEAN AND INDIAN POLICE EMPLOYEES.

549. ***Mr. B. Das:** (a) Will Government be pleased to state if Anglo-Indians are classed as Europeans in every Service or are they treated as statutory Indians?

(b) Will Government be pleased to state what remunerations and pensions, the Anglo-Indian Sergeants and Head Constables and Sub-Inspectors of the Indian police draw, and what remunerations and pensions, Indian Sub-Inspectors, Sergeants and Head Constables draw?

(c) If there are differences in pay and pensions, will Government be pleased to state why these differences exist?

The Honourable Sir James Ormer: (a) Anglo-Indians and domiciled Europeans who fall within the definition of "native of India" contained in Article 57, Civil Service Regulations, are regarded as Indians for purposes of recruitment to the public services and in connection with schemes for Indianisation.

(b) and (c). A statement giving such information as I possess is laid on the table. The remuneration of the subordinate police is fixed by the Local Governments concerned, and therefore varies from province to province. The scales of pay sanctioned for the various ranks in the North West Frontier Province and the Delhi province follow those adopted in the Punjab. Pensions are calculated in accordance with rules in the Civil Service Regulations, and so far as I am aware there are no differences in the pay and pensions drawn by Anglo-Indian and Indian police officials of the same rank.

† For answer to this question, see answer to question No. 547.

QUESTIONS AND ANSWERS.

	District Police.						City Police.					
	Madras.	Bombay.	Bengal.	Punjab.	Burma.	Bihar and Orissa.	Assam.	North-West Frontier Province.	Delhi.	Madras.	Bombay.	Calcutta (Madrasi).	Rangoon.
Head Constables	Rs. 28-35	28-40	30-1-45	40-45	25-35	Rs. 25-35	Rs. 30-1-45*	35-45	50	45-55		
Sergeants	150-200	175-225	150-5-200	75-125	80-150	150-200 (Sergeant-Majors 225-300).	150-5-600	150-5-200	200-250	210-260		
Sub-Inspectors	60-125	75-160	80-130	80-5-150, 140, 150 and 160.	80-150	80-130	80-5-130, 140, 150 and 160.	80-5-150, 140, 150 and 160.	150-200	150-200		

* Bihar Frontier Police allowance of Rs. 5 a month.

* Plus Frontier Police allowance of Rs. 5 a month.

APPOINTMENT OF INDIANS IN SUPERIOR SERVICES OF STATE RAILWAYS.

550. *Mr. B. Das: (a) Will Government be pleased to state what progress has been made in the appointment of Indians in the superior services of the State Railways?

(b) Will Government please lay on the table a statement showing the number of Divisional Superintendents sanctioned in each State Railway separately, stating how many Indians were filling such posts up to the 30th September, 1930?

(c) Will Government please lay on the table a statement showing the number of Deputies in the Traffic, Loco. and Engineering Departments, in each State Railway and say how many were held by Indians on the 30th September, 1930?

(d) Will Government be pleased to state how many Indians of over 5 years' service there are in the Traffic, Loco. and Engineering Departments, separately in each State Railway?

(e) Are Government prepared to fill up further vacancies of the posts of Divisional Superintendents and Deputies by Indians?

Mr. A. A. I. Parsons: (a) I would refer the Honourable Member to paragraphs 84 and 87 of the Railway Board's Report on Indian Railways for 1929-30.

(b), (c) and (d). Three statements giving the information asked for are laid on the table.

(e) The claims of qualified Indians for these and other selection posts are at all times given proper consideration.

I

Statement showing the number of posts of Divisional Superintendents on State-managed Railways and number of Indians filling them on the 30th September, 1930.

Railways.	No. of Divisional Superintendents.	No. of Indians.
East Indian Railway	6	..
Great Indian Peninsula Railway	6	1 Anglo-Indian.
North Western Railway	7	..

QUESTIONS AND ANSWERS.

II

Statement showing the number of posts of Deputies in the Transportation (Traffic) and Commercial, Transportation (Power) and Mechanical Engineering and Engineering Departments on State-managed Railways and number of Indians filling them on the 30th September, 1930.

Railways.	Engineering Department.		Transportation (Traffic) and Commercial Departments.		Transportation (Power) and Mechanical Departments.	
	Total.	Indians.	Total.	Indians.	Total.	Indians.
East Indian Railway.	4	..	4	..	5	..
Great Indian Peninsula Railway.	2	..	4	..	4	..
North Western Railway.	5	2	2	..	4	..
Burma Railways	2	..	2	..	2	..
Eastern Bengal Railway.	2	1	2	..	2	..

III

Statement showing the number of Indians (excluding Anglo-Indians) of over 15 years' service in the Transportation (Traffic) and Commercial, Transportation (Power) and Mechanical Engineering and Engineering Departments of State-managed Railways.

Railways.	Engineering Department.	Transportation (Traffic) and Commercial Departments.	Transportation (Power) and Mechanical Departments.
East Indian Railway	10	6	..
Great Indian Peninsula Railway.	..	..	..
North Western Railway	12	9	..
Burma Railways	3	..	..
Eastern Bengal Railway	5	6	..

ABOLITION OF THE DUTY ON GOLD THREAD.

551. *Mr. K. P. Thampan: (a) Will Government be pleased to state whether the Madras Government have made any representations to the Government of India suggesting that the duty on gold thread should be abolished; if so, on what grounds?

(b) Will Government be pleased to lay on the table the correspondence on the subject?

[17TH FEB. 1981.]

The Honourable Sir George Rainy: (a) The Government of Madras made two such representations last year on the ground that the interests of the handloom weavers were injuriously affected.

(b) A copy of the correspondence has been placed in the Library.

CREATION OF A NEW DIVISION ON THE SOUTH INDIAN RAILWAY.

552. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether the South Indian Railway authorities have made Malabar and South Canara into a new Division with Cannanore as the Headquarters for administrative purposes;

(b) whether the same grouping was not tried some years ago and subsequently given up; if so, why was it so done and what new conditions have now arisen to revert to a plan once condemned; and

(c) what is the total extra cost involved in the scheme including the salary of the Divisional Officer, staff, rent, etc.?

Mr. A. A. L. Parsons: (a) There is already an Engineering District with Headquarters at Cannanore. A new traffic District was opened on the 1st January, 1981, with Headquarters at Calicut and with the following jurisdiction:

Podanur to Mangalore.

Shoranur to Ernakulam.

Shoranur to Nilambur.

Olavakot to Palghat.

(b) and (c). I have called for information and will communicate with the Honourable Member on its receipt.

PAYMENT FOR THE KALPATHY BRIDGE BY THE PALGHAT MUNICIPALITY.

553. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether it is a fact that the Kalpathy bridge on the Olavakot-Palghat branch of the South Indian Railway was originally built at the cost of the Palghat Municipality and that the Railway was only given the right to use it;

(b) if it is now proposed to build a new bridge over the river for the exclusive use of the railway; and

(c) if it is true that the Palghat Municipality is now asked to pay to the South Indian Railway a certain amount and take up the bridge, in spite of the fact that the bridge was built by them?

Mr. A. A. L. Parsons: (a), (b) and (c). Government have no information. I am making enquiries and I will let the Honourable Member know in due course.

HIGH RAILWAY FARES AND FREIGHT CHARGES ON THE SHORANUR-NILAMBUR BRANCH OF THE SOUTH INDIAN RAILWAY.

554. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether they are aware that the ruling rates of fare for passenger and timber traffic are so high in the Shoranur-Nilambur branch of the South Indian Railway that it is cheaper for

persons to travel by bus from Calicut or Palghat to Nilambur and vice versa and to float the timber down the river to Kallai; and

(b) if it is proposed to remedy this state of affairs?

Mr. A. A. L. Parsons: (a) The maximum authorised passenger fares on the Shoranur-Nilambur Branch were reduced about a year ago by 33 per cent, and are now on the same basis as the fares by mail trains on the South Indian Railway system. The maximum authorised rate for timber was similarly reduced from 2½ pies per maund per mile to 0.76 pie per maund per mile. Government have no information as to how the passenger fares and rates for timber actually charged compare with the charges payable for traffic carried by road or river at present, but they are aware that the railway line is short-circuited between the points mentioned by the Honourable Member.

(b) I am sending the Agent, South Indian Railway, a copy of the Honourable Member's question and of this reply for such action as he may consider necessary.

MARTIAL LAW IN THE NORTH WEST FRONTIER PROVINCE.

555. *Dr. Ziauddin Ahmad: (a) Will Government be pleased to give reasons for introducing martial law in the North West Frontier Province?

(b) What are the reasons for introducing new safety Regulations in the North West Frontier Province? When will Government withdraw them?

Mr. J. G. Acheson: (a) I would invite the attention of the Honourable Member to the statement issued by His Excellency the Governor General and published in the Gazette, Extraordinary, dated the 15th of August, 1980.

(b) The incursions of bands of armed tribesmen into the Peshawar District in June and again in August last, established clearly the necessity of powers under which the Chief Commissioner could take emergency measures for purposes of defence. Such measures would obviously often involve interference with private property. The North West Frontier Province Safety Regulation confers the requisite powers in this respect, under which immediate action can be taken, where necessary, in regard to property. It especially safeguards the interests of right holders by the provision that compensation shall be awarded in accordance with the provisions of the Land Acquisition Act.

TREATMENT OF PATHANS INTERNED IN THE MULTAN JAIL.

556. *Dr. Ziauddin Ahmad: (a) Has the attention of Government been drawn to the statement published in the Tribune of the 30th January, 1981, by Lala Dunnichand of Ambala, who has just been released, about the treatment accorded to the North West Frontier Pathans interned in Multan Jail? Have Government made enquiries about it?

(b) What compensations have Government decided to give for the destruction of properties and loss of life under martial law?

(c) Will Government be pleased to give the names of political prisoners released after the 28th January, 1981?

(d) Why did not Government release Khan Abdul Ghaffar Khan of the North West Frontier Province?

(e) Did he commit any act of violence?

(f) Did he ever advocate civil disobedience? If the answer be in the affirmative, will Government be pleased to give quotations of his speeches?

Mr. J. G. Acheson: (a) Yes, Sir. The statement does not actually reflect upon the treatment of the prisoners in question in jail, and Government have not thought it necessary to make enquiries regarding it.

(b) Over Rs. 7,000 has already been paid as compensation for damage to property, and recommendations amounting to about Rs. 87,000 are under consideration. Of this sum over Rs. 27,000 is for the acquisition of land for the construction of roads. There has been no loss of life or injury to persons under the operation of martial law. Full compensation has been paid to all innocent persons accidentally injured in the course of defence measures previously taken.

(c) and (d). A statement giving the names is laid on the table. Releases were restricted to persons who were members of the Working Committee of the All-India Congress on the date of His Excellency the Viceroy's announcement of the 25th January, or who had acted as such since the 1st of January, 1980. Abdul Ghaffar Khan was not released because he did not come within this category.

(e) No act of violence has been reported.

(f) Yes, Sir. Extracts of reports of some of Abdul Ghaffar Khan's speeches are being forwarded to the Honourable Member.

STATEMENT.

List of persons released from jail in pursuance of the announcement made by His Excellency the Viceroy on the 26th January, 1981.

1. M. K. Gandhi.
2. Jawahir Lal Nehru.
3. Jammalal Bajaj.
4. Shivaprasad Gupta.
5. Abul Kalam Azad.
6. Jairamdas Daulatram.
7. Sardar Sardul Singh Cavisher.
8. Rajagopalachari.
9. Vallabhbhai J. Patel.
10. J. M. Sen Gupta.
11. Pattabhi Sitaramaya.
12. Satyapal.
13. Mangal Singh.
14. Lala Duni Chand.
15. M. A. Ansari.
16. Mathurdas Triumji.
17. Mufti Kifayatullah.
18. Syed Abdulla Bralvi.
19. Govind Kant Malaviya.

20. Atzal Haq.
21. Mrs. Sarojini Naidu.
22. Raja Rao.
23. Dr. N. S. Hardikar.
24. Mahadeo Desai.
25. Pyarrelal Vandravadas.
26. Babu Sunder Lal.
27. Babu Mohanlal Saxena.
28. Mrs. J. M. Sen Gupta.
29. M. Krishna Rao.

IMPROVEMENT OF THE CONDITIONS OF INDIAN LABOUR ON RAILWAYS.

557. *Dr. Ziauddin Ahmad: What action have Government taken to give relief to the Indian, as distinguished from Anglo-Indian, employees in (i) education, (ii) medical aid, (iii) improving the housing conditions, since the appointment of a special Member on the Railway Board?

Mr. A. A. L. Parsons: A Memorandum showing the measures taken by the Government to eliminate racial discrimination on railways is under preparation and will shortly be placed in the Library of the House. It will show the action taken by Government in the matters referred to by the Honourable Member. I may add that it is intended to send a copy of that Memorandum to every Member of the House.

CONSTRUCTION OF A CENTRAL STATION FOR THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AT BOMBAY.

558. *Dr. Ziauddin Ahmad: (a) How much money have Government spent on the central station of the B., B. & C. I. Railway, at Bombay?

(b) Was it not possible to utilise the Central Station of the G. I. P. Railway called Victoria Terminus for the Traffic of B., B. & C. I. Railway?

(c) Did the G. I. P. Railway make an offer to Government?

(d) If so, why was the offer not accepted?

(e) Will Government please lay on the table all the papers connected with the purchase of land for this station?

Mr. A. A. L. Parsons: (a) The completion estimate has not yet been submitted, but the anticipated cost is 141 lakhs.

(b) It would probably have been possible to provide, with a certain amount of expenditure, for the existing long-distance traffic of the Bombay, Baroda and Central India Railway at Victoria Terminus, but the independent officer who was appointed to enquire into the whole question of the terminal facilities in Bombay advised that there was little to be gained financially from a joint terminus.

(c) and (d). No, the Great Indian Peninsula Railway is a State-owned and managed railway and could not make an offer to Government.

(e) I am not sure what papers the Honourable Member wishes to see; there are none in the Railway Board's Office.

Dr. Ziauddin Ahmad: I mean the correspondence about the purchase of land for the building of the station?

Mr. A. A. L. Parsons: Perhaps the Honourable Member will speak to me afterwards. I do not know between whom this correspondence took place. There is none in the Railway Board's Office.

GRIEVANCES OF MUSSALMAN RAILWAY EMPLOYEES IN THE PUNJAB.

559. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to publish the report of the inquiries recently made on the representation of the Mussalmans of the Punjab?

(b) If the answer to part (a) be in the negative, will the Honourable Member in charge of Railways read these reports himself? Will he show these reports to such members of the Assembly who desire to read these reports?

(c) Will the Honourable the Commerce Member redress the grievances if he is satisfied with the correctness of the report?

Mr. A. A. L. Parsons: (a) The Memorandum drawn up by the office who made certain enquiries on the North Western Railway is not in a form convenient for publication.

(b) The Memorandum has been seen by the Honourable Sir George Rainy, and I shall be pleased to show it at the Railway Board's Office to any Honourable Member who wishes to see it.

(c) Government will certainly take steps to remove any real grievances.

LAND REVENUE, WATER RATES AND LOCAL RATES IN THE NORTH WEST FRONTIER PROVINCE.

560. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that Government, in reply to my starred question No. 155 at the Simla Session, 1980, said 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 re-assessment proposals of the Peshawar district will be re-examined in the light of the Punjab Land Revenue (Amendment) Act

(b) Is it a fact that, in the neighbouring districts of the Punjab remission is allowed from 1921?

(c) Have Government allowed remissions in the whole district of Peshawar or only in certain sub-divisions?

(d) Why are the remissions not allowed in the whole district?

(e) From what date are the remissions allowed? Do Government propose to allow these remissions in Peshawar from the date of remissions in the neighbouring districts of the Punjab?

The Honourable Khan Bahadur Mian Sir Fasil-i-Husain: (a) Yes.

(b) No. Assessments at reduced rates became payable in each of the seven districts affected as from the harvest following the date when the revision of the sanctioned assessment was completed.

(c) and (d) Remissions were sanctioned only in those Circles of the Peshawar District, seven in number, in which the enhancement of revenue exceeded the maximum permitted under the Punjab Land Revenue (Amendment) Act, or in which they were justified on special grounds. Revision

has taken place on the same principles and in the same way as in the Punjab.

(e) Reduced assessments came into force as from last Kharif. Revised assessments did not in the Punjab all necessarily come into force on any one date. The harvest from which reduced assessments became payable varied for each district according to the date on which the revision of the previous assessment was completed and sanction of Government to the revised proposals obtained.

TICKETS ISSUED FOR THE INAUGURAL CEREMONIES OF NEW DELHI.

561. ***Mr. M. Maswood Ahmad:** (1) Will Government please state:

(a) the total number of tickets issued for the Inauguration Ceremonies, New Delhi;

(b) the number of tickets issued to persons in the service of the Government of India and their relations and friends;

(c) the number of tickets issued to Members of the Legislative Assembly and their relations and friends;

(d) the total number of special parking tickets issued for parking cars;

(e) the number of special parking tickets issued to Members of the Legislative Assembly; and

(f) the order of precedence in allotting the seats to the Members of the Central Legislature?

(2) Will Government also state the comparative figures in connection with the functions arranged on the occasion of the visit of H. R. H. the Prince of Wales?

(3) Is it not a fact that on that occasion Members of the Legislative Assembly were given seats in the special enclosures and were admitted to the Fort by the same entrance as that for Princes and special personages?

Mr. J. A. Shillidy: The information is being collected and will be furnished to the Honourable Member in due course.

Khan Bahadur Haji Wajihuddin: Are Government aware that Members of this House were asked to furnish a list of their relatives and friends anxious to join these functions, and is it also a fact that tickets were issued to some and no reply given to many of them, and if so, on what principle was this distinction allowed to be made?

Mr. J. A. Shillidy: I would like to have notice of that question. It is quite correct that Members were asked to give lists of their friends, but I would like to point out that these lists came in in supplementary lists and it was not always possible to comply with the requests which came in in the third and fourth supplementary lists. I will look into the matter as far as I can, and I can only say that as a Member of this House I am as jealous of the privileges of the Members of this House as any other Member.

Mr. K. Ahmed: In view of the fact that about 25 per cent. of the seats were vacant, may I ask the Honourable Member to revise his answer?

Mr. J. A. Shillidy: In view of the fact that the Honourable Member's information is inaccurate, that 25 per cent. of the seats were not vacant and that some people did not attend, although tickets had been issued to them, I do not know whether any reply is necessary.

Mr. K. Ahmed: I said about 25 per cent.

Mr. Muhammad Yamin Khan: Does not the Honourable Member think it is an insult to a man to ask him to furnish a list of his friends and relatives and when the list is furnished, not to send any tickets or send an reply.

Mr. J. A. Shillidy: I do not think so, Sir. Certainly it was not intended to be an insult and I should be sorry to think that it should be taken in that way. What I understand the position to be is this. Members were asked to send in a list. There were many people applying. We had been getting as many as a hundred applications a day for weeks on end. We kept a certain number of seats available for Members of the Assembly and the Council of State. One of the very first things I did when I heard the seating arrangements were in progress was to issue orders that on no account must the claims of Members of this House and of the Council of State be overlooked, and that in addition the seats which they would be given should be good both to see and hear from. It is possible that in some individual instances we may have slipped up, as there were many tickets to be issued, and if Honourable Members will give me those instances I will do my best in the matter. What I wish to point out is that we took very great care to try and meet the demands both of this House and of the Council of State.

Mr. Muhammad Yamin Khan: Did the Honourable Member ever try to look at the persons who were present inside the Fort as guests of the Governor General in Council? If he had seen the persons who were present, he would have known what distinction was made, to whom these tickets were issued and how they were refused to the friends and relatives of Members of this House.

Mr. J. A. Shillidy: I saw the people who were in the Fort. It was our intention that it should be a public fete.

Maulvi Muhammad Yakub: Question.

Mr. J. A. Shillidy: There is no question at all about it. It was our intention to make it as popular as possible. I gather from the Honourable Member that he thinks it was a little too popular.

Mr. K. Ahmed: Is it not a fact that the Honourable Member himself went from room to room, asking Members of the Assembly and those he knew. Will he say honestly that he attended only to one section and not to the others, if his answer is at all true?

Mr. J. A. Shillidy: I have not the slightest idea as to what the Honourable Member is referring to. Will he repeat his question?

Mr. K. Ahmed: Did not the Honourable Member, Mr. Shillidy, go from place to place within the Delhi Fort, speaking to Members of the Assembly and others whom he knew there and telling them to go from this room to the other, because he had not got a red ticket or a white ticket?

Mr. J. A. Shillidy: There was one building which was reserved for the people to whom tickets in the gold letters were issued. I cannot remember who they were, but there were several people who were 12 Noon. under the impression that anybody might go to this place. I went along and I saw several people, not merely Members of the Assembly, but other people who had come up, and I said that the place was not open to everybody. I pointed out that it was only for people with tickets with gold letters, and I asked them if they would mind moving to other places along the promenade from where they could see everything.

Mr. Muhammad Yamin Khan: In view of the feeling of Members on this question, would the Honourable Member be ready to have a small committee of Members to go through the matter of the tickets which had been issued?

Mr. J. A. Shillidy: Will the Honourable Member move the Finance Department to give me some lakhs for another function of this nature.

Mr. Muhammad Yamin Khan: That is not my intention. I suggest a committee of the House which will only look, along with the Honourable Member, into the tickets which were issued to the people in the Fort in order to find out whether they were all desirable people, or whether there was any kind of favouritism and so forth?

Mr. J. A. Shillidy: Sir, we did our very best, as I said, and I do not think that on the whole we made many mistakes. I dare say we may have made some mistakes and I shall be glad to look into them.

SHORT NOTICE QUESTION AND ANSWER.

PERSONS CONVICTED IN THE LAHORE CONSPIRACY CASE.

Mr. B. R. Puri: Will Government be pleased to state:

- whether their attention has been drawn to Reuter's telegram, dated London, February the 11th, published in the *Hindustan Times* of the 14th February, 1931, relating to the Privy Council's refusing leave to appeal to the twelve accused persons sentenced by the Lahore Conspiracy Case Tribunal on the 7th October, 1930;
- whether they are aware that the convictions have taken place under the Ordinance which set up the Tribunal;
- whether it is not a fact that steps are being taken to create an atmosphere of goodwill;
- whether they will be withdrawing the Ordinances, if the said atmosphere is created;
- whether they are prepared to consider the advisability of commuting the said sentences under the circumstances; and
- if they propose to consider the advisability of taking steps to delay the execution of Shiv Ram, Bhagat Singh, Raj Guru and Sukhdev?

The Honourable Sir James Orerar: (a) and (b). Yes.

(c) and (d). I would refer the Honourable Member to the speech made by the Honourable the Leader of the House on the 5th February in the debate on the Resolution moved by Mr. Sadiq Hasan.

(e) and (f). I can only say that Government will examine on their intrinsic merits any petitions for mercy which the rules permit and which the convicted persons may present.

Mr. K. Ahmed: Are Government aware that certain lawyers—advocates and barristers—wrote a letter or caused letters to have been written to the Home Secretary, Inspector General of Prisons and the Superintendent of the jail concerned whoever were there not to hang those persons, because the Ordinance concerned had not given satisfaction in law so as to establish that these persons in charge had got any justification in proceeding to hang any person; and since this Tribunal is not in existence, are Government aware that there is no one to accord proper sanction to carry out the order of execution?

The Honourable Sir James Orerar: Sir, I have seen the Press reports to which I think the Honourable Member refers, but the statement that the warrants had not been signed by the Court is not, according to my information, correct.

Mr. K. Ahmed: Do Government propose, under the circumstances, to take steps to put a stop to or delay the completion of the executions, or do they propose, in view of the fact which they have admitted implicitly that there is a certain flaw (An Honourable Member from Official Benches: "There is nothing.") Inasmuch as the Tribunal has not given that order and moreover it is not in existence, do Government propose now, for their own safety (Laughter), also inasmuch as there are people who are not expert either in law or in experience to carry out the Ordinance, and also inasmuch as the jurists and lawyers have taken exception and Government have not yet been able to satisfy them

Mr. B. S. Sarma: The Honourable Member is making a speech on a question?

Mr. K. Ahmed: It is not the Bengalee newspaper of Calcutta which nobody reads. I have got to satisfy myself that I get an accurate answer to this question.

The Honourable Sir James Orerar: As has already been pointed out, Sir, the Honourable Member's hypothesis, or what I understand to be his hypothesis, is incorrect. Therefore, his question does not arise.

Mr. K. Ahmed: Is it not a fact, Sir, since the Honourable the Home Member has admitted that he has seen an article in the newspapers mentioning that certain lawyers have taken exception and have sent a memorial to the Government officers that the executions cannot be carried out, and that they will be held responsible if they do carry out the executions without justification

Mr. President: Order, order. The Honourable Member ought to know that on this occasion supplementary questions arising out of the reply given are put. Will the Honourable Member ask supplementary questions directly? It is no use going into elaborate explanations.

Mr. K. Ahmed: I submit, Sir, that in view of the fact that the Honourable the Home Member has admitted that he has seen in the newspapers that certain lawyers have taken exception and have challenged the Government that there is no justification for the course contemplated and in view of the fact that the Tribunal is not in existence and so no power can be given for the executions, and that the people who will execute the persons concerned will be held responsible, do Government, for their own safety, propose to take steps to see that the carrying out of the order for executions be delayed?

Mr. Gaya Prasad Singh: May I know, Sir, what is the date fixed for the execution of these prisoners?

The Honourable Sir James Orerar: I cannot add anything to the reply which I have already made to the main question.

Mr. K. Ahmed: Will the Honourable the Home Member kindly consult the Law Member, and if he is not present or in a position to give his opinion, will he consult for us either the Attorney General in England or the Solicitor General or any other lawyers who can help the Government, and in the meantime delay the executions, because the justification for executing these people has been challenged and the Home Member has taken notice of it?

Mr. Gaya Prasad Singh: May I know if it is the intention of Government to order the postponement of the executions in view of the numerous petitions which have been sent to the Government on the subject?

The Honourable Sir James Orerar: I regret I cannot add anything to the reply which I have already given.

UNSTARRED QUESTIONS AND ANSWERS.

NUMBER OF PASSENGERS TRAVELLING ON THE PATNA-GAYA BRANCH OF THE EAST INDIAN RAILWAY.

198. **Mr. M. Maswood Ahmad:** (a) What was the total number of passengers travelling on the Patna-Gaya branch of the East Indian Railway in the different classes in 1929-30?

(b) What was the total number of passengers travelling in the different classes who started their journey from the different stations on the Patna-Gaya branch, East Indian Railway, in 1929-30?

(c) What was the total number of passengers, who finished their journey at the different stations on the Patna-Gaya branch, East Indian Railway, in 1929-30, travelling in the different classes?

Mr. A. A. L. Parsons: I am sending the Honourable Member a statement giving this information.

NOMINATIONS TO THE DEOLALI CANTONMENT BOARD.

199. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that among the members recently nominated to the Cantonment Board, Deolali, one is a clergyman and the other is an employee of the Military Estates Officer?

(b) If so, will Government be pleased to state the reasons which led to the nomination of the clergyman? Was the Christian community of the Cantonment already represented on the Board by election?

(c) What interests of the Cantonment did the other nominated member, employee of the Military Estates Officer, represent?

(d) Is it a fact that the local Association protested against the nomination? If so, what was the result of their protest?

(e) Do Government propose to re-consider the nominations in the light of the objections raised by the people?

Mr. G. M. Young: (a) I am informed that all the four nominated members of the Deolali Cantonment Board are military officers.

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

(d) Government have no information, but they understand that no objections were received over the nominations referred to in (a).

(e) Does not arise.

DISCHARGE OF CANTONMENT FUND EMPLOYEES AT AMBALA.

200. Khan Bahadur Haji Wajihuddin: (a) Is it a fact that during the last three months notices of discharge have been given to three Cantonment Fund employees of Ambala Cantonment, viz., the Stenotypist, the Principal Superintendent, and the Cantonment Engineer?

(b) Are Government aware that in all the three cases the decisions are the majority decisions in which the official members have agreed unanimously?

(c) Was it pointed out to the majority that voted for the discharge of the above employees that these decisions run counter to the Government of India, Army Department Circular No. 2512-A. D.-4, dated the 12th September, 1929?

(d) Will Government state specifically the circumstances in which a discharge has been ordered in each of the above cases?

(e) Is it a fact that as a result of the inquiry into certain charges of negligence brought against the Cantonment Engineer, he was acquitted of most of them and in one case the Enquiry Committee recommended stopping of his increment for one year?

(f) Are Government aware that the present Cantonment Engineer was appointed some three years ago, is a qualified Hoorkee Overseer, was elected out of about 800 applicants and his appointment was due to the Cantonment Board reducing the salary of the Cantonment Engineer's post from Rs. 400 to Rs. 200?

(g) Is it a fact that he is being discharged now as the Cantonment Board again desires to increase the salary of the post to Rs. 400 per annum?

(h) Are Government aware that the practice of revising the salaries of posts at times other than the Budget time has created a strong sense of insecurity among the Cantonment Fund employees of Ambala?

(i) Do Government propose to direct that questions about the establishment be not considered except at the Budget time and that Cantonment Fund employees be not discharged except when their post is usually reduced and there is no other post on which the persons concerned can be appointed?

Mr. G. M. Young: I am making enquiries and will let the Honourable Member know the result.

DISMISSAL OF CANTONMENT FUND EMPLOYEES AT QUETTA.

201. Khan Bahadur Haji Wajihuddin: (a) Is it a fact that the Executive Officer of Quetta is also the Adviser of the Western Command, in matters of cantonment administration?

(b) Are Government aware that in a number of cases the Command is the final appellate authority under the Cantonments Act of 1924, to hear against the decisions of the Cantonment Authority of Quetta?

(c) Is it a fact that the General Officer Commanding-in-Chief takes advice from the Executive Officer of Quetta in the disposal of such appeals?

(d) Are Government aware that the people of Quetta do not consider such an arrangement conducive to the ends of justice?

(e) Will Government be pleased to state how many Cantonment Fund employees have been discharged from Quetta Cantonment since 1924?

(f) Did they appeal to the Western Command against their discharge? What was the result of their appeals? Was the Executive Officer, Quetta, consulted in the disposal of those appeals?

(g) Has the All-India Cantonments Association represented to Government the undesirability of the Executive Officer, Quetta, acting as the Adviser of the Western Command, especially in the matter of appeals against the decisions of the Cantonment Authority of Quetta?

(h) Have Government taken any action on this representation? If so, what? If not, how do Government propose to allay public fears of the miscarriage of justice owing to such an arrangement?

Mr. G. M. Young: (a) and (b). Yes.

(c) Yes. The Executive Officer of the Quetta Cantonment acts also as the adviser to the General Officer Commanding-in-Chief, Western Command, in cantonment matters.

(d) The answer is in the negative.

(e) and (f). Government have no information.

(g) Yes.

(h) The Association, in their complaint on the subject, stated that specific instances had been brought to their notice of the undesirability of this combination of functions. The Association were asked to inform the Government of India of the specific instances referred to: but did not produce any. The system was introduced for administrative convenience, and in order to avoid the expense of a whole-time Inspecting Officer for a relatively small charge. It has worked well for some years, and as no specific instances of the kind referred to by the Association are forthcoming, the Government of India do not propose to take any action in the matter. The Association were informed accordingly.

EMPLOYMENT OF ASSISTANTS AND CLERKS IN THE SECRETARIAT AS CENSUS ENUMERATORS.

202. Khan Bahadur Haji Wajihuddin: (a) Is it a fact that the assistants and clerks in the Secretariat and its attached offices are appointed census enumerators?

(b) Will Government be pleased to state whether these assistants and clerks are relieved from their official duties to do the census work; if so, what arrangements are made for the disposal of their official work?

(c) If the reply to part (b) be in the negative, will Government be pleased to state at what time these men are supposed to perform the enumerators' duty?

(d) If after or before office hours, will Government please state whether they will be granted any conveyance for their journey, and any remuneration for their additional duty; if so, what amount; if not, why not?

(e) Are these men required to do census duty compulsorily, only because they are in Government service? If not, what are the reasons?

(f) Are Muhammadans (those who are observing fast on account of 'Ramzan Sharif') required to perform the census duty in addition to their own pressing official duty?

The Honourable Sir James Orerar: (a) to (f). In accordance with the principle that all Government servants are bound to assist in the taking of the census, a proportion of the ministerial staff of the Secretariat and attached offices are appointed as unpaid census enumerators. The work is done outside office hours and is so distributed that the necessity for conveyance allowances does not arise. Pressure of official work and personal disabilities such as fasting on account of Ramzan are taken into account before these appointments are made.

MINISTERIAL APPOINTMENTS IN THE NORTH WEST FRONTIER PROVINCE.

203. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware:

(i) that recruitment of persons belonging to other provinces has been allowed indiscriminately in the ministerial establishment in the North West Frontier Province for a considerable number of years? Did the Honourable Sir John Maffey, former Chief Commissioner of the province, issue orders enjoining the discontinuance of the system in vogue at the time; and

(ii) that almost all the higher appointments in all the offices in the Province as Head Clerks, Readers, Clerks of the Courts, Superintendents, Head Assistants, and Registrars are held at present by the Punjabi and local non-Muslims and that these persons have monopolized them, and do not allow senior-deserving Muslims to succeed them on various grounds, namely, "undefined and ambiguous charge of inefficiency", "suffering of work caused by charges allowed for short periods", etc., and that there have been numerous such cases lately in the province?

(b) If the replies to the above questions be in the affirmative, do Government propose to confine the future recruitment of members of the ministerial establishment to qualified persons belonging to the province only, and allow the replacement of non-Muslims when vacancies occur in future by deserving senior Muslims already in the service?

Mr. J. G. Acheson: The information is being obtained and will be supplied to the Honourable Member when received.

APPOINTMENT OF MUSLIMS TO GOVERNMENT POSTS IN THE NORTH WEST FRONTIER PROVINCE.

204. **Khan Bahadur Haji Wajihuddin:** (a) With reference to the reply given by Government to questions Nos. 453 and 454, asked on the 12th September, 1929, by Mr. Muhammad Ismail Khan, Member, Legislative Assembly, will Government be pleased to state if it is a fact that

(i) Muslims in the North West Frontier Province form 95 per cent. of the population;

(ii) Sir Norman Bolton, former Chief Commissioner of the North West Frontier Province, authorized Mr. Burdon, Auditor General in India, to allow 40 per cent. non-Muslims to be transferred from the Office of the Accountant General, Punjab, to the newly established Office of the Civil Pay and Accounts in the North West Frontier Province;

(iii) A few years ago the Local Government sanctioned 88 per cent. recruitment of non-Muslims in the Police Department of Kohat District;

(iv) the Honourable the Chief Commissioner authorized 60 per cent. qualified Muslims of the Province to be recruited for the office mentioned in part (ii);

(v) the Honourable the Chief Commissioner authorized the recruitment of 60 per cent. qualified Muslims in the Irrigation Department of the province;

(vi) in reply to question No. 453 the Honourable the Chief Commissioner informed the Government as follows:

"(1) No precise proportion has been fixed, but every consideration is being paid to the claims of increasingly large number of educated Muslims now available;

(2) There has been no marked departure"

(b) If replies to the above questions are in the affirmative, will Government be pleased to state:

(i) on what consideration was the proportion of communal representation mentioned in items (i) to (v) in part (a) above fixed;

(ii) why were the proportions quoted above authorized to be acted upon in certain particular Departments when no precise proportion was fixed as stated in item (vi) of part (a); and

(iii) the special reasons which necessitated the non-determination of the proportion in question?

Mr. J. G. Acheson: The information is being obtained and will be applied to the Honourable Member when received.

APPOINTMENT OF MUSLIMS AS ASSISTANT PAY AND ACCOUNTS OFFICERS IN THE NORTH WEST FRONTIER PROVINCE.

205. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state the total number of appointments of Assistant Pay and accounts Officers in India and the number of appointments held by the Muslims?

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(b) Will Government be pleased to state if it is a fact that a second appointment of Assistant Pay and Accounts Officer has lately been sanctioned for the North West Frontier Province? If so, do Government propose to consider the desirability of appointing a Muslim for that province?

The Honourable Sir George Schuster: (a) The total number of appointments of Assistant Pay and Accounts Officers in India is seven, of which one is held by a Muslim.

(b) The reply to the first part is in the affirmative. The post is included in the number mentioned above.

One of the posts of Assistant Pay and Accounts Officers in Peshawar is held by a Muslim. Appointments to these posts are made by promotion of selected accountants based on seniority and merit. Communal considerations do not govern such departmental promotions.

PUSHTO TEXT BOOKS FOR MILITARY OFFICERS.

206. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if it is a fact that certain Pushto books lately published have been admitted by the Army Headquarters as text books for the Preliminary and Interpreters' examinations for British military officers in the North West Frontier Province?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state if the usual procedure of first referring the books to and obtaining the opinion of the members of the Pushto Text Book Committee, if any, was observed, as is being done in the Education Department in India before they are admitted as text books?

(c) If there is no such Committee, do Government propose to appoint a Committee of recognised Pushto scholars, examiners and authors, to submit to Government a report as regards the literature being worthy of admission as text books?

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

(b) The usual procedure was adopted. The books were referred to a number of the best Pushto scholars, who unanimously approved them. There is no formally constituted Pushto Text Book Committee.

(c) The answer is in the negative.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

207. **Khan Bahadur Haji Wajihuddin:** With reference to the reply given by Sir George Schuster on behalf of Government to question No. 850 asked by Sayed Maulvi Murtuza Sahib Bahadur in the Legislative Assembly on the 28th March, 1930 (regarding the number of appointments held by Muslims in the Military Accounts Department), will Government be pleased to state the action taken by the Department to improve the position of Muslims in the Department throughout India?

The Honourable Sir George Schuster: The Honourable Member is referred to the answer given in this House on the 22nd March, 1929, to part (b) of starred question No. 1182, asked by Mr. Muhammad Ismail Khan, which states the system followed in the matter of recruitment to the Military

Accounts Department. No special measures other than those outlined in that answer have been adopted to increase the number of Muslims in that Department.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

208. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether it is a fact that:

(i) few years back temporary clerks used to be entertained by direct recruitment by the Controllers of Military Accounts;

(ii) the clerks in charge of (General) Establishment Section were not all non-Muslims and that equal opportunities were not afforded to qualified and well educated Muslims while making direct appointments of clerks and Accountants without any competitive examination (a system which prevailed up to 1924 or so);

(iii) out of 234 vacancies of temporary clerks in the Department during a period from 1st January, 1928, to 31st March, 1930, only 39 posts, i.e., a percentage of 16 was allowed to be filled by Muslims;

(iv) in 1922 about 40 direct probationers were recruited without any competitive examination for appointment as Accountants and that almost all of them were non-Muslims;

(v) a number of qualified temporary Muslim clerks serving in the Department are still awaiting confirmation and that other Muslim clerks who have already passed the Subordinate Accounts Service examination have not yet been appointed as accountants;

(vi) the orders of Government to allow every third vacancy to be reserved for members of minority communities have not so far been effectively applied to filling up appointments of permanent clerks, Accountants and D. A. C. M. As a result of this

(vii) in 1930 the Muslims of higher educational qualification were specially appointed probationary Accountants in the office of the Pay and Accounts Officer, North West Frontier Province, Peshawar, under the orders of the Secretary to the Government of India, Finance Department, with the view to redressing the communal inequalities in that office; and

(viii) the Muslim recruitment has been stopped in the office of the Commissioner, Northern India Salt Revenue, till other communities have gained their own share?

If the replies to items (i) to (viii) of part (a) are in the affirmative, will Government be pleased to state:

(i) why the declared policy of Government has not so far been applied to grades referred to in item (vi) of part (a);

(ii) if there are any reasons why the recruitment in the Department should not in future be regulated to avoid a monopoly of services by one community; and

(iii) what action they propose to take to ensure the adequate representation of the Muslims in the Department for appointments in all grades in future?

The Honourable Sir George Schuster: (a) (i). The answer is in the affirmative.

(ii) If the Honourable Member requires information in regard to the number of Muslims in charge of General (Establishment) Sections of Controllers' offices during a particular period and will indicate the period, the statistics will be collected and furnished to him.

(iii) The total number of vacancies filled during the period 1st January, 1928, to 31st March, 1930, was 243. 48 vacancies were offered to Muslims, 39 of whom were actually appointed. The remainder failed to accept the offers.

(iv) If the Honourable Member refers to the direct appointment of non-Government servants as probationary Accountants, the answer is in the negative. If, however, he refers to the appointment as Accountants on probation of 10 clerks of the office of the late Controller of War Accounts, of 12 Divisional Accountants employed on Military Works Accounts, of 21 sub. *pro tem.* Accountants of the Military Accounts Department, and one Special Deputy Examiner of the Military Accounts Department, the answer is in the affirmative. Three out of the above were Muslims.

(v) The answer is in the affirmative.

(vi) The orders of Government apply only to first recruitment and not to departmental promotions. In the Military Accounts Department direct recruitment is at present made only to the grade of clerks. Some time must, under this system, necessarily elapse before the orders can become fully effective in respect of the proportion of appointments in the higher grades held by members of minority communities.

(vii) As there were no natives of the Frontier Province on the non-gazetted supervising staff of the Pay and Accounts Office, Peshawar, which was started in 1929, two young Muslims possessing high educational qualifications have recently been selected as probationers and posted for training in the office of the Accountant General, Punjab, with a view to their being ultimately appointed, in accordance with standing orders, as Assistant Superintendents and Superintendents in the Pay and Accounts Office and the Audit Office attached thereto.

(viii) No.

(b) (i), (ii) and (iii). The explanation which I have given in answer to (a) (vi) disposes of the points raised in this part of the question.

SUPERVISION OF PUBLIC SERVICE COMMISSION EXAMINATIONS.

209. Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state how the different examinations are conducted by the Public Service Commission?

(b) Who are as a rule appointed as supervisors and invigilators?

(c) Is it not a fact that Principals or Headmasters of local institutions were appointed supervisors when Mr. Wise, I.C.S., was the Secretary of the Public Service Commission?

(d) Will Government be pleased to give the names and official designations of the Supervisors appointed since Mr. Dix took over the management of the Public Service Commission?

(e) Is it not a fact that senior assistants from the Government of India offices were appointed invigilators up till the time Mr. Wise was Secretary?

(f) Is it not a fact that temporary clerks, junior clerks, shopkeepers, pensioners and outsiders have been appointed as invigilators from some time past?

(g) Will Government be pleased to give the names with full particulars of the invigilators who conducted the different examinations of the Public Service Commission for the past two years?

(h) Is it a fact that there is not a single Bengali on the list of the invigilators?

(i) Is it also a fact that the Secretary of the Public Service Commission has entirely left the appointment and selection of supervisors and invigilators in the hands of the Superintendent of the Office?

The Honourable Sir James Orerar: (a) The examinations are conducted in accordance with a scheme of organisation drawn up by the Public Service Commission.

(b) Suitable persons are appointed as supervisors and invigilators from lists maintained by the Commission for the purpose.

(c), (e) and (f). I understand that no change has been made in the field of selection and the lists have remained substantially the same.

(d) and (g). No public interest would be served by the publication of these lists.

(h) No. I understand several Bengalees have been employed.

(i) No.

COMPLAINTS AGAINST THE SUPERINTENDENT OF THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

210. Khan Bahadur Haji Wajihuddin: (a) Have Government received any complaints that the Superintendent of the Office of the Public Service Commission is in the habit of abusing his assistants and clerks and has on occasions abused the invigilators and candidates?

(b) What is the status and grade of the Superintendent of the office of the Public Service Commission?

(c) What is the total permanent strength of the office of the Public Service Commission and how many of them are Hindus, Muslims, Sikhs and others?

(d) How many temporary clerks have been employed in the Public Service Commission office for the past two years from time to time? Please state their names and qualification?

(e) What is the number of the temporary men employed at present and what are their names and qualifications?

The Honourable Sir James Orerar: (a) No.

(b) The post is a non-gazetted ministerial post carrying a pay of Rs. 500-40-700.

(c) 23, 12 are Hindus, 4 Muslims and 3 Europeans and Anglo-Indians, one is a Sikh. Three posts are vacant at present.

(d) and (e). I understand that 28 temporary men have been employed during the past two years and that 15 are in temporary employment at present. I will see that the names and qualifications of these men are supplied to the Honourable Member.

COMMUNAL COMPOSITION OF POSTS IN CERTAIN RAILWAY SERVICES.

211. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to lay on the table a statement showing the number of Muhammadans, Hindus and Christians employed in the railway service in telegraph, booking, parcel, goods offices and as ticket collectors at Aligarh, Muttra, Benares, Hardwar with the number of years each employee has worked at Aligarh?

(b) Is it a fact that Mr. Bhagwati Pershad, Assistant Station Master, Aligarh Junction, is a permanent resident of Aligarh?

(c) Is it a fact that he has served the Railway Department for about 20 years?

(d) How long has he been at Aligarh Junction and in what capacities has he worked there?

(e) Is it a fact that various complaints were made against Mr. Bhagwati Pershad and he was transferred from Aligarh but the transfer was cancelled?

(f) Will Government be pleased to give the reasons for the cancellation of the transfer?

Mr. A. A. L. Parsons: (a) Government regret that they are not prepared to collect this information.

(b) to (f). Government have no information, but a copy of these parts of the Honourable Member's question has been sent to the Agent of the East Indian Railway for any action he may find necessary.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President: Order, order. I have received a Communication from His Excellency the Viceroy which I should like to read out to the House.

(The Message was received by the Assembly standing.)

In pursuance of my Order, dated the 27th January, 1931, appointing **Mr. W. H. R. R. R.** Secretary, for the general discussion in the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of railways, I, **Edward Frederick Lindley, Baron Irwin**, hereby direct that the said general discussion shall take place either on Thursday, the 19th February, or on Friday, the 20th February, according as to which of these days is not a public holiday.

(Sd.) **IRWIN,**

Viceroy and Governor-General."

NEW DELHI;

The 16th February, 1931.

RAILWAY BUDGET FOR 1931-32.

The Honourable Sir George Rany (Member for Commerce and Railways): I rise to present to the House the Railway Budget for 1931-32. No important changes have been made in the papers which Honourable Members will shortly have in their hands, but with the approval of the Standing Finance Committee for Railways, we have made some small alterations, more particularly in the arrangement of the capital programmes of the railways, which will, I hope, be found to be improvements. Their sole object is to present the Budget in a more understandable form without unduly enlarging the mass of papers which Honourable Members are called upon to read. These changes are described in the proceedings of the Standing Finance Committee for Railways of the 21st January last (Vol. VIII, No. 1). Perhaps the most important is the addition to the Pink Books containing the programmes of individual railways of a column showing commitments for future years if the programmes are accepted by the Assembly. We have also adopted in the presentation of this Budget two alterations arising out of suggestions made this year in the Public Accounts Committee. We have now brought together under Demand No. 14 all the expenditure from revenue relating to strategic lines, and we have also provided under the "Capital" and "Depreciation Fund" heads small allotments for emergent expenditure, such as that incurred on the repair of flood damages, which unfortunately we have to incur in most years but the exact nature of which, or the line on which it will be incurred cannot of course be foreseen. Further, we have accepted a suggestion which was made by my Honourable friend, **Sir Hugh Cooke**, last year, that we should add to the Budget papers a statement showing the details of the gain or loss in working the State Railways for a period of five years. This will now be found as an appendix to the Railway Board's Memorandum.

I should like to acknowledge here the great assistance I have received in the preparation of the Budget from the Members of the Railway Board, first and foremost, of course, from **Mr. Parsons**, the Financial Commissioner, on whom the main burden lies, and after him the **Chief Commissioner**, **Mr. Russell** and the Staff Member of the Board, **Mr. Hayman**. As always, their help has been cordially and ungrudgingly given, and to me its value has been very great.

2. As there are many new Members in the House, I should like once again to make the request that, when notices of motions for reductions in the Demands are given, they should be accompanied by a brief indication of the questions which it is intended to raise. This has now become the usual practice, and I think that besides helping Government Members to supply the information needed for our discussions, it is generally recognised that it conduces to an orderly debate.

3. **Financial results of 1929-30.**—When the Budget, which I presented to the House last year, was prepared, our weekly earnings had shown an upward tendency and we expected to close the year 1929-30 with a gain from commercial lines of just over 7 crores. Though this sum would not have been sufficient to cover the whole of the loss on the strategic lines plus the contribution to general revenues, we hoped that it would be possible to pay the full contribution without drawing more than Rs. 86 lakhs from the Reserve. But the improvement was short-lived.

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and in February and March last the effect of the world wide trade depression began to be reflected in our traffic earnings, while earning power was further impaired by the serious strike which broke out on the Great Indian Peninsula Railway. As a result we failed to reach our revised estimate of 106½ crores by 1½ crores, and though our charges dropped by nearly half a crore, we had to withdraw over 2 crores from the Reserve.

4. *Revised estimate.*—Though the strike on the Great Indian Peninsula Railway ended in April, the trade depression has become more acute with the passage of the months, and the reflex effects of the civil disobedience movement have accentuated the decline in trade. We budgeted for total receipts from all sources of 109½ crores and total expenses, including interest and all other charges, of 103½ crores. We now expect that the total receipts will not exceed 96½ crores, a reduction of 12½ crores, while our total charges, though 1½ crores below the original estimate, are likely to amount to nearly 102 crores. As a result, we are faced with a loss of 5 crores 12 lakhs, in addition to which we have to find 5 crores 74 lakhs as a contribution to general revenues. It is, therefore, necessary for us to withdraw 10 crores 86 lakhs from the Reserve, instead of, as we hoped, adding 84 lakhs to it.

5. These figures can be presented in a slightly different form, which will perhaps make the position somewhat clearer. The surplus on the commercial lines, after providing for all charges except interest, is about 26 crores, whereas the interest debitable to the railways is a little over 31 crores. The deficit of nearly 11 crores therefore means this, that the earnings of the railways fell short of the amount necessary to provide for full interest charges by 8 crores, the loss on the strategic railways was 2½ crores and the contribution to general revenues 5½ crores. It has always been recognised that the loss on the strategic railways is a fair charge against general revenues rather than against the earnings of the commercial lines, and it is for this reason that, under the separation convention, the loss is deducted from the surplus on the commercial lines before arriving at the figure of the contribution payable. It was also recognised that we could not expect in bad years to be able to earn our full contribution to general revenues, and on this account the Reserve Fund was created out of the profits of the years of prosperity. In effect, therefore, the position is this, that looking at our commercial lines purely as a business proposition and ignoring for the moment the loss on strategic railways, the contribution, the loss on the commercial lines is only 8 crores. When the adverse circumstances of the current year are taken into account with the extreme depression in trade due to the fall in world prices and aggravated by all the circumstances connected with the civil disobedience movement, with which Members are well acquainted, unsatisfactory though the results are, I do not think they give ground for unmixed pessimism.

6. Before passing on to the Budget for the current year, I should like to explain that, if a comparison is made with the results of previous years, allowance must be made for a change in accounting procedure which increases the expenditure under the head "Interest" to the extent of about one crore. Hitherto the interest on the loans raised since 1917 has been calculated at the nominal rate of interest at which Government borrowed during the period. This year account has also been taken of the discount at which some of the loans have been floated, and the expenses

incurred in floating these loans. Unwelcome though the additional burden on the railways was, I felt that I could not contest the accuracy of the new method, since the cost at which Government borrows necessarily depends on the price at which the loans are issued.

7. Turning now to the details of our earnings and expenses, the total falling off, as compared with the actuals of 1929-30, is 8½ crores, of which about 3 crores comes under passenger and other coaching traffic earnings and 5½ crores under goods and other earnings. Given the conditions we have had to face, a falling off of this kind was inevitable. On the expenditure side, we expect a saving, as compared with 1929-30, of about a crore. This figure, however, does not do full justice to the efforts of the economy which have been made, for the allocation to the Depreciation Fund has automatically risen by nearly half a crore while the amount deducted on account of worked lines accounts for a similar sum. On the expenditure side under the two main heads "Repairs and Maintenance" and "Operation", the reduction in gross working expenses amounts to about 235 lakhs. Of this sum, 84 lakhs is due to certain arrear adjustments with the Depreciation Fund, and the actual reduction of expenditure under these two heads is approximately 1½ crores. As usually happens, in a bad year the revenue fell off much faster than the expenditure could be reduced, and it will be necessary to carry on a vigorous economy campaign during coming months. I have preferred to make the comparison of the revised figures with the actuals of 1929-30, as our Budget for the current year has proved to be somewhat wide of the mark.

Budget Estimate for 1931-32.

8. Our Budget for next year assumes total receipts from all sources of 102½ crores and total charges of 101½ crores, leaving us with a net gain from all lines of 1½ crores. Our contribution to general revenues is 5 crores 36 lakhs, and to meet it we shall have to draw 4 crores 15 lakhs from the Reserve. Compared with the revised estimate, which shows a net loss of 512 lakhs, we expect an improvement of 6 crores 28 lakhs. Of this figure, 28 lakhs is expected to come from a reduction in the loss on strategic lines where we hope to get 12 lakhs more in receipts and reduce our expenditure by 13 lakhs, while the interest charges should not go up by more than 2 lakhs. Owing to the poor results of the current year, we shall have to pay away 40 lakhs less in surplus profits, and we hope by economical working to reduce our miscellaneous charges by 8 lakhs. The total of these three items—strategic lines, surplus profits and miscellaneous charges—is a betterment of 71 lakhs. Against this we shall have to pay 80 lakhs more in interest on commercial lines owing to the increase in the capital at charge, while owing to the depletion of our Reserve Fund balance we must expect to receive 16 lakhs less in interest on our balances. Our share next year of profits from subsidized companies and from branch lines in which we have invested, depends chiefly on the results of this year, and is likely to be down by 5 lakhs. Against the betterment of 71 lakhs, we have therefore to set a deterioration of 101 lakhs in the other items I have mentioned, which means that we have to cover a net deterioration of 30 lakhs, and in addition to obtain the additional 633 lakhs improvement mentioned, from the working results of commercial lines.

9. On the commercial lines we estimate the gross traffic receipts at 90½ crores against 93½ crores in our revised estimate, an improvement of about 6 crores. We anticipate an increase of about 2 crores from minor

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alterations in rates and fares, and for the rest, the estimate assumes that the latter part of next year will show some improvement in traffic. To make up the balance of 73 lakhs required if we are to obtain an improvement of 668 lakhs in the working results of the commercial lines, we have to look to a further reduction in working expenses. Actually, however, the reduction needed amounts to 194 lakhs, for the allocation to the Depreciation Fund goes up automatically by 37 lakhs, and the fortuitous credit of 84 lakhs to revenue from that fund in the current year will not be repeated. This reduction of Rs. 194 lakhs will have to be achieved notwithstanding the fact that we hope to handle more traffic in the cold weather of 1931-32 than we did this year, and notwithstanding the additional expenditure involved by the bringing into force of the hours of work conventions, the additional mileage to be opened and the recent increases in the wages of the lower-paid employees. The savings we anticipate fall under three heads:

- (i) Rs. 80 lakhs by reduction of establishments and contingent charges coming under the head of Administration;
- (ii) Rs. 157 lakhs by measures to reduce the cost of repairing and maintaining track and buildings and their equipment; and
- (iii) Rs. 2 lakhs only under Operation, where we have to provide 25 lakhs more for fuel. We are also expecting a larger payment by Rs. 5 lakhs from Companies and Indian States whose lines we work for them.

10. The figures I have given can again be presented in another form. We expect a surplus on the commercial lines of about 8½ crores, which exceeds by 8½ crores the interest debitable to the railways. Of the latter sum about 2 crores are required to meet the loss on the strategic railways, and there is a balance of 1½ crores left towards the contribution. We have therefore to draw upon the reserves to the extent of 4 crores in order to pay the contribution. If this estimate proves to be correct, the railways will be perfectly solvent, but will be unable to earn more than a small part of what they are expected to contribute in relief of the general tax-payer.

11. At this point it may be natural to enquire whether there is a reasonable prospect of attaining these results. So far as the reduction in expenditure is concerned, I am confident that, with the good will of all concerned and the strenuous efforts to effect economy which I know are being made on all railways, we should be able to reduce our expenditure to the extent contemplated. On the revenue side, the issue is of course much more uncertain. At the best of times the forecast of the earnings of the coming year is largely guess work, and under the abnormal conditions existing today the difficulty of making an estimate is very greatly increased. Almost everything of course depends upon whether the latter part of the coming year may see some lightening of the trade depression. Railway traffic figures are always a most sensitive barometer of the fluctuations in trade and the effect on railway revenues of any increased movement of goods and passengers would be immediate. It was only after a most careful consideration that I accepted the budget estimate of next year's earnings, but I think that, without being unduly optimistic, we may reasonably hope that next year's figures will show some improvement on the results of the current year. There is, however, one essential condition to be satisfied if our hopes are to be fulfilled. The restoration

of peace in the country and the abandonment of methods of agitation which directly hamper and reduce trade are indispensable, if any real improvement is to take place. Granted these conditions, I have no doubt that some improvement may be looked for, since the effect of the civil disobedience movement has been to restrict temporarily the demand for a number of commodities and at the same time to create an accumulated demand which will claim satisfaction as soon as the barriers in the trade channels are removed.

12. The financial situation of the railways being such as I have attempted to describe, it is of course obvious that the most urgent duty of all concerned in their administration is to promote economy and bring about a reduction in working costs. To a limited extent savings occur automatically, because if fewer trains are run, less coal is burnt and a reduction in the operating staff becomes possible. Much more than this, however, is needed, and for some time past the Railway Board have been actively engaged in impressing on the Agents the necessity of reducing expenditure to the utmost extent possible. On page 9 of the Railway Board's Memorandum Honourable Members will find an indication of the directions in which it is hoped that costs can be brought down, as for example, the reduction of redundant establishments, the restriction of contingent charges to what is absolutely necessary and the cutting down of the standard of repairs and maintenance to the utmost extent possible, subject always to the proviso that, where safety is in question, no risks can be taken and the track and rolling stock must be maintained to the extent necessary to protect the public. We feel that at this juncture our primary duty is to stop up the hundreds of loopholes through which money is apt to leak away in times of prosperity, and we hope that the reduction in expenditure will come not from half a dozen large items, but from an immense accumulation of small items, the aggregate of which may be very substantial. This is an aspect of the case to which I specially desire to invite the attention of the House. I do not know whether Honourable Members share the difficulty I sometimes feel, when I read official reports and announcements, in translating into concrete terms the somewhat abstract phrases in which we are apt to deliver ourselves. Perhaps I can best explain what we are aiming at by giving two illustrations, not both the Railway Department at all, but from what came under my personal observation nearly a quarter of a century ago, when I had a good deal to do with the Telegraph Department. I hope my Honourable colleague Sir Joseph Bhore will pardon me for trespassing upon his province, but as the incidents took place so long ago I do not think I shall be in danger of hurting anyone's feelings.

13. About the year 1907, in order to improve the efficiency of the Telegraph Department, Mr. Newlands, a traffic expert from the British Post Office was invited to come to India, where he remained for some time, and as I can testify, did an extraordinary amount of valuable work in quickening up the whole telegraphic system. I was then Secretary in the Commerce and Industries Department, and was constantly in touch with what was going on. One of the matters which occupied Mr. Newlands' mind was the possibility of reducing the number of letters which had to be signalled with every message as an official preamble. He spoke to me on the matter several times, and I gathered that what he hoped to do was to reduce the number of letters so signalled from 7 to 5. I ventured to suggest to him that this seemed a very small detail, but his

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immediate reply was that, though the operation might be very small, if it had to be repeated twenty million times a year, the total was not small either in time or in money. I have not the least doubt that there is a great field for economy of this kind in the railways. If a steady and constant effort is maintained to reduce to a minimum the operations which have to be done by hundreds or thousands of people every day throughout the year, much money can be saved.

14. The second incident was this. In those days in the Central Telegraph Office in Calcutta the booking counters were on the ground floor and the operating room on an upper floor, and the messages after they had been booked were sent upstairs by means of a pneumatic tube. At the foot of the tube there was a clerk with a register in which he entered the serial number of the telegram, the number given to it by the booking clerk, the date and hour of despatch, the name of the sender, the name of the addressee, the number of words in the telegram, the amount charged and some five or six other particulars. At the top of the tube in the operating room was a second clerk with an identical register in which he entered the same particulars over again. Mr. Newlands was inspecting the Calcutta Office and noticed what was going on. After reflecting for a moment or two he said, "I should like to ask a question. Why do you not cut the tube half-way up and have a third clerk with a register there? Then you will have three registers instead of two". Here the point was that the duplication of the registers was totally unnecessary, and in the Madras Office at that time exactly the same thing was going on, only there it was still more absurd, because the telegrams were passed from the booking counter to the operating room through a hutch in the wall, and the two clerks with their registers were within three feet of each other.

15. This duplication of registers and other parts of the official procedure is a danger against which it is constantly necessary to guard and I shall be very much surprised if the enquiries which are now proceeding do not disclose many opportunities for reducing work. In order to let the House see that the Railway Board are fully conscious of this danger and are determined to do all in their power to avert it, I think the House will be interested to know that Mr. Parsons and Mr. Hayman recently personally examined the system in force in the Office of the Divisional Superintendent at Delhi, and found it possible to effect a reduction in the establishment by eliminating exactly this sort of duplication. The results of their enquiries will be communicated to the Offices of all Divisional Superintendents, and the improvement effected will therefore not be for one office only but for a large number. Instructions have also been issued to Agents that, as soon as in any branch it has been found possible to effect an economy by reducing work, the result is to be communicated to all other Railway Administrations throughout the country. In this way it should be possible to multiply the effect of any saving.

16. I have laid stress on these examples, trivial though they may seem, because I believe that this method of securing economy is of first class importance and that our first and most urgent duty is to stop the leaks in the ship which endanger her safety, and for the next few months I should like to see the energies of the whole staff of the railways from the Agents downwards concentrated on this vitally important task. It is indeed one of the advantages of a period of depression that the necessity for economy is imperiously enforced upon all concerned, and they have to

set their wits to work to cut their coat according to their cloth. The method we are adopting to bring home to railway officers the position which has to be faced is that of rationing. The Railway Board do not propose to distribute to Agents the full sums provided in the Budget, but something less, and no further allotment will be made until conclusive reasons have been given. Agents will treat their heads of departments and the heads of departments their subordinates in exactly the same way. It should be possible, I believe, to effect in the course of a few months very substantial savings indeed.

17. At this point, Honourable Members may ask "Will these efforts at economy bring about the desired result in restoring solvency to the railways, and in any case, assuming that they did not or assuming that there was a further decline in earnings, would you leave the matter there? By March, 1932 the Reserve Fund will have been reduced to negligible proportions and the railways will be operating on a very narrow margin. In these circumstances are not more drastic remedies called for?" These are most pertinent questions, and I will endeavour to reply to them as far as I can. My first answer is that in the contingency contemplated, it might well be necessary to carry the economy campaign a step further. It might be advisable, for example, to examine the possibility of more drastic and far-reaching economies than any we have yet contemplated, but any Committee appointed for this purpose would have to consist mainly, not necessarily entirely of experts, because when we are dealing with a Department which is largely technical, it is only those who understand the whole position and appreciate exactly what has to be done and why it has to be done who can deal with the question efficiently and expeditiously.

18. What has been said in the last paragraph brings me to a crucial point. When in the case of a commercial Department like the railways there is a wide gulf between earnings and expenditure, three questions naturally suggest themselves. Is it possible in the altered circumstances to restore solvency by a reduction in the scale of wages and salaries or by an increase in rates and fares or by a reduction in the taxation imposed on the undertaking? The last point may be briefly dismissed for the moment. Undoubtedly, if the fall in the general level of world prices proves to be permanent, the question whether the railways can continue to contribute towards general revenues on the scale on which they have been contributing for the last seven or eight years will have to be reviewed as well as a great many other questions, but it does not immediately arise in connection with this Budget. The other two points are of greater importance and require somewhat fuller examination.

19. The question of the possibility of a reduction in the scale of wages and salaries on the railways has already been mooted in more than one quarter, and it is necessary to state clearly the view which Government take. Hitherto the complaint has been that the scale of wages, so far as it affects any rate, as the lowest class of railway employees are concerned, was inadequate and that measures were necessary to bring about an improvement. Two years ago in introducing the Railway Budget, I stated that Government would approach the question with a desire to ascertain what was the most that could be done for the lower-paid employees without injustice to other interests which Government were equally bound to safeguard. In pursuance of that statement, an immense amount of work has been devoted during the last two years to reviewing the scales of wages in force

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on almost all the State-owned railways in India, and in preparing schemes in order to ameliorate conditions. The ultimate cost of the schemes for the revision of wages already sanctioned is about Rs. 32 lakhs per annum, and the bulk of the railway servants covered by these schemes draw pay not exceeding Rs. 80 per mensem. The first point I want to make here is this. In so far as we are dealing with this class of establishment, that is, the people who draw not more than Rs. 80 a month, and having regard to all that has passed in the last two or three years, I think that this House should be slow in arriving at the conclusion that any reduction in wages and salaries is feasible. Unquestionably these low paid servants of the railways must have gained substantially by the fall in prices, but before any question can arise as to a reduction in the scales of pay recently fixed, it should be shown that the new level of prices is likely to be permanent, and that having regard to all the considerations involved, the existing scales are excessive.

20. The second point I wish to make is this. I have endeavoured to ascertain the cost of the various classes of railway establishment, and while I must warn the House that the figures are only approximate so far as the subordinate establishments are concerned, certain facts emerge clearly. If we exclude the large class of railway servants who draw less than Rs. 80 a month, the cost of the remaining establishments is about 25 crores a year so that a ten per cent. cut in wages and salaries would mean a saving of 2½ crores. Out of the total the salaries of gazetted officers amount to only 2 crores a year and a ten per cent. cut would give us only Rs. 20 lakhs. I have not been able to ascertain with accuracy the cost of the upper subordinate establishment, that is, of subordinates drawing Rs. 250 a month and over or on scales of pay rising to Rs. 250 a month and over, but probably Rs. 7 crores a year is an outside figure and the amount may actually be a good deal less. A ten per cent. cut in salaries applicable only to the gazetted and upper subordinate establishments would yield therefore a sum substantially less than Rs. 1 crore a year. It will be obvious from these figures that if a really substantial saving in expenditure is to be effected, the reduction will have to go right down the scale excluding only the lowest paid establishments of all who seldom draw more than Rs. 80 a month. It may be that this question will have to be faced and a reduction effected in order that the railways may become fully solvent and able to contribute to the extent the Legislature may consider proper to the general expenses of Government. But I think it is clear that when we are dealing with large bodies of railway servants on comparatively low rates of pay—and it must be remembered that the average wage of all the railway servants in India does not exceed Rs. 80 a month—it would be unfair to single out this Department alone for special treatment, and that if a reduction is finally found to be necessary, it should be general and applicable to all Departments of Government.

21. I turn now to the question of rates and fares. The question whether a deficit in the Railway Budget could be rectified by a general increase in rates and fares has been fully considered, and a number of minor alterations—all of them I think within the powers of the Agents—have already been made and will be brought into force. As I have said in an earlier passage in my speech, we hope to get about Rs. 2 crores in the coming year from these increases, but our examination of the question has

made it evident that so long as the acute stage of the world trade depression persists, it is exceedingly doubtful whether a general increase in fares and fares would in fact lead to an increase in earnings. Perhaps I can best illustrate this from a consideration of the passenger fares.

22. I find that during the last three years the third class passenger fares amount to very nearly 88 per cent. of the gross earnings from passenger traffic and in the three upper classes to little more than 12 per cent. I find further that between 1927-28 and 1929-30 the earnings from passengers carried in the three upper classes fell by from 6 to 8 per cent., whereas the earnings from the third class passengers fell by only one per cent. The inference to be drawn is obvious, namely, that as prosperity conditions began to pass away and the impending trade depression grew nearer, there was an immediate tendency for passengers to travel a class lower than they had hitherto been accustomed to do. That is to say, some of the first class passengers travelled second class, some of the second class passengers in intermediate class and some of the intermediate class passengers in the third class. If therefore the Government of India were now to increase the fares of the three upper classes, I am afraid the only result would be to accentuate the tendencies which had disclosed themselves even in 1929-30, and which, from all I can hear, have been even more prominent during the current year, with the result that the fares indeed might be higher but the earnings much the same, if not lower. It follows that, if it were considered necessary to increase passenger fares, the increase would have to be general and applicable to the third class passengers. I do not say that it may not become necessary to face a general increase in third class fares, but before any decision is reached two questions would require very close examination, namely, the limit imposed by the competition of the motor buses and the effect that the increase in fares might have on the total number of passengers travelling. What the railways are suffering from at present is a reduction in the total number of passengers, and it is very far from certain whether, until things begin to improve, railway receipts can in fact be increased appreciably by raising third class fares.

23. What I have said applies also to any general increases in the freight on goods. Here the considerations to be borne in mind are more complicated, but substantially the position is not very different. At a time when the purchasing power of the cultivator is narrowly restricted, even small increases in rates might have adverse effects on traffic and the gain to railway revenues from the increase might prove to be illusory. Our present conclusion is that while we shall be ready to make such increases in rates and fares as may prove to be practically feasible and likely to increase our earnings, it is not in this direction we can look at the moment for the means of bridging the gulf between the railway earnings and railway expenditure of all kinds.

24. It is not only from the point of view of obtaining a larger revenue that railway freight rates have come under review during the last few months. The general fall in world prices of agricultural produce has had a most serious effect on the position of the cultivating classes in India, and notwithstanding the very grave position of the railway finances we have had to consider whether it was possible to reduce the railway freight on agricultural products. The products which have been specially examined are rice, wheat, oilseeds and cotton, and of these the first two may be mentioned briefly. About three months ago a reduction of nearly one-third

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was made in the railway freight on wheat to Karachi and as this route is the cheapest route from the Punjab Canal Colonies to Bombay, the reduction affected that centre also. Recently by arrangement with the Punjab Government a similar reduction has been made in the freight on wheat to Calcutta. Meanwhile, however, there has been a change in the relative level of prices, Indian wheat in the Punjab now stands at a price well above export parity, and so long as this condition of affairs exists, no reduction of railway freights which is practically feasible can lead to the export of wheat from India. As for rice, this is mainly a Burma problem, and the report which was called for from the Agent of the Burma Railways is now under examination.

25. So far as oilseeds are concerned, the case stands thus. The ground-nut crop which is grown mainly in the South of India is moving freely to the ports at the existing level of freights, and I may point out that on the Madras and Southern Mahratta and South Indian Railways the maximum lead to the ports does not exceed 350 miles, so that the railway freight is not likely to prove so burdensome as it may do when agricultural produce has to be brought to a port from a distance of 600 to 900 miles in Northern India. As to the other classes of oilseeds, the position appears to be this, that the Indian price in several cases is well above export parity and that a reduction in railway freight would make no difference. No more traffic would be moved and the price received by the cultivator would not be higher. It is very significant, I think, that no application has been received from the trade for a reduction in the railway freight on oilseeds, and all the information we have been able to obtain from those engaged in the export trade points to the conclusion that a reduction in railway freight at the present juncture would be ineffective. The position can perhaps be best illustrated by taking the case of cotton seed. Some three months ago the Agents of the two great railways leading into Bombay drew attention to the fact that cotton seed would not move at the level of freights then existing, and obtained the approval of the Railway Board to a substantial reduction in freight. For a few weeks this measure proved successful and the traffic increased, but recently there has been a further fall in world prices and the traffic has dropped back to its former level. So far as oilseeds are concerned, the Government of India have come definitely to the conclusion that at the moment there is nothing to be done, but that the position requires to be kept under constant observation, because the level of prices might so change that a reduction in freight would be beneficial both to the cultivator and to the railways.

26. The desirability of a reduction in freight has been more insistently pressed in the case of cotton than perhaps in the case of any other agricultural commodity, and the Government of India have given the question their most anxious consideration. The financial circumstances of the railways are such that so long as the cotton crop is moving freely at existing rates, they felt that a freight reduction could not be faced. In addition, they felt strongly that if a reduction was to be made at all, it should be made at the time when it was likely to prove of direct benefit to the cultivator and also that before any final decision was taken, it was desirable to see how the traffic earnings were likely to shape in the coming season. The position will therefore be reviewed in about six months' time, and meanwhile developments will be closely watched. But I should like to make it plain that this decision of Government does not imply any lack of consideration for the interests of the cultivator,

or any failure to appreciate the broader aspects of the case which the railways, even when considered as a strictly commercial concern, ought to keep in view. A permanent reduction in the area under cotton in India, while undoubtedly injurious to the ryot, would affect the railways prejudicially in two ways, first because the cotton traffic itself would diminish, and second because food crops would probably be grown in the areas taken out of cotton with a consequent reduction in the railway traffic in food grains transported to these areas. This is an aspect of the case which will constantly be borne in mind. The Government of India are satisfied, however, that no reduction in cotton freight which could be made now would be likely to be of direct benefit to the cultivator.

27. What has been said in the foregoing paragraphs on the subject of rates and fares leads me to revert to a point which was only lightly touched on at an earlier stage. It will be that our railway services, like other branches of Government, may have to adjust themselves permanently to a lower level of prices. In that case, sooner or later the question will have to be faced how the adjustment is to be made. The three factors which will mainly affect the decision will, I think, be (1) the extreme importance to the national life of cheap transport, and in particular low rates for agricultural produce, (2) the desirability of satisfying the equitable claims of the great body of railway servants in India, and (3) the scale of contribution which, under the altered conditions, the railways can fairly be asked to make in aid of the general tax-payer. It is clear that each of these considerations will have to be balanced against the other two, and an attempt made to do justice to each of them. To attempt to deal with any one of them in isolation from the others could not lead to a satisfactory solution of our present difficulties.

28. It has been necessary, Mr. President, to deal at considerable length with the anxious problems of railway finance which emerge from the present trade depression, and the other aspects of railway administration, on which in introducing earlier Budgets I have dwelt at some length, can only be referred to briefly. There are three directions in which the ability of the railways to carry out desirable reforms and improvements has been sadly curtailed by the slump in trade and the reduction in railway earnings. One of them is the capital programme. Here all that can be said is that the programme has been cut to the bone and that nothing which is not absolutely essential has survived. We are unable to commence any new construction whatever, and can only carry on the works already in progress to completion. Of these the most important are the Sagging bridge in Burma and the Raipur-Vizianagram Railway intended to open up a new outlet to the sea at Vizagapatnam to a large area of the Central Provinces. Of the open line works now in progress or about to be undertaken, the most important are the doubling of the East Indian Railway from Calcutta to Agra and the reconstruction of the Narbadda bridge which we have been compelled to undertake by considerations of safety. It is needless to say that this retardation of development work is a great disappointment, but conditions being what they are, there is no alternative.

29. The second direction in which desirable expenditure has had to be curtailed is the provision of greater amenities in all sorts of ways for third class passengers. At a time when all expenditure has to be severely restricted, it is impossible for the railways to provide services on the same scale as they are in a position to supply when times are prosperous, or to spend large sums in raising the standard of comfort

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We can but hope that our present troubles are transitory, and that before long it will be possible to push on with the programme of improvements on which we were already engaged.

80. Finally, falling revenues mean slower progress in all the schemes which we hoped to undertake for the benefit of the railway staff and particularly for the lowest paid employees. This is inevitable, however regrettable, but while I am on this point I cannot close without paying a tribute to the indefatigable energy which during the last two years Mr. Hayman, the Staff Member of the Railway Board, has devoted to every question connected with the welfare of the staff and to the solution of a number of difficult staff problems which have arisen since the war and which could not be properly tackled until the headquarters organisation in the Railway Board was properly organised for the purpose. It is out of the question for me within any reasonable limit of time to describe in detail all that has been done, and indeed the bare enumeration of the various subjects which have come under examination might prolong my speech by twenty minutes or more. I can only refer here specially to the schemes which have been prepared and brought into force on most of the railways in India for improving the pay of the lowest paid employees, and the steps which have been taken to give effect to our obligations under the Geneva and Washington conventions regarding the hours of work of railway employees. Both these matters are now far advanced and Mr. Hayman and I shall be ready during the budget discussions to give any additional information which Honourable Members may desire. Possibly also we may be able to circulate a memorandum so as to let Honourable Members see that the numerous questions connected with the staff, to which attention is annually drawn in the discussion of the Railway Budget, have not been neglected or put on one side.

81. There are, however, two matters to which particular attention has been given, about which I should like to say a little more. One is the representation of Muslims in the railway service. Special enquiries have been made in three of the principal railways, and the Government of India have come to the conclusion that adequate steps have not yet been taken to give effect to the policy of Government and that further measures are necessary and must be introduced at a very early date. A memorandum on this point will be circulated. The other point to which I wish to refer is the question of Indianisation. I should like to bring to the notice of the House the fact that the percentage of officers of Indian domicile recruited for the State-managed railways during 1929-80 was 70.7 per cent and when promotions from the Local Engineering and Traffic Service are taken into account, the percentage rises to over 75. I think this result is satisfactory. The position we have now reached is that except in the Transportation (Power) and Mechanical Engineering Departments, there is at present no difficulty in obtaining Indian recruits with the requisite qualifications. For these two branches special efforts have been made to obtain Indian recruits during the period before the scheme of apprenticeship instituted in 1926 comes to fruition. During the last two years, applications from Indians have been invited both in India and in the United Kingdom to fill vacancies in these branches in the hope that Indian candidates might be forthcoming in the open market, who would be likely to develop into competent officers. The qualifying standard was lowered and the age limit relaxed and in this way seven recruits were obtained last year, and we

hope to obtain five this year. In some cases candidates who were not fully qualified were engaged on probation for one year in the belief that with further experience and training they would come up to the required standard. I have thought it worth while to mention this in order to make it plain that no effort has been lacking to carry out the declared policy of Government.

82. Mr. President, I fear I have addressed this House at somewhat excessive length and I must thank Honourable Members for the indulgence with which they have heard me. My only excuse is that today the financial circumstances of the railways are as anxious and difficult as they have been at any previous period, and it seemed part of my task to convince the House, if I could, that all the difficult problems would receive full and ample consideration. I will not delay the House further, Mr. President, but recommend the budget proposals to their consideration. (Applause.)

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 144.)

Mr. President: Order, order. The House will resume further consideration of the following motion moved by Mr. Gaya Prasad Singh:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 144) be referred to a Select Committee consisting of the Honourable Sir James Crerar, Sir Lancelot Graham, Mr. B. R. Pari, Sir Abdur Rahim, Sir Mar Singh Gour, Rai Sahib Harbilas Sarda, Maulvi Sayyid Murtaza Sahib Bahadur, Mr. Arthur Moore and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muslim) Sir, today is the third day of the discussion on the motion of my Honourable friend, Mr. Gaya Prasad Singh; and after hearing the speeches that have been made on this motion for the last two days, I have come to the conclusion that it would not be discreet on my part to help in hastening legislation in the direction proposed by my friend. Sir, the usual course of taking legislation in hand in this Assembly is that, after the motion for admission is duly accepted, a motion is made for eliciting public opinion thereon; and unless a very strong case is made out for making a departure from this usual practice and for leaving out the intermediate stages, it is not proper to depart therefrom. Now on reading the speeches of my Honourable friend, Mr. Gaya Prasad Singh, and those who have supported his motion, I am not at all satisfied that any case has been made out for a departure from the usual practice. While giving his reasons for proposing this amendment, my friend says—these are his words:

"But the extraordinary and indiscriminate applications of the section that has taken place in recent years on such a large scale for the purpose of suppressing political agitation."

[Maulvi Muhammad Yakub.]

That is to say, the only ground for which he wants to make the amendment is the indiscriminate application of this section. Now while quoting instances of this so-called indiscriminate application, he has given an instance of a case which occurred in 1906. The other instance which he gave was of another case which took place in 1917. Well, if the instances of misuse and misapplication are so few and far between, then I do not think this can be any ground for his hastening legislation and adopting an extraordinary course. (Applause.) As we know, Sir, section 144 of the Criminal Procedure Code does not form part of any substantive law, but is a measure intended to meet emergencies. Now if an emergent measure like this is surrounded by restrictions, then I think the very object for which this measure is intended would be lost. (Hear, hear.) The main object, Sir, of this Legislature is the maintenance of law and order; and if it is found that law and order is in danger, then it is the first duty of the State to adopt any measure which may be considered suitable to restore peace and protect the lives and property of the people in the country. Section 144, when it was being amended in 1922 (An Honourable Member: "In 1923"), rather in 1923, an objection was raised in Select Committee that this section was vaguely worded. Well, after giving their due consideration to the objection, the Select Committee came to the conclusion that they could not change the language of the section, but they added another clause (the last clause) to section 144, which gives power to any person who is affected to make an application to the Court, or the Court is also empowered, at its own discretion, to take cognizance and record evidence and to amend or rescind the order which it has passed. Now the purpose for which the amendment of my friend, Mr. Gaya Prasad Singh, has been tabled is the same, that the order should not be passed without recording some reliable evidence. The law as it stands gives ample power to the Court to record evidence, if the contingency or the emergency is not so urgent that it leaves no room for making any inquiry. If there is any room for making an inquiry, then under the present section the Court has sufficient power to record evidence. So I think that the amendment which my friend wants to propose is not really so very urgent or so very necessary.

My Honourable friend, Sir Abdur Rahim, who was himself a Member of the Executive Council of his Province, and had to deal with cases which came under section 144, could not in his speech tell us that this section was so numerously abused as my friend, Mr. Gaya Prasad Singh had stated. On the other hand, Sir Abdur Rahim himself admitted that the wording of the amendment, as framed by Mr. Gaya Prasad Singh is not perfect and is defective. He wanted the section to be improved in Select Committee. Now I would submit that we ourselves have been laying very great stress upon obtaining public opinion. We always oppose Government and say that they ignore public opinion (Hear, hear), but I am really surprised to find that my friend, Mr. Gaya Prasad Singh, at this occasion wants himself to ignore public opinion and wants that this important measure should be placed on the Statute-book without consulting public opinion.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural)
He is backed by public opinion.

Maulvi Muhammad Yakub: I think he does not want to elicit public opinion and in effect is ignoring public opinion.

Mr. Amar Nath Dutt: He is backed by public opinion.

Maulvi Muhammad Yakub: Well, I do not know. This measure has been on the Statute-book for the last fifty years, and this Criminal Procedure Code in fact has been amended during these fifty years two, three or four times. It was amended last in 1928, but public opinion has not demanded that any amendment should be made in section 144. (Ironical laughter from Non-Official Benches.) Therefore it shows that he is not backed by public opinion. So I say that it is really surprising that my Honourable friend wants to ignore public opinion on this occasion, and I feel that a measure like this should not be placed on the Statute-book without obtaining public opinion. Now, Sir, it is a matter of common knowledge that respect for law and order and respect for authority has slackened since the first non-co-operation movement was started in 1919-20, and during the last year this respect for law and order has been shaken to its very roots; and at the present moment when we are on the threshold of reforms, when power is to be transferred to the people of the country, would it be wise and discreet on our part that we should weaken the hands of our own countrymen who may be in charge of maintaining law and order in the country? What is the idea of Swaraj among the masses, I ask you, Sir? The idea of the man in the street is, rightly or wrongly, that there will be no law, that there will be no taxes, and that nobody will be punished for committing any offences. That is the idea of Swaraj among the illiterate masses in India. In this atmosphere when responsible government is established in this country and we have got the reins of Government in our own hands, what would be the result? Of course our own people, our own Government will have to keep order; they will have to realise taxes and they will have to punish the offenders, with the result that there will be a storm in the country. There will be demonstrations; there will be agitation, and there will be, at least for some time, something like chaos and anarchy if we do not strengthen the hands of our Magistracy. Therefore I submit that it would be very indiscreet on our part if on this occasion we were to slacken the power of those who will be responsible for keeping order in the country.

Now, Sir, there is one statement in the speech of my Honourable friend, Mr. Gaya Prasad Singh, which cannot be allowed to go unchallenged. He talks of peaceful picketing and peaceful processions. Well, Sir, whatever may be the opinion of my Honourable friend, I must tell him that picketing and processions have never been peaceful and could not be peaceful. That is my opinion as well as the opinion of hundreds and thousands of peaceful citizens of India. Well, Sir, violence is of two kinds, active violence and passive violence. I must say that active violence has also taken place in picketing, but mostly there has been passive violence. Of course if a man persuades me by giving speeches, if he stands on the public road and delivers a public lecture and tells people not to purchase foreign cloth or not to take liquor, that is quite justified. That would be peaceful picketing if it remained there, but as soon as you stand in my way and restrict my movements, as soon as you do not let me go into a shop, then you are certainly committing violence. That is violent picketing, and it has been carried on

[Maulvi Muhammad Yakub.]

ver the whole country. There is not only this passive violence, but I can quote hundreds of cases of active violence. We know what happened in Agra; the nose of a foreign cloth dealer was cut off. We know what is happening today in Benares. Jan Muhammad, a Mussalman merchant, was shot down for selling foreign cloth.

An Honourable Member: The case has not yet been proved.

Maulvi Muhammad Yakub: He has been shot, I do not say by whom, or selling foreign cloth, and the result is that feeling runs very high in Benares and a whole family of Mussalmans consisting of women and children were slaughtered and butchered, most barbarously, while they were sleeping. This is the result of non-violent picketing. Mr. Gandhi has asked Government to institute an inquiry into the conduct of the police. I am not holding a brief on behalf of the police. I daresay excesses may have been committed by the police, for a man is liable to commit mistakes especially on occasions when very filthy and provoking language is used. We all know that during these processions and picketing, very filthy and abusive language was used not only against the police but against respectable citizens who could not see eye to eye with the people who carried on the non-co-operation movement. Is that not violence? It may be worth while for Government, if they think proper, to institute an inquiry into the conduct of the police, but at the same time I would appeal to Mr. Gandhi also to institute an inquiry into the conduct of his own volunteers and his army of non-violence, and it would be well for the organisation as well as for the peaceful Government of our country if an inquiry were to be instituted to go into the conduct of these non-violent picketers. (Applause from the Government Benches), and an effort made to find out in what way they have behaved. So I submit, Sir, that this picketing and this movement has not been non-violent from the very beginning up to the end.

Great stress was laid by my Honourable friend, Mr. Misra, the other day when he was talking on the Resolution of my friend Mr. Sadiq Hasan on the point that we want to stop people from taking liquor and for that we are penalised. That is not a fact. People are not penalised for asking men not to drink. In fact every person has the liberty to start as many temperance societies as he likes. Among Mussalmans it is purely against the *Shariat* of Islam to drink. As a matter of fact the holy Koran is very emphatic on the point that wine should not be taken, but even a Mussalman is not allowed to force anybody not to drink if he wants to do it. It would be against the *Shariat* of Islam to force a man to stop him and to snatch away a bottle of drink. So the people are not penalised for asking men not to drink, but they are penalised for committing violence and for interfering with the freedom of action of peaceful citizens. Nobody has any right to circumscribe my liberty or to stop me from doing a thing which I want to do. For these reasons I cannot support the motion of my friend Mr. Gaya Prasad Singh. On the other hand I think it would be more wise and more discreet to support the motion of my friend Mr. Anklesaria that this Bill should be circulated for public opinion thereon. No case of urgency has been made out. When we are in possession of the opinions of learned judges, and lawyers and members of the public, I think we will be in a better position to deal with a proposition like this.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, I rise to support the motion, and I do so because I feel that an amendment of this section is needed. Indeed it has been overdue. We have been told, and this has been more or less the uniform argument which has been advanced from the Treasury Benches and an argument which has been adopted by most of the Honourable Members who have spoken against this measure, that it is a measure which by virtue of its age alone should not be disturbed. It has remained on the Statute-book for such a long time that it has assumed a sort of sanctity, which sanctity should not be interfered with. Now, Sir, bad laws and bad measures have been known to have remained on the Statute-books for even longer periods, and it will hardly be any argument that a measure should not be overhauled or looked into carefully with a view to see whether it has outlived its necessity or whether it is really consonant with the progress of the society, merely on account of its age. A measure is not entitled to be retained for ever or indefinitely. The laws have to be retained or repealed on their own intrinsic merits and not on the score of their age. That is so far as the universal argument which has been advanced on behalf of the Government, is concerned. Now, Sir, the rest of the argument so far as the Treasury Benches are concerned has been more or less diffused and that, I venture to submit, has been so because no endeavour has been made to discover the real underlying principle of this Bill. If I may venture to call your attention to this aspect, I would like to point out that in order to appreciate the real point and the merit of the measure which has been put forward by my friend, Mr. Gaya Prasad Singh, one has to go a little deeper into the matter and find out what is the nature and character of this law. Now, Sir, in essence, all orders which are passed by the Magistracy under section 144—in essence—all such orders are bad in law. Even though they conform to the wording of section 144, I maintain that those orders are, in essence, not good and I give my reasons in support of that contention. It is one of the most elementary principles of law that people's rights and liberties must be protected. My learned friend, Maulvi Muhammad Yakub, is entirely wrong when he says that the object of laws is "to protect law and order" as he put it. That is certainly not the case, and I am surprised to hear this dictum from the mouth of a lawyer. The object of all laws, the object of all legislature, is to protect the life and the liberties and the rights of the people. We owe allegiance to Government. We contribute funds . . .

Mr. Arthur Moore (Bengal: European): What is the difference?

Mr. B. R. Puri: I will tell you in a minute if you will have the patience. Laws are not made for their own protection. My learned friend's dictum was that the laws are made in order to protect law and order. I venture to submit that that is a meaningless phrase. The laws are meant to protect the rights and liberties of people.

Maulvi Muhammad Yakub: How can you protect them unless you respect the laws?

Mr. B. R. Puri: Now, Sir, the law is, every man can go wherever he likes as long as he does not offend against the penal laws, as long as he does not commit trespass. As long as I do not come within the four corners of sections 500 and 124A, I have full liberty to say what I like.

[Mr. B. R. Puri.]

I have got the liberty of speech and the liberty of movement subject to the above qualifications. Here does section 144 come in. It says that although the rights and liberties of the people shall be protected generally, there may arise occasions when the executive are more or less helpless; when the executive, instead of upholding and maintaining the personal rights and liberties of individuals, have, in deference to the larger interests for the welfare of the multitude, and in order to tide over a certain crisis, to deny such rights *temporarily* and in urgent cases only. In other words, this particular provision of law is to legalise illegalities. What ordinarily would be an illegal act, namely, to deny me my liberty, secured by the ordinary civil law, by the municipal law, would be legal under certain circumstances under section 144. That section says that we must recognise occasions when it becomes necessary for the authorities, for a temporary period to deny the ordinary rights, until the crisis is over. But such urgency and its duration must be strictly limited and must be strictly defined. After all, a law which in its very nature is extraordinary, a law which in its very nature is such that it must be availed of and utilised only under extraordinary circumstances and in exceptional cases, is not a law which can be used as a matter of routine, because you cannot play about with people's rights every day. Unless a special occasion arises, unless a proper case is established, you have got no right to play with people's rights and liberties. That is one reason why I regard section 144 as an extraordinary and exceptional law. I have had occasion to go very carefully through the printed record of the speech of the Honourable the Home Member, and I find that he has fallen into an error at the very start of his speech when he says that it is not an exceptional and an extraordinary measure. Let me, for his information, point out that it is nothing else but that. It is an extraordinary measure; it is an exceptional measure; it is a measure which has to be brought into action only under exceptional circumstances and not as an ordinary routine. The question is—and I do not wish to conceal the fact—that we want to secure a better recognition of the rights of the people so far as the public meetings and the right of speech-making is concerned. That is the real object of this particular measure.

Now, Sir, if you look into the main provisions of this measure, you will find that it seeks to bring about improvement and amendment in the existing law in two or three different ways. In the first place, this measure seeks to introduce a particular clause under which the Magistrate, before he proceeds to take any action under section 144, must record some kind of evidence. You will see that any fixed quantity of evidence is not prescribed. The Magistrate is not called upon unnecessarily to prolong the proceedings by entering into a very elaborate inquiry. What the measure really wants is that there should be at least some sort of judicial material upon which the order could be based, so that hereafter the Higher Courts, be they the court of revision or the court of appeal, may be in a position to appreciate whether the order was based on proper material or not. The present law merely says that there should be a written order giving the material facts of the case. I submit that in practice this will make no appreciable difference, because even now, if you look carefully into the measure, you will find that it does demand of the Magistrate that there should be some kind of an inquiry before he issues

an order under this section; and on that point I will ask you kindly to bear with me for one minute in order to appreciate that what is demanded in the new Bill is after all what already exists in the spirit of the measure as it now stands.

It was ruled in 38 Calcutta that, before proceedings under this section could be taken, the Magistrate should hold an inquiry and record the urgency of the matter. In another authority it was ruled that an order under this section must be based on proper evidence. In another ruling it was laid down that the order must contain a statement of material facts. Under this section something more is necessary to be stated in the order than a mere recital of the fact that in the opinion of the Magistrate there was sufficient ground for proceeding under this section. If that is the law, if that is how it has been interpreted by the different High Courts, then why should you feel nervous of this amendment which seeks to introduce in it by words what already exists in the spirit of the provision? After all we are not asking for something radically different, which does not exist already or does not properly fall within the legitimate scope of the existing law. Therefore, so far as the demand with regard to the recording of evidence is concerned, we are not asking something very drastic or something unheard of. We are asking what the High Courts already say and have declared is within the legitimate scope and interpretation of the existing provision.

Now, proceeding further, so far as the provision of appeal is concerned, here again I say that I do not see any justification for any opposition on the part of the Government to an improvement in this direction. After all it is a discretionary measure. After all it is a quasi-executive measure, and the Magistrates, as has been admitted and conceded by more than one Honourable Member speaking on behalf of the Government, are not only apt to go astray, but they have conceded that there have been many cases and instances where the Magistrate's decision with regard to whether section 144 should or should not be applied has been erroneous. Therefore my submission is that the provision of an appeal will provide a wholesome check upon the propensities and upon the eccentricities of the Magistracy. After all so far as the main point and the main argument of the Government was concerned, namely, that any protracted inquiry would frustrate the very object of an emergent provision of this kind, that would not apply so far as providing of an appeal is concerned, because that stage is over; the subsequent consideration of a point, namely, whether a particular case has been properly handled or not and whether discretion has been properly exercised or not, can well be mooted and discussed in a court of appeal. Why should Government be nervous of providing an appeal with regard to a measure of this kind?

The third point is with regard to the duration of an order, and I think there again the learned Mover has made but a modest demand. He says, if you are allowed under the law to pass an *ex parte* order, the duration and life of that *ex parte* order should not go beyond 48 hours. I will ask you, Sir, to imagine in a particular village where a certain class of people who happen to be in a minority assert their right to draw water out of a particular well, and the majority of people contest their right, would you allow a whole family to die of thirst for a period of two months? You may be justified under the provisions of section 144

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in saying that although it is the right of the minority to draw water from that well, since it is likely to lead to riots or other serious consequences the Magistrate should step in and say "I order these four or five or six persons not to draw water from that well." You are temporarily denying what is obviously their right, in order to avoid some bloodshed or riot

The Honourable Sir James Orerar (Home Member): Is the Honourable Member aware of any case of that character in his experience in which an order has been made to that effect?

Mr. B. R. Puri: I will give you very similar cases, from which you will be able to see whether the proposal in the Bill is justified or not. For instance, take the case of a musical procession in front of a mosque by a community which is in the minority. The Muhammadan population would object to that. I say that it would be a legitimate use of section 144 if the Magistrate were to say that, in order to avoid any kind of riot, the procession should be stopped. Although ordinarily I would be entitled to pass through that particular thoroughfare and I would be entitled to have my own way, still in deference to the wishes of another community and in order to avoid ugly results, I say that the Magistrate would be well within his power under section 144 to prevent the minority or those people who were about to take that particular action, from doing so. Similarly

Maulvi Muhammad Yakub: Is there any similarity between the two cases? Would anybody die of thirst if this procession were stopped?

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Does this Bill seek to remove this difficulty?

Mr. B. R. Puri: I will tell you if you will wait a little. Similarly, in a place where the Hindu population preponderates, suppose a Muhammadan funeral was to go through the street: well, in order to avoid any kind of serious consequences, although it would be within their right and privilege, to go and pass through the street, they could be prevented. These are instances where ordinary civil rights of people can be denied to them, in order to avoid consequences of a serious character. Similarly so far as the drawing of water is concerned, I am informed by my learned friend here who is sitting next to me (Mr. Amar Nath Dutt) that in Bengal similar orders were passed in every district and in every village

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Do not be instructed by him.

Mr. B. R. Puri: Now, it will be conceded, and indeed it has not been denied by the Honourable the Home Member in his speech, that the instances which were cited by Mr. Gaya Prasad Singh did actually occur. No Honourable Member has gone the length of denying the factum of those cases, that such cases have occurred, and that the Magistracy have actually found within the mischief of the section the meaning of Gandhi caps and the singing of *Bande Mataram* and passed orders accordingly. I say, Sir, that if the section could be put to such loose use, to such wide use, then there must be something wrong in your law or there must

be something wrong with your Magistracy. You can make your choice. If the Magistracy can read out of this section an authority and power under which they can prevent people from wearing Gandhi caps, I say then there must be something radically wrong in the section itself as it is worded, or there must be something wrong with the angle of vision of the Magistrates who are called upon to interpret that law. But, Sir, I maintain that, so far as the Magistracy is concerned, I shall be prepared to absolve them. I would not charge them with having deliberately interpreted this section in order to bring in cases and incidents which legitimately do not fall within the wording of the section. But where I differ from you is this, that while I absolve the Magistracy from the charge either of incompetency or of dishonesty, I say your law is as bad as it could ever be. You have got merely to look at the wording of the section to be convinced that the Magistrates would be justified, so far as the interpretation of the section is concerned, not only to prevent people from wearing Gandhi caps, but also to order a certain member of a family not to ill-treat his wife or his own children. The language of the section lends itself to that construction, and I shall show the House how it does so. I would ask Honourable Members kindly to look at the section. Now, what does it say? It says this:

"Such Magistrate may, by a written order stating the material facts of the case and served in manner provided"—here comes the relevant portion—"direct any person to abstain from a certain act".

Now, so far as the nature and character of the act is concerned, it does not define, it does not qualify, so that any person can be ordered to abstain from doing any act, provided the other condition is fulfilled, that is, if the act causes any annoyance or injury or leads to certain results in the form of riots, bloodshed, and so on. That is the only qualification that is provided.

The Honourable Sir James Orerar: What about sub-section (1)?

Mr. B. R. Puri: That has got nothing to do with it. I am dealing with the second part of sub-section (1). The first part has nothing to do with it.

The Honourable Sir James Orerar: The first is very relevant.

Mr. B. R. Puri: The words which I want the House to consider for the moment are "abstain from" a certain act, and I say that the only qualification which is provided by the Act is that any person can be called upon by a Magistrate to abstain from doing any act, provided that act causes annoyance to anybody. That is all that the section requires. If the Honourable Member wants me to refer to any particular thing, I will endeavour to do so.

Mr. President: Will you please go on?

Sir Hari Singh Gaur (Central Provinces Hindi Divisions: Non-Muhammadan): I thought that the Honourable the Home Member was going to say something.

Mr. President: He has nothing to say at present. Please go on.

Mr. B. R. Puri: Now, Sir, looking at the language of the section, I maintain that if the words are quite clear, you have got to interpret the words in their ordinary and natural meaning; you have got no right to

[Mr. B. R. Puri.]

import any meaning into the section in order to draw out of the section some meaning which may suit your own purpose. We have got to give the ordinary and the common meaning to those words which are employed there, and I say that in interpreting the section in the way in which the Statute ought to be interpreted, we cannot come to any other conclusion than this, that this is a most sweeping provision, where a Magistrate could order any man to abstain from doing any act. Therefore, not only the wearing of Gandhi caps can be prohibited by him, but he can also prohibit the use of any other kind of attire like *dhoties* and so forth at any time if he so fancies—at least your present law empowers him to do that. Now, Sir, if that is your law, I submit that it is time that we overhauled it. After all, that is not really the true scope of this law.

Now, Sir, I wish to add only one or two words more before I resume my seat, and that is, the language of this section needs amendment without any further argument being advanced from any quarter. It is, as I said, an extraordinary provision, and the scope of a provision of this character must be strictly limited and strictly defined. The language of the section is so loose and so wide that it is likely to be interpreted in a most capricious manner and the peoples' rights are apt to be denied to an extent which I am certain is not the desire of any Honourable Member either on this side or on the other side of the House.

Mr. K. Ahmed: It is all very well, but what objection have you for circulation? You have not said anything about it?

Mr. B. R. Puri: I have endeavoured to make my position clear. I don't know if my Honourable friend has been following me or not. I do not know whether the fault is mine or his, but in any case I have tried to make my position as clear as I could.

Mr. K. Ahmed: What is your objection?

Mr. B. R. Puri: I cannot address him in Bengali to make him understand. I have shown that the provision of appeal is wholesome; I have shown that the period during which this *ex parte* order should be allowed to remain is but only a legitimate demand, and I have also shown that what we are asking for, namely that the evidence should be recorded, already exists in the spirit of that provision as held by the various High Courts. If my Honourable and learned friend Mr. K. Ahmed has not followed me, the fault is his.

Mr. K. Ahmed: How does the Bengali language come in here at all? What my friend says is all French and Greek to me.

Mr. B. R. Puri: Now, Sir, I wish to add one word more, and it is this. This law was made whether it was half a century ago as the Honourable the Home Member says or 70 years ago as Mr. Anklesaria claims. We had absolutely no hand in the making of such a law. These laws were inflicted upon the people who were practically asleep at the time. These were not Assembly-made laws. These laws actually came out from a bureaucratic machine and were inflicted upon sleeping people, and therefore they do not carry that sanctity and that support of the populace to the same extent as the laws enacted at the present day. I

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

therefore submit that there is no particular virtue in the argument that because a law is 70 years old, it should be kept intact without any amendment or improvement.

Several Honourable Members: The question may now be put, Sir.

Mr. Ram Prashad Narayan Sahi (Bihar and Orissa, Nominated Official): Sir, although my Honourable and learned friend was good enough to absolve the Magistracy, I do not think I can be absolved from doing my duty here, and the only justification for me to speak is that I want the House to know how this section is administered in actual practice and to look at the whole case from the viewpoint of an unfortunate Magistrate who has to administer the section from day to day. We have heard it from the viewpoint of lawyers and authors and also journalists, but not from the viewpoint of Magistrates. I want the Honourable Members to place themselves in the position of a Magistrate who gets an alarming report from a village, say 20 miles away from his headquarters through a chowkidar that there is a danger of a breach of the peace. Well, Sir, what does the House expect him to do? Does the House expect that he should sit down and go on recording evidence? Nothing would be more pleasant for a Magistrate than this. He would prefer it as this would avoid the danger of facing the trouble of issuing notices under section 144 and of taking all the risks involved in saving people from depredations, arson, loot, murder and things of that kind.

Sir Hari Singh Gour: What are the police for?

Mr. Ram Prashad Narayan Sahi: Well, Sir, I had thought during all the time I have been in this House that when an Honourable Member makes a maiden speech he would not be unnecessarily interrupted, but my Honourable friend wants to start a new practice or malpractice. Well, Sir, this House has placed section 144 as an effective weapon in the hands of the Magistrate to combat such a situation. Sir, it was not made by the bureaucrats, as has been suggested by my Honourable friend Mr. Puri, but it was enacted only as late as 1923 when the House was supposed to be much stronger, where perhaps the party which is not now here was represented at that time, and section 144 was thrashed out threadbare. Diwan Bahadur T. Rangachariar himself brought forward a proposal that this section had been misused, but the Assembly placed on record that the section had not been misused till then. The incidents which my Honourable friend Mr. Gaya Prasad Singh cited in support of his case all occurred before 1923—the Barisal incident, the Champaran incident, and the Hardi *mela* incident. These occurred before 1923. I do not know anything about the Barisal incident; that occurred in Bengal. But I know something of the Champaran incident and of the Hardi incident. It must be remembered at the outset that the relationship between the landlords and the tenants in the district of Champaran was very strained, and even in the eighties of the last century the matter had attracted the attention of the Government and Government were making enquiry. As far back as 1905, Mr. Gourlay, who was later the Private Secretary to the Governor of Bengal, and was then Sub-Divisional Officer of Ballia had to enquire into the matter and he submitted a report that the relations between the tenants and the landlords were bad and that the matter should be looked into. A revisional settlement was then pending and when it was started, Government had directed that the relationship between the landlords and the tenants should be looked

[Mr. Ram Prashad Narayan Sahi.]

into. The Settlement Officer, Mr. Sweeney, submitted a report after due enquiry that this question should be looked into specially. Then, a third man in the person of Mahatma Gandhi came into the scene. He was then fresh from South Africa, and the Collector and the Commissioner did not know who he was. They thought that his coming into the scene would perhaps prejudicially affect the best interests both of the tenants and the landlords. Notice under section 144 was consequently issued, but as soon as the Government found out that it was not necessary to do so, that it was not necessary to restrict the activities of Mr. Gandhi, the whole thing was dropped. Where was the harm done? No harm was done. A committee was formed and one of the members of that Committee was Sir George Rainy, who is now the Leader of the House, and he is perhaps in a better position to say what happened then. But certainly, in Champaran nothing happened which could prejudice the case for section 144 of the Criminal Procedure Code.

Let me now come to the Hardi mela incident. Let me say at once that Hardi Babu is a great friend and a relation of mine. There was a mela in those troublesome days of 1920. At that time Mr. Munns or Mrs. Munns,—I think it was Mrs. Munns, and if I am wrong, I hope my Honourable friend Mr. Gaya Prasad Singh will be able to correct me.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadian): You are correct.

Mr. Ram Prashad Narayan Sahi: They went up in a motor car to Hardi mela. The mob there began shouting at them and began to be rude to Mrs. Munns.

Mr. Gaya Prasad Singh: No, there was no evidence to that effect.

Mr. Ram Prashad Narayan Sahi: Yes, but I know it for a fact, because that has been admitted to me even by Hardi Babu who afterwards regretted having taken the step. He resigned his membership of the local Legislative Council and his Honorary Magistrateship. I ask, where is the misuse of section 144 in this case?

Then, my Honourable friend, Mr. Gaya Prasad Singh, might say that it has been misused in connection with the civil disobedience movement. Now, Sir, let me ask what is this movement of which we have heard a good deal during the last few months? Not a movement for constitutional reform, it was a movement for the overthrow of Government. It is a movement whose object is the overthrow of Government, and none of its ways and methods were intended to make the administration of law smooth. We, who have had to deal with that movement, we who have had to work at great pressure have had only one object, and that object was to maintain law and order, and there has not been any other object. We have been perhaps timid in doing so, because we do not know what enquiries there will be into such matters; there is always the prospect of an enquiry into such matters and we are timid in administering the law. But still we administer the law, and we do so with the sole object of maintaining law and order. Of course, if this House wishes to say, "We do not want it, we do not want law and order," surely, don't have section 144, and also do away with all your Magistrates. But if this House wants us to maintain law and order—and I think this

House wants us to do so—then this section is necessary, and this Bill is the favourable gesture, the generous gesture about which we hear so much and of which we have had so little from Members opposite and I think my Honourable friend Mr. Gaya Prasad Singh is not very serious about his own motion, because I am pretty sure that when he was a Sub-Deputy Magistrate in the district of Muzaffarpur he would have had occasions to use this section. But he has not given us his experience as to how he utilised the section, though I had been eagerly expecting it.

My Honourable friend, Mr. Ranga Iyer, said that the section is used ruthlessly in connection with political matters and that it was not the case in case of communal matters. I submit, Sir, that he has not cited one single instance in which section 144 could have been used in connection with communal matters but has not been used. Not a single instance has been cited in this House in support of that statement. Let me say that Magistrates have had to use section 144 oftener in communal riots than in political riots. There was communal trouble in 1928 when I was in charge of Sadar Division in the Muzaffarpur district and I sought my Honourable friend Maulvi Shafi Daoodi's help and it was denied. Then I had to content myself with exercising the power which has been conferred by this Legislature, namely, section 144 of the Criminal Procedure Code. Sir, if you go into all these details, I am sure you will find that it has been absolutely necessary to use section 144. My Honourable friend, Sir Hari Singh Gour, referred to indignities. I would ask him to remember the night when he was proposing the toast of Sir John Simon at Nagpur and what happened to him. If a man of his eminence could be subjected to those indignities, what would happen to people in the villages, far away from the authorities, far away from the police?

Sir, I do not claim infallibility for Magistrates. As His Excellency Sir Malcolm Hailey so aptly put it to his Legislative Council, "No Government is infallible". Ours is a human institution with all the inherent defects of that institution, and if Magistrates err, they will have to suffer. It is not generally known, but it is a fact that they have to suffer if they err, but that does not mean that the law is bad. Now as to the question whether the law has been generally misused, I can say that you will find that it has not been generally misused. Instead of amending the law, I think it will be a better thing if the House will take this opportunity of creating a situation in the country in which the use of this section will become unnecessary. ("Hear, hear".) You will come into these Benches in two years, and I hope you will come sooner than later, and if then you find that this section is not necessary, do away with it. But as long as you expect us to maintain law and order, I submit that you should not grudge us this power, which I maintain has not been misused so far.

With these few words I resume my seat. (Applause.)

*Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): The provisions contained in the Bill of my Honourable friend Mr. Gaya Prasad Singh are so obvious that they do not require any support from

*Speech not revised by the Honourable Member.

[17TH FEB. 1931.]

[Maulvi Muhammad Shafee Daoodi.]

me, but because I find that my name also has been dragged at the last moment, I must say a few words about the Bill.

It seems to me that, in the consideration of this motion, party politics have been dragged in. It appears that the Bill is not looked at from a point of view free from bias. We are sitting as legislators here, and therefore I would request Honourable Members to see the thing from a detached standpoint altogether. The experience of so many years in this country about the application of the provisions of section 144 has been very very unhappy. I do not think anybody would doubt that thousands and thousands of cases might have happened during the last 20 years in which section 144 has been misapplied. I do not know why my friend, Mr. Ram Prashad Narayan Sahi, says that there has been no occasion when this section has been misapplied. I think that every man who reads newspapers must be knowing that, whenever there is any upheaval in the country, this section has been intentionally applied in a manner calculated to thwart the true expression of the public grievance. I submit, Sir, that it does not require any proof to say that the public requires an urgent amendment of this section, and I would only say that Mr. Gaya Prasad Singh has done a service to the country by bringing in a Bill of this nature. If this motion of Babu Gaya Prasad Singh is defeated at this time, I would only say that we have not exercised our right of legislation properly, and I would therefore ask every Member of this House to look at the provisions in a detached manner and find out for himself whether the three provisions which have been put forward in the Bill are not proper ones. As my friend Mr. Puri has explained the situation, I think that no doubt should be left in the minds of Honourable Members in supporting this motion.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, in view of the lateness of the hour and the other work we have to do, I do not propose to take up the time of the House; but there are just one or two points which I should like to mention. The Honourable the Home Member said that this particular provision of the law had been on the Statute-book for a long number of years and therefore it should not be meddled with. With regard to that, he has been sufficiently answered by my friends on this side of the House. I will only tell him that Regulation III of 1818 has been on the Statute-book for more than a century. Is that a reason why we should not demand its repeal? The Honourable the Home Member then went on to say that there had been no case of the misuse of this section, and he has been supported in his contention by some of the official Members on the other side. I will only mention two cases which went up to the High Court, which I mentioned in the course of my speech the other day, the wearing of Gandhi caps, and the putting up of what are called national flags in private houses. The cases went up to the High Court, and the High Court held that the issuing of orders under section 144 was absolutely

illegal; and the orders were quashed. But what about the scores of persons who were beaten, assaulted and imprisoned as a result of the wearing of Gandhi caps in defiance of those orders, and the putting up of national flags? What about those men who have had to suffer seriously in defying an order which has been held to be illegal by the High Court? In my own province I have cited many instances of the misuse of section 144. What about the firing at Begu Sarai recently? My Honourable friend, the official representative of Bihar and Orissa, whom I heartily congratulate on the excellent maiden speech which he has made, has not been able to controvert any material point in connection with the incidents which I have placed before the House. With regard to the Hardi mela, my friend said that this section was very appropriately applied; but in the very next breath he said that as a protest against the misapplication of section 144 Hardi Babu had to resign his seat in the Legislative Council and his Honorary Magistrateship. Now, Sir, we read the other day in the papers that a Magistrate at Tirupati had prohibited public meetings under section 144 as the public wanted to hold a mourning meeting in honour of the death of Pandit Motilal Nehru. I want to know whether this is a correct application of section 144. Mr. A. V. Thakkar, of the Servants of India Society, wanted to hold an inquiry into the beating by the police of a large body of the ladies in Borsad in Gujarat last month, and he was prevented under section 144 from going and making an inquiry into the allegations. I do not know if my Honourable friend the Home Member can justify an action like that. Sir, I do not want to take up the time of the House, but there is only one word which I want to say. I resent strongly the somewhat undignified references made to Mahatma Gandhi by Mr. Anklesaria. It is gross impertinence on his part. It is not necessary to agree with all the views of Mahatma Gandhi to recognise in him a world figure. The name of Mahatma Gandhi will endure in history long long after the race of job-hunters and title-hunters has disappeared. With these words, I commend my motion to the House.

✓ The Honourable Sir James Orerar: Mr. President, the debate has travelled over a somewhat extensive ground and I think it has been a very interesting and in many respects a very useful debate. Some features of it have been familiar, other features of it have not been entirely unfamiliar but extremely useful. When I speak of familiar features, I refer to the political rhetoric which we have been accustomed to hear from the eloquent and ingenious lips of the Honourable the Mover and the other Honourable gentlemen who supported his motion. The House has also heard, I think with a large measure of interest and appreciation other points of view which are not always as fully explained on these occasions as I should wish that they should be. We had from the Mover of the amendment for circulation, Mr. Anklesaria, a lucid and able speech putting forward the point of view of what I think I may call the law abiding citizen, who desires that he and other men of his kind should be protected in their lawful vocations. We have heard also from Honourable gentlemen on these Benches a very interesting and very illuminating account of how the matter presents itself to the Magistrate who has to administer this section and, after I have dealt very briefly with the amendment moved by Mr. Anklesaria, I shall emphasise that point of view. With

[Sir James Crerar.]

these few preliminary words, Sir, I merely desire to take up one or two salient points which have emerged in the course of the discussion. I think I might fairly select the speech of the Honourable and learned gentleman from the Punjab, Mr. Puri, as being typical of the speeches and the arguments which have been employed by supporters of this motion. Now, I propose to take three particular contentions which were strenuously contended by Mr. Puri. I shall not do him an injustice by selecting some haphazard remark and subjecting it to hypercritical examination, but I think he made three points strenuously and they were these. First of all he said "After all the proposed amendment which requires the Magistrate to record evidence introduces nothing new". It represents substantially what is already the law. Well, if that is really the case, where is the necessity of the Bill at all? He went on to say that the Act, as it at present stands, would enable a Magistrate to do all sorts of foolish and unreasonable things. He said it would enable a Magistrate to forbid, he would be justified by the actual terms of the section as it stands, in forbidding the wearing of a *dhotie*. Now I do not think the Honourable Member was very successful if he intended to persuade the House that a Magistrate was likely in point of fact to make an order prohibiting the wearing of a *dhotie*; but even accepting that rather extreme hypothesis, what does the Honourable gentleman propose by his amendment to do to remedy that state of affairs? The amendment restricts the Magistrate in making an order prohibiting a person from taking part in a political meeting in a procession, in a public demonstration. But, Sir, does the Honourable Member seriously contend that the wearing of a *dhotie* is any of these things? Is it a public demonstration? If that is so—and I believe the Honourable gentleman would quite rightly contend that the wearing of a *dhotie* is not a public demonstration—then the amendment provides no remedy at all.

Mr. B. R. Puri: What is the difference between wearing a Gandhī cap and wearing a *dhotie*?

The Honourable Sir James Crerar: I think, therefore, Sir, that this is ridiculous. Now the third point which the Honourable Member made was that the section as it stands is an ancient, hoary section, and he contended that I had referred to its antiquity as a reason for its preservation. Now the Honourable Member does me less than justice. The point of my contention when I referred to the fact that this section has been substantially in its present form for 70 years, was not its antiquity but that even in those days, when the necessity for action such as is contemplated by this section was infinitely rarer than it is now, such necessity was nevertheless then recognized and then contemplated. He contended further that this section really deserved to fall into desuetude because it was passed at a time when the representatives of the people had not had full opportunity of giving their judgment upon it. Is the Honourable Member ignorant, or has he forgotten, that this section was considered most carefully, scrutinised most elaborately, in the year 1928? Certain amendments, material amendments were then made to the section. I do not think the Honourable Member has much justification for contending that after that rigorous scrutiny and that very material modification of the

section as it now stands, that section was not brought before the judgment and submitted to the scrutiny of the representatives of the people. (Applause.)

Then, Sir, the question was addressed to me, and has been repeated more than once, whether this section was actually used in connection with cases of communal trouble. The question has been very effectively answered by the Honourable gentleman behind me from his personal experience. But I have here, in the records of the last four or five years, a few salient instances of the most important character which have come to my notice—there must be a considerable number of others—and I find that during the years 1926, 1927 and 1928 this section was used in the very serious riots that took place in Calcutta, the very serious riots that took place in Lahore, and the very grave riots that took place in Delhi. It was used repeatedly and with effect—and that they were used repeatedly and with effect was admitted at the time by many influential sections of public opinion. I will not therefore weary the House with details.

Now I come very briefly to the amendment proposed by Mr. Anklesaria and very ably supported by Mr. Yamin Khan, Maulvi Muhammad Yakub and others, to the effect that the Bill be circulated. I observe that the Honourable the Mover made not the slightest attempt to meet the very cogent arguments advanced on that side of the case. Sir, he was well advised in not doing so. So far as that amendment is concerned, I have to say that Government are prepared to agree to it. (Applause.) But in saying so, I feel that candour requires me to explain to the House that I do so subject to the following reservations. I do not myself consider that Local Governments will find themselves in a position to take an attitude towards these amendments other than that which has been explained from these Benches and by several Honourable Members in other quarters of the House. I do not think that that is likely; but at the same time I think it will be undoubtedly to the advantage of this House to have before them a body of opinion larger and more extensive and more comprehensive than even the opinions based on experience, and from the point of view as I say both of the ordinary citizen and of the official which we have heard. It will be an advantage to the House to have a wider body of opinion. Nevertheless, in accepting this amendment, I do not desire to have it attributed to me or the Government that we consider that this Bill has any merits whatsoever; and if it were referred to Select Committee, they could do nothing else but strenuously endeavour to retain in the hands of the Magistrate, for the benefit and protection of the public, everything material that is now existing in this section. Nor do I anticipate that when the Local Governments pronounce on this matter, if the House accepts this motion, they are likely to take any other position. For these reasons, Sir, I oppose the original motion; and I announce on behalf of the Government that they will be prepared to accept the motion moved by Mr. Anklesaria. (Loud Applause.)

Mr. President: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 144), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931."

The Assembly divided:

AYES—51.

Abdul Qaiyum, Nawab Sir Sahibzada. A.Y.E.
 Acheson, Mr. J. G.
 Ahmed, Mr. K.
 Alexander, Mr. W.
 Allah Bahadur Khan Tiwana, Khan
 Bahadur Malik.
 Applesaria, Mr. N. N.
 Aswar-ul-Azim, Mr. Muhammad.
 Baryangar, Diwan Bahadur V.
 Bhashyam.
 Bajpai, Mr. R. S.
 Banarji, Mr. Rajnarayan.
 Baum, Mr. E. F.
 Bhargava, Rai Bahadur Pandit T. N.
 Boag, Mr. G. T.
 Chatterjee, The Revd. J. C.
 Crerar, The Honourable Sir James.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Hamilton, Mr. K. B. L.
 Hayman, Mr. A. M.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Ismail Ali Khan, Kunwar Hasee
 Jashay, Mr. E. V.

Jawahar Singh, Sardar Bahadur
Sardar.
Khurshed Ahmad Khan, Mr.
Macmillan, Mr. A. M.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Muazzam Sahib Bahadur, Mr.
Muhammad.
Mukherjee, Rao Bahadur S. C.
Pandit, Rao Bahadur S. B.
Parsons, Mr. A. A. L.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rai, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Sahi, Mr. Ram Prashad Narayan.
Sams, Mr. H. A.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shillidy, Mr. J. A.
Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tüt, Mr.
Wajihuddin, Khan Bahadur Haji.
Yakub, Maulvi Muhammad.
Zeng, Khan, Mr. Muhammad.
Zeng, Mr. C. M.

NOES-50

Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bagle, Bala Rameshwar Prasad.
 Bhanu Singh, Mr.
 Biswas, Mr. C. C.
 Chandi Mal Gola, Bhagat.
 Das, Mr. A.
 Dudhoria, Mr. Nabakumar Singh.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Gunjal, Mr. N. R.
 Harban Singh Brar, Sirdar.
 Hoot, Mr. A.
 Iara, Chandhri.
 Jamal Muhammad Saib, Mr.
 Jha, Pandit Ram Krishna.
 Jha, Mr. S. G.
 Jha, Rameshwar, Raja Bahadur G.
 Lalaji Chandhury, Mr. D. K.
 Laladhar Chandhury, Seth.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Mujumdar, Sarder G. N.
 Neogy, Mr. K. C.

Pandian, Mr. B. Rajaram.
Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rao, Mr. M. N.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Roy, Kumar G. R.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen. Pandit S. N.
Shafee Daoodi, Maulvi Muhammad.
Shah Nawaz, Mian Muhammad.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sukhraj Rai, Raj Bahadur.
Thampam, Mr. K. P.
Tun Aung, U.
Uppi, Sahib Bahadur, Mr.
Walayatullah, Khan Bahadur H. M.
Zulfiqar Ali Khan, Sir.

The motion was adopted.

THE ABOLITION OF CAPITAL PUNISHMENT BILL
Gaya Prasad Singh (Muzaffarpur)

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muham-
adan): Sir, I beg to move:
“That the Bill to abolish the punishment of death for offences under the Indian
Criminal Code, be circulated for the purpose of eliciting opinion thereon.”

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

Sir, this is a very important measure, unprecedented in the history of legislation in this country in modern times, and I should beg your permission to deal with it in some detail.

Capital punishment has been abolished, wholly or partly, in many of the progressive countries of the world. So far as my information goes, in Europe, the death penalty has been dispensed with in Austria, Belgium, Denmark, Finland, Holland, Italy, Lithuania, Norway, Portugal, Roumania, Sweden and in most of the cantons of Switzerland; in America, it has been abolished in the Argentine, Brazil, Columbia, Costa Rica, Ecuador, Honduras, Peru, Uruguay, Venezuela; and in eight states in the American Union; in Australia, it has been abolished in Queensland. In some of these states, the penalty has been formally removed by law from the Statute-book; in others, the penalty, though still legal has become abrogated by disuse. It has also been abolished in a number of German states. In Austria, it has been abolished in 1918; in Belgium there have been no executions since 1865, and though the population of Belgium has increased considerably, there has been a marked decrease in the number of homicidal crimes during the period. In Denmark, there have been no executions since 1892. Capital punishment was abolished by law in Holland in 1870, but only two executions had taken place in the 20 years prior to that date. In Norway, capital punishment was abolished by law in 1905; but there had been, however, no executions for 30 years prior to that date. In Portugal, it was abolished in 1867; in Norway in 1865; in Brazil in 1891; in Peru it has been discontinued for 80 years or more. It will now be seen that capital punishment has been abolished in a large number of the countries in the world; and from the official statistics of those countries, it will be seen that there has been no permanent increase in homicidal crime as a result of abolition; in many there has been a decided decrease. In England, efforts have been made in the past to rally public opinion in favour of the removal of the death penalty; but official conservatism has not yet been conquered. It is, however, noteworthy that the *Daily Herald*, the official organ of the Labour Party, describes capital punishment as a "barbarous and antiquated method of social revenge".

“Sir, I wish to guard myself against the charge that in making this motion, I am actuated by sentiment, although I make bold to say that sentiment is not a thing to be lightly despised. A strong and widely felt sentiment sometimes produces results on the moral or political planes, which one could hardly have foreseen. Had the motive behind the efforts to abolish capital punishment been merely a sentimental one, it would not have appealed to the hard-headed, practical countries and states which I have mentioned. Neither, Sir, do I hold any brief for the murderers, whom I recognise to be, in Dymond’s phrase “a depraved and dangerous class of the laws of God.” Those who advocate the abolition of capital punishment do it on the ground that it is both futile and immoral, and that the interests of the community would be best served by its abolition. Public opinion all the world over is coming round to the view that capital punishment is not suited to the social needs of the present time. The plea that capital punishment acts as a deterrent and exercises a restraining influence is not borne out by the experience of modern states. Sir, in those countries where the death penalty has been removed, statistics indicate that there has been no increase in the number of homicidal crimes for which this

[Mr. Gaya Prasad Singh.]

penalty was formerly inflicted. More murders, it seems, strangely enough occur in states having the death penalty than in the states that do not have it. This is the conclusion set forth in the *Spectator* (New York) by Dr. Frederick L. Hoffman, statistician of the Prudential Insurance Co., after a study of the country's 1928 homicide record. Some people say, "Oh, there are so many murders, and they follow in such quick succession that the punishment of death must not be replaced". Why is not this reason, among others, for repealing it? Does it not show that it is ineffective as an example, that it fails to prevent crime, and that it is not an effective deterrent? If capital punishment had really acted as a deterrent, its removal would have been followed by a wave of such crimes. But this has not been the case. Murder does not prevent murder. It may perhaps be argued that life imprisonment, or imprisonment for a long term, as a substitute for death sentence, is a worse form of punishment. If this is so, it would necessarily be a more effective deterrent, and therefore should be preferred to hanging. One cannot have it both ways. Either such imprisonment is not worse than hanging, or it is. If it is, then capital punishment is not the best deterrent. In olden times, whenever a penalty had been relaxed, whenever for example it was proposed to abolish the death penalty for such offences as sheep-stealing, forgery or other comparatively trivial offences, there had always been the plea put forward that property would not be safe and that such penalty was needed to protect society. But the abrogation of the death penalty for those offences has not landed human society into chaos; nor has there been an increase in the number of such crimes. This plea therefore would hardly hold water. The "Encyclopædia Britannica" in an impartial historical survey of the subject states that:

"At the end of the 18th century the criminal law of all Europe was ferocious, and indiscriminate in its administration of capital punishment for almost all forms of grave crime; and yet, owing to poverty, social conditions, and the inefficiency of the police, such forms of crime were far more numerous than they now are."

Sir, capital punishment has a demoralising effect on the human mind, and if those who inflict capital punishment had only to carry it out, they would, I am sure, soon change their opinion. If those, who inflict the punishment, or its advocates were to carry out the sentence of hanging as a duty, I am quite sure 999 persons out of a thousand would shrink with horror from it; and they should not ask a fellow-citizen to do a thing from which they themselves would recoil. The harshness of the death sentence tends to coarsen the public sentiment; and to authorize killing is to tamper with the sanctity of human life. The object of punishment should be reformatory, rather than retributive, as also a means of educating the social conscience of the community; and in this view of the matter also, capital punishment should not be inflicted. In a murder trial, it is the fact that the accused person is fighting for his life which creates a widespread excitement and morbid interest; and this feature would at once be removed by the abolition of this punishment. Death sentence is more a punishment to the innocent wife and children of the condemned man, than to himself. Then again, Sir, sometimes innocent persons have been sentenced to death, and in such cases no reparation is possible. The case of Oscar Slater is a case in point. In such a case there was always the possibility that other evidence would come to light

that would ultimately prove a condemned person innocent. In the *Pioneer* of the 12th June, 1929, a story is told of a man in Germany who about 10 years ago was convicted of murder and sentenced to penal servitude for life. But recently after a new trial, which created a sensation in Germany, the sentence passed 10 years ago was quashed, and the man was declared innocent and released. What would have happened if the unfortunate person had been condemned to death? Judges after all are human beings who have their failings and limitations, and a miscarriage of justice, however unconscious, would be irretrievable in such a case. Every human judgment is liable to be mingled with error, and the torture of knowing that a man had been hanged through what he believed was a blunder is among the most vivid memories of Lord Shaw of Craigmyre, the famous Scottish Judge, better known as Lord Shaw of Dunfermline, who became a confirmed opponent of capital punishment. (*Amrita Bazar Patrika*, dated 12th June, 1930.) Sir, in my own province of Bihar, some time back, as many as five persons were condemned to death, and the sixth to be transported for life by the Sessions Judge of Shahabad, on a charge of murder in a case which was got up by a Sub-Inspector of Police. Subsequently, owing to the attitude taken up by the local public, whose conscience was shocked, an elaborate official inquiry had to be instituted, which showed that the case which had ended in the conviction of the accused for murder was entirely false. The Local Government was satisfied by evidence which was subsequently discovered that the case was altogether false and concocted, and directed the release of the condemned persons. The Sub-Inspector of Police concerned and three other persons, who were found to be implicated in this remarkable conspiracy, were hauled up before the Patna High Court, and convicted. (*Searchlight*, dated 22nd January, 1930.) Criminologists have now proved that murders are often committed under the influence of a strong passion which is of the nature of a disease, and has to be treated like many other diseases by proper therapeutic means. To end the life of such a criminal may seem to be a short cut; but it has the effect of depriving the culprit of all opportunity of improvement under proper remedial conditions. In times when the dignity of human life was not adequately realised, public conscience tolerated this drastic remedy. But with the growth of a larger perception of the economy of human life, and the need of making the best use of the same, it is necessary to consider and find out if and to what extent it is desirable to remove this method of punishment. Mr. Bernard Hollander, M.D., the author of "The Psychology of Misconduct, Vice and Crime", says:

"Just as ordinary men are influenced in their conduct by certain brain conditions and external circumstances, so the homicide is not always so inherently wicked as his crime makes him appear. Therefore to sentence all murderers indiscriminately to death by hanging, as is done in this country, is far from just."

In a number of cases at least the murderer is not an entirely free moral agent; his action has been influenced by one or many of a variety of factors, over some of which at least he may have little or no control.

Lord Lytton, as the Governor of Bengal, made a remarkable speech in the Rotary Club of Calcutta in 1926, and in the course of his speech said:

"The subject I want to discuss with you is the treatment of delinquency and the use and abuse of punishment in the moulding of human character. The ideal I wish you to test for me, stated in the briefest and simplest form, is just this. The substitution of reformation for retribution as the basis of our penal code. Punishment can instil

[Mr. Gaya Prasad Singh.]

fear, and enforce habits—it cannot inspire goodness. As a means of moral regeneration therefore, it is worse than useless, and should be abandoned. A morality which is only enforced by pains and penalties is a false morality, and those who would secure the acceptance of moral standards should employ other methods.”

Sir, those who make and enforce laws are not necessarily more moral than those who break them, and the trouble begins when these persons assume a moral sanction to which they are not entitled. It is a strange contradiction that the laws of a country should sentence a man to death for the crime of murder, whilst it takes upon itself the role of a judicial murderer by putting him to death. It is an anomaly that a Christian country should wilfully adopt such a mental attitude, while it glibly and sanctimoniously talks about the power of its religion to uplift fallen mankind, and turn them into something moral and saintly.

Another reason is that the Press publicity accompanying murder trials and executions produces a demoralising influence upon a section of the community, and is known to lead to imitative crimes. Capital punishment often encourages a misplaced “sympathy” for the murderer. The horror of capital punishment sometimes encourages jurors to bring in verdicts contrary to the facts, with the result that dangerous homicides are sometimes allowed to go free.

In England a Council called the National Council for the Abolition of Death Penalty has been started, and in a masterly introduction to a book entitled “Capital Punishment in the 20th century” by Mr. E. Roy Calvert, the Right Honourable Lord Buckmaster, who is the President of the National Council, observes:

“Some think it manly to pay no attention to a man being flogged or killed. They believe it mere sentiment to think otherwise. But to me the only hope of the human race lies in increasing the feeling of sanctity for human life. Without this realisation, we shall never get rid of slums, of poverty, or of crime.”

The Honourable Mr. Justice J. E. Marshall in the course of an illuminating article in the *Quarterly Review*, with the authority of several years' experience as a judicial officer on the bench of the Egyptian courts, holds that at the present day the death penalty is an anachronism and a reproach to civilization. In mediæval India, according to the testimony of Fa Hien, who visited this country about 400 A.D. and of Hieun Tsang, who visited India about 200 years later, neither capital nor corporal punishment existed. The Imperial Gazetteer of India, Vol. XXI (1908) published under the authority of His Majesty's Secretary of State for India in Council, under the heading “Rajputana” says (page 143):

“Capital punishments were rarely inflicted”

“former times. Even in Nepal today, on the authority of Mr. A. Yadivelu, in his book called “The Ruling Chiefs, Nobles and Zemindars of India”, Vol. I, page 109e,—

“Capital punishment has been almost totally abolished, with the interesting result that there is a marked decrease in the crimes, which were formerly punished with death.”

Mr. Henry Ward Beecher says:

“In our age and with the resources which Christian civilisation has placed within the reach of civil governments there is no need of the death penalty; and every consideration of reason and humanity pleads for its abolition. It does not answer the ends of justice and often defeats them. It is the rude justice of a bar-

Sir, I will now bring my remarks to a close. The introduction of this Bill in the last Assembly was hailed with delight by the Indian press in this country. The *Amrita Bazar Patrika*, the *Swarajya*, the *Searchlight*, the *Leader*, the *Hindustan Times* and many others were some of the papers which gave their unqualified support to my Bill. I received numerous letters encouraging me to proceed with this measure. But, Sir, I do not want to take any hasty steps. The very importance of the Bill inclines me to be cautious. As I have pointed out in the concluding paragraph of the Statement of Objects and Reasons, this Bill is not intended to affect any statute of the British Parliament applicable to India, nor does it in any way affect discipline in His Majesty's Army, Navy or Air Force. Whatever drafting imperfections, if any, there might be in this measure may be remedied at a later stage, or its period of duration may be limited. But for the present I should like Honourable Members of this House and the country outside to give a dispassionate consideration to the object of this Bill, free from the passing phases of the present times. I hope, Sir, the attitude of the Government will be one of benevolent neutrality, if not of active sympathy, and that they will not express themselves at this stage of the Bill in a way which might prejudice its chances of a dispassionate consideration by the Local Governments or other bodies or individuals to whom it may be referred for opinion. I have sought what I believe to be the line of least resistance. The activities of the terrorist movement, to whatever extent it may be supposed to exist in India at the present moment, should not be allowed to deflect our course of judgment. We should look through the clouds of the present into the sunshine of the future. But, Sir, I do not want to commit this House or the Government to anything at this stage; and that is why I merely wish that the Bill should go out to the country for the purpose of eliciting opinions thereon.

The Honourable Sir James Ozerar (Home Member): Mr. President, I rise to oppose this motion. The industry and ingenuity of Honourable Members opposite frequently results in presenting to Honourable Members on this side of the House opportunities at any rate for displaying a great deal of versatility. On the present occasion quite a considerable number of measures dealing with various aspects of the Statute-book are on the List of Business, which would ordinarily have been expected to engage the attention of the House. I must honestly confess that I did not myself expect that, after dealing with the intricacies of the Criminal Procedure Code, I would be dealing at this stage in the afternoon with so drastic a proposition as that which the Honourable Member opposite has just moved. Nor, Sir, did I expect that it would be my lot to follow immediately after the Honourable Member after he had read, with great rapidity, I may say, a disquisition which I have no doubt was extremely interesting, but which in the short time I had to absorb it in, I found some considerable difficulty in grasping either in its argument or in its application. Indeed, Sir, I do find some difficulty on the present occasion and in so summary a manner in addressing myself with any degree of fulness to the proposition before the House. It is certainly a very serious matter, and I myself frankly recognise that the question of capital punishment is a question which has exercised from time to time the penologists of every civilised country in the world with very diverse results. The controversy is certainly by no means concluded. The Honourable Member began, if I followed him correctly, by informing the House that capital punishment in various countries in the world had

[Sir James Crerar.]

been abolished. I have just been examining, in the very short time at my disposal, some of the evidence which was recorded by the Committee which was recently appointed to consider this question in England. Honourable Members are aware that a Committee of the House of Commons was appointed to consider the question of capital punishment, and that His Majesty's Government have decided—so I am informed—not to proceed with that Report. Nevertheless I have had an opportunity of glancing cursorily at some of the evidence recorded before that Committee; and in regard to the Honourable Member's argument, in so far as it depends upon the example set in the matter of abolition of capital punishment in other countries, I observe with interest that for example in France and Germany, where at one time the sentence was abolished, it has been resumed. He referred to the case, I think, of the United States of America. But the position in the United States is that in 40 States, comprising the bulk of the population of over 92 million, in 40 States, the law of the land still retains capital punishment. And moreover in the majority, if not all, of those countries where the abolition of capital punishment still remains upon the Statute-book, I find that such enactments were made after a very long period of experiment in other directions, and that in point of fact the execution of capital punishment had gradually over a long period of years fallen into desuetude. That is a very different proposition from the proposition which the Honourable the Mover has put before the House, namely, that in India without any such period of gradual desuetude, we should arrive at that position, and that, without any intervening period, we should proceed at once with the very grave step of abolishing capital punishment.

Now, Sir, I do not intend to delay the House by any attempt in a cursory and summary manner, which is the only manner in which on the present occasion I could possibly approach the subject; I do not intend to delay the House by any summary and cursory examination of that kind. That the question is one which requires as a matter of principle careful scrutiny I do not deny; that much can be argued on academic and humanitarian grounds, I do not deny. But what I do say is this. It is not a practical proposition to ask this House here and now to come to a decision to send this Bill for the purposes of obtaining opinion on so drastic a remedy, if it is a remedy, as that proposed by the Honourable Member. I think that, looking at it as a practical problem, it will be recognised that such a step as the Honourable Member would urge upon this House is not really within the realm of practical politics. I have myself the misfortune to deal with a large number of cases in which the question of the execution of capital sentences is a question for decision. There are cases which have given me and my predecessors long hours, long days of anxious and painful consideration, and in doing so we certainly have acquired from those records very extensive acquaintance with homicidal crime throughout the length and breadth of India. I do not think that I should really take advantage of this, but I could from my own experience in the course of the last 3½ years recite to the House crimes of so dreadful a character that really one is presented with the very pressing question whether in cases of that kind any punishment other than capital punishment could on any theory of crime be regarded as the proper punishment. However, I should like to point out to the House that Indian law differs in one material respect from English law in this matter. The Indian

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

law is a more elastic law; it gives more discretion to the judicial authorities in the matter. Honourable Members are aware in England when a person is indicted and convicted of murder, Courts are required to pass a sentence of death. In India the Courts are empowered to pass an alternative sentence, and it is my experience, both as an official in a Local Government and as an official and a Member of the Government of India, that that discretion is very frequently, and I think on the whole, very wisely and judiciously exercised. There is not, therefore, the same necessity in India for dealing with this question from a legislative point of view. It is, however, a very large and intricate problem. It is a problem to which I could not do justice in all its intricacies and with the important questions of facts and principle that are involved on an occasion such as the present. I should like Honourable Members to look round and to consider it even from those aspects of the question which present themselves not to specialists, not to judges, not to magistrates, not to police officers, but within the experience at any rate of every one who keeps himself acquainted with what happens in the land, and I will ask him seriously to consider whether it is possible for us here and now to consider the proposition of the Honourable Member opposite, as a proposition which can be regarded as one within the sphere of practical politics at this stage.

Mr. President (to Mr. Gaya Prasad Singh): Do you wish to reply?

Mr. Gaya Prasad Singh: No.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): He has no reply to make.

Mr. President: The question is:

"That the Bill to abolish the punishment of death for offences under the Indian Penal Code, be circulated for the purpose of elicit opinion thereon."

The motion was negatived.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

(AMENDMENT OF SECTION 2.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that the Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of section 2), be taken into consideration. This is, Sir, a purely legal Bill, and I hope the Honourable Members will give me the indulgence if I take a few minutes to explain to them the aims and objects of my Bill.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Will your party help you?

Sir Hari Singh Gour: In the first Assembly one of the Honourable Members of this House brought forward a Resolution for the purpose of eliminating all distinctions between members of the English and Indian Bar, and the Government of India appointed a Committee known as the Indian Bar Committee. That Committee issued its Report, which I have before me, in 1924, and in that Report they made certain recommendations

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for the purpose of raising the position of the Members of the Indian Bar and bringing it as far as possible to the standard of the English Bar. At the same time, they felt the necessity of reshuffling the grades that were created under the Bar Councils Act, and they pointed out that it would be necessary in India to create King's Counsel as a recognition for distinguished merit at the Bar. I will read to Honourable Members a passage from the Report of the Bar Councils Committee. At page 11 of their Report they say this:

"But if it is desirable, we consider that a more suitable form of recognition, such as the grant of the rank of King's Counsel, could be devised than elevation to a grade which, while it may contain a higher average of outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners".

This is the recommendation of the Indian Bar Committee in 1924. In pursuance of the other recommendations of the Indian Bar Committee, the Government of India introduced a Bill in 1926, which afterwards became the Indian Bar Councils Act. In that Bill the Government of India had graded the various practitioners in accordance with the seniority which the Government of India proposed, in the case of Barristers and Advocates, should be reckoned from the date of their enrolment in the High Court. I objected to that clause, and Sir Alexander Muddiman, the Home Member, then withdrew that clause and said that he would recirculate that portion of the Bill and re-introduce that clause dealing with the right of English Barristers and Indian Advocates to pre-audience and precedence in the Courts. Honourable Members will find the whole discussion on this subject in Volume VIII of the Legislative Assembly Debates, page 372 onwards. In consequence of that undertaking, the Government of India circulated that portion of the Bar Councils Bill which dealt with the gradation of various legal practitioners in India, and the rest of the Bill became law as the Act of 1926. After the circulation of public opinion, Act XIII of 1927 was enacted, which, Honourable Members will find, deals with the gradation of the various members of the Bar in India in the following order; in the first place, we have the Advocate General; in the second place, we have King's Counsel; in the third place, we have Advocates being Barristers, who reckon their seniority from the date of their call to the Bar; and then we have Advocates who reckon their seniority from the date of their enrolment in the High Court. That is the Act of 1927. Now, leaving out the Advocate General, who takes precedence of all the practitioners by reason of holding that office, we have the following grades of practitioners recognised by the Act of 1927, namely, King's Counsel, Advocates and Vakils. These are the three grades of practitioners which are recognised by the Bar Councils Act. When these three grades of practitioners were enumerated in the Act of that year, it was intended that in India, following the practice of the other Dominions, and indeed of even the Crown Colonies—small Crown Colonies—like Ceylon and British Guiana—King's Counsel should be created in this country, and it is for the purpose of giving them a special position that the Act of 1927 places them in a position of seniority to the other lawyers, whether Barristers or Vakils, Advocates of the High Court. That being the position, four years have elapsed from 1927 to 1931, and King's Counsel have not been created in this country. But the result of the enactment has been that it gives the King's Counsel of a place like Ceylon or British Guiana or other Crown Colonies a seniority and a right of pre-audience over Advocates in India.

That is a position which no Indian legal practitioner can tolerate. That is a position which creates an anomaly in the enactment of 1927 in that, while it is an Act of the Indian Legislature, it places Indian practitioners in a position of perpetual inferiority to the King's Counsel from England, from the other Dominions and from the Crown Colonies. I submit that, when the Act of 1927 classified Indian practitioners as King's Counsel, Advocates and Vakils, it must have been so enacted because it was intended that King's Counsel should be created in India. But that has not been the case. My Bill, therefore, is intended to define the meaning of the word "King's Counsel", which occurs in the Act of 1927, and it is defined as a person so appointed from among the legal practitioners in India. Thereby, it excludes foreign King's Counsel who come and invade the Indian Courts and claim seniority over Indian practitioners, however senior they may be in point of years. I therefore submit that the Bill which I have the honour to sponsor should be taken into consideration.

I see a blocking motion by my Honourable friend Sir Lancelot Graham. When this question was under debate in the first Legislative Assembly, the point that there should be an independent Indian Bar was considered by the Government of India, and it was for the purpose of creating an independent Indian Bar that the Acts of 1926 and 1927 were placed on the Statute-book. But, in spite of the statutory provision for the creation of all grades of practitioners in India, the Government of India have so far taken no action to comply with the terms of the Act of 1927, and their non-compliance with the terms of the Act of 1927 has led to this result, that Indian practitioners will always be placed in a position of being juniors in relation to persons who have obtained either English or Colonial Silk. That, I submit, is a blot on the Indian statute if it remains to be construed in that sense, and I therefore ask the House to overrule the blocking motion of my Honourable friend the Legislative Secretary and pass my Bill. I move.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, as I understand my Honourable friend's Bill, it proposes to take away a privilege from a class of practitioners which does exist, in favour of a class of practitioners which does not exist, and the Bill goes no way towards bringing that new class of practitioners into existence. Seeing, then, that this class of practitioners on whom my learned friend wishes to shower his largesse does not exist, I do not think that I should be altogether incorrect if I were to say that this Bill seems to me to be a little premature. Now, Sir, if his Bill is a little premature, I cannot help feeling that I cannot be charged with putting up a purely blocking motion if I suggest that, before the House goes further, the Bill, which is now premature, should be circulated. The persons who are concerned in the passing of this Bill are a very important section of the people of this country—if I may say so, members of the most honourable profession in this country. I must say, Sir, that I am surprised that the Honourable Member should propose to rush this Bill through without giving the representatives of the Bar Councils and the Bar Libraries suitable opportunity for expressing themselves on the merits of this Bill. I think, Sir, that what my Honourable friend is proposing today comes from him with singular ill-grace, because as I have said, the purpose of this Bill is to take away the right of pre-audience granted, amongst others, to the holders of what is known as the English Silk. I cannot help feeling, Sir, that it would have been more graceful on the part of the learned Leader of the Opposition if he had, even at the

[Sir Lancelot Graham.]

cost of being irrelevant, drawn attention to the fact that an Indian practitioner has just received the honour of English Silk. I do hope the House will join with me in congratulating Mr. Bhagwandas Dube on receiving this very signal honour. On the occasion of his receiving this honour, we are asked to put an embargo on him and take away from him the right of pre-audience which he now enjoys under the Indian Bar Councils Act. I suggest, Sir, we should be acting in a very hurried manner if we did this.

Then there is another reason why this House should accept my motion for circulation. I do not rely entirely on my own arguments in this matter. I would use the arguments of the Leader of the Opposition. The Leader of the Opposition, when he gave notice of this Bill, sent with it a letter which was in the following terms:

"I have the honour to state that I have given early notice (*the letter is dated the 13th August, 1930*) of the enclosed Bill to amend the Indian Bar Councils Act, so that Government may have ample time between now and the Delhi Session of the new Assembly to consult leading Bar Libraries and other persons or bodies interested in the subject of the Bill."

In other words, Sir, the Honourable Member then asked for executive circulation or circulation, as we call it, by executive order. That was before this Assembly had met and before we had any opportunity to know what this House would think of his Bill, and we were not therefore disposed to accede to his request for circulating the Bill before the House ever met at all. Therefore, Sir, the Bill has not been circulated, but the need for circulating it still persists, and I would therefore ask the House to agree with me that my motion is not a blocking motion. It involves the adoption of a procedure which the Honourable Member himself last August considered to be necessary, and it does, I consider, the merest justice to the learned and honourable profession of which he is himself a member. With these words, I move my motion for circulation.

Sir Hari Singh Gour: I rise to a point of order. The Honourable Member's motion is that the Bill be circulated for the purpose of eliciting opinion thereon. I invite your attention to rule 77 on page 28, clause (a). The motion is out of order because it does not mention the date which should be specified. The whole thing is out of order.

The rule says:

"If the Member in charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion."

That has not been done and I submit that my friend's amendment should be ruled out of order.

Sir Lancelot Graham: I confess to the lapse, and I would ask the House to permit me to add the words, "by the 31st August, 1931".

Mr. President: The Honourable the Mover of the amendment wishes to ask the permission of the House to allow him to amend his amendment by the addition of the words "by the 31st August, 1931".

The question is that that addition be made.

The motion was adopted.

Sir Hari Singh Gour: Sir, the author of the amendment referred to the Silk being given to my friend, Mr. Dube, announced in the newspapers today. If he will only read once more the Statement of Objects and Reasons, he will find that the view of the Lord Chancellor of England is that no Barrister practising in India, whether English or Indian, shall get Silk so long as he practises in India, and Mr. Dube obtained Silk because he is attached to the Judicial Committee of the Privy Council. That is the grievance I have made, and which I have mentioned in the Statement of Objects and Reasons, and I am surprised that my learned friend on the other side takes that as an example of Silk being conferred upon an Indian who practises in England. If he had been practising here all his life, he would have been disqualified by the mere fact that he practises in this country, and that is this reason why I have taken upon myself to introduce the Bill which I have placed before the House. Then, Sir, my Honourable friend stated that I gave the Government of India notice of my intention to introduce this Bill as far back as August, 1930. I gave him an opportunity of ascertaining by circulation the views of Bar Libraries in India, and my Honourable friend tells this House that he did not wish to circulate the Bill because he wanted to know what this House thought about it. Sir, it was incumbent upon my friend, as the custodian of the laws of this country, to make his Act XIII of 1927 a living law, and when it is provided in that Act of 1927 that the King's Counsel are amongst the legal practitioners of this country, he was morally bound, I say, to introduce that class of practitioners in this country. It is not a case of 1930. It is a case of 1927 when the Government stood committed to classify Indian practitioners as falling into the category of King's Counsel and Advocates and Vakils. What have they done to make good the underlying implication of the Act of 1927? They have done nothing, and I therefore submit that I am only discharging a duty which lay upon the Government to make good the enactment of 1927. Apart from that, we have been all feeling that the Indian Bar must be a self-contained and autonomous Bar. Is there any Member of this House who denies that fact? (*Cries of "None."*) And if the Indian Bar is to be an autonomous Bar, the Indian members of the Indian Bar cannot always remain as juniors to the people who get Silk from England or in the small Crown Colonies like Ceylon and British Guiana. If the Government of India had been a national government, which of course it is not, it would have taken time by the forelock and taken measures to introduce Silk in this country. My Honourable friend says that I have not inserted any positive rule for the creation of Silk in this country. Sir, occupants of the Treasury Benches cannot be ignorant of that elementary principle of law, namely, that the creation of Silk in the British Commonwealth is a part of the King's prerogative, and while it is perfectly legitimate for the Indian Legislature to create Silk by an enactment of this House, it is equally legal for the King to delegate his power to His Excellency the Viceroy for that purpose. As a matter of fact, in the constitution of the British Commonwealth, such a power has been delegated to all the Colonial Governments and they

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have been exercising that power for many years. India happens to be the only unfortunate country where such a power has not been delegated, presumably because India has not asked for it before; and when in 1927 we told the Government that King's Counsel ought to be created in India, they rightly acceded to the insertion of that clause, and as soon as the clause was inserted, they forgot all about it. That, I submit, is therefore a charge which cannot be levied against me, but against the Honourable occupants of the Treasury Benches as to how they discharge their duty towards the people of this country. (Hear, hear.)

Sir, I do not object, I do not mind waiting till the 31st of August, 1931, but I do wish the occupants of the Treasury Benches to remember this that public opinion is not fully enlightened in the case of this class of legislation. This is a Bill which interests the members of the legal profession. Consequently, the opinion to be sought must be the opinion of members of the legal profession. I wish also in this connection to point out that one of the decisions of the Round Table Conference is to the effect that there shall be established a Supreme Court in India. Therefore, the judiciary in India will be self-contained; and I submit it follows as a necessary corollary that the Bar of India must be equally self-contained. I therefore feel that we shall be paving the way for that happier era when India will have a self-contained judiciary and will have a self-contained constitution. Whatever may be the view of the Honourable the Legal Secretary, I appeal to the Honourable the Law Member, who is a member of my own profession, to see that he does not stultify an enactment of the Indian Legislature.

Mr. President: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931."

The motion was adopted.

THE CHILDREN'S PROTECTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to ask for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1908. I shall not detain the House for many minutes. This is a Bill which has been before this House before, under the more popular name of the Age of Consent Bill. (Laughter.) Sir, in the last Assembly, Government appointed a special Committee, which was presided over by Sir Mopant Joshi to go into the question, and after going into this question, his Committee made certain recommendations which are formulated in the various clauses of my Bill. Sir, I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. Gays Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I move for leave to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908.

The motion was adopted.

Mr. Gays Prasad Singh: Sir, I introduce the Bill.

THE BENGAL STATE PRISONERS REGULATION (REPEALING) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to repeal the Bengal State Prisoners Regulation, 1818.

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 4, 9 AND 14.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of sections 4, 9 and 14).

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara: General): Sir, I move for leave to introduce a Bill to secure a share for Hindu widows in their husbands' family property.

Sir, this Bill was introduced in the last Assembly; it was discussed on a motion for taking it into consideration and was then circulated. Opinions were received from the provinces, and the Bill was referred to a Select Committee; but before the Select Committee could meet, the Assembly came to an end and the Bill consequently lapsed. I therefore ask for permission to introduce this Bill again.

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, all I can say is that I oppose the motion.

Mr. President: The question is:

"That leave be given to Rai Sahib Harbilas Sarda to introduce a Bill to secure a share for Hindu widows in their husbands' family property."

The motion was adopted.

Rai Sahib Harbilas Sarda: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.
(AMENDMENT OF SECTION 491.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
Sir, I move for leave to introduce a Bill further to amend the Code of
Criminal Procedure, 1898 (Amendment of section 491).

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday,
the 18th February, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th February, 1931.

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

MEMBER SWORN:

Mr. Abdul Halim Ghuznavi, M.L.A. (Dacca cum Mymensingh:
Muhammadan Rural).

QUESTIONS AND ANSWERS.

CATERING ARRANGEMENTS, WAITING HALLS, ETC., AT RAILWAY STATIONS.

562. ***Lala Brij Kishore:** (a) Will Government be pleased to state
whether they have conducted any enquiry into the catering arrangement
on railway platforms, waiting halls, rest-houses and refreshment rooms?

(b) If the reply to part (a) be in the affirmative, will Government be
pleased to lay on the table the result of such enquiry?

(c) What principles govern the grant of such contracts?

(d) What arrangements have been made to ensure the supply of fresh
and healthy food-stuff?

Mr. A. A. L. Parsons: (a) No. But Government are aware that the
subject receives constant attention from the different Railway Administra-
tions.

(b) Does not arise.

(c) Contracts for catering are given to those who, in the opinion of the
Administration, can be trusted to provide efficient service.

(d) Station Masters and supervising officials have instructions to see
that food-stuff sold is of good quality. Special catering inspectors are ap-
pointed for this purpose on some railways.

EXPENDITURE INCURRED ON THE DIVISIONAL ORGANISATION OF INDIAN
RAILWAYS.

563. ***Lala Brij Kishore:** Will Government be pleased to state:

(a) what is the total amount of expenditure for the last year on the
divisional organisation of the Indian Railway system;

(b) what increase does this show on the old district control
system; and

(c) if it is a fact that both the East Indian Railway and the Bombay,
Baroda and Central India Railway have disapproved the
system in view of its excessive expenditure?

Mr. A. A. L. Parsons: (a) and (b). I am obtaining the information from the railways concerned and will furnish it to the Honourable Member as soon as it is received.

(c) The system is not in force on the Bombay, Baroda and Central India Railway. As regards the East Indian Railway, the reply is in the negative.

PAYMENT OF GRANTS TO THE BENARES HINDU UNIVERSITY.

564. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das): (a) Will Government lay on the table of the House for the perusal of the Honourable Members the correspondence which has passed between Government and the Hindu University, Benares, about the delay in the payment of recurring and non-recurring grants?

(b) With reference to the answer given by the Honourable Sir Fazl-i-Husain on the 27th January, in respect of a question by Babu Gaya Prasad Singh about the delay in payment of the second instalment of five lakhs to the Hindu University, will Government lay on the table of the House the correspondence on the subject and can it give any approximate time when the balance of the grant will be paid?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) It does not appear to be in the public interest to comply with the wishes of the Honourable Member.

(b) The Honourable Member is presumably referring to the second instalment of the non-recurring grant of Rs. 15 lakhs. As stated in my reply to Mr. Gaya Prasad Singh's question No. 44, on January 27th, this instalment, which amounts to six lakhs, not five as mentioned in his question, will be paid as soon as the University authorities have satisfied Government that the stipulation in regard to the reduction of indebtedness, which was laid down when the grant was sanctioned, has been complied with. A report on this point has been received from the Government of the United Provinces during the last few days and is under consideration.

CHARGES FOR STAYING AT RAILWAY RETIRING ROOMS.

565. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das): (a) Will Government give a list of the charges for staying at the retiring rooms provided on the East Indian Railway and other Railways for the convenience of first and second class travellers?

(b) What has been the income from the retiring room at Cawnpore for the year ending the 31st December, 1930?

(c) Are Government aware that the charges at Cawnpore East Indian Railway retiring rooms are Rs. 4 and Rs. 8?

(d) Do Government propose to consider the advisability of reducing the charges to Rs. 2 and 4?

Mr. A. A. L. Parsons: (a) I would draw the Honourable Member's attention to the current Time Tables of the different railways, wherein the information asked for is published.

(b) The Agent, East Indian Railway, has been asked to furnish this information and I will communicate it to the Honourable Member.

(c) According to information given at page 200 of the current East Indian Railway Time Table and Guide, the charge for the use of the retiring rooms at Cawnpore Station is Rs. 4/- per person per 24 hours.

(d) This is a matter that lies within the competence of the Agent, but the Railway Board have no reason to consider the present charge excessive.

NEED OF A SHED AT BENARES CANTONMENT RAILWAY STATION.

566. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das): (a) Are Government aware that there is no covered shed at Benares Cantonment on platform No. 2 on the cantonment side?

(b) Are Government aware that a number of trains stop at that platform and a large number of passengers alight and get into train from that platform?

(c) Do Government propose to consider this matter and put up a shed on that platform on the cantonment side?

Mr. A. A. L. Parsons: (a), (b) and (c). Government are not aware of the exact position but a copy of the Honourable Member's question is being sent to the Agent, East Indian Railway, for consideration.

RELEASE OF MAULANA ABDUL GHAFFAR KHAN OF THE NORTH WEST FRONTIER PROVINCE.

567. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Are Government aware that one Maulana Abdul Ghaffar Khan of the North West Frontier Province, who is now in jail was the most prominent leader of the "Khudayi Khitmatgar" movement, a movement for organising the voice of the people to secure better treatment at the hands of Government, in the North West Frontier Province?

(b) Have Government considered the question of releasing the said Abdul Ghaffar Khan along with other leaders of the North West Frontier Province? If not, are they prepared to do so?

The Honourable Sir James Crerar: (a) Government are aware that Abdul Ghaffar Khan is now undergoing imprisonment owing to his failure to furnish security.

(b) I would refer the Honourable Member to the announcement made by His Excellency the Viceroy on January 25th, from which it will be seen that releases were restricted to persons who were on that date members of the Working Committee of the All-India Congress, or who had acted as such since the 1st of January, 1930. The object of Government in ordering these releases is stated in the announcement. Abdul Ghaffar Khan and others in the North West Frontier Province were not released because they did not come within this category.

Maulvi Muhammad Shafee Daoodi: Is not this an invidious distinction which is made between the leaders of the Congress movement and the "Khudayi Khitmatgar" movement?

The Honourable Sir James Crerar: I have indicated what the distinction was and why it was made.

Sir Abdur Rahim: Is Government going to create a peaceful atmosphere in the North West Frontier Province on the same lines as in the rest of British India so that the question of constitutional advance may be properly considered by that province also?

The Honourable Sir James Crerar: That will depend on how matters develop. As I pointed out in a reply to a previous question, there will be no provincial distinctions in considering that question.

Maulvi Muhammad Shafee Daoodi: Do Government want that Abdul Ghaffar Khan should have joined the Congress movement and should they have the privilege of being released at the present moment?

The Honourable Sir James Crerar: I do not think that arises from my reply.

Maulvi Muhammad Shafee Daoodi: This Abdul Ghaffar Khan is a leader of the same eminence as many in the Congress movement. As he did not think it wise to join the Congress movement, he started the "Khudayi Khitmatgar" movement. Do Government by keeping him in jail want that he should have joined the Congress movement so that he might have been released at the present moment?

The Honourable Sir James Crerar: No, Sir.

Mr. C. S. Ranga Iyer: Will Government be pleased to consider the advisability of releasing this gentleman in view of the fact that so many other Congress leaders of more or less the same prominence have been released, and also in view of the fact that the Muhammadans have been distinguished by extreme loyalty in the present crisis?

The Honourable Sir James Crerar: I have already replied to this question.

Maulvi Muhammad Shafee Daoodi: Do Government realise the mistake that they are committing in making this distinction between the leaders of the two movements?

The Honourable Sir James Crerar: I have explained the distinction and why it was made.

Sir Abdur Rahim: Do not Government realise that the Muhammadans not only of the North West Frontier Province but of the rest of India are very much excited over what is happening in the North West Frontier Province and that an effort should be made in order to bring about a better condition of things there as soon as possible?

The Honourable Sir James Crerar: Government will be only too glad if a better condition of things is produced at an early date.

Mr. K. Ahmed: How do Government propose to bring peace?

Mr. C. S. Ranga Iyer: Are Government aware that the situation in the North West Frontier Province is comparatively better today, and in view of that fact will they be pleased to consider the advisability of releasing the political prisoners there?

The Honourable Sir James Crerar: I regret, Sir, I have nothing to add to the reply I have already given.

OFFENCES DURING THE PERIOD OF MARTIAL LAW IN THE NORTH WEST FRONTIER PROVINCE.

568. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoolah Haroon):
1) Will Government be pleased to state:

- (a) the date of declaration of martial law in the North West Frontier Province;
- (b) the date of withdrawal of martial law in the North West Frontier Province;
- (c) (i) the number of trials, convictions and acquittals under the Martial Law Act; and
(ii) the nature of the offence in each case?

(2) Will Government be pleased to state the number of:

- (a) riots,
- (b) dacoities,
- (c) murders of civil and military population,
- (d) setting fire to Government offices,
- (e) setting fire to private properties,
- (f) burning down of police chowkies,
- (g) abductions, and
- (h) other similar offences

that occurred in the North West Frontier Province:

- (i) during the three months preceding the declaration of martial law; and
- (ii) during the period martial law was in force?

(3) Will Government be pleased to state whether during the period of Martial Law in the North West Frontier Province, any properties of private persons were confiscated under any other Regulation or Act? If so,

- (a) particulars of such properties, and
- (b) the names of such persons to whom such properties belonged?

Mr. J. G. Acheson: (1) (a) Martial Law was declared in the Peshawar District of the North West Frontier Province on the 15th August, 1930.
(b) It was withdrawn as from the midnight of the 23rd/24th January, 1931.

- (c) (i). Only 28 persons were tried, of whom 21 were convicted, 4 acquitted, 2 discharged and 1 released after warning.
- (c) (ii). I lay on the table a statement showing the nature of the offence in each case.

As regards parts (2) and (3), the information is being collected and will be supplied to the Honourable Member in due course.

A consolidated list of cases disposed of under the Martial Law in the Peshawar District.

Serial No.	Sub-Division.	Name, parentage, residence, etc., of the accused.	Offence and date of arrest.	Order of the Court and the date.	Brief facts of the case.
1	Peshawar Cantonment.	Sarmast, son of Ali Mast, Afridi of Tirah, T. T.	M. L. Ordinance No. 1, dated the 23rd September, 1930.	Acquitted on 15th October, 1930.	Had failed to get his name registered.
2	Ditto	Akbar Khan, son of Mirza, Afridi of Tirah, T. T.	Do.	Fined Rs. 20 on 14th October, 1930.	Ditto.
3	Peshawar City.	Hamesh Gul, son of Samad Gul, Afghan, of Urmur-Miana.	M. L. Regulation No. 13, dated the 19th September, 1930.	Fined Rs. 15 on 11th December, 1930.	Had refused to give his name to Police.
4	Sadar Sub-Division.	Halim, son of Gulab, Kumbhar Khel, Afridi, Tirah, T. T.	M. L. Ordinance No. 1, dated the 1st November, 1930.	Awarded 3 months' R. I. on 24th November, 1930.	Had failed to get his name registered.
5	Ditto	Suleiman, son of Bahram, of Mattani.	M. L. Regulation No. 15, dated the 1st November, 1930.	Fined Rs. 10 on 27th November, 1930.	Had refused to clear his field as ordered by Deputy Commissioner.
6	Ditto	Ahmad Shah, son of Massam, of Mattani.	Do.	Do.	Ditto.
7	Ditto	Ridad, son of Subedar, of Mattani.	Do.	Do.	Ditto.
8	Ditto	Buner, son of Faizullah, of Mattani.	Do.	Do.	Ditto.
9	Ditto	Ram Chand, son of Makhan Mal, of Sarband.	M. L. Ordinance Clause No. 2, dated the 4th November, 1930.	Acquitted on 24th November, 1930.	Had thrown stones at a soldier.
10	Ditto	Mutabar, son of Abdul Aziz, of Sarband.	Do.	Do.	Ditto.
11	Ditto	Sharif, son of Fakhar Khan, of Urmur-Miana.	Do.	Do.	Ditto.
12	Ditto	Halim, son of Gul Khan, Malikdinkhel, Afridi, Tirah.	M. L. Ordinance No. 1, dated the 6th November, 1930.	Awarded 2 months' R. I. on 18th November, 1930.	Had failed to get his name registered.

A consolidated list of cases disposed of under the Martial Law in the Peshawar District—contd.

Serial No.	Sub-Division.	Name, parentage, residence, etc., of the accused.	Offence and date of arrest.	Order of the Court and the date.	Brief facts of the case.
13	Peshawar Cantonment.	Adamkhel, son of Nabat, Zakha Khel, Afridi, T. T.	M. L. Ordinance No. 1, dated the 11th November, 1930.	Discharged on 21st November, 1930.	Had failed to get his name registered.
14	Ditto	Mirangul, son of Mazdur, Zakha Khel, Afridi, T. T.	Do.	Do.	Ditto.
15	Ditto	Yarmast, son of Muhammad Nui, Afridi, of Tirah.	M. L. Ordinance No. 1, dated the 1st December, 1930.	Fined Rs. 25 on 1st December, 1930.	Ditto.
16	Sadar Sub-Division.	Hamesh Gul, son of Zaman, of Sarband.	M. L. Regulation No. 18, dated the 17th November, 1930.	Fined Rs. 50 on 5th January, 1931.	Was found tampering with the loyalty of Government servants.
17	Ditto	Akram, son of Mirahmad, Shah Khel, Sheikh-Muhammadi.	M. L. Ordinance No. 5, dated the 15th November, 1930.	Fined Rs. 10 on 9th December, 1930.	Was found grazing his goats in prohibited area.
18	Ditto	Ismail, son of Sahargul, Kambar Khel, of Tirah.	M. L. Ordinance No. 1, dated the 28th November, 1930.	Fined Rs. 15 on 23rd December, 1930.	Had failed to get his name registered.
19	Ditto	Zarif Khan, son of Muhabat Khan, of Tirah.	Do.	Do.	Ditto.
20	Ditto	Kashmir, son of Tazagul, of Jamrud.	M. L. Regulation No. 12, dated the 9th December, 1930.	Fined Rs. 30 on 9th January, 1931.	Was found wandering in prohibited area.
21	Ditto	Jumma Khan, son of Saidgul, Khugiani, of Jellalabad.	M. L. Ordinance No. 2, dated the 15th December, 1930.	Released after warning on 15th December, 1930.	Was found grazing his goats in prohibited area.

A consolidated list of cases disposed of under the Martial Law in the Peshawar District—
concl'd.

Serial No.	Sub-Division.	Name, parentage, residence, etc., of the accused.	Offence and date of arrest.	Order of the Court and the date.	Brief facts of the case.
22	Sadar Sub-Division.	Umargul, son of Baz Muhammad, Afridi, of Sanghu.	M. L. Ordinance No. 1, dated the 15th December, 1930.	Ordered to give security u/s 562, C. P. C. on 16th December, 1930.	Had failed to get his name registered.
23	Ditto	Bostan, son of Zulfat, of Achini-Payan.	M. L. Ordinance No. 3, dated the 12th December, 1930.	Fined Rs. 30	Was found wandering in prohibited area.
24	Ditto	Gul-Darai, son of Zulfat, of Achini-Payan.	Do.	Do.	Ditto.
25	Ditto	Lal Haider, son of Mehr Ali, Kuki Khel, Afridi, of Jamrud.	Do.	Fined Rs. 15	Was found without a pass.
26	Ditto	Zorai, son of Wali Muhammad, Kuki Khel, of Jamrud.	Do.	Do.	Ditto.
27	Peshawar City.	Abdul Shah, son of Haider Shah, Kuki Khel, Afridi.	M. L. Order No. 6, dated the 2nd January, 1931.	Fined Rs. 20	Ditto.
28	Sadar Sub-Division.	Mir Said, son of Hawas, Mian Khel, of Masho Khel.	M. L. Order No. 3, dated the 23rd December, 1930. (By the City Magistrate, Peshawar.)	Fined Rs. 50	Was found wandering in the prohibited area.

EXPENDITURE INCURRED ON THE FRONTIER.

569. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon):
(a) Will Government be pleased to state the approximate expenditure they have incurred under the following heads:

- (i) Movement of troops,
- (ii) Construction of roads, and
- (iii) Construction of military posts,

during the Afridi attack in the Spring of last year and for defensive measures adopted by them to prevent further attacks by Afridis?

(b) Will Government be pleased to state whether as a defensive measure against Afridi attacks they have

- (a) cut down fields and gardens, and
- (b) demolished houses,

for military or other purposes in the vicinity of Peshawar City? If so, will Government be pleased to state:

- (1) the names of owners of such properties,
- (2) whether adequate compensation has been paid to them, and
- (3) if no compensation has been paid, whether, and if so, when they propose to pay the same?

Mr. J. G. Acheson: (a) The approximate expenditure is as follows:

- (i) Nearly Rs. 4 lakhs up to the end of October.
- (ii) Estimated at Rs. 6 lakhs up to the end of the current financial year.
- (iii) Approximately Rs. 1 lakh up to the end of the current financial year.

(b) The full information required by the Honourable Member is being collected. I can, however, state at once that the principle of granting compensation for damage done to private property as the result of defensive measures has throughout been accepted by Government. From the information at present available to Government it appears that, in pursuance of this policy, compensation amounting to over Rs. 7,000 has already been paid, and recommendations for the payment of some Rs. 37,000 more, which have been received from the Deputy Commissioner, Peshawar, are now under consideration. The details of these claims are in round figures as follows:

	Rs.
Land for roads	22,750
Crops cut	7,000
Trees cut or pruned	1,000
Walls demolished	850

NUMBER OF PERSONS IMPRISONED IN THE NORTH WEST FRONTIER PROVINCE IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

570. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon):
Will Government be pleased to state the number of persons jailed in the North West Frontier Province since the commencement of the civil disobedience movement under:

- (a) Salt Law.
- (b) Picketing Ordinance,
- (c) Unlawful Instigation Ordinance, and
- (d) Frontier Regulation Act?

The Honourable Sir James Orerar: (a) and (c). As far as I am aware, there have been no convictions under the Salt Act in the North West Frontier Province. There were no convictions under the Instigation Ordinance up to the end of October.

(b) Approximately 135 up to the end of October.

(d) If the Honourable Member will inform me of the Regulation to which he refers, I will obtain the figures and communicate them to him.

ALLOWANCES PAID TO GOVERNMENT SERVANTS.

571. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon): Will Government be pleased to state in what percentage of appointments in the Imperial Services (Civil and Military) the total sum paid on account of allowances (including overseas pay, exchange compensation, local compensatory allowance, housing allowance, Burma allowance and all other allowances) comes to:

(a) twenty-five per cent.,

(b) more than twenty-five per cent. but less than fifty per cent.

(c) fifty per cent. or more of the substantive salary?

The Honourable Sir George Schuster: It would require an immense amount of time and trouble to compile the information asked for by the Honourable Member. Enquiries would have to be made of every Local Government as to the actual "pay" and "allowances" drawn on a selected date by each officer of the various Civil Imperial Services serving under them; and similar figures obtained for those serving directly under the Government of India. Similar calculations would also be necessary in respect of officers of the Indian and British Armies. I may add for the Honourable Member's information that overseas pay is not an "allowance" but is part of substantive pay. The largest allowances which the Government of India pay to members of the Imperial Services are those which were fixed in 1924 for the Presidency centres and Rangoon. Those permit of payments which may in a few cases work out at a percentage somewhat in excess of 25 per cent. in the case of junior officers of these services, if they have to meet excessively high house rents.

NUMBER OF CHAPLAINS AND BISHOPS IN INDIA.

572. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon):

(a) Will Government be pleased to state what is the total number of Civil Chaplains belonging to:

(i) Church of England,

(ii) all other denominations maintained out of the revenues of India?

(b) What is the total amount spent annually in the last three years on pay, pensions, maintenance of churches and other expenses on the ecclesiastical establishment in India?

(c) What were the recommendations of the Inchcape Committee with regard to reduction in the number of Civil Chaplains in India and how far have they been given effect to?

(d) Do Government maintain Civil Chaplains out of public revenues in those stations in which there are military or missionary churches or chapels open to Christian servants of the Government? If so, why?

(e) What is the total number of Bishops of the Church of England in India and how many of them are paid out of public revenues and what is the total amount paid to them?

(f) Are the Residency churches in the Indian States maintained by the Government of India out of Imperial revenues and, if so, what is the total number of such churches?

(g) What is the total number of Railway Chaplains maintained and payable out of the revenues of State Railways?

The Honourable Sir George Rainy: (a) The total number of chaplains on the Indian Ecclesiastical Establishment ministering primarily to civil congregations is:

(i) Church of England in India—40.

(ii) Church of Scotland—8.

(b) The total annual ecclesiastical expenditure during the last three years charged to the Civil Estimates, excluding pensionary charges, figures for which are not readily available, was approximately Rs. 38 lakhs.

(c) The Inchcape Committee recommended a reduction of 21 in the total number of chaplains on the Indian ecclesiastical establishment. The number actually reduced was 28.

(d) Only at certain of such stations, where the number of European British born civil servants is sufficiently large to justify the appointment of separate ministers for them.

(e) Thirteen, of whom seven are at present paid out of General Revenues. Four of these seven are, however, paid as senior chaplains and are included in the number 40 mentioned in my reply to part (a). The total expenditure during 1929-30 on account of their pay was about Rs. 1,66,000.

(f) The expression "Residency churches" is not understood. If the Honourable Member means churches at places which are the seats of Residents and Agents to the Governor General, all such churches are not maintained out of Indian revenues.

(g) I have called for the information and will communicate with the Honourable Member on receipt of it.

Sir Hari Singh Gour: Will the Honourable Member be pleased to state what will be the effect of the passing of the recent Church measure creating church autonomy upon the Central expenditure?

The Honourable Sir George Rainy: The ultimate effect will be a substantial reduction of expenditure which will accrue as the Bishops holding the seven sees, of which the Government defray the charges, gradually vacate these sees and new incumbents are appointed. I could not, however, without previous notice, give my Honourable friend anything like a full statement.

GOVERNMENT EXPENDITURE ON THE MAINTENANCE OF MOSQUES AND TEMPLES, MAULVIS AND HINDU PRIESTS.

573. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon):

(a) Will Government be pleased to state the total amount spent annually in the maintenance of mosques and temples?

(b) Will Government be pleased to state the number of Maulvis and Hindu Pandits and Priests maintained and payable out of the revenues of the Government of India, together with their pay, allowances, etc.?

The Honourable Sir George Rainy: (a) No money is expended from Central revenues on the maintenance of mosques and temples beyond what is required to conserve those that have been declared to be protected monuments and are in charge of the Archaeological Department. The expenditure on conservation operations cannot be stated with exactness because it is not always recorded separately for each class of building. An idea, however, of what is being done in this direction can be gathered from Appendix A to the Annual Report of the Archaeological Survey for 1927-28, a copy of which will be found in the Library of the House. I may, at the same time, remind the Honourable Member that many temples and mosques in India receive indirect subsidies from the Government in the shape of remission of land revenue on lands owned by them.

(b) Maulvis and Hindu Pandits and Priests are employed as religious teachers in Indian Army units. The annual expenditure under this head is about Rs. 1,06,000.

CENSORSHIP OF NEWS.

574. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state if special officers have been employed for the purpose of censoring news before issue?

(b) If the answer be in the affirmative, what are the number and names of such officers and what is their salary and the purpose for which they have been so employed?

(c) Have any daily newspapers also employed their services?

The Honourable Sir James Crerar: (a) So far as I am aware, there has been no censorship of news before issue, except in accordance with the provisions of the Indian Telegraph Act and the rules thereunder.

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

DIET IN JAILS.

575. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): Will Government be pleased to state:

(a) What is the diet that has been given in each of the jails from March to December, 1930, in India?

(b) Whether there is a variation of diet between jail and jail and if so, what is the reason for such variation?

(c) What is the incidence of sickness in various jails in respect of each ailment or disease during the above period?

(d) Whether there has been increase of dysentery, in any of the jails and, if so, what is the reason for such increase?

(e) Whether any of the prisoners have protested against the kind or quality of food supplied to them?

(f) In how many cases, such defects, if any, were rectified?

The Honourable Sir James Crerar: (a) to (f). Prison administration is, under the Devolution Rules, a provincial subject, and, I am afraid, I cannot, within the compass of a reply to a question, furnish the Honourable Member with all the information he requires. He will find this partly in the Provincial Jail Manuals and partly in the Annual Jail Administration Reports for 1930 and in the Annual Report of the Public Health Commissioner with the Government of India for 1930, when these Reports are published. Government cannot undertake to collect this information in advance of the publication of these Reports.

NUMBER OF POLITICAL PRISONERS IN JAILS AND THEIR TREATMENT.

576. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state the number of political prisoners that were in different jails in India in "A", "B" and "C" Classes on the 31st December, 1930?

(b) Is it a fact that Mahatma Gandhi on his release has stated that the treatment of "C" Class prisoners in jail was inhuman?

(c) Is there any racial distinction in the treatment of prisoners in European and Indian Classes?

The Honourable Sir James Crerar: (a) If the Honourable Member is referring to persons convicted of offences in connection with the civil disobedience movement, I would invite his attention to the reply given to Sardar Sant Singh's unstarred question No. 12 on the 26th January, 1931.

(b) Government have not seen any such statement.

(c) No.

NUMBER OF JAINS IN THE LEGISLATURES AND THE SERVICES.

577. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): Will Government be pleased to state:

(a) what is the total number of Jains in the Indian Legislatures at present; and

(b) what is the total number of Jains employed in the Indian Civil Service?

The Honourable Sir James Crerar: (a) I regret that Government have not the information the Honourable Member desires.

(b) One.

GRANT TO THE BENARES HINDU UNIVERSITY.

578. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state the reason or reasons which made them suspend the grant to the Benares Hindu University?

(b) How long will this suspension of grant last?

(c) What are the conditions under which it can be again restored?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I would refer the Honourable Member to the reply I gave on January 27th to Mr. Jaya Prasad Singh's starred question No. 44 on this subject.

COST OF THE ROUND TABLE CONFERENCE.

579. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): Will Government be pleased to state:

- (a) the total actual costs incurred so far in holding the Round Table Conference in London;
- (b) if the total cost has been borne by the Government of India, and
- (c) if not, what is the proportion of the cost borne by the British Government?

The Honourable Sir George Rainy: I would refer the Honourable Member to the reply which I gave to Mr. K. C. Roy's starred question No. 132 on the 28th January, 1931.

RE-ASSEMBLING OF THE ROUND TABLE CONFERENCE.

580. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): Will Government be pleased to state:

- (a) if the Round Table Conference has broken up finally or is it going to assemble again for further discussion;
- (b) if the answer be the latter, when is it proposed to hold it again and whether in Delhi or in London; and
- (c) whether the same delegates will constitute the Conference or will there be additions and alterations in the list of those invited?

The Honourable Sir George Rainy: (a), (b) and (c). The whole question of future procedure for the consideration of matters emerging from the discussions of the Round Table Conference is at present under the consideration of His Majesty's Government and until a decision is reached, Government are unable to make any statement on the subject.

Mr. Arthur Moore: Is the Honourable Member in a position to tell the House now when there would be a possibility of a day for a discussion of the papers concerning the Round Table Conference?

The Honourable Sir George Rainy: I think, Sir, 2nd March is likely to be available, and if that day will be convenient to the various parties in the House and I think Government would be prepared to give up that day.

Sir Hari Singh Gour: Will the Honourable Member please state how soon we are likely to get the second part of the Blue Book which the Honourable Member said has gone to the press?

The Honourable Sir George Rainy: The papers were received by the air mail following the air mail by which the first set of papers was received, and they were at once sent to Calcutta to be printed. I have not at the moment got the information when they are expected to be ready. But I will make inquiries today and I will be glad to let any Honourable Member know about it who is anxious to know.

NEW RULES FOR VALUE PAYABLE PARCELS.

581. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state at whose instance, under whose instructions and for what reason the new three days' rules for demurrage on V. P. articles were framed?

(b) Was it considered unnecessary to take the advice of the Legislatures before the authorities of the Postal Department repealed their rules and byelaws and framed new rules in this connection?

(c) What was the urgency of the measure which prompted them not to wait till the Budget discussions in the Legislative Assembly?

(d) Was the mercantile community or any of the Chambers of Commerce, consulted before the framing of these rules?

(e) For how long are these new rules to remain in force?

(f) What is the estimated increase in the amount of income that will be derived through this new measure?

Mr. J. A. Shillidy: (a) The new rule has been framed by Government on the suggestion of the Director-General of Posts and Telegraphs, to curtail the period of storage of articles in the Post Office and to prevent in future the abuse of the concession which had sprung up and which was increasing the work of the Post Office.

(b) The change was made under the powers vested in the Governor General in Council by section 7 of the Post Office Act.

(c) The matter has nothing to do with the discussion of the Budget.

(d) No. The revised procedure should generally be favourable to the mercantile community in that it enables senders of goods by the V. P. system to receive payment for them much more promptly.

(e) The new rules will remain in force until they are revised.

(f) The increase in the amount of income cannot be estimated, but the measure was not adopted primarily as a means of raising fresh revenue, but for the reasons given in the reply to part (a) of this question.

Khan Bahadur Haji Wajihuddin: Is it not a fact that since the new rule is in force, the number of issues of V. P. articles is on the decrease while the number of "unclaimed" and "refused" V. P. articles is on the increase if compared with the old ten days' deposit system? Is it also not a fact that thousands of memorials have been submitted by traders dealing under the V. P. system, who are the ultimate victims of the amended rule? Will Government be pleased to consider the advisability of having the said rule withdrawn immediately?

Mr. J. A. Shillidy: Government have no information, Sir. For the rest of the question I must ask for notice.

CONSTRUCTION OF A RAILWAY STATION BETWEEN COLGONG AND PIRPAINTI.

582. ***Mr. Bhuput Sing** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state whether a new railway station is being proposed to be erected between Colgong and Pirpainti which are at a distance of about eighteen miles from each other? What are the estimated costs?

(b) Are Government aware that measurements and the selection of the site were already made about a couple of years ago by the railway authorities?

(c) If so, what is the delay due to?

Mr. A. A. L. Parsons: (a), (b) and (c). Government have heard of no proposal to construct a station between Colgong and Pirpainti, which are 12½ and not 18 miles apart.

TRIALS IN JAILS AND AT A RAILWAY STATION.

583. ***Mr. Bhuput Singh** (on behalf of Rai Bahadur Sukhraj Rai): Will Government be pleased to state:

- (a) under what provision of the law trials of political prisoners are held inside jails, in spite of protests by the accused that they would not be able to defend themselves properly and engage lawyers there?
- (b) in how many cases have trials been held in the various jails from April to December, 1930, in the different parts of India; and
- (c) why the trial was held at the railway station in the case of Sjt. Subhas Chandra Bose, Mayor of Calcutta Corporation, at Amnura in Malda District?

The Honourable Sir James Crerar: (a) Trials are so held inside jails under the provision of section 352, Criminal Procedure Code, but this does not in any way interfere with facilities for the defence of the accused or the engaging of counsel.

(b) and (c). I have no information.

PROPERTY OF THE CONGRESS SEIZED BY THE POLICE.

584. ***Mr. Bhuput Singh** (on behalf of Rai Bahadur Sukhraj Rai): (a) Will Government be pleased to state whether the police authorities have been instructed to preserve or to destroy the articles worth lakhs of rupees that have been seized in different parts of India from the various branches of "the great Congress organization" recently?

(b) If the answer be the former, how long are these to be preserved, and will Government please state whether there is any chance of their being returned to their rightful owners? If so, when?

The Honourable Sir James Crerar: (a) and (b). I regret that I am unable to reply to the Honourable Member's question in the absence of any indication of the nature of the property to which he refers or the provisions of the law under which it was seized.

MESSAGE FROM THE COUNCIL OF STATE.

Mr. President: The Secretary will now read out a Message from the Council of State.

Secretary of the Assembly: Sir, the Message runs as follows:

"I am directed to state that the Council of State has, at its meeting held on the 17th February, 1931, agreed without any amendment to the Bill to supplement the Criminal Procedure (Punjab Amendment) Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 19th January, 1931."

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move:

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, six non-official Members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

I should like to say one word in explanation of the terms of this motion. In the convention for the separation of Railway finance, it was laid down that the members to serve on the Central Advisory Council should be elected by both Houses of the Legislature on the panel system. During the course of the last year or two there have been frequent expressions of the view from a number of un-official Members of this House that it would be better that in all such cases the election should take place direct and not by selection from a panel. I thought that the generally expressed wish on the other side was a sufficient justification for a small departure from the exact terms of the separation convention, and I hope that the terms of my motion will be acceptable.

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, 8 Members to sit on the Standing Committee on Emigration."

The observations that have been made by the Honourable the Leader of the House apply to this motion as well.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): May I beg to inquire of the Honourable Member whether the eight members would include officials as well?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: No.

Sir Hari Singh Gour: Would you mind correcting the motion by saying "8 non-official Members"?

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Oh! That is implied.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I have no particular objection to it; but this is the form in which up till now the Resolution has been framed.

Sir Hari Singh Gour: I think the Honourable Member will find from the last Resolution that the word "non-official" is used.

Maufi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Official members are never elected by this House for such Committees.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): In view of the Honourable the Education Member's agreement, I formally move that the word "non-official" be inserted between the words "8" and "Members".

Mr. President: Do you wish to reply?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I quite agree to it; there is no harm.

Mr. President: The question is that the word "non-official" be inserted between the figure "8" and the word "Members" in the Resolution.

The motion was adopted.

Mr. President: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, 8 non-official Members to sit on the Standing Committee on Emigration."

The motion was adopted.

Mr. President: I may inform the House that for the purpose of election of Members to the Central Advisory Council for Railways and the Standing Committee on Emigration the Assembly Office will be open to receive nominations up to 12 Noon on Wednesday, the 25th February, while the elections, if necessary, will take place in this Chamber on Monday, the 2nd March, 1931. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

ELECTION OF MEMBERS TO THE COURT OF THE UNIVERSITY OF DELHI.

Mr. President: Elected Members will now proceed to elect four persons from among their own number to be members of the Court of the University of Delhi. There are ten candidates whose names are printed on the ballot papers which will now be supplied to the Honourable Members in the order in which I call them. I should like to inform Honourable Members that Mr. Swarup has withdrawn his candidature. Therefore the remaining candidates are nine.

(The ballot was then taken.)

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The Select Committee, Mr. President, have reported the Bill as it was introduced, without amendment, and that being so, it does not seem necessary that I should at this stage supplement what I said when I

moved my motion that the Bill be referred to a Select Committee. With reference, however, to the two remarks of the Select Committee in paragraph 2 of its Report, I might perhaps take the opportunity to explain the attitude of the Government.

The first suggestion in that paragraph is that a suitable opportunity should be taken to eliminate from the Indian Merchant Shipping Act the word "native" by the substitution of the word "Indian" or some equivalent phrase. I do not think, Mr. President, that there ought to be any difficulty about that, and the natural opportunity would occur when next a repealing and amending Bill is brought before the House.

The second suggestion was that the Medical Officer of Health should always be nominated by the Governor General in Council to inspect provisions, water, medicines and appliances. That suggestion also is one which Government have no difficulty in accepting.

Sir, I move.

The motion was adopted.

Clauses 2 to 9 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: Sir, I move that the Bill be passed.

The motion was adopted.

THE GOLD THREAD INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill to provide for the fostering and development of the gold thread industry in British India, as reported by the Select Committee, be taken into consideration."

In this case also the Bill has been reported in the form in which it was introduced. In these circumstances, I do not think it is necessary for me at this stage to say anything further.

The motion was adopted.

Clauses 2 to 5 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 be passed.

The motion was adopted.

THE STEEL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India, as reported by the Select Committee be taken into consideration."

[Sir George Rainy.]

In this case also, Mr. President, the Bill has been reported by the Select Committee in the form in which it was introduced.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I move that the Bill be passed.

The motion was adopted.

DEMANDS FOR EXCESS GRANTS.

IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.

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

"That an excess grant of Rs. 75,509 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works'."

The motion was adopted.

PUBLIC SERVICE COMMISSION.

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

"That an excess grant of Rs. 3,898 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Public Service Commission'."

The motion was adopted.

ADMINISTRATION OF AGENCY SUBJECTS.

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

"That an excess grant of Rs. 107 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Payments to Provincial Governments on account of Administration of Agency Subjects'."

The motion was adopted.

GEOLOGICAL SURVEY.

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

"That an excess grant of Rs. 1,708 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Geological Survey'."

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

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

"That an excess grant of Rs. 59 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

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

"That an excess grant of Rs. 3,03,702 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Commuted Value of Pensions'."

The motion was adopted.

LOANS AND ADVANCES BEARING INTEREST.

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

"That an excess grant of Rs. 23,36,479 be voted by the Assembly to regularise the expenditure actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Loans and Advances bearing Interest'."

The motion was adopted.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

"That an excess grant of Rs. 4,68,047 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS IN RESPECT OF RAILWAYS.

COMMERCIAL LINES—WORKING EXPENSES; ADMINISTRATION.

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

"That an excess grant of Rs. 12,04,000 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Commercial Lines—Working Expenses; Administration'."

The motion was adopted.

COMMERCIAL LINES—WORKING EXPENSES: REPAIRS AND MAINTENANCE AND OPERATIONS.

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

"That an excess grant of Rs. 5,87,000 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Commercial Lines—Working Expenses: Repairs and Maintenance and Operations'."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

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

"That an excess grant of Rs. 9,83,000 be voted by the Assembly to regularize the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Appropriation from Depreciation Fund'."

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, as this is the last item in the list of Demands, the aggregate of which is over Rupees half a crore, I should like the Honourable the Finance Member to inform this House how and why this actual expenditure under the various heads was incurred in the years 1928 and 1929, and why the Budget was out by over half a crore of rupees. I can see, Sir, that such expenditure has been incurred and will have to be voted by this House, but I should like the Honourable the Finance Member to inform this House whether this was inevitable, or whether the additional expenditure was incurred for reasons which were not present to the mind of those who prepared the Budget when it was presented to this House.

The Honourable Sir George Schuster: Sir, my Honourable friend has asked me to go back into rather distant past history. I think if he will read the Report of the Public Accounts Committee on the Accounts for 1928-29, he will find full explanations given why these excess grants were necessary, and he will also find that the Public Accounts Committee approved the voting of these excess grants. The question which my Honourable friend has put is one which would take me an extremely long time to answer in detail, as the reasons to be given in each case would be different. I think I might point out that the total amount involved in a Budget of something like Rs. 135 crores does not represent anything that might be described as an unreasonable percentage. I think I should not be treating my Honourable friend with disrespect if I suggested to him that it would not be in the interests of the House to enter into a debate on this question now, but that he should rather turn his attention to the Report of the Public Accounts Committee, which deal very fully with all these matters: and that if he has any specific point to raise in connection with any of the matters arising out of the information which he will get from the Report of the Public Accounts Committee, it would be more valuable if he made his remarks on the basis of that information. I suggest it really is putting an impossible task to me to ask me to explain in detail each one of the items referred to in this long list.

Mr. President: The question is:

"That an excess grant of Rs. 9,83,000 be voted by the Assembly to regularize the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1928-29 in respect of 'Appropriation from Depreciation Fund'."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

TAXES ON INCOME.

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

"That a supplementary sum not exceeding Rs. 80,000 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 'Taxes on Income'."

Sir, in moving the first of this long list of motions, I should like to explain, following what I believe has been the usual practice in the House, that I shall not attempt, in the case of each motion, to give detailed explanations of why it is necessary to ask for these supplementary sums. Full explanations are given in the papers which have been circulated to Honourable Members, and each one of these items has passed through the very careful scrutiny of the Standing Finance Committee. But it is of course open to any Honourable Member to raise any questions which he wishes to ask as regards any particular item. Sir, I move.

The motion was adopted.

SALT.

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

"That a supplementary sum not exceeding Rs. 100 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 'Salt'."

The motion was adopted.

OPIMUM.

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

"That a supplementary sum not exceeding Rs. 10,29,000 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 'Opium'."

The motion was adopted.

FOREST.

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

"That a supplementary sum not exceeding Rs. 1,16,000 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 'Forest'."

The motion was adopted.

IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.

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

"That a supplementary sum not exceeding Rs. 10,82,000 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 'Irrigation, Navigation, Embankment and Drainage Works'."

The motion was adopted.

STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL.

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

"That a supplementary sum not exceeding Rs. 22,000 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 'Staff, Household and Allowances of the Governor General'."

The motion was adopted.

FOREIGN AND POLITICAL DEPARTMENT.

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

"That a supplementary sum not exceeding Rs. 1,16,000 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 'Foreign and Political Department'."

The motion was adopted.

HOME DEPARTMENT.

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

"That a supplementary sum not exceeding Rs. 88,000 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.

PUBLIC SERVICE COMMISSION.

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

"That a supplementary sum not exceeding Rs. 3,000 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 'Public Service Commission'."

The motion was adopted.

ADMINISTRATION OF JUSTICE.

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

"That a supplementary sum not exceeding Rs. 1,000 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 'Administration of Justice'."

The motion was adopted.

POLICE.

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

"That a supplementary sum not exceeding Rs. 4,000 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 'Police'."

The motion was adopted.

EDUCATION.

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

"That a supplementary sum not exceeding Rs. 9,000 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 'Education'."

The motion was adopted.

MEDICAL SERVICES.

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

"That a supplementary sum not exceeding Rs. 13,000 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 'Medical Services'."

The motion was adopted.

CENSUS.

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

"That a supplementary sum not exceeding Rs. 3,15,000 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 'Census'."

The motion was adopted.

EMIGRATION—EXTERNAL.

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

"That a supplementary sum not exceeding Rs. 7,000 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 'Emigration—External'."

The motion was adopted.

MISCELLANEOUS DEPARTMENTS.

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

"That a supplementary sum not exceeding Rs. 9,000 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 'Miscellaneous Departments'."

The motion was adopted.

MINT.

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

"That a supplementary sum not exceeding Rs. 1,07,000 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 'Mint'."

The motion was adopted.

[18TH FEB. 1931.]

REFUNDS.

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

"That a supplementary sum not exceeding Rs. 6,60,000 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 'Refunds'."

The motion was adopted.

NORTH WEST FRONTIER PROVINCE.

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

"That a supplementary sum not exceeding Rs. 4,02,000 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 'North West Frontier Province'."

The motion was adopted.

DELHI.

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

"That a supplementary sum not exceeding Rs. 2,15,000 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 'Delhi'."

The motion was adopted.

ANDAMANS AND NICOBAR ISLANDS.

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

"That a supplementary sum not exceeding Rs. 35,000 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 'Andamans and Nicobar Islands'."

The motion was adopted.

RAJPUTANA.

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

"That a supplementary sum not exceeding Rs. 37,000 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 'Rajputana'."

The motion was adopted.

HYDERABAD.

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

"That a supplementary sum not exceeding Rs. 6,000 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 'Hyderabad'."

The motion was adopted.

EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE HIGH COMMISSIONER.

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

"That a supplementary sum not exceeding Rs. 2,32,000 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 'Expenditure in England under the control of the High Commissioner'."

The motion was adopted.

CAPITAL OUTLAY ON SECURITY PRINTING.

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

"That a supplementary sum not exceeding Rs. 4,00,000 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 'Capital Outlay on Security Printing'."

The motion was adopted.

CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR.

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

"That a supplementary sum not exceeding Rs. 4,54,000 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 'Capital Outlay on Vizagapatam Harbour'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

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

"That a supplementary sum not exceeding Rs. 1,55,000 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 'Commuted Value of Pensions'."

The motion was adopted.

DELHI CAPITAL OUTLAY.

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

"That a supplementary sum not exceeding Rs. 2,07,000 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 'Delhi Capital Outlay'."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

RAILWAY BOARD.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 15,000 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 'Railway Board'."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

Mr. A. A. L. Parsons: Sir, in making the next motion I wish to apologise for and correct a slip in the printed explanation of the reasons given for this Demand. In the second paragraph the phrase occurs:

"We have to make an adjustment of 59 lakhs in the current year's accounts debiting Depreciation Fund and crediting Repairs and Maintenance."

The phrase should read:

"We have to make an adjustment of 59 lakhs in the current year's accounts crediting Depreciation Fund and debiting Repairs and Maintenance."

The error came to my notice only this morning when it was too late to issue a correction. I move:

"That a supplementary sum not exceeding Rs. 50,00,000 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 'Appropriation from Depreciation Fund'."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I understand that this expenditure for which the Demand is made was incurred some years ago. It was not incurred during the year 1930-31. Some mistake was made; and this expenditure which was incurred about five years ago ought to have been paid from the Depreciation Fund, but it was found convenient at that time, either intentionally or by mistake, to pay it from the General Revenues. And now on account of the financial stringency and financial losses, they want to seek an excuse to get this money from the Depreciation Fund. I would like to suggest, that, instead of paying the entire amount this year, we should pay Rs. 25,000 this year and the remaining Rs. 25,000 next year (Some Honourable Members: "It is lakhs and not thousands").—I beg your pardon, I stand corrected; it should be 25 lakhs,—if our financial position improves. My intention is that the amount should be paid in two instalments; half of it should be paid this year and the other half next year.

Mr. President: Does the Honourable Member wish to move the amendment of which he has given notice?

Dr. Ziauddin Ahmad: Yes, Sir; I wish to move it, and it reads thus:

"That the Demand for a supplementary grant of a sum not exceeding Rs. 50,00,000 in respect of 'Appropriation from Depreciation Fund' be reduced by Rs. 25,00,000."

Mr. President: Amendment proposed:

"That the Demand for a supplementary grant of a sum not exceeding Rs. 50,00,000 in respect of 'Appropriation from Depreciation Fund' be reduced by Rs. 25,00,000."

Mr. A. A. L. Parsons: May I explain, Sir, that no expenditure. . . .

Mr. President: Please wait, Mr. Parsons, I will call upon you to reply. Let me see if there are any other Honourable Members who wish to speak on this amendment?

Mr. A. A. L. Parsons: May I explain, Sir, that no expenditure is involved here at all. We are merely correcting certain wrong adjustments in the accounts from the year 1924 onwards which were brought to our notice both by the Director of Railway Audit, by the Accounts Officers under

me, and in the case of the largest item, by the Public Accounts Committee, who pressed that the adjustment should be carried out as quickly as possible. Following the advice which they gave us, we have made these adjustments in the current year's accounts, and it is not in any way to show better results in this year's working that these adjustments have been made. I regret, Sir, I am unable to accept the Honourable Member's proposal for I cannot agree that a rectification of an error in the accounts when found to be necessary should be postponed to a future date. I must therefore oppose the motion.

Mr. President: The question is:

"That the Demand for a supplementary grant of a sum not exceeding Rs. 50,00,000 in respect of 'Appropriation from Depreciation Fund' be reduced by Rs. 25,00,000."

The motion was negatived.

Mr. President: I will now put the original motion. The question is:

"That a supplementary sum not exceeding Rs. 50,00,000 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 'Appropriation from Depreciation Fund'."

The motion was adopted.

STRATEGIC LINES—WORKING EXPENSES AND MISCELLANEOUS.

Mr. A. A. L. Parsons: Sir, I move:

"That a supplementary sum not exceeding Rs. 7,95,000 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 'Strategic Lines—Working Expenses and Miscellaneous'."

The motion was adopted.

Mr. President: The House stands adjourned and will meet tomorrow at Eleven of the Clock if the *Id* does not fall tomorrow. If *Id* falls tomorrow, the House will meet the day after, Friday morning, at Eleven of the Clock. In any case, Members will be circularised.

Sir Hari Singh Gour: How are we to know about it?

Mr. President: There will be a circular sent round. I said that.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th February, 1931.

