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

VOLUME V—1931.

LEGISLATIVE ASSEMBLY.

Monday, 7th September, 1931.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the first day of the Second Session of the Fourth Legislative Assembly, pursuant to S. 63-D (2) of the Government of India Act. The President (the Honourable Sir Ibrahim Rahimtoola) was in the Chair.

MEMBERS SWORN.

Mr. Lalchand Navalrai, M.L.A. (Sind : Non-Muhammadan Rural) ; Mr. Charles Brooke Elliott, M.L.A. (Madras : European) ; Mr. George Irving Griffiths, M.L.A. (Bombay : European) ; Mr. John Tait, M.L.A. (Burma : European) ; Dr. Francis Xavier DeSouza, M.L.A. (Nominated Non-Official) ; Mr. Satyendra Nath Roy, M.L.A. (Government of India : Nominated Official) ; Mr. Shamaldhari Lall, M.L.A. (Government of India : Nominated Official) ; Mr. Kodikal Sanjiva Row, M.L.A. (Government of India : Nominated Official) ; Rai Bahadur Udyava Rama Rao, M.L.A. (Madras : Nominated Official) ; Mr. Arthur Henry Ashworth Todd, M.L.A. (Madras : Nominated Official) ; Mr. Henry Foley Knight, M.L.A. (Bombay : Nominated Official) ; Qazi Azizuddin Ahmad Bilgrami, M.L.A. (United Provinces : Nominated Official) ; Mr. James Ferguson Dyer, C.I.E., M.L.A. (Central Provinces : Nominated Official) ; and Mr. Frank Burton Leach, M.L.A. (Burma : Nominated Official).

QUESTIONS AND ANSWERS.

RETRENCHMENT IN GOVERNMENT OF INDIA OFFICES IN CALCUTTA.

1. *Mr. Muhammad Anwar-ul-Azim : Will Government please state on what basis the ten *per cent.* cuts have been given effect to in the offices of the Government of India, stationed at Calcutta ? What are such offices ? Will Government please state whether this ten *per cent.* cut has affected the travelling and transfer allowances of any of the officers in those establishments ? Did the retrenching officers consider the advisability of retrenching those who were invalid or on the verge of retirement ?

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The Honourable Sir George Schuster : In April last the Government of India requested all Departments to put up proposals for a reduction of 10 per cent. in the sanctioned grants for 1931-32. In response to this request proposals were put forward, but it has since become necessary to consider more drastic economies, and it is on them that the retrenchment sub-committee are working. No special retrenchments have yet been made since last Budget in travelling and transfer allowances, but certain reductions made by Local Governments in daily and road mileage allowances automatically apply to employees of the Central Government working in those provinces. General instructions have been issued to all Departments calling their attention *inter alia* to the advisability of retrenching officers who are on the verge of retirement.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if the officers who are on the verge of retirement will be affected in their pensions by this retrenchment?

The Honourable Sir George Schuster : I think I must have notice of that question. It is very difficult to define what the Honourable Member means by officers who are on the "verge of retirement".

Mr. Lalchand Navalrai : I would explain myself by saying persons who are just retiring within a year or so. Is it a fact or not that their pensions are calculated on the average of three years : and if their pay is reduced now, will their average pension be affected or not?

The Honourable Sir George Schuster : I am afraid I must decline to be drawn into any discussion of the details of the terms of compensation which might be offered to officers who suffer by compulsory retrenchment.

Mr. Lalchand Navalrai : Will it be possible for the Honourable Member to issue instructions that, in their case, if they are going to be affected by retrenchment, they should be given facilities for retirement on pension?

The Honourable Sir George Schuster : I shall be very pleased to take note of the Honourable Member's suggestion.

APPOINTMENT OF A REVETMENT TIME-KEEPER AT CHITTAGONG.

2. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether it is a fact that the officiating Port Engineer at Chittagong has appointed a boy aged about twelve to work as revetment time-keeper, in place of Syed Ali Khan, who is an aged and experienced man? What policy do the Port Commissioners at Chittagong follow in making appointments of the kind indicated above? Will Government please state whether it is a fact that the Honourable Sir George Rainy indicated the Government policy in matters of this kind, since Chittagong was declared to be a major port in 1929?

The Honourable Sir George Rainy : The reply to the first sentence of the Honourable Member's question is in the negative. As regards the second sentence of his question, the Honourable Member's attention

is invited to the reply given to his question No. 552 in the Legislative Assembly Debates of the 17th September, 1928. There has been no change in the policy adopted by the Port Commissioners at Chittagong in regard to the recruitment of Muhammadans. With reference to the last sentence of the Honourable Member's question, it is not clear what indication of policy the Honourable Member has in mind.

Mr. Muhammad Anwar-ul-Azim : The policy indicated in the question was the policy in regard to the matters set out in the question to which the Honourable Member has replied—regarding recruitment in the Port Trust at Chittagong.

The Honourable Sir George Rainy : The Honourable Member has conveyed certain information, but whether he has asked a question is not quite clear to me.

Mr. K. Ahmed : Will the Government be pleased to say whether the age of the boy was 12, as put in the question?

The Honourable Sir George Rainy : I must point out that my answer to the first part of the question is in the negative.

Mr. K. Ahmed : Will the Honourable Member be pleased to enlighten the House as to whether boys of 12, or above, or below (Laughter) are acceptable for service?

The Honourable Sir George Rainy : I am afraid I must have notice of that question. (Laughter.)

Mr. K. Ahmed : Is it not a fact that a boy of the age of 12 was made to do work as revetment time-keeper? Is that quite clear to the Honourable Member?

The Honourable Sir George Rainy : The original question was perfectly clear to me, and I had hoped that my answer was in the negative was equally clear to every Member of the House.

Mr. K. Ahmed : Will the Honourable Member explain, Sir, whether he merely read out here the answer prepared in his Department, or whether he will inquire and find out the age of the boy, because the questioner has alleged that an old and experienced man has been displaced by this young boy of 12? Will he for the benefit of the various stages see that people of proper age are appointed? Will that not benefit the Government as well as the others?

The Honourable Sir George Rainy : I am afraid that an inquiry as to the age of a non-existent person is beyond the capacity even of the Government of India.

Mr. K. Ahmed : Is there not a circular which states that appointments should not be made unless candidates are of a certain age? If so, why can we not criticise that persons aged 12 should not be appointed?

The Honourable Sir George Rainy : The Honourable Member is merely repeating his question.

Mr. K. Ahmed : I want that the age of this boy should be found out, so as to discover his eligibility. In the alternative do Government propose to appoint persons under-age while suitable persons are available?

The Honourable Sir George Rainy : If the Honourable Member wishes to know the age of the person who was not a boy, I will certainly endeavour to ascertain the facts and communicate them to him if the information is available in Simla.

MILITARY PENSIONS GRANTED TO RESIDENTS IN THE CHITTAGONG DISTRICT.

3. *Mr. Muhammad Anwar-ul-Azim : Will Government please state what is the method they adopt in giving military pensions to people living in Chittagong district ?

Mr. G. M. Young : Military pensioners in the Chittagong District are paid their pensions quarterly in arrears at the nearest civil treasury or sub-treasury in the district. If a pensioner so desires, the Treasury Officer concerned may remit the pension by postal money order up to a limit of Rs. 50 a month, provided that the money order commission is deducted from the amount of the pension.

Pensioned Indian officers holding Honorary King's Commissions are allowed to draw their pensions monthly in arrears if they wish to do so.

DUMPING OF JAPANESE RICE INTO INDIA.

4. *Mr. Muhammad Anwar-ul-Azim : Will Government please state if they have received any representation from the Indian Chambers of Commerce in various parts of India for legislation against the dumping of rice, by the people of Japan into this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes. Until recently, the price of rice was falling rapidly, but the fall was not attributable to the competition of Japanese rice. Imports of rice from Japan amounted only to 2,433 tons in 1930-31, and only to 526 tons during the period from 1st April, 1931, to 15th August, 1931 ; these imports are insignificant compared with India's production of rice, which ranges from 31 to 33 million tons annually. The fall has been arrested recently. In any case, as it was due to world causes, it could not be affected by taking action against the small imports from Japan.

Mr. Lalchand Navalrai : Does the Honourable Member know that Sind is the best rice producing tract and that Sind has suffered on account of this dumping of Japan rice ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Presumably, if it is the best rice producing area in India, it does produce more than the insignificant amount imported from Japan.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to place the correspondence with regard to this on the table or let us know how these figures have been obtained ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : But there is no correspondence.

Mr. Lalchand Navalrai : Am I to understand that no inquiries have been made on this point ? If any have been made, will the Honourable Member kindly place those papers on the table ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I shall be very glad to arrange that the source of my figures is secured. I understand the Honourable Member to ask how the figures I have given have been obtained.

Mr. K. Ahmed : At any rate in view of the fact that rice has become very cheap and the Indian agriculturist is undergoing difficulties, do Government propose to find out and see that foreigners do not send rice into this country at the cost of the poor people here ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : There are no other countries sending rice to my knowledge.

Mr. K. Ahmed : Is it not a fact that rice comes from outside India, except Burma ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have stated that rice came from Japan and what the amount of it was.

Mr. T. N. Ramakrishna Reddi : In view of the fact that there is a phenomenal fall in the price of rice, will Government be prepared to bring in legislation to levy an import duty on foreign rice ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : As soon as the import of rice attains anything like the magnitude which would interfere with the price of Indian rice, I have no doubt that the Department concerned will be glad to look into the matter.

MUSLIM POPULATION OF BENGAL AND THE PUNJAB.

5. *Mr. Muhammad Anwar-ul-Azim : Will Government please state what is the Moslem population (male and female) of the provinces of Bengal and the Punjab according to this latest Census ?

The Honourable Sir James Crerar : The 1931 Census of figures of the Muslim population in the Punjab and Bengal are as follows :

	Males.	Females.	Total.
Punjab	8,116,383	6,813,513	14,929,896
Bengal	14,381,835	13,461,105	27,842,940

PUBLIC HOLIDAYS IN INDIA.

6. *Mr. Muhammad Anwar-ul-Azim : Will Government please state on what basis the public holidays are distributed in this country ? Is there any policy in allotting these holidays ? When was the closing of public offices first introduced in this country on account of the Moslem Id-ul-Fiter and Id-ul-Zuha ? On what basis have these holidays been allocated ?

The Honourable Sir James Crerar : I presume the Honourable Member is referring to holidays enjoyed by the offices under the Government of India subject to the provisions of the Negotiable Instruments Act. These are determined with reference to the convenience of those employed as well as the necessities of public business. I have no information as to when holidays were first introduced in this country on account of the Muslim festivals of Id-ul-Fiter and Id-ul-Zuha ; they were declared to be closed holidays for the Government of India Offices, respectively, in 1923 and 1930.

Pandit Ram Krishna Jha : What about the Hindu population in these provinces ?

The Honourable Sir James Crerar : I do not think that that arises of this question.

Mr. Muhammad Anwar-ul-Azim : Will the Honourable Member kindly see if it will be possible without inconveniencing the Government Departments to increase the number of Muhammadan holidays on the occasion of Id-ul-Fiter and Id-ul-Zuha ?

The Honourable Sir James Crerar : The actual number of holidays allowed, both general and communal, have been very carefully examined, and I regret that it is not possible to make any alteration in them without an appreciable interference with public business.

Sir Cowasji Jehangir : Are Government aware that there is a school of thought that thinks that there are sufficient bank holidays in India already?

The Honourable Sir James Crerar : I have received some indications of that school of thought.

Sir Cowasji Jehangir : Will Government give some attention to that school of thought?

The Honourable Sir James Crerar : Certainly, Sir.

MUSLEM REPRESENTATION IN CERTAIN GOVERNMENT OF INDIA OFFICES IN CALCUTTA.

7. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the percentage of Moslem representation in the following offices of the Government of India located at Calcutta :

- (1) Accountant-General.
- (2) Accountant-General, Posts and Telegraphs.
- (3) Commercial Intelligence Department.
- (4) Currency Office.
- (5) Government Printing, India.
- (6) Mint Office.
- (7) Patent Office.
- (8) Port Office.
- (9) Postmaster-General, Bengal and Assam.
- (10) Shipping Office.
- (11) Survey of India Office.
- (12) Central Telegraph Office, Calcutta.

The Honourable Sir James Crerar : A statement giving the information asked for is being sent to the Honourable Member separately.

ESTABLISHMENT AND COST OF RE-EQUIPMENT OF THE CHITTAGONG TELEGRAPH OFFICE.

8. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the total strength of establishments, excepting the menials, at the Chittagong Telegraph Office, and what is the percentage of the Moslem representation therein? When was the Telegraph Office first started at Chittagong? How much has it cost Government to re-equip the Chittagong Telegraph Office after the Easter raid of 1930?

Mr. J. A. Shillidy : The replies to the three parts of the question are respectively, first, 27 and 3.7 per cent.; second, 1860-61; third, Rs. 950.

FIXATION BY STATUTE OF PERCENTAGE OF MUSLIM REPRESENTATION IN GOVERNMENT SERVICES.

9. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether they have submitted for the consideration of the Round Table Conference the question of fixing by statute the percentage of Moslem representation in the service of the Crown in India? If so, when?

The Honourable Sir James Crerar : The reply to the first part is in the negative. The second part does not arise.

Mr. Lalchand Navalrai : Will the Government be pleased to say if they have considered the feasibility of filling up all Government appointments henceforth by the sole consideration of efficiency and not on communal considerations? Has the Government considered that question?

The Honourable Sir James Crerar : The policy of Government on the points to which the Honourable Member refers has been repeatedly explained in this House, and there is no change in that policy.

Mr. Lalchand Navalrai : What policy? Will the Honourable Member be pleased to say whether henceforth Government will consider the desirability of filling up all appointments with a view to efficiency only and not on communal considerations?

The Honourable Sir James Crerar : I think I have already answered that question.

Mr. Lalchand Navalrai : I did not follow you.

ROBBERIES IN POST OFFICES IN THE DISTRICTS OF CHITTAGONG AND DACCA.

10. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state how much Government have lost by dacoities and robberies in post offices in the districts of Chittagong and Dacca, during the last two years? What steps do Government propose to adopt to stop recurrence of these in future?

Sir Hubert Sams :

	Rs.	A.	P.
Chittagong district	573	12	0
Dacca district	4,507	0	0

The question was discussed by the Postmaster-General with the Local Government and the police and it was considered that special measures need not be adopted by the Posts and Telegraphs Department apart from certain precautions, where and when advisable, such as the suspension of night conveyance of mails and cash by road, the strengthening of runners' lines and employment of durwans in addition to the usual precaution of storing cash for the night in police stations.

Mr. Muhammad Anwar-ul-Azim : Are the Government aware that in spite of the precautions taken by the local authorities, there was a robbery committed three or four days ago in a post office at the headquarters itself?

Sir Hubert Sams : I should like to have notice of that question, Sir.

ABOLITION OF RANGE OFFICES OF DEPUTY POSTMASTERS-GENERAL.

11. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if they have submitted for the consideration of the Posts and Telegraphs

Sub-Committee of the Retrenchment Committee, anything about abolishing the Range Offices of the Deputy Postmasters-General all over India? If so, when, if not, why not?

Mr. J. A. Shillidy : The question of possible retrenchments throughout the Posts and Telegraphs Department is under examination by the Retrenchment Advisory Committee and Government are not in a position to make any further statement at present.

MATERIALS SUPPLIED BY INDIA FOR THE GREAT WAR.

12. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that, during the Great War, materials to the value of about Rs. 35 crores were supplied by India to England for purposes of operations in Mesopotamia and other places, but which has not yet been paid back to India by England?

(b) Is it a fact that Sir B. N. Mitra was deputed to go to England on behalf of India, but had to cancel the whole of this claim of India, which England refused to pay?

(c) Are Government prepared to publish all correspondence on the subject and make a statement giving the facts of this transaction, the name of the competent authority to disallow the claim of India, and the steps taken by Government to realize it?

The Honourable Sir George Schuster : (a) The answer is in the negative. All debts raised in the War Accounts against the Imperial Government on account of the value of stores supplied were settled in full.

(b) and (c). In view of the reply given to part (a) these questions do not arise.

FORMATION OF AN INDIAN AIR FORCE.

13. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that the Iraq Air Force has already come into existence, and is manned and piloted by Iraqi officers?

(b) When do Government propose to form an Indian Air Force, and why has there been this delay?

(c) What has been estimated to be the strength, composition, the number of Indian pilots and officers and the approximate annual expenditure of such an Indian Air Force; and will Indian revenues continue to pay both for the Royal Air Force, and the Indian Air Force when it is established; and if so, for how long? Will the Indian Air Force be distinct from the Indian Army? If so, under whose control? And will any part of its expenditure be non-voted?

Mr. G. M. Young : (a) Government understand that the Iraq Government has acquired a few light aeroplanes and that these will form the nucleus of a future Air Force Squadron; also that the aeroplanes are flown, under the supervision of a Flight Lieutenant of the Royal Air Force, by Iraqi officers who have been trained in England.

(b) The first unit of the Indian Air Force should be in existence by March 1933. Such delay as there has been is due to the fact that Indians did not succeed in qualifying for entry into Cranwell until

November 1929. The cadets who entered Cranwell after that examination are due to pass out next summer, when they will, in the ordinary course, be attached to units of the Royal Air Force for 12 months for further instruction. In the meantime, the training of aircraft apprentices will be carried out at Karachi. This training will begin in September, that is, this September, and it is hoped that a sufficient number of apprentices will be qualified by March 1933 to enable the first unit of the Indian Air Force to be formed. Indian officers will join this unit after they have completed their training with units of the Royal Air Force.

(c) The first unit of the Indian Air Force will consist of a Headquarters and one Flight, and it is hoped that this will quickly expand into a full Squadron consisting of Headquarters and three Flights.

The strength of the first unit will be :—

5 British and 6 Indian Officers, 13 British and 37 Indian airmen, and 1 British Civilian Instructor.

This unit will be gradually expanded to the strength of a full squadron by the gradual addition of Indian officers and Indian airmen. It is not intended to add to the above numbers of British officers and British airmen.

The approximate annual expenditure of this unit will be Rs. 5½ lakhs. This amount will increase as the unit expands.

Indian revenues will pay both for the Royal Air Force in India and the Indian Air Force when established. The Honourable Member will realise that I am not in a position to prophesy exactly at what stage the Indian Air Force will begin to replace units of the Royal Air Force. The Indian Air Force will be distinct from the Indian Army and will be administered by the Air Officer Commanding, Royal Air Force in India, under the control of His Excellency the Commander-in-Chief.

The classification of expenditure on the Indian Air Force will follow that of other expenditure on Defence.

PROHIBITION OF A DRAMA IN THE NORTH-WEST FRONTIER PROVINCE.

14. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that the North West Frontier Province authorities have prohibited the performance, in any public place, of a drama, known to be written by Amir Nawaz, ex-student, Islamia College, Peshawar, as it is likely to excite feelings of disaffection against Government? If so, under what law? And has the book itself been proscribed, or has the mere performance of the drama been prohibited?

(b) At what places, and on how many occasions was this drama played, and with what result?

Mr. E. B. Howell : (a) A copy of gazette notification No. 7083-P., dated the 7th April 1931, published by the Local Administration is laid on the table.

(b) An adaptation of the drama was enacted once at a meeting on the night of 4th-5th April near Prang and Babra villages in the Charsadda Sub-Division. It depicted the murder of the Assistant Commissioner, Charsadda, and included other scenes which amounted to direct incitement to violence. On the night following the presentation of the drama

an attempt was made to enter the Assistant Commissioner's bungalow but the intruder was detected and though fired on by the police guard succeeded in making good his escape.

GOVERNMENT GAZETTE,
EXTRAORDINARY.
NOTIFICATION.

Peshawar, the 7th April, 1931.

No. 7083-F.—In exercise of the powers conferred by section 99-A of the Criminal Procedure Code, 1898, as amended by the Press Law Repeal and Amendment Act, 1922, Amendment Act, 1927, the Chief Commissioner is pleased hereby to declare to be forfeited to His Majesty, every copy, wherever found, of the book entitled "Dard"—published in Pushtu by Amir Nawaz Jalya, student, Islamia College, Peshawar, and printed at the Lakshmi Art Steam Press, Peshawar, by Sant Ram, Manager—and all other documents containing copies, reprints, or translations of, or extracts from, the said book, on the ground that it contains matter, the publication of which is punishable under section 124-A of the Indian Penal Code, as it tends to promote hatred and disaffection towards the Government established by law in British India.

By order, etc.,

(Sd.) O. H. GIDNEY,

Secretary to the Chief Commissioner,
North West Frontier Province.

GARHWALI MILITARY PRISONERS.

15. *Mr. Gaya Prasad Singh : Is it a fact that the case of the Garhwali military prisoners, who were sentenced to long terms of imprisonment has been under re-examination? If so, with what result?

Mr. G. M. Young : The sentences have not yet been reviewed; but they will be reviewed shortly in accordance with the usual practice in such cases.

Kunwar Haje Ismail Ali Khan : May I know why these prisoners were not released under the Gandhi-Irwin Agreement?

Mr. G. M. Young : Because, Sir, their case was not covered by the terms of that agreement.

DISTURBANCES IN BURMA.

16. *Mr. Gaya Prasad Singh : (a) Will Government kindly make a statement relating to the disturbances in Burma, their causes, the number of casualties on both sides, and of the troops employed to cope with the situation, after the date up to which a statement was supplied to this House in answer to my question in the last Delhi session?

(b) What are the troops employed in Burma, and why are Indian troops, if any, so employed?

(c) What is the actual state of things with regard to the alleged anti-Indian feeling and activities in Burma, and what specific steps have been taken to cope with them?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to the Local Government's report published on the 6th

July last and to the weekly appreciations from the 13th June to the 28th August, copies of which have been placed in the Library of the House.

(b) The troops employed in Burma are :—

(A) Normal Garrison.

- 1 Mountain Battery, Royal Artillery.
- 2 British Infantry Battalions.
- 4 Indian Infantry Battalions (including 1 Training Battalion).
- 1 Pioneer Battalion.
- 1 Field Company, Sappers and Miners.
- 1 Animal Transport Company.

(B) Reinforcements.

- 1 British Infantry Battalion.
- 1 Infantry Brigade Signal Section.
- 1 W/T Section.
- 5 Indian Infantry Battalions.
- 2 1/3 Animal Transport Companies.

The reinforcements comprised all that were available and could be spared.

(c) I have called for information and will supply an answer later.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say what methods the Government have employed to remove the causes of these disturbances in Burma?

The Honourable Sir James Crerar : I think the Honourable Member will find that dealt with in the public statements made by the Government of Burma.

MERGING OF WIRELESS AND CABLE COMPANIES IN INDIA.

17. *Mr. Gaya Prasad Singh : (a) Have there been any negotiations for merging the interests of wireless and cable offices in India; and if so, with what result?

(b) Is it a fact that the existing Indian Radio Telegraphs have increased, or are going to increase the share capital, with a view to securing entire control of the Indian business?

(c) Is it a fact that the Imperial Cable and Communications Company have substantial holdings in the new company? Will Government kindly make a statement in this connection, indicating how the Indian demand for rupee capital with substantial Indian control on the directorate has been met?

Mr. J. A. Shillidy : (a) Yes. The negotiations are still in progress.

(b) The Indian Radio Telegraph Company has not increased its capital, nor has it submitted to Government proposals for an increase of its share capital.

(c) In accordance with the Agreement with the Government of India, 60 per cent. of the original Cash Capital of the Indian Radio Telegraph Company Limited was offered for public subscription in India but as this amount was not wholly taken up in India, Marconi's Wireless Telegraph Company Limited took up the balance, in addition to 40 per cent. previously subscribed, and thus obtained nearly two-thirds of the voting power of the Indian Radio Telegraph Company. Marconi's Wireless Telegraph Company is now controlled by Cables and Wireless Limited, a company registered in Great Britain and having effective control of Imperial and International Communications Limited.

The capital of the Indian Radio Telegraph Company is rupee capital and of the eight Directors five are Indians.

CAPITATION CHARGES FOR BRITISH ARMY RECRUITS IN INDIA.

18. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that an independent tribunal has been, or is going to be appointed to adjudicate upon the question of the disputed liability of the Government of India to pay His Majesty's Government the present annual capitation charges in respect of the training in India of British Army recruits, and also India's claim for a contribution from Imperial revenues towards the military expenditure in India? What are the present amounts on the above heads?

(b) What is the personnel, and composition of this tribunal and its terms of reference?

The Honourable Sir George Schuster : (a) and (b). I would refer the Honourable Member to the statement which I made on this subject in this House on the 10th March 1931 in the course of the debate on the Army Department vote. I am not at present in a position to add to that statement.

REFUSAL OF PERMISSION TO MAULANAS MUHAMMAD ISHAQ AND MUHAMMAD IRFAN TO ENTER THE NORTH WEST FRONTIER PROVINCE.

19. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Maulanas Muhammad Ishaq, and Muhammad Irfan have been prevented from entering the North West Frontier Province; and if so, when and why?

(b) Are Government aware that their homes are in the Frontier Province, and they have been forcibly kept out for about 12 years?

Mr. E. B. Howell : (a) and (b). Orders of externment under the North West Frontier Province Security Regulation, 1922, were issued against Muhammad Ishaq and Muhammad Irfan in August-September 1922. The Regulation lapsed on the 9th March 1931 and the externment orders are no longer in force.

PROHIBITION OF GANDHI CAPS AND KHADDAR IN BANNU CANTONMENT.

20. ***Mr. Gaya Prasad Singh :** Is it a fact that orders were issued about April last, prohibiting persons wearing Gandhi caps, or khaddar from entering Bannu Cantonment area (North West Frontier Province)? And is it a fact that the Post Office, Telegraph Office, Treasury, and Courts are all situated in the cantonment area? Is the order still in force, and if so, why?

Mr. G. M. Young : The answer to the first part is in the negative and to the second in the affirmative. The third part does not arise.

ACTION TAKEN AGAINST VOLUNTEERS OF THE AFGHAN YOUTH LEAGUE OR THE KHUDAI KHIDMATGARS IN THE NORTH WEST FRONTIER PROVINCE.

21. ***Mr. Gaya Prasad Singh :** (1) Will Government kindly state whether

- on or about the 13th March, 1931, volunteers of the Afghan Youth League, or the Khudai Khidmatgars, were beaten by the police at Takhatbai (North West Frontier Province) and a representation was duly made to Government; and if so, what was its result;
- on the 29th March, 1931, or thereabouts, the volunteers were beaten at Pabbii, in Tehsil Nowshera;
- at Shahbaz Garhi in Mardan Sub-Division, the volunteers were beaten, their uniforms were torn off, and they were kept in the police lock up for a number of days;
- a peaceful gathering of the Nowshera Khudai Khidmatgars while proceeding to attend a public meeting at Pir Pai was forcibly prevented from crossing the bridge at Nowshera;
- in the Malakand Agency no volunteer can wear his uniform, or convene, or attend any peaceful meeting; and about the 9th or 10th April, 1931, Mirzada and Ashan Ali were arrested as they were wearing the volunteer's uniform; and
- a military officer along with a posse of police, and some military sepoy's patrolled the streets of Nowshera village about the 10th April, 1931, and exacted salaams from all passers-by?

(2) Do Government propose to hold an inquiry into the above incidents?

Mr. E. B. Howell : (1) Government do not admit that the facts are as stated by the Honourable Member—

(a) A very large crowd collected at Takhtbai to welcome a certain Ghulam Muhammad Khan on his release from imprisonment after the Delhi Settlement. The crowd became very threatening towards the police and threw stones at them. The police, who numbered only six, were forced to take action in self-defence. Certain allegations made in connection with this incident were investigated by the Chief Commissioner, North West Frontier Province, and the Secretary, Afghan Youth League, was informed verbally by him that the allegations were exaggerated and distorted.

(b) Government have made enquiries from the local authorities who have been unable to trace any such incident. No complaint or report was made to Government in connection with any such incident.

(c) No such incident occurred. Certain persons were, however, arrested in connection with a robbery on the Shahbazgarhi.

Husai Road. They were not wearing red uniforms when arrested, nor were they beaten, nor were their clothes torn off. On their arrest they were produced before a Magistrate in the usual way and remanded to judicial custody.

(d) Under cantonment rules no processions or demonstrations are permitted in the cantonments of the Peshawar District. On the 9th April, 1931, a large gathering of Red Shirts attempted to force a crossing over the Nowshera Bridge into cantonment limits. The police prevented this action by closing the gate.

(e) No orders have been issued limiting the liberty of Red Shirt Volunteers to wear uniform or to convene or attend any meeting.

Mirzada and Hashim Ali (not Ashan Ali) were arrested by the Jirga of their village on the 7th and 10th April 1931, respectively, because the latter considered their conduct unsatisfactory. They were released a fortnight later at the request of the Jirga. They were not wearing uniform when arrested, nor, so far as is known, had they previously been wearing uniform.

(f) This is not a fact.

(2) Government do not propose to hold any further enquiry into these incidents.

Dr. Ziauddin Ahmad : Are the public provincial roads passing through cantonments also subject to cantonment rules ?

Mr. E. B. Howell : May I have notice of that question ?

CONFERENCE AT SIMLA ON RETRENCHMENT.

22. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that a conference was recently held in Simla to consider the subject of possible revision of salaries in view of the fall in prices, and of retrenchment generally ?

(b) Is it a fact that not a single Minister of any province was invited to attend ? If so, why ?

The Honourable Sir George Schuster : A conference was held in Simla in May last, to which representatives of the Home and Finance Departments of Provincial Governments alone were invited, as the problems for discussion concerned those Departments.

INDIANS, ANGLO-INDIANS AND EUROPEANS RETRENCHED FROM RAILWAYS AND GOVERNMENT DEPARTMENTS.

23. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state separately the total number of Indians, Anglo-Indians, and Europeans dismissed or discharged from service on State Railways in India this year, as a measure of retrenchment, together with the amount of savings so effected under each head ?

(b) Will Government kindly give a similar statement for all Departments of Government ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

POLITICAL PRISONERS IN THE PROVINCE OF BIHAR AND ORISSA.

24. ***Mr. Gaya Prasad Singh :** What was the total number of political prisoners in the Province of Bihar and Orissa, how many were released as a result of the Gandhi-Irwin settlement, how many are still in jail, and why have they not yet been released ?

The Honourable Sir James Crerar : The number of persons serving sentences of imprisonment in Bihar and Orissa for offences in connection with the Civil Disobedience movement was, on March 5th, 1931, 3,083. All of these were released except 189. These 189 were not released because their cases did not come within the terms of the settlement. They were still undergoing imprisonment on the 31st July, 1931.

CENSORSHIP OF REPORTS OF THE CAWNPORE DISTURBANCES.

25. ***Mr. Gaya Prasad Singh :** Is it a fact that Press reports of the Cawnpore disturbances, or those of the Enquiry Committee, specially the reports relating to the number of casualties, were censored. If so, why ?

The Honourable Sir James Crerar : No censorship of any kind was exercised beyond the excision by the Collector of Cawnpore, from two telegrams addressed to local newspapers or organisations, of passages of a character which were in his opinion likely to inflame public feeling.

SPEECH BY THE GOVERNOR OF THE PUNJAB.

26. ***Mr. Gaya Prasad Singh :** Is it a fact that the substance of the speech which the Governor of the Punjab made immediately on the departure of Lord Irwin from India, relating to nationalist activity, was previously known to and approved of by the Government of India, or its members ?

The Honourable Sir James Crerar : The Honourable Member presumably refers to the speech delivered by His Excellency the Governor of the Punjab at Khushab on the 25th of April. The substance of this speech was not previously known to the Government of India, but His Excellency the Governor, before making the speech, ascertained that the general trend of it was in accordance with the views of the Government of India.

SMUGGLING OF OPIUM FROM NEPAL INTO BIHAR AND ORISSA.

27. ***Mr. Gaya Prasad Singh :** Will Government kindly state what steps, if any, have been taken to check the smuggling of opium from Nepal into the Province of Bihar and Orissa, and with what result (in reference to the reply of Government to my unstarred question No. 31 of the 4th September, 1928) ?

The Honourable Sir George Schuster : According to my information, the Nepal Government prohibited the production of opium in their territory except for medicinal purposes some time in the end of 1928.

The seizures of opium smuggled from Nepal into Bihar and Orissa have diminished considerably from about 7½ maunds in 1926-27, 3 maunds in 1928-29, to only 2 chhattacks in 1930-31.

RESIDENTIAL SEGREGATION IN MOMBASA.

28. *Mr. Gaya Prasad Singh : (a) Is it a fact that in Mombasa, there has been for many years a residential area reserved exclusively for Europeans ; and the Crown leases contained a specific stipulation to the effect that no Asiatic or African could reside there, except in the capacity of domestic servant of a European resident ?

(b) Is it a fact that the above restriction did not prevent Indians from bidding at the auction of Crown lands, and thus they came to acquire several plots, and put up residential buildings on them, and let the same to European residents ?

(c) Is it a fact that in July, 1928, the Commissioner for Lands for the first time, in a notification for a sale of Crown lands in the European area, added a further restriction forbidding the Asiatics and Africans from even bidding at the auction sales ?

(d) Are Government aware that Mr. Abdul Husein Kaderbhai challenged this action in a court of law ; and ultimately the Privy Council held that no Asiatic or African subject of the Crown could bid at, or purchase Crown lands, or reside in areas reserved for the Europeans ?

(e) Are Government aware of the declaration made by His Majesty's Government in 1923, issued in the form of a White Paper by the Duke of Devonshire, the then Secretary of State for the Colonies, in which it is stated that it is " the view of the competent medical authorities that, as a sanitation measure, segregation of Europeans and Asiatics is not absolutely essential for the preservation of the health of the community ; the rigid enforcement of sanitary, police, and building regulations, without any racial discrimination, by the Colonial and municipal authorities will suffice " ; and that " the policy of segregation as between Europeans and Asiatics in the townships must be abandoned " ?

(f) What steps have Government so far taken, or now propose to take, to secure definitely in actual practice, the abandonment of residential segregation in township areas, in view of the declaration of His Majesty's Government contained in part (e) above, and the decision of the Privy Council referred to in part (d) above ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Yes. Some of the leases contained restrictive covenants of such a nature.

(c) Yes. But Government cannot say whether this was the first occasion on which bidding was restricted to a particular community.

(d) The answer to the first part is in the affirmative. The Privy Council held that the Commissioner for Lands had the power to impose restrictions as to bidding and user.

(e) Yes.

(f) The question of the abandonment of the policy of residential segregation as between Europeans and Asiatics in the townships in

East Africa formed the subject of prolonged correspondence between the Government of India and the Secretary of State after the publication of the White Paper of 1923. The situation, which has arisen as a result of the decision of the Privy Council, is under consideration.

COMMON ELECTORAL ROLL FOR THE KENYA LEGISLATIVE COUNCIL.

29. *Mr. Gaya Prasad Singh : (a) Is it a fact that the Government of India in their despatch No. 83, dated the 21st October, 1920, regarding the electoral roll for the Kenya Legislative Council, observed as follows :

" We desire to reiterate our opinion that there should be a common electoral roll and a common franchise on a reasonable property basis, plus an educational test, without racial discrimination, for all British subjects. We believe that this is the true solution of the East African problem. We fear that separate representation for different communities will perpetuate and intensify racial antagonism. On the other hand, common electorate, whereby the member of one community would represent constituents of another community, would tend to moderate and compose racial differences " ?

(b) Do Government propose to give effect to the above principle in the solution of the impending constitutional problem in India ?

The Honourable Sir George Rainy. (a) Yes.

(b) Government are unable to make any statement at present. As the Honourable Member is aware, this is one of the important matters that will be considered by the Indian Round Table Conference.

SCHEME FOR CLOSER UNION IN EAST AFRICA.

30. *Mr. Gaya Prasad Singh : (a) Will Government kindly explain why they failed to place their views formulated in their despatch of November last before this House, regarding the scheme of a closer union of East Africa ?

(b) Are Government aware that some of the views expressed in that despatch are not supported by the Indian public opinion, either here, or in East Africa, particularly the views that (i) the Government have no objection to the scheme of closer union proposed in the White Paper, and (ii) in regard to the composition of the Central Council, which is to assist the High Commissioner, that " at least one Indian should be appointed to it from each of the three territories to represent the interests of his community " ?

(c) Are Government aware that the Indian demand is that half the un-official members nominated from each territory should be Indians ?

(d) Is it a fact that the number of Indian settlers in East African territories is about 27,000, while that of the white settlers is only 9,000 ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The East African question, so far as it concerns the Indian community settled in these territories, was placed on several occasions before the Standing Emigration Committee. The Committee consisted of Members from both Houses of the Legislature, and the leaders of all political parties were also invited to attend. The opinions expressed at these meetings proved most useful to Government in formulating their views. It is not clear what the Honourable Member means by stating that Government failed to place the despatch before this House.

(b) and (c). The despatch was sent on the 24th November 1930. The Government of India modified their views in certain respects in the light of subsequent events and instructed their spokesman, the Right Honourable V. S. Srinivasa Sastri, to communicate the changes to the Joint Select Committee of Parliament when he appeared for oral examination. The Committee was informed that the Government of India, instead of saying that they had no objection to the scheme of Closer Union which was proposed in the White Paper, would now say that they did not approve of the scheme but that, if the scheme were adopted, they would seek to make the safeguards proposed by them. As regards representation on the proposed Central Council and the Kenya Legislative Council, Mr. Sastri pointed out to the Committee that the Government of India were now of the opinion that African representation should be secured by appointment of natives or, if this was not advisable, then by the appointment of officials. In the event of neither of these alternatives being accepted, the Government of India suggested that Indians, in virtue of their special knowledge of the country, should be appointed equally with Europeans to represent the natives. The modified views of the Government of India were thus substantially in accord with the Indian public opinion, to which the Honourable Member has referred.

(d) The Honourable Member is presumably referring to Kenya only. According to the Census taken in 1926, there were 26,759 Indians and 12,529 Europeans in Kenya.

INDIANS REPATRIATED TO INDIA FROM ABROAD.

31. *Mr. Gaya Prasad Singh : (a) Will Government kindly lay on the table a statement, showing the number of repatriated Indians returned to India from abroad, during the last 5 years, or for such period for which the figures may be available, giving separately the territories abroad from which they returned, the provinces in India to which they belong, the steps taken by Government to meet their wants, and how they were settled in life ?

(b) With reference to the reply given by the Hon'ble Sir Fazl-i-Husain to a question put in the Council of State on the 25th September, 1929, that " Government are considering whether anything can be done to help the repatriates ", will the Hon'ble Member in charge kindly state if the consideration stage has passed, or still continues ; and if so, with what result ?

(c) Has the attention of Government been drawn to a " Report on the Emigrants Repatriated to India under the Assisted Emigration Scheme from South Africa, and on the Problem of Returned Emigrants from All Colonies ", by Bhawani Dayal Sannyasi, and Benarsidas Chaturvedi (15th May, 1931), depicting the miserable plight of the returned emigrants in India, and the need of urgent relief ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : A statement showing the number of Indian emigrants repatriated since 1928 is laid on the table. As regards the distribution according to provinces, information is not readily available, but the repatriates mostly belong to Madras and the United Provinces. Emigrants returning to Calcutta from the Colonies of Mauritius, Fiji, British Guiana, Trinidad and

Jamaica are received on arrival by the Protector of Emigrants. Some of them have taken up abode in or near Calcutta. The Protector of Emigrants tries to find work for those who are unemployed and sends to the charitable institutions those that are destitute or have been left stranded and helps the sick in being admitted into hospitals. As a result of the facilities offered by the Colonial Governments of British Guiana and Fiji, more than 500 persons were assisted to go back to these Colonies. An attempt to find an outlet for them in Malaya was not successful. As regards those who return from South Africa under the assisted emigration scheme, special arrangements have been made for their reception and for rendering them all possible assistance in banking their savings and finding employment suited to their aptitude and resources. The arrangements are in charge of the Director of Industries in the United Provinces and of the Registrar of Co-operative Societies in Bihar and Orissa. Emigrants returning to these provinces are first sent to Calcutta from Madras. Generally speaking, they have seldom expressed any desire to avail themselves of the facilities provided by Government. The majority of the repatriates from South Africa belong to the Madras Presidency and a Special Officer with necessary staff has been appointed to look after them. The working of this organisation formed the subject of an inquiry by Messrs. Natesan and Gray in April last year. A copy of their report will be found in the Library of the House.

(b) This part of the question apparently relates to the repatriates who have settled down at Matiabruz near Calcutta. The Government of Bengal recently made inquiries whether suitable employment could be found for any of them in the Public Works, Irrigation, Agriculture or Industries Departments, but it was not found possible to do anything in this direction.

(c) Yes.

Statement showing the number of Indians who were repatriated from the various colonies, etc., since 1928.

Year.	Name of colony, etc.							
	Mauritius.	Trinidad.	Fiji.	Jamaica.	British Guiana.	South Africa.	Malaya.	Ceylon.
1928	367	..	973	..	654	3,477	18,147	3,501
1929	112	938	653	..	..	1,328	6,731	3,212
1930	..	..	642	425	520	1,012	77,761	7,472
1931 (up to end of July)	..	1,012	..	..	..	531*	32,456	10,705

* Does not include arrivals, if any, in Bombay during the month of July.

Mr. S. G. Jog : Looking to the financial stringency in India and the question of unemployment in India, will the Government start propaganda and advise the emigrants on the inadvisability of returning to India under the present circumstances ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I would gladly consider the possibility of moving in that direction if economic depression and financial troubles did not exist where these people are at present living.

Mr. S. G. Jog : Is not the position in India at present worse than in Africa ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It would be very difficult to say.

Mr. C. S. Ranga Iyer : Are not the emigrants who come back to this country more unhappy in this country than they were in Africa ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is not a point on which either the Honourable Member or I can congratulate ourselves.

Mr. C. S. Ranga Iyer : Will it not be possible for the Government to warn these people of the circumstances that await them, if they were to come back to this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I should see particularly no harm in it. Only I find from these statements that from Malaya 32,456 people have come back already this year. In 1930, 77,761 had returned. Other people also have got no money and they do not want our labour.

Mr. Lalchand Navalrai : Will the Government not facilitate their coming over here ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : When the Sind Barrage Scheme is completed, things may be better.

Mr. Lalchand Navalrai : The Sind Barrage scheme is nearing completion. Does not the Honourable Member think that it is the duty of the Government to give them a warning and also give them facilities ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not quite understand what the Honourable Member means by giving facilities, unless it be that some money attraction is to be offered to them to come back to their homes.

Mr. Lalchand Navalrai : I should like to make their passage easy.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : By giving financial assistance or only by sentiment ?

Mr. Lalchand Navalrai : Financial assistance.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is worth consideration by the House.

Mr. Lalchand Navalrai : Will the Honourable Member consider that ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid that is beyond the function of the Honourable Member in charge of Indians overseas.

Mr. Lalchand Navalrai : May I request the Honourable Member to refer the matter to the Finance Member ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I will try to place the matter before the Retrenchment Committee, Sir.

Sir Hari Singh Gour : Before the Honourable Member considers the matter favourably, will he also consider how these men who come here from overseas are to live in this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I think that again will have to be referred to an economic committee of the House.

NON-REPRESENTATION OF THE PROVINCE OF BIHAR AND ORISSA ON THE EAST INDIAN RAILWAY ADVISORY COMMITTEE.

32. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following Resolution passed by the First Bihar and Orissa Industrial Conference, which was opened by the Hon'ble Sir Mohammad Fakhruddin, Minister of Education, at Patna in April last (*vide Searchlight*, dated the 22nd April, 1931) :

" This Conference protests against the practical non-representation of the Province (i.e., Bihar and Orissa) in the East Indian Railway Advisory Committee. It urges that a Provincial Advisory Committee should be established immediately, or adequate representation of the Province be given on the Calcutta Committee " ?

(b) What action, if any, is proposed to be taken in the matter ?

Mr. A. A. L. Persons : The reply to the first part of the question is in the affirmative. The matter is under consideration.

INDIAN AIR SERVICE FROM KARACHI TO CALCUTTA.

33. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly say when the Indian State Air Service from Karachi to Calcutta will begin to operate ; and what approximate time it will take between the two stations ?

(b) How many aeroplanes are required for this service, and how many Indian pilots have been, or are going to be engaged, and at what monthly salary ? How many European pilots are to be engaged ; and at what salary ?

(c) What are the landing places between Karachi and Calcutta on this regular service ; and what part of the route has been, or is going to be, equipped with facilities for night flying ; and how many passengers with what quantity of luggage will it be permissible to carry ?

(d) What is the total amount of expenditure incurred so far in Karachi, in the construction of aerodromes, hangars, night-flying arrangements, establishment, and other heads, to be separately shown ?

Mr. J. A. Shildady : (a), (b) and (c). I regret that no information with regard to the Indian State Air Service can be given until Government have reached a decision on the recommendations of the Retrenchment Committee.

(d) The total capital expenditure incurred so far in Karachi is Rs. 5,52,467 as detailed below :—

	Rs.
Cost of acquisition of land	1,22,180
Cost of preparation of ground	79,981
Cost of two hangars	1,78,325
Cost of other buildings, e.g., quarters for staff, etc.	*1,27,157
Cost of roads in the aerodrome	36,264
Cost of aerodrome equipment, e.g., first aid equipment, ambulances, fire extinguishers, weighing machines, etc.	8,610
	5,52,467

This does not include equipment for airships.

* (Night flying equipment has not been provided but some obstruction lights, the cost of which is included in this figure, have been installed.)

The recurring expenditure at Karachi Aerodrome, based on the estimate for 1931-32, is approximately as under :—

	Rs.
Staff	9,158
Buildings and Roads	2,120
Electric and Water services	9,870
Landing ground	3,865
Contingencies	1,740
	26,753 per annum.

Mr. Gaya Prasad Singh : May I take it that the recommendations of the Retrenchment Committee will be laid on the table of the House before action is taken thereon ?

Mr. J. A. Shillidy : I will take that suggestion into consideration.

Mr. S. G. Jog : Are Government aware that there was a very trenchant criticism in the *Times of India* recently under the heading "Behind the smoke-screen of Simla" and that there were some personal attacks against the Finance Member with regard to the State Air Service ?

Mr. J. A. Shillidy : Will the Honourable Member show me the article ?

Mr. S. G. Jog : I have not got the exact date now, but I have already given the heading. I shall bring it to his personal notice.

COMMUTATION OF DEATH SENTENCES.

34. ***Mr. Gaya Prasad Singh :** Will Government kindly state how many cases during the last 5 years came up for the exercise of the prerogative of mercy in cases in which the accused persons were sentenced to

capital punishment ; and in how many cases was the sentence of hanging commuted ?

The Honourable Sir James Crerar : During the period 1926 to 1930, the Government of India received petitions against the sentence of death under section 401, Criminal Procedure Code in 3,083 criminal cases and death sentences were commuted in the case of 60 persons. I have no information as to the number of such cases disposed of by Local Governments who have concurrent powers under that section.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to let the House know whether there is any move in the Government of India in the direction of the abolition of capital punishment ? Is there any correspondence which the Government of India may have conducted with Provincial Governments on the subject and which they can lay on the table ?

The Honourable Sir James Crerar : I would invite the Honourable Member's attention to the debate on the Bill which was moved during the last session by the Honourable Member opposite, Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh : And which is coming on to-morrow.

Mr. Lalchand Navalrai : Will the policy of the Government be more liberal in future in regard to granting mercy ?

The Honourable Sir James Crerar : The Government of India in dealing with these petitions always adopt the greatest measure of leniency which the circumstances and ends of justice permit of, and that policy will continue.

DELAY IN OPENING OF THE THIRD CLASS BOOKING OFFICE AT PATNA JUNCTION RAILWAY STATION.

35. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a letter published in the *Indian Nation* of Patna, dated the 26th May, 1931, complaining that the 3rd class Booking Office at Patna Junction (East Indian Railway) is opened only one hour before the arrival of a train, with the result that the rush at the booking window is terrible ?

(b) Is the 3rd class Booking Office at Patna Junction ordered to be open for 24 hours, or for what period ? And are Government aware that this complaint at Patna Junction has been persistent, and I have had to bring it up before the House ?

(c) What steps do Government propose to take to remove this complaint ?

Mr. A. A. L. Parsons : (a) Government have not seen the letter.

(b) Government have no information showing the periods for which booking offices are opened at the various stations, as these periods vary according to local conditions. But from the East Indian Railway Time Table in force from 1st March, 1931, it would appear that Patna is not one of the stations at which booking offices are opened throughout the day. As regards the latter part of this question, I presume the Honourable

Member refers to his question No. 7 which I answered on the 4th September, 1928, but this had reference to the number of booking clerks provided at Patna for the issue of third class tickets.

(c) A copy of the Honourable Member's question and this answer will be forwarded to the Agent of the East Indian Railway for such action as may be found to be required.

Pandit Ram Krishna Jha : Will the Honourable Member consider the advisability of making Patna one of those stations where booking can go on for 24 hours ?

Mr. A. A. L. Parsons : That is exactly the question which the Agent of the Railway will consider when he receives a copy of the Honourable Member's question and of the answer.

CREATION OF AN ALL-INDIA MEDICAL COUNCIL.

36. *Mr. Gaya Prasad Singh : (a) Is it a fact that a Medical Conference was held in Simla in June, 1930, to consider the question of the creation of an All-India Medical Council ? Why was not a single representative of the independent medical profession, invited to the Conference ?

(b) When do Government propose to undertake necessary legislation, or take other steps for the creation of an All-India Medical Council ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. Medical Faculties of Indian Universities on which the independent medical profession is represented were requested to send representatives to the Conference, and three of these who attended it on behalf of the University Medical Faculties were actually independent medical practitioners.

(b) Government have drafted a Bill and circulated it to Local Governments for opinion. Further progress will depend on the nature of the replies received.

GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

37. *Mr. Gaya Prasad Singh : (a) Will Government be pleased to give the names of the members of the Governing Body of the Indian Research Fund Association, and indicate how many of them are officials, and how many non-officials ?

(b) What is the annual grant made by Government to this Association ; and do Government propose to appoint a suitable number of members of the independent medical profession, and of the Central Legislature to the Governing Body ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A statement is laid on the table. Seven of the members of the Governing Body are officials (including the President) and seven are non-officials.

(b) Rs. 7,50,000 at present. Members of the Central Legislature and the independent medical profession are already on the Governing Body, but the question of revising its composition is under consideration.

STATEMENT.

List of Members of the Governing Body of the Indian Research Fund Association.

1. The Honourable Khan Bahadur Mian Sir Fazl-i-Husain, K.C.I.E., Kt., President.
2. The Secretary to the Government of India, Department of Education, Health and Lands.
3. The Honourable Major General J. W. D. Megaw, C.I.E., K.H.P., I.M.S., Director General, Indian Medical Service.
4. Major General J. D. Graham, C.B., C.I.E., K.H.S., I.M.S., Public Health Commissioner (Secretary).
5. The Honourable Sir Phiroz Sethna, Kt., O.B.E., M.C.S.
6. Raja Bahadur G. Krishnamachariar, C.I.E., M.L.A.
7. Dr. Zia-ud-Din Ahmad, C.I.E., M.L.A.
8. Brevet-Colonel Sir S. B. Christophers, Kt., C.I.E., O.B.E., F.R.S., I.M.S. (Retired), Director, Central Research Institute, Kasauli.
9. Lieutenant-Colonel A. D. Stewart, I.M.S., Director Designate, All-India Institute of Hygiene and Public Health, Calcutta.
10. Major G. Covell, I.M.S., Officiating Director, Malaria Survey of India, Kasauli.
11. Dr. Jivraj M. Mehta, Dean, Seth Gordhandas G. Medical College, Parel, Bombay.
12. Rao Bahadur Dr. A. L. Mudaliar, B.A., M.D.
13. Rajah Sahib of Parlakimedi.
14. One eminent non-medical Scientist to be nominated by the Governor General.

QUALIFICATIONS OF CANDIDATES FOR THE INDIAN MEDICAL SERVICE.

38. *Mr. Gaya Prasad Singh : (a) Is it a fact that the Secretary of State for India issued a regulation many years ago that all candidates who want to enter the Indian Medical Service, should possess a medical qualification registerable in England ? If so, why ?

(b) Do Government propose to take necessary steps to have this restriction removed ? If not, why not ?

Mr. G. M. Young : (a) Yes, in 1865. The object of the rule is to ensure an adequate professional standard in the Indian Medical Service.

(b) Government are considering whether any modification of the rule has become necessary or desirable in consequence of the fact that Indian medical qualifications have ceased for the time being to be registerable in the United Kingdom.

REFUSAL OF A PASSPORT TO ENGLAND TO THE CHIEF REPORTER OF THE *Hindustan Times*.

39. *Mr. Gaya Prasad Singh : Is it a fact that Mr. Chaman Lal, Chief Reporter of the *Hindustan Times*, applied for a passport to go to England with Mahatma Gandhi, and report the activities in connection with the Round Table Conference for his paper, but he has been refused the passport ? If so, why ?

The Honourable Sir James Ormerod : Yes. From the information in possession of Government regarding his past and recent activities, it is undesirable that a passport be granted.

Mr. Gaya Prasad Singh : Will Government kindly indicate the nature of the activities referred to of this particular individual ?

The Honourable Sir James Crerar : I am afraid I cannot indicate in detail the nature of those activities, but I assure the Honourable Member that it was after a very careful examination of the case that Government came to the conclusion that the action was justified.

Mr. K. Ahmed : Is it the same Mr. Chaman Lall who dropped on the head of the then Finance Minister, Sir Basil Blackett, an attache case from the Press Gallery ?

The Honourable Sir James Crerar : Yes, Sir.

INDIAN HOSTEL IN JERUSALEM.

40. ***Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that there is one Indian Hostel known as Zawi-ul-Hanood in Jerusalem which was built by the Moghal Emperors for the free use of Indian pilgrims ?

(b) Will Government kindly inform the House who is in charge of the building now and who is bearing the expenses for its maintenance ?

(c) Are the Government of India contributing anything towards its maintenance ?

(d) Is it under the control of the Palestine Government or the Government of India ?

(e) Will Government kindly inform the House what is the present condition of its building ?

(f) Are the Indian pilgrims staying there free ?

Mr. E. B. Howell : (a) There is an Indian hostel known as the Zawi-ul-Hanood in Jerusalem.

(b) Sheikh Nazir Hasan Ansari, of Saharanpur, in the United Provinces is in charge of the building. The cost of maintenance of the Sheikh and of the pilgrims is paid from the revenues of certain Waqf properties belonging to the Hostel. The Sheikh in charge of the building also receives a monthly salary of pounds Palestinian 9 and 860 mills from the Palestinian treasury and pounds Palestinian 1 and 600 mills from the Moslem Waqf Department.

(c) No.

(d) The Hostel is under the control of the Supreme Moslem Council.

(e) The building is reported to be very old and to require substantial repairs.

(f) Indian pilgrims are provided with accommodation and food in the Hostel free of charge.

INDIAN PILGRIMS TO THE HEDJAZ.

41. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the House what is the total number of Indian pilgrims who went this year to the Hedjaz from each of the Indian ports ?

(b) What is the total number of those pilgrims who went to the Hedjaz this year via the Persian Gulf ?

(c) What is the total number of Indian pilgrims who died this year during their voyage and how many in the Hedjaz ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 7,263 Indian pilgrims went to the Hedjaz during the last Haj season, of whom 4,300 sailed from Bombay, 2,604 from Karachi, and 359 from Calcutta.

(b) The High Commissioner in Iraq reports that only 27 Indian pilgrims proceeded to the Hedjaz this year via Iraq. This figure does not include pilgrims by the cross-Arabia route from Bahrein or Kuwait, the number of whom is always insignificant.

(c) Two Indian pilgrims died during the outward voyage and about 70 in the Hedjaz.

INDIAN LABOURERS IN CEYLON.

42. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to an account of the "Special interview" published in a daily newspaper of Madras called *The Hindu* in its issue of the 25th May, 1931, under the title "Indian Labourers in Ceylon" on page 10 of the said paper ?

(b) Is it a fact that the wages of Indian labourers in the tea estates is being reduced ?

(c) If the answer to part (b) is in the affirmative, is the reduction being made on the ground that prices have gone down ?

(d) Is it a fact that the Ceylon Tea Company in London had declared a thirty-five per cent. dividend ?

(e) Is it a fact that the Chairman of the Board of Directors said that they were trying with the consent of the Ceylon Government to reduce the wages of Indian labourers ?

(f) Has the Government of India protested against the said procedure ?

(g) If not, why not ? If yes, when ?

(h) Are Government aware that Pundit Jawaharlal Nehru described the said reduction of wages as "monstrous" ?

(i) Are Government further aware that the opinion of Pundit Jawaharlal Nehru is shared by the public of the Madras Presidency which is the recruiting field for Ceylon labour ?

(j) Are Government aware that Indian labourers in Ceylon are not popular with Ceylon labourers ?

(k) Are Government aware that Ceylon labourers felt that Indian labourers lowered the former's standard of living ?

(l) Is it a fact that the reduction sought in the above said wages of the said Indian labourers is of the legal minimum wage fixed by law ? If so, what is the legal minimum wage and what is the present reduction sought ?

(m) Has the attention of Government been drawn to the statement of Pundit Jawaharlal Nehru in the above said interview, "He had no doubt if the Government of India so choose they could improve the condition of Indian labour" in Ceylon ?

(n) What steps have the Government of India taken to improve the condition of Indian labourers in Ceylon?

(o) Will Government be prepared to take steps to stop Indian labour from proceeding to Ceylon until labour wages and conditions are made satisfactory? If not, why not?

(p) Has any correspondence passed between the Government of India and the Government of Ceylon on the subject and with what result?

(q) Will Government be pleased to make a full statement on the subject of Indian labour to Ceylon answering points raised in parts (a) to (p), and Government efforts, if any, to mitigate the condition of the said labour?

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

(b), (c), (f), (g), (l), (p) & (q). The following minimum rates of wages for Indian estate labourers were introduced in Ceylon with effect from the 1st January, 1929 :—

	Men.	Women.	Children.
	Cents.	Cents.	Cents.
Up-country	54	43	32
Mid-country	52	41	31
Low-country	50	40	30

When these wages were fixed, it was arranged, that good clean unbleached rice should also be issued to each Indian labourer at a cost not exceeding Rs. 6.40 per bushel at a monthly rate of not less than $\frac{1}{4}$ ths of a bushel for a man, $\frac{1}{8}$ ths of a bushel for a woman and $\frac{1}{16}$ ths of a bushel for a child. Owing to a fall in the market price of rice, the Ceylon Government approached the Government of India in April last with a proposal that the issue price of rice should be fixed at Rs. 4.80 per bushel and that a corresponding reduction should be made in the standard wages by 5, 4 and 3 cents per day for men, women and children respectively. The Government of India were satisfied that the proposal amounted only to a re-adjustment of wages and caused no reduction in the effectual earnings of the labourers. They accordingly gave their consent to it. The Ceylon Government then summoned Estate Wages Boards for the re-assessment of wages owing to the fall in the general cost of living. It is understood that the suggestions put forward by these Boards have been considered by the Board of Indian Immigrant Labour, but the Government of India have not yet received any communication on the subject from the Colonial Government. They are in close touch with the situation through their Agent and will do all they can to safeguard the interests of the Indian labourer in Ceylon.

(d) The Honourable Member is presumably referring to a Ceylon Tea Company in London known as "The Newara Eliya Tea Estates Company" which declared a dividend of 37 per cent. this year. The properties of this Company are situated in the very highest and best tea districts in Ceylon.

(e) It was one of the Directors who had recently visited Ceylon, and not the Chairman who referred to the proposal for the reduction of minimum wages.

has fallen materially and I am glad that Government have agreed to that question being inquired into with the idea of putting the wage rates more into relation with the reduced cost of living."

(h) Yes.

(i) Government have no information.

(j) No. There is no ill-feeling. Indian estate labourers, especially on tea estates, fill a void which local labour in Ceylon is unable to fill.

(k) No. On the contrary, the regulations for minimum wage, housing, medical aid, etc., for the Indian labourers are likely to raise the standard of living of the Ceylon labourer as well.

(m) Yes.

(n) The attention of the Honourable Member is invited to the annual reports of the Agent of the Government of India in Ceylon for the years 1925 to 1930, copies of which will be found in the library of the House.

(o) Recruitment for rubber estates in Ceylon has entirely ceased, while in the case of tea estates fresh recruiting licenses are not issued, unless special reasons are shown. The Government of India do not consider that any further steps are needed to restrict emigration to that country.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if the Government of India have secured the opinion of the non-official Members of the Ceylon Government with regard to the reduction in the wages of labourers?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I thought I had made it clear that there were well recognised institutions on both sides which went into these matters and our Agent keeps himself in touch with them.

Mr. Lalchand Navalrai : What I want to know from the Honourable Member is with regard to the opinion of the non-official Members of the Ceylon Government itself.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That will have to be ascertained.

Mr. Lalchand Navalrai : Thank you.

UNSTARRED QUESTIONS AND ANSWERS.

DEPRESSION IN THE WOOLLEN INDUSTRY.

1. **Lala Rameshwar Prasad Bagla :** Will Government be pleased to state :

(a) whether they are aware of the serious depression in the woollen trade ;

(b) if so, are they aware that the condition of the woollen mills is and precarious ;

- (c) whether they have received several representations and applications from the woollen mills either individually or jointly about the state of the woollen industry ;
- (d) if so, when and from whom ;
- (e) whether a joint representation has been received from several woollen mills ;
- (f) if so, when and the names of the mills which have sent the representation ;
- (g) whether Government intend to take any steps to protect the woollen textile industry ; and
- (h) if so, what action they propose to take in this matter and when ?

The Honourable Sir George Rainy : The Government have received representations on the subject of the depression in the woollen industry individually from the following mills :

- (1) Maharani Woollen Mills, Limited.
- (2) Indian Woollen Mills.
- (3) Kaiser-i-Hind Woollen, Cotton and Silk Mills, Limited.
- (4) Sir Shapurji Broacha Mills, Limited,

and jointly from the following :

- (1) Maharani Woollen Mills, Limited.
- (2) Indian Woollen Mills.
- (3) Kaiser-i-Hind Woollen, Cotton and Silk Mills, Limited.
- (4) Raymond Woollen Mills, Limited.
- (5) Bombay Woollen Manufacturing Company, Limited.
- (6) Bangalore Woollen, Cotton and Silk Mills Company, Limited.

The individual representations were received at different times during the period from December 1929 to March 1930, and the joint representation was received in December 1930. The Government have not yet come to a decision on these representations, but they expect to reply to them at an early date.

CONDITION OF WOOLLEN MILLS IN INDIA.

2. Lala Rameshwar Prasad Bagla : Will Government be pleased to state :

- (a) the number of woollen mills in India in the year 1913, 1920, and 1930 ;
- (b) the total authorised and paid up capital of all these woollen mills in the years 1913, 1920, and 1930 ;
- (c) the number of woollen mills which have gone into liquidation since the year 1920 ;
- (d) the number of woollen mills which may not have gone into liquidation but which are closed since the year 1920 ; and

- (e) the total amount of the capital and reserve lost by such mills which have gone into liquidation as well as by reduction of capital ?

The Honourable Sir George Rainy : Complete information regarding the woollen mills in India for the year 1930 is not yet available. I therefore give figures up to and for the year 1929 so far as available.

(a) 1913	..	..	..	..	7
1920	..	..	..	..	8
1929	..	..	..	..	15

(b) Authorised capital—

Rs. (000).

1913	..	53,00 (for five mills only).
1920	..	51,75 (for four mills only).
1929	..	2,36,75 (for seven mills only).

Paid up capital—

Rs. (000).

1913	..	Not available.
1920	..	36,50 (for three mills only).
1929	..	1,22,73 (for nine mills only).

- (c) Four up to the end of 1929 ; of these one was subsequently amalgamated with another limited company.
- (d) Three.
- (e) Paid up capital lost up to the end of 1929 amounts to Rs. 61,15,000. This excludes the paid up capital of Rs. 26,50,000 of one mill which was amalgamated with another limited concern after going into voluntary liquidation. Government have no information regarding the amount of reserve lost by the mills which have gone into liquidation nor have they information as to the amount lost by reduction of capital.

APPOINTMENT TO THE IMPERIAL DEPARTMENT OF AGRICULTURE OF CANDIDATES FROM THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH, PUSA.

3. Lala Rameshwar Prasad Bagla : (a) Is it a fact that the training given at the Imperial Institute of Agricultural Research, Pusa, is regarded by the Government of India as adequate qualification for class I and class II appointments in the Imperial Department of Agriculture ?

(b) How many appointments have been made to the staff of the Imperial Department of Agriculture in class I and class II grades in the last two years and to what sections ?

(c) How many applications were received for these posts from qualified candidates who had been trained at Pusa ?

(d) How many qualified candidates trained at Pusa were appointed and to what sections ?

(e) Are the Government of India prepared to give preference to qualified candidates who have received training at Pusa in making appointments to the staff of the Imperial Department of Agriculture?

(f) If the selection of candidates for such posts is referred to the Public Service Commission, are the Government of India prepared to issue instructions that the selection should be made from candidates at Pusa where such candidates are available?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes, provided the candidate is of the right calibre.

(b) and (d). None. Two posts, one of Second Economic Botanist (Class I) in the Botanical Section and the other of a Class II Assistant in the Mycological Section, were advertised recently and candidates selected through the Public Service Commission, but no appointments have yet been made.

(c) Three out of 21 applicants for the post of Second Economic Botanist and 6 out of 30 for the post of Class II Assistant, Mycological Section, had undergone post-graduate training at Pusa.

(e) and (f). In view of the national importance of the Pusa research work, it is essential that only the best available candidates should be appointed to its superior staff. Government are not prepared, therefore, to give any kind of preference to Pusa-trained students, though such students will be eligible for appointment, on the basis of merit and qualifications, equally with other candidates.

RECOMMENDATIONS OF DRUG COMMITTEES.

4. **Mr. Gaya Prasad Singh :** Will Government be pleased to supply :

(a) the summary of the recommendations of the Indigenous Drugs Committee appointed in 1895, and of the Drugs Manufacture Committee appointed in 1918, and the reason for their dissolution ;

(b) the numbers and names of Indian drugs, recommended for use, and the names and numbers of drugs investigated and manufactured by the Government's Stores and the names of drugs whose cultivation was recommended by the foregoing Committees ; and

(c) information as to any other Drug Committee appointed by the Government of India during the last 50 years, and the recommendations made by them ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Indigenous Drugs Committee appointed in 1895 did not make any final recommendations ; it was dissolved in 1920 as the functions which it was intended to perform came within the scope of the operations of the Drugs Manufacture Committee, which was appointed in 1919. This latter Committee made certain recommendations, a summary of which is appended. The meetings of this Committee were adjourned *sine die* in 1924 on account of financial stringency.

(b) It is not the function of the Medical Stores Department to recommend the use of Indian drugs or to investigate them. 255 drugs are manu-

factured in Medical Store Depots ; their names will be found in the enclosed statement. Neither the Committee of 1895 nor the Committee of 1919 recommended the cultivation of any drugs.

(c) The only other Drugs Committee appointed during the last 50 years is the Drugs Enquiry Committee which was set up in 1930. The report of this Committee is at present being printed and has not yet been considered.

Summary of the recommendations of the Drugs Manufacture Committee established in 1919 so far as drugs are concerned.

(i) Government should appoint without delay at least one out of the three botanists recommended by the Sub-Committee of the Board of Scientific Advice for assisting in obtaining a supply of the variety of *Artemisia Maritima* which yields the valuable and scarce drug Santonin.

(ii) A list of drugs in the British Pharmacopoeia derived from purely mineral sources should be prepared for the Director, Geological Survey, who should report as to the possibility of obtaining the necessary raw materials in India.

(iii) The Chief Conservator of Forests, Kashmir, should be advised to export to England and to offer to the Director-General of Stores the quantity of *Artemisia Brevifolia* which he proposed to collect during the season in 1921.

(iv) If *Artemisia Brevifolia* was found in the Darjeeling District in quantity, arrangements should be made with the Director, Botanical Survey of India, for a preliminary extraction of Santonin to be carried out in the quinine factory at Mungpoo.

(v) Exports of *Artemisia Brevifolia* from Indian States, etc., and from zamindari land should not be restricted until it was found that India's requirements and the requirements of the Imperial Government could not be found from other sources, e.g., Government land.

(vi) The Santonin extracted by the Advisory Chemist should be submitted to tests for its therapeutic action.

(vii) The *Digitalis* leaf obtained from the Government cinchona plantations, Nilgiris, the Botanic Gardens, Ootacamund, and the Superintendent of Cinchona Cultivation, Bengal, should be sent to the Medical Store Depot, Madras, for the preparation of tincture from each sample and tested physiologically.

List of drugs manufactured in Medical Store Depots.

1. Acetum Scillæ.
2. Acidum Aceticum.
3. Acidum Hydrocyanicum dilutum.
4. Acidum Phosphoricum dilutum.
5. Acidum Sulphuricum Aromaticum.
6. Amylum (Starch).
7. Antiseptic solution.
8. Argenti Nitras (crystals).
9. Argenti Nitras Incuratus.
10. Calcii Chloridum.
11. Camphorodyne.
12. Chirata pulvis.
13. Collodium Flexile.
14. Confectio Piperis.
15. Confectio Sennæ.
16. Confectio Sulphuris.
17. Creta Præparata.
18. Digitalis foliorum pulvis.

19. Emplastrum Ammoniacum Hydrargyro.
20. Emplastrum Belladonnae.
21. Emplastrum Cantharidini.
22. Emplastrum Hydrargyri.
23. Emplastrum Plumbi.
24. Emplastrum Resinae.
25. Emplastrum Resinae (spread).
26. Emplastrum Saponis.
27. Extractum Bellæ Liquidum.
28. Extractum Belladonnae Liquidum.
29. Extractum Belladonnae Siccum.
30. Extractum Cannabis Indicae.
31. Extractum Cascarae Sagrada Liquidum.
32. Extractum Cascara Sagradae siccum.
33. Extractum Colocynthis Co.
34. Extractum Ergotæ.
35. Extractum Ergotæ Liquidum.
36. Extractum Gentianæ.
37. Extractum Glycyrrhizæ Liquidum.
38. Extractum Hamamelidis liquidum.
39. Extractum Hydrastis Liquidum.
40. Extractum Hyoscyami.
41. Extractum Jaborandi Liquidum.
42. Extractum Nucis Vomicae liquidum.
43. Extractum Nucis Vomicae siccum.
44. Extractum Opii Liquidum.
45. Extractum Sarsæ Liquidum.
46. Extractum Starmonii.
47. Extractum Viburni Liquidum.
48. Ferri Carbonas Saccharatus.
49. Ferri Phosphas Saccharatus.
50. Ferri Sulphas Fissicatus.
51. Fly Spray.
52. Fly Spray (concentrated).
53. Gentianæ Radix pulvis.
54. Horse Balls, Aloe, 110 grains each.
55. Horse Balls, Ammonii Carbonas, 110 grains each.
56. Horse Balls, Chloral Hydras, 240 grains each.
57. Horse Balls—Stimulating balls.
58. Hydrargyri Iodidum Rubrum.
59. Hydrargyri Oxidum Flavum.
60. Hydrargyrum Ammoniatum.
61. Hydrargyrum cum Creta Saccharata.
62. Hydrargyrum Oleatum.
63. Ipecacuanhæ Radix pulvis.
64. Lassars paste.
65. Linimentum Aconiti.
66. Linimentum Belladonnae.
67. Linimentum Camphoræ Ammoniatum.
68. Linimentum Chloroformi.
69. Linimentum Opii.
70. Linimentum Saponis.
71. Linimentum Terebinthinæ.
72. Liquor Ammonia.

73. Liquor Ammonia Fortis.
74. Liquor Ammonii Acetatis.
75. Liquor Arsenicalis.
76. Liquor Arsenici Hydrochloricus.
77. Liquor Arsenii et Hydrargyri Iodidi.
78. Liquor Bismuthi et Ammonii Citratiss.
79. Liquor Epispasticus.
80. Liquor Ferri Perchloridi Fortis.
81. Liquor Morphinae Hydrochloridi.
82. Liquor Picis Carbonis.
83. Liquor Plumbi Subacetatis Fort.
84. Liquor Potassæ.
85. Liquor Strychninae Hydrochloridi.
86. Liquor Zinci Chloridi.
87. Lysol.
88. Magnesii Carbonas Levis.
89. Mel Depuratum (purified honey).
90. Mistura pro Diarrhoea.
91. Mistura Sennæ Co.
92. N. C. I. powder (antivermin).
93. Nucis Vomicae pulvis.
94. Oleum Anethi.
95. Oleum Caryophylli.
96. Oleum Crotonis.
97. Oleum Ricini.
98. *Omnium Water.
99. Oxytel Scilla.
100. Paraffin Citronella oil.
101. Paraffinum Molle, antiseptic.
102. Paraffinum Molle, medicated.
103. Pil Aloes et Asafetida, in mass.
104. Pil Aloes et Ferri, in mass.
105. Pil Aloes et Myrrhæ.
106. Pil Calomel, Compound Rhubarb and Colocynth (2 grains of each).
107. Pil Cholera without Opium (4 grains).
108. Pil Colocynthis et Hyoscyami, 4 grains.
109. Pil Digitalis Co. (Guy's pill), 3 grains.
110. Pil Gallic Acid and Opium, 4 grains.
111. Pil Ipecacuanhæ et Opii, 3½ grains.
112. Pil Ipecacuanhæ et Scilla, in mass.
113. Pil Opii, 1 grain.
114. Pil Opium, Capsicum, Camphor, Pepper and Asafetida, ½ grain of each (Pil Opii Co.).
115. Pil Plumbi cum Opio, 4 grains.
116. Pil Plumbi cum Opio, in mass.
117. Pil Rhei Co., in mass.
118. Pil Scilla Co., 4 grains.
119. Pulvis Cretæ Aromaticus.
120. Pulvis Cretæ Aromaticus cum Opio.
121. Pulvis Glycyrrhizæ Co.
122. Pulvis Ipecacuanhæ Co.
123. Pulvis Jalapæ Co.
124. Pulvis Kino Co.

*Stocked at Madras Depot only.

125. Pulvis Rhei Co.
126. Pulvis Tragacanthæ Co.
127. Rhei Rhizoma Pulvis.
128. Santoninum.
129. Sapo Mollis.
130. Sodii Carbonas Exsiccatus.
131. Sodii Chloridum.
132. Sodii Hydnocarpas.
133. Sodii Morrhuas.
134. Sodii Sulphas Exsiccatus.
135. Spiritus Aetheris.
136. Spiritus Aetheris Nitrosi.
137. Spiritus Ammoniae Aromaticus.
138. Spiritus Chloroformi.
139. Syrupus Aurantii.
140. Syrupus Calci Hypophosphitis.
141. Syrupus Ferri Iodidi.
142. Syrupus Ferri Phosphatis Co.
143. Syrupus Ferri Phosphatis cum Quinine et Strychina. (Easton's Syrup).
144. Syrupus Scillæ.
145. Syrupus Tolutanus.

Tablets Disinfectant.

146. Acidum Boricum, 5 grains.
147. Potassii Permanganas, 2 grs.
148. Sodii Carbonas, Exsiccatus, 22 grs.

Tablets Intravenous.

149. Saline Compound, 36½ grs.
150. Sodium Chloride, 30 grs., Calcium Chloride, 1 gr.
151. Sodium Chloride, 40 grs.

Tablets Medicinal.

152. Acidum Acetyl Salicylic, 5 grs.
153. Ammonii Carbonas, 5 grs.
154. Bismuthi Salicylas, 10 grs.
155. *Cholera.
156. Hydrargyri Subchloridum, 20 grs. (Veterinary), (Yellow).
157. Hydrargyri Subchloridum, 1 gr.
158. Phenacetinum, 5 grs.
159. Phenacetinum, 4 grs. et Caffeina, 1 gr.
160. Piumbi Acetas, 18 grs. (Veterinary), (Yellow).
161. Potassii Bromidum, 10 grs.
162. Potassii Chloras, 5 grs.
163. Potassii Iodidum, 5 grs.
164. Potassii Permanganas, Salol coated, 2 grs.
165. Pulvis Cretæ Aromaticus cum Opio, 5 grs.
166. Pulvis Ipecacuanhæ, 5 grs.
167. Pulvis Ipecacuanhæ Co., 5 grs.
168. Pulvis Rhei Co., 5 grs.
169. Quininæ Hydrochloridum Acidum, 5 grs.
170. Quininæ Sulphus, 2 grs.
171. Quininæ Sulphus, 5 grs.

*Stocked at Madras Depot only.

172. Santonin, 1 gr.
173. Sodii Bicarbonas, 5 grs.
174. Sodii Salicylas, 5 grs.
175. Trional, 5 grs.
176. Zinci Sulphas, 18 grs. (Veterinary), (Yellow).
177. Argenti Nitras, 5 grs.
178. Soda Mint.
179. Tinct. Aconite, 1 minim.
180. Tinct. Digitalis, 5 minims.
181. Tinct. Nux Vomica, 10 minims.
182. Vinum Ipecacuanhæ, 5 minims.
183. Bismuthi Subnitras, 10 grs.
184. Pulvis Jalapæ Co., 5 grs.
185. Sulphonas, 5 grs.
186. Zinci Sulphas, 1 gr.

Tablets Ophthalmic.

187. Tale, purified.
188. Tinctura Aconiti.
189. Tinctura Aloes.
190. Tinctura Arnice Florum.
191. Tinctura Asafetidae.
192. Tinctura Aurantii.
193. Tinctura Belladonnæ.
194. Tinctura Benzoini Co.
195. Tinctura Buchu.
196. Tinctura Calumbæ.
197. Tinctura Camphoræ Co.
198. Tinctura Cannabis Indicæ.
199. Tinctura Capsici.
200. Tinctura Cardamomi Co.
201. Tinctura Chirata.
202. Tinctura Catechu.
203. Tinctura Chloroformi et Morphine Co.
204. Tinctura Cinchonæ Co.
205. Tinctura Cinnamomi.
206. Tinctura Colchici.
207. Tinctura Digitalis.
208. Tinctura Ferri Perchloridi.
209. Tinctura Gelsemii.
210. Tinctura Gentianæ Co.
211. Tinctura Guaiaci Ammoniata.
212. Tinctura Hydrastis.
213. Tinctura Hyocyami.
214. Tinctura Iodi Fortis.
215. Tinctura Iodi Mitis.
216. Tinctura Kino.
217. Tinctura Lavandulæ Co.
218. Tinctura Lobelia Aetherea.
219. Tinctura Myrrhæ.
220. Tinctura Nucis Vomica.
221. Tinctura Opii.
222. Tinctura Podophylli.
223. Tinctura Pruni Virginianæ.

224. Tinctura Quassiae.
225. Tinctura Quininae Ammoniate.
226. Tinctura Rhei Co.
227. Tinctura Scilla.
228. Tinctura Senegae.
229. Tinctura Sennae Co.
230. Tinctura Stramonii.
231. Tinctura Strophanthi.
232. Tinctura Valerianae Ammoniata.
233. Tinctura Zingiberis.
234. Unguentum Acidi Borici.
235. Unguentum Creosoti.
236. Unguentum Gallae cum Opio.
237. Unguentum Hydrargyri.
238. Unguentum Hydrargyri Ammoniata.
239. Unguentum Hydrargyri Nitratis.
240. Unguentum Hydrargyri Oleati.
241. Unguentum Hydrargyri Oxidi Flavi.
242. Unguentum Ichthyol.
243. Unguentum Picis Liquidæ.
244. Unguentum Resinae.
245. Unguentum Sabinae.
246. Unguentum Sulphuris.
247. Unguentum Zinci.
248. Vermijelly (Antivermin ointment).
249. Vinum Antimoniale.
250. Vinum Colchici.
251. Vinum Ferri Citratis.
252. Vinum Ipecacuanhae.
253. Zinci Carbonas.
254. Zinci Sulphas.
255. Zingiberis Pulvis.

CULTIVATION OF DRUGS IN INDIA.

5. **Mr. Gaya Prasad Singh** : Are Government aware that half the drugs in the British Pharmacopœia are indigenous to India, and nearly the whole of the rest could be cultivated or exploited as stated by Sir David Hooper, F.I.C. ; if so, will Government be pleased to state what steps have been taken by them to cultivate any of the drugs, and the names of drugs which are being cultivated under their authority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : About half the vegetable drugs of the British Pharmacopœia are indigenous to India. It is doubtful whether all or most of the others can be cultivated or exploited at a profit. Government have cultivated or helped in the exploitation of the following :

Cinchona,
Ipecacuanha,
Digitalis,
Atropa Belladonna,
Hydrastis,
Lycopodium,

Felix-mas,
Artemisia (for Santonin),
Scilla,
Jalap.

The steps taken to cultivate each drug are indicated below :

Cinchona is being cultivated successfully in the plantations of the Government of India in Burma and in the plantations of the Local Governments in Bengal and Madras.

Ipecacuanha is being cultivated successfully in the Burma and Bengal Cinchona Plantations.

Digitalis was successfully cultivated for a number of years in the Bengal and Madras Plantations, but as the demand had ceased, its cultivation was given up last year.

Atropa Belladonna was also successfully cultivated as long as there was a demand.

Hydrastis was grown one year in Bengal but was not a success.

Lycopodium is still being collected and sold by the Bengal Cinchona Plantation.

Felix-mas was also collected as long as there was a demand for it.

The possibilities of *Artemisia* and *Scilla* are being investigated and an officer of the Botanical Survey of India has been deputed to the North-West Frontier Province to assist in the work.

Jalap has long been cultivated by the Madras Cinchona Plantation, but the demand has practically ceased.

DRUGS AVAILABLE IN INDIA PURCHASED BY GOVERNMENT MEDICAL STORES.

6. **Mr. Gaya Prasad Singh** : Will Government be pleased to state the names and cost of drugs available in India, which are being purchased every year by the Government Medical Stores of different provinces ?

Mr. G. M. Young : The Government of India have no information as regards drugs purchased by Local Governments. I will furnish the Honourable Member separately with a list showing the names and cost of drugs available in India which are purchased annually by the Medical Store Depots under the control of the Central Government. The list contains 140 different items. Their total cost is Rs. 8,97,743.

RESEARCHES INTO THE ACTION OF INDIAN DRUGS.

7. **Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state the researches into the action of Indian drugs undertaken by the bacteriological and other institutes established in the different provinces, and by the Indian Science Institute of Bangalore and other science institutes in India ?

(b) Do Government propose to undertake the publication of an Annual Report of Researches into indigenous drugs and therapeutic substances made in the various Government and university and private

institutes in India for the information of the medical profession, chemists, and the public ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Researches into indigenous Indian drugs have been carried out in recent years principally at the Pharmacological Sections of the School of Tropical Medicine and Hygiene, Calcutta, and the Haffkine Institute, Bombay. Full information regarding them is contained in the Indian Journals of Medical Research and in the Annual Reports of the Governing Body, and Scientific Advisory Board, Indian Research Fund Association, to which the Honourable Member is referred.

In addition, the Indian Institute of Science, Bangalore, has investigated many indigenous drugs from the chemical, though not from the physiological point of view ; accounts of the work are given in the institution's Journal.

(b) The answer is in the negative.

CHEMICAL PREPARATIONS MANUFACTURED IN INDIA.

8. Mr. Gaya Prasad Singh : (a) Will Government be pleased to state how many of the inorganic chemical preparations of the British Pharmacopœia are now being manufactured in India, and to what extent the Central and Local Governments purchase the same and encourage such Indian industries ?

(b) Will Government be pleased to state the percentage of drugs and other preparations analysed by Government officers and condemned by them as adulterated, deteriorated or misbranded for the last 10 years, and what steps Government have taken to ensure purity and potency of the drugs supplied to the Government's hospitals, dispensaries, the Army, etc. ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Medical Stores Depots of the Central Government at present manufacture in India about 36, and purchase about 17 inorganic chemical preparations of the British Pharmacopœia in this country. Government have no further information and are not aware to what extent Local Governments manufacture or purchase such preparations in India for themselves.

(b) No information is available as to the percentage of drugs condemned on analysis by Government officers, whether belonging to the Medical Stores Depots or serving under Local Governments or as to the steps taken by Local Governments to ensure the purity of drugs supplied to them and their institutions. All drugs supplied by the Medical Stores Depots are, however, fully tested either by Chemists of the Depots or by Chemical Examiners to ensure that they are of standard quality.

STOCKS OF QUININE IN INDIA.

9. Mr. Gaya Prasad Singh : Will Government be pleased to state :

(a) the total quantity of bark and alkaloids of cinchona in stock at its depots ;

(b) the numbers of years during which these stocks have been accumulated ;

- (c) the cost of stock when purchased, and the current estimate of the cost ;
- (d) the deterioration, if any, and consequent depreciation from the keeping ;
- (e) the rules of the Government of India Act under which the purchases were made ; and
- (f) the rules, if any, which prohibit the utilisation of the huge stock of quinine for the relief of millions of sufferers from malaria and for prevention of deaths of lakhs of such sufferers every year ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Government of India stocks on the 1st April, 1931, were as follows :

	lbs.
Cinchona bark	5,38,100
Quinine Sulphate	3,05,561
Cinchona febrifuge	29,688

(b) Since 1919.

(c) This question is not understood. The present stock was not all purchased. The Government of India have a plantation of their own in Burma and the bark from this plantation is worked up into quinine. The present value of the stocks mentioned in the reply to part (a) is as follows :

	Rs.
Cinchona bark	2,84,974
Quinine Sulphate	55,00,098 (at Rs. 18 per lb.)
Cinchona febrifuge	2,67,192 (at Rs. 9 per lb.)

(d) The stock does not deteriorate or depreciate by keeping.

(e) The purchases were made in the public interest to keep sufficiently large stocks of quinine to provide for the contingency of an increased demand due to a severe epidemic of malaria, and also to guard against the effects of a possible combination among producers or manufacturers.

(f) The Government of India are not aware of any such rules.

MALARIA CASES AND THE SUPPLY OF QUININE.

10. Mr. Gaya Prasad Singh : (a) Are Government aware that :

- (1) the Government hospital and dispensary figures show (i) over 80,00,000 of malaria cases treated therein, whilst, (ii) the number of sufferers who do not attend such hospitals stands at 10,00,00,000 and deaths per year number over 13,00,000 ;
- (2) the potential demand for quinine varies between 1,50,000 lbs. for class (i), and 15,00,000 lbs. for class (ii) per annum ; and
- (3) the Public Health Commissioner states that " There is no question of effective treatment of malaria in India until consumption of quinine approximates 5,00,000 lbs. " ?

(b) Do Government accept the above estimates ; and, if so, do they provide for the supply of this quantity per annum ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The figures appear to have been taken from the Report of the Public Health Commissioner with the Government of India for the year 1922. They have

been quoted correctly except in one respect. The figure in part (2) of the question should be 1,25,000 instead of 1,50,000. It may also be mentioned that, if the estimate of annual deaths from malaria referred to in part (1) of the question is based on the figures given on page 99 of the Report, these figures relate only to a few provinces, and not to the whole of India.

(b) These are estimates only and are a matter of opinion. The quantity of quinine sulphate and cinchona febrifuge issued from the stocks of the Government of India and the Governments of Bengal and Madras amounted to 1,09,439 lbs. in 1928-29 and 91,858 lbs. in 1929-30. The question of the adoption of a policy to encourage the use of quinine is for Provincial Governments to consider.

TREATMENT OF MALARIA AND AREA OF CINCHONA PLANTATIONS.

11. **Mr. Gaya Prasad Singh:** (a) Will Government please state when they will be in a position to make efficient provision for effective treatment of malaria in India?

(b) Will Government be pleased to supply figures in acres for consecutive years, from the year of establishment, of cinchona plantations in Madras, Bengal and Burma, the total output of the bark every year, the amount of alkaloids turned out by Government factories and the price at which the salts made in these factories are sold year after year and the accepted total yield of all the plantations within the next 5 years?

The Honourable Khan Bahadur Mian Sir Fazli-Husain: (a) The Honourable Member apparently does not seem to be satisfied with the "effectiveness" so far secured. He may rest assured that those engaged in the investigations bearing on this subject are as anxious as he is to make the remedy more effective.

(b) A statement giving the necessary information is appended.

Statement referred to in the reply to part (b) of question No. 11.

A.—BURMA PLANTATIONS.

Year.	Acres.	Output of Bark.	Amount of Alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs.	lbs.	Rs.	Rs.
1924-25 ..	100	..	..	..	..	..
1925-26 ..	99	..	..	..	..	..
1926-27 ..	147	18,965	..	..	..	..
1927-28 ..	122	48,261	945	369	18	9
1928-29 ..	66	1,08,588	2,170	1,260	18	9
1929-30 ..	180	1,42,263	559	480	18	9
1930-31 ..	140	1,31,533	2,786	2,313	18	9

2. Expected annual yield for the next five years.

An average of 140,000 lbs. of bark.

An average of 4,600 lbs. of Quinine Sulphate.

An average of 2,700 lbs. of Cinchona Febrifuge.

This average is given on the assumption that no further areas will be planted in Burma.

B.—MADRAS PLANTATIONS.

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs.	lbs.	Rs.	Rs.
1922-23 ..	1,482	2,38,671	32,465	11,290	36, 27*	8
1923-24 ..	1,397	2,57,707	28,560	17,432	27	8
1924-25 ..	1,367	2,77,934	23,590	11,430	27	8
1925-26 ..	1,308	2,91,825	25,075	10,324	24	9
1926-27 ..	1,451	2,81,435	21,915	10,101	24, 18†	9
1927-28 ..	1,567	2,38,409	23,810	15,158	18	9
1928-29 ..	1,858	1,94,299	22,085	17,088	18	9
1929-30 ..	1,857	1,52,421	23,474	14,878	18	9
1930-31 ..	2,002	1,65,571	21,368	10,916	18	9

*Rs. 27 from November 1922.

†Rs. 18 from May 1926.

NOTE.—(i) As the records were not readily available, the statement has been prepared from the year 1922-23 instead of from 1863 when the plantations were first formed in Madras.

(ii) The amount of alkaloids shown each year is derived from (a) the plantation output and (b) cinchona bark purchased from private planters.

2. Expected annual yield for the next five years.

An average of 2,32,880 lbs. of bark.

An average of 10,044 lbs. of quinine sulphate.

An average of 3,892 lbs. of cinchona febrifuge.

C.—BENGAL PLANTATIONS.

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs. oz.	lbs. oz.	Rs. as.	Rs. as.
1869-70 ..	No record of acreage kept.	2,400	..	..	..	..
1870-71 ..		12,500	..	..	..	..
1871-72 ..		39,000	..	..	..	..
1872-73 ..		..	..	..	..	..
1873-74 ..		16,000	..	..	..	..
1874-75 ..		39,405	..	48 10	..	..
1875-76 ..		2,11,931	..	1,940 6	..	16 0
1876-77 ..		2,07,781	..	3,750 12	..	16 8
1877-78 ..		3,44,225	..	5,182 0	..	16 8
1878-79 ..		2,61,659	..	7,007 0	..	16 8
1879-80 ..		3,61,590	..	9,434 13	..	16 8
1880-81 ..		3,77,525	..	9,296 0	..	16 8
1881-82 ..		3,41,570	..	8,010 0	..	16 8
1882-83 ..		3,96,980	..	10,663 4	..	16 8
1883-84 ..		3,05,160	..	8,714 0	..	16 8
1884-85 ..		3,39,201	..	6,464 0	..	16 8
1885-86 ..		2,05,410	..	4,743 0	..	16 8
1886-87 ..		2,25,631	..	6,790 0	..	16/8 to 24

C.—BENGAL PLANTATIONS—contd.

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs. oz.	lbs. oz.	Rs. as.	Rs. as.
1887-88 ..		2,96,410	331 8	6,917 0	24 14	16/8 to 24
1888-89 ..		3,78,100	2,191 0	6,384 0	20 0	16/8 to 22
1889-90 ..		3,04,706	1,833 2	6,578 0	17/8 to 20	16/8 to 19/8
1890-91 ..		2,93,972	4,010 0	4,031 0	17 to 20	14 to 17/8
1891-92 ..		2,85,560	4,586 0	4,190 0	16 to 20	10 to 14
1892-93 ..		3,04,390	5,242 4	3,481 8	13/6 to 16	10 to 12
1893-94 ..		4,25,010	4,765 0	3,848 0	13/6 to 16	10 to 12
1894-95 ..		5,00,534	8,317 15	4,032 0	13/6 to 16	10 to 12
1895-96 ..		4,67,190	9,004 0	3,124 0	14 to 16	10 to 12
1896-97 ..		6,29,222	10,672 14	3,452 0	14/8 to 18	10 to 12
1897-98 ..		3,18,715	10,148 12	4,075 0	11 to 15	10 to 12
1898-99 ..		2,36,098	10,335 4	3,912 0	13/3 to 17	10 to 12
1899-1900 ..		2,08,652	8,799 8	4,046 0	14/8 to 17	10 to 12
1900-01 ..		1,98,023	7,347 0	2,488 0	14/8 to 18	10 to 12
1901-02 ..		2,03,405	10,010 12	3,424 0	14/8 to 17	10 to 12
1902-03 ..		2,35,605	11,927 4	4,348 0	14/8 to 17	10 to 12
1903-04 ..		3,16,757	12,314 8	3,800 0	14/8 to 16	10 to 12
1904-05 ..		3,11,278	13,068 12	2,026 0	11/6 to 16	7/8 to 9
1905-06 ..		3,73,813	15,777 12	5,462 0	10/6 to 16	7/8 to 9
1906-07 ..		4,29,557	16,065 4	2,652 0	10/6 to 15	7/8 to 9
1907-08 ..		4,45,638	27,564 0	3,370 0	10/6 to 15	7/8 to 9
1908-09 ..		4,51,768	36,619 5½	7,281 12	10/6 to 15	7/8 to 9
1909-10 ..		3,26,559-1	23,097 4	2,390 0	10 to 15	7/8 to 9
1910-11 ..		5,00,900	39,980 9		10 to 15	7/8 to 9
1911-12 ..	1,558	2,99,380	40,378 12	6,004 0	10 to 15	7/8 to 9
1912-13 ..	1,779	6,11,338	43,853 0	6,949 12	10 to 15	7/8 to 9
1913-14 ..	2,246	6,90,524	51,562 0	7,361 0	13 to 21/14	5 to 6
1914-15 ..	2,552	6,80,375	34,650 0	5,307 0	13 to 21/14	5 to 6
1915-16 ..	2,295	5,69,337	41,814 8	12,027 2	14/8 to 17	5 to 6
1916-17 ..	2,405	4,99,417	20,903 8		21/8 to 26/8	5 to 6
1917-18 ..	2,514	6,18,703	29,417 8	8,518 0	21/14 to 30	5 to 6
1918-19 ..	2,600	8,22,779	32,640 4	11,439 12	26 to 28	5 to 7
1919-20 ..	3,080	5,20,243	18,138 4	15,166 0	24 to 26	7 to 8
1920-21 ..	3,236	5,01,018	23,984 12	10,626 8	33 to 35	10 to 12
1921-22 ..	3,127	57,562	22,713 0	6,712 0	48 to 50	8 to 10
1922-23 ..	3,026	5,57,037	21,550 6	8,294 0	36 to 38	8 to 10
1923-24 ..	3,055	6,51,452	19,207 6½	7,857 8	27 to 29	9 to 11
1924-25 ..	3,060	3,98,872	19,230 12	8,098 12	24 to 28	9 to 11
1925-26 ..	3,153	5,38,783	17,378 6	9,168 0	24 to 26	9 to 11
1926-27 ..	4,742*	6,69,066	35,538 7	11,411 0	18 to 20	9 to 11
1927-28 ..	3,162	9,17,259	43,970 0	16,730 0	18 to 20	9 to 11
1928-29 ..	2,986	10,41,827	36,523 0	17,371 0	18 to 20	9 to 11
1929-30 ..	2,877	11,30,402	43,031 0	20,078 0	18 to 20	9 to 11
1930-31 ..	2,658	14,76,059	37,638 0	16,953 0	18 to 20	9 to 11

*Acres of ground cultivated.

NOTE.—From 1862 to 1864 experiments were carried out. The first plantations were harvested in 1869-70, from which year figures are shown.

2. Expected annual yield for the next five years.

An average of 11,00,000 lbs. of bark with quinine contents 44,000 lbs.

PRICES OF QUININE.

12. Mr. Gaya Prasad Singh : Are Government aware that the quinine ring of Amsterdam controls the world prices of quinine and that the sufferers from malaria in India are deprived of the only specific treatment owing to the heavy cost of quinine? Under the circumstances, will Government please state the measures they propose to take for regulating the necessary supply of quinine to the 10,00,000 sufferers in India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The world price of quinine is affected by the existence of the ring to which the Honourable Member has referred. The consumption of quinine does not, however, seem to fluctuate with the price as it has not varied appreciably during the last ten years, though the price has fallen gradually from 3s. 5d. to 1s. 8d. an ounce. As regards the second part of the question, medical relief is a provincial transferred subject and is the concern of Provincial Governments. The Government of India have under consideration the question of disposing of their surplus stocks of quinine.

GRANT OF SPECIAL RAILWAY FREIGHT RATES FOR GRAINS, SEEDS, ETC., FROM POONA.

13. Mr. Gaya Prasad Singh : (a) Are Government aware that owing to heavy fall in market rates, especially of grain, pulses, etc., the situation of trade, and the economic condition of the agriculturists have become very serious?

(b) Are Government aware that Patna City and Ghat are important centres of trade in such goods, being the capital of the Province of Bihar and Orissa; but have been at a disadvantage in respect of railway rates and freights?

(c) Is it a fact that there is a special station to station rate for cotton (raw) from Etawah (East Indian Railway) to Bhagalpur (East Indian Railway), while there are no such rates for Patna City and Ghat?

(d) Are Government aware that a representation, dated the 6th February, 1931, was submitted by the mill-owners and merchants of Patna to the Agent, East Indian Railway, praying for a grant of special rates for grains, seeds, and pulses between Patna and the leading railway stations on the line?

(e) Do Government propose to take any action in the matter?

Mr. A. A. L. Parsons : (a) Yes. The fall in prices of agricultural produce is one of the causes of the world-wide trade depression and has affected the agriculturist severely.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) The special station to station rate for cotton (raw) from Etawah to Bhagalpur also applies from Etawah to Patna City and Patna Ghat.

(d) Yes.

(e) No. The matter is one within the competence of the East Indian Railway Administration to deal with.

COST OF MAINTENANCE OF THE EXCHANGE RATIO AT 1s. 6d.

14. **Major Nawab Malik Talib Mehdi Khan :** (a) Will Government kindly state the total amount in rupees of the Indian Currency Reserve which existed in England in the year preceding the year in which the exchange ratio was raised from 1s. 4d. to 1s. 6d. for a rupee ?

(b) Will Government kindly state the total amount of Indian Currency Reserve which existed in England on the 1st July, 1931 ?

(c) Will Government kindly state if the raising of the exchange ratio from 1s. 4d. to 1s. 6d. is costing the Government of India any money ; if so, what is the extent of such loss per annum ? If there is any loss, how do Government justify it, and how do the Government of India propose to meet it, when the Indian Currency Reserve in England is finished ?

(d) Is it a fact that the raising of the exchange ratio has adversely affected the prices of Indian agricultural produce in the world market ; if so, to what extent ?

(e) Is it a fact that the raising of the exchange ratio has taken out of the pocket of the Indian farmer two annas in every rupee of the total value of exports of Indian raw material, and put two annas extra per rupee into the pockets of those foreigners who import goods into India ?

(f) How long do the Government of India wish to continue this drain on Indian wealth through this artificial and raised exchange ?

The Honourable Sir George Schnitzer : (a) The implication underlying this and other parts of this question that the rupee ratio was raised from 1s. 4d. to 1s. 6d. by the Currency Act of 1927 is not correct. The ratio was legally stabilised at 1s. 6d. by that Act in the sense that the Act imposed a statutory obligation to maintain the ratio at that figure. The rupee had been *de facto* stable at about 1s. 6d. since September, 1924. The cost price of sterling securities held in the Paper Currency Reserve in London on the 31st March, 1927, was Rs. 5,57,16,400 at 2s. to the rupee.

(b) No portion of the Paper Currency Reserve was held in England on the 1st July, 1931.

(c) The only direct effect on the Government Budgetary position of maintaining the ratio at 1s. 6d. instead of say 1s. 4d. is to reduce the amount of rupees which have to be raised to meet the Government's annual sterling obligations by 19th. That is to say, taking the normal sterling obligation at £30 millions per annum, if the rupee stands at 1s. 6d., the Government have to raise Rs. 40 crores to meet them, whereas if the rupee stood at 1s. 4d., the Government would have to raise Rs. 45 crores. Therefore the immediate effect on the Government's Budget of dropping the rupee to 1s. 4d. would be to make it necessary to raise over 5 crores more of revenue.

(d) The price of the Indian products in the world markets being based on external currencies is not affected by the rupee ratio.

(e) The amount of rupees received in India by a man who sells goods in the world market is affected in the sense that if the gold value of the rupee is increased the seller receives proportionately less rupees. On the other hand these rupees are worth more in terms of gold or foreign currencies and therefore they can buy correspondingly more goods. As far as trade is concerned, therefore, the position is exactly the same and

the Indian producer neither loses nor gains anything so far as the price received for the goods which he sells is spent by him in buying other goods. Equally the foreigners who import goods into India neither gain nor lose anything. They also receive a smaller number of rupees for what they sell in India if the gold value of the rupee is higher. On the other hand for them also the smaller number of rupees is worth more.

(f) The Government of India cannot repudiate their statutory obligations.

As it is impossible to deal adequately with these points in reply to questions, I would invite the attention of the Honourable Member to the speech delivered by me at the annual meeting of the Federation of Indian Chambers of Commerce and Industry at Delhi on the 8th April, 1931, a copy of which is being furnished to the Honourable Member.

PASSPORTS FOR AFGHANISTAN GRANTED TO INDIANS.

†15. **Mr. N. R. Gunjal :** Will Government be pleased to state :—

(a) the number of Indians who had applied for passports to Afghanistan after the accession of H. M. King Nadir Shah ; and

(b) how many of them were granted passports ?

HOLDERS OF AFGHAN PASSPORTS REFUSED PERMISSION TO ENTER INDIA.

16. **Mr. N. R. Gunjal :** Will Government be pleased to state :—

(a) how many holders of Afghan passports were allowed to enter India after the accession of H. M. King Nadir Shah ; and

(b) how many holders of such passports were refused permission ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 15 and 16 together.

The necessary information is being collected and will be communicated to the Honourable Member in due course.

THE ARMY IN INDIA RESERVE OF OFFICERS.

17. **Mr. N. R. Gunjal :** (a) What is the present total strength of the Army in India Reserve of Officers and what is the number of officers in each category ?

(b) What is the total number of Indians out of these in the Army in India Reserve of Officers ?

(c) What is the number of Indians in each separate category ?

(d) What are their professions in civil life ?

(e) Are Government aware of any Indian officers of the Army in India Reserve of Officers who are willing to transfer their services from the Army in India Reserve of Officers to the regular standing Army ?

(f) Are Government prepared to transfer the services of any such officers who may be so willing ?

†For answer to this question, see answer to unstarred question No. 16.

(g) What are the conditions, if any, under which such transfer of services can be made?

(The questions relate to peace-time transfer of services.)

(h) What is the policy of Government in the matter of recruitment of officers in the Army in India Reserve of Officers?

Mr. G. M. Young : (a), (b), (c) and (d).—

Category.	Number of Officers appointed.		Total.
	European.	Indian.	
1. Staff	139	11	150
2. Cavalry	107	4	111
2. Royal Tank Corps	15		15
2. Remounts	13	1	14
3. Artillery	49	3	49
4. Engineers	131	3	134
5. Signals	37		37
6. Infantry	305	15	320
7. Recruiting	24	36	60
7. Miscellaneous Duties	100	29	129
8. I. A. S. C. (Supplies)	110	7	117
8. I. A. S. C. (Animal Transport)	42	5	47
8. I. A. S. C. (Mechanical Transport)	100	5	105
9. I. A. S. C.	14		14
10. Ordnance Factories and Inspection	18	1	19
11. Medical and Dental	30	312	342
12. Veterinary	3	4	7
Totals	1,237	493	1,670

Number of Indian gentlemen appointed to the Reserve 493

Professions—	
Landlords	23
Veterinary College Professors	3
Employees—Government Cattle Farms	2
Indian and Provincial Civil Services	18
Munsifs, Vakils, and Judges	9
Professors and Lecturers	5
Independent	8
Private Businessmen	11
Engineers	12
Journalist	1
Accountants	2
Insurance Agents	2
Government Contractors	5
Pensioners	2
Forest Officer	1
Barristers	4
Cantonment Executive Officers	4
Police Service	3
Postal Service	1
Students	4
Doctors	313
Total	493

(e) No.

(f) No, Sir. The Army in India Reserve of Officers is not a channel of appointment to the regular Army, nor are its officers eligible for such appointment.

(g) None.

(h) The policy is to build up among civilians a reserve of officers that can be drawn upon in war.

LIFE SENTENCES AWARDED TO PANDIT JAGAT RAM AND BHAI JAWALA SINGH.

18. **Bhai Parma Nand** : (a) What is the usual time-limit for such prisoners as have been sentenced to transportation for life?

(b) Will Government please state whether special and ordinary remissions are allowed to be deducted from that period?

(c) What is the actual period of imprisonment which Pandit Jagat Ram and Bhai Jawala Singh have undergone ever since they were punished in the Lahore conspiracy case in the year 1914-15?

(d) While at Port Blair Jail, did Pandit Jagat Ram earn any remission and, if so, how much? Did he earn any remission under the two-third system during this period?

(e) Taking these different periods of remission and adding them to the actual jail period, what is the total period of punishment undergone by Pandit Jagat Ram?

(f) Is it a fact that all the Superintendents of Jails, in which Pandit Jagat Ram has been kept, as well as the Inspectors General of Prisons of the various provinces, where he had to spend his time, have highly spoken of his behaviour in jail and recommended his release?

(g) If the answer to question part (f) be in the affirmative, what are the grounds on which Pandit Jagat Ram has not been released as yet?

The Honourable Sir James Orerar : (a) A sentence of transportation for life is actually a sentence for life and its limitation to a period of years is a matter for the Local Government concerned. There are executive orders directing the consideration of the cases of prisoners serving sentences of transportation for life in a Jail in India at the end of 14 years, but it is for the Local Government to decide whether at the end of that time he should be released.

(b) Yes.

(c) On the 1st September the period of imprisonment undergone by Pandit Jagat Ram was 15 years, 11 months and 18 days. I have no information about Bhai Jawala Singh, but I have called for it and will supply it to the Honourable Member in due course.

(d) He earned a remission of 2 years and 1 month while he was at Port Blair. I am not aware to what rule the Honourable Member is referring.

(e) On the 13th January, 1931, the period of remission added to the period of imprisonment amounted to 19 years, 8 months and 4 days.

(f) and (g). I have made enquiries and will communicate the result to the Honourable Member in due course.

RETRENCHMENT OF TEMPORARY RAILWAY ENGINEERS.

19. **Bhai Parma Nand :** (a) How many temporary engineers on different Railways have been reduced under the new retrenchment scheme? About how many years' service each of them had put in the Railway Department? At the time of discharge were their names noted and were they given any promise of enlistment as soon as any opportunities occurred?

(b) Is it a fact that after their discharge a number of engineers have been employed, thus depriving the old and experienced hands, who had served up to eight years, of any chance of getting employment again? If so, why were the retrenched hands not re-employed?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

APPOINTMENTS TO ACCOUNTS DEPARTMENTS OF THE EAST INDIAN RAILWAY.

20. **Bhai Parma Nand :** (a) Is it a fact that paragraph 9 of the Railway Board's Memorandum No. 5565-F., dated the 31st July, 1929, lays it down that any person appointed to the Accounts Department of the East Indian Railway between the 30th November, 1925, and the 31st December, 1928, or to the Clearing Accounts Office, or to work connected with the Clearing Accounts Experiments between the 16th November, 1925, and the 31st December, 1928, or to the office of the Controller of Railway Accounts between the 1st October, 1928, and 31st December, 1928, will be eligible for confirmation in the actual rank or grade which he held on the 1st April, 1929, without being required to pass any examination?

(b) Are Government aware that a large number of employees, in the hope of being confirmed, have continued their service, though they have attained the age of 25, rendering them unfit for any other Government service?

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

(b) There is a certain number of employees waiting for confirmation who belong to the category referred to in (a), but their confirmation depends upon vacancies and the claims of other men who have qualified themselves for confirmation by passing the necessary examination.

COMMUNAL REPRESENTATION IN THE NORTH WESTERN RAILWAY ACCOUNTS DEPARTMENT.

21. **Bhai Parma Nand :** (a) Is it a fact that since the inauguration of the policy of communal representation in services the North Western Railway Accounts Department have allowed non-Hindus a very large share in appointments?

(b) Is it a fact that in spite of the two conditions under the retrenchment Scheme referred to in the preceding question as many as sixty, or even more, Hindus have been discharged as compared to six persons belonging to the so-called minority communities and that non-Hindus with very little service have been retained in preference to Hindus with long years of service to their credit?

(c) Is it a fact that some of these non-Hindus who were retained were recruited after the 1st April, 1929, against temporary posts of specified duration under the clear understanding that such temporary staff would not be absorbed against the permanent post without their passing a fixed examination? Is it a fact that the Chief Accounts Officer, Lahore, passed definite orders on 1st April, 1931, that in the case of substitute clerks appointed after 1st April, 1929, no reference to communal representation should be made in ordering their wholesale discharge which should be based solely on the length of service?

(d) How many of the Hindus brought under reduction had rendered one year's service? How many of the Hindus had rendered more than two years' service? How many of the non-Hindus retained had done less than one year's service?

(e) Is it a fact that a large number of telegrams and memorials have been sent to the authorities by the Hindu employees who have been discharged at Delhi, Quetta, Karachi and Multan Cantonment? If so, what did the Financial Commissioner do, or what does he intend to do, to maintain the principle of equal treatment for the employees of all communities?

Mr. A. A. L. Parsons : Enquiries are being made and the result will be communicated to the Honourable Member shortly.

EMPLOYMENT IN THE POSTAL DEPARTMENT OF THE SONS OF POSTAL EMPLOYEES.

22. **Mr. B. Sitaramaraju :** (a) Is it the policy of Government to give preference to the sons of postal employees in the matter of entering candidates in that departmental service?

(b) If so, have any orders been issued to that effect?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state whether those orders were given effect to in the Madras Circle; if not, why not?

Sir Hubert Sams : (a) There are at present no rules on the subject, but in practice some preference is given.

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

TRANSFER OF DEPUTY POSTMASTERS-GENERAL BETWEEN MADRAS AND LAHORE.

23. **Mr. B. Sitaramaraju :** (a) Is it a fact that the Deputy Postmasters-General of Madras and Lahore are under orders of transfer to exchange places?

(b) If so, will Government state whether the transfers from one end of the country to the other would involve a heavy expenditure of about Rs. 5,000?

(c) Are Government prepared to consider the desirability of avoiding long distance transfers involving heavy expenditure?

Sir Hubert Sams : (a) No.

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

CONFERENCE RELATING TO THE INTERNATIONAL CONVENTION ON THE
TREATMENT OF FOREIGNERS.

24. **Mr. Jamal Muhammad Saib :** (a) Will Government be pleased to state :

- (i) whether they were a party to the first Conference relating to the International Convention on the Treatment of Foreigners ;
- (ii) whether they are invited to the second Conference ; and
- (iii) whether they have any information as to the dates of the holding of the second session of the Conference ?

(b) Will Government be pleased to lay on the table for the information of the House the conclusions reached by the first session of the Conference ?

(c) Will Government be pleased to state whether they have been invited to submit any observations on the conclusions of the first Conference and whether they have submitted any observations ?

(d) If the replies to the above parts be in the affirmative, will Government be pleased to lay on the table for the information of the House a copy of their observations ?

(e) Is it a fact that the Committee of the Federation of Indian Chambers of Commerce and Industry asked Government for a copy of their observations on the Draft Convention and that Government declined to furnish the Committee of the Federation with a copy thereof ? If so, will Government be pleased to state the reasons which actuated them in declining to furnish a copy ?

(f) Is it a fact that these observations are in due course published by the League of Nations for the information of all the countries and are treated as a public document ?

The Honourable Sir George Rainy : (a) (i) Yes.

(ii) and (iii). The Government have not received an invitation to the second session of the Conference, the date for which, so far as they are aware, has not yet been fixed.

(b) A copy of the proceedings of the first session of the Conference is already available in the Library.

(c) The answers to both questions are in the affirmative.

(d) Government regret that they are unable to lay a copy of their observations on the table.

(e) Government were unable to comply with the request of the Committee of the Federation for a copy of their observations, as it would not be in accordance with the usual practice to disclose the contents of communications made to the Secretary General of the League of Nations in advance of their publication by the League. I may add that a copy of the proceedings of the Conference was supplied to the Federation.

(f) I understand that the usual practice is as stated by the Honourable Member.

IMPORTATION OF CHEAP RUBBER AND CANVAS SHOES FROM JAPAN.

25. **Mr. Jamal Muhammad Saib :** (a) Are Government aware that the import of cheap rubber and canvas shoes from Japan during the last

three years has risen in value from Rupees 3 lakhs in 1928-29 to the enormous sum of Rupees 67 lakhs in 1930-31 ?

(b) Are Government aware that these imports of cheap rubber and canvas shoes have had the effect of closing a number of small Indian factories, particularly working in Northern India in chrome leathers, manufacturing boots and shoes for local use ?

(c) Will Government be pleased to state what action they propose to take to check the imports of cheap rubber and canvas shoes in the above circumstances ?

The Honourable Sir George Rainy : (a) The figures quoted by the Honourable Member relate to imports of all kinds of boots and shoes from Japan. There is, however, no doubt that imports of cheap rubber and canvas shoes from Japan have considerably increased in recent years.

(b) Government have received representations to that effect.

(c) No action with the object of checking these imports is proposed to be taken at present.

PRECARIOUS STATE OF THE TANNING INDUSTRY.

26. **Mr. Jamal Muhammad Saib :** (a) Will Government be pleased to state the names of Provincial Governments and commercial organisations which submitted representations to them regarding the precarious state of the tanning industry and what action have they taken so far or do they propose to take in the matter ?

(b) Are the Government of India aware of the changes in the new import duties levied by the United States of America on the imports of tanned hides and skins ?

(c) Are Government aware of the effect of the said new duties on the tanning industry of this country and its export trade in tanned hides and skins ? Will Government be pleased to state what action they have so far taken or propose to take to meet the situation ?

The Honourable Sir George Rainy : (a), (b) and (c). Government have received representations from the Government of Madras ; the Madras Chamber of Commerce, Madras ; the Southern India Skin and Hide Merchants' Association, Madras ; the Southern India Chamber of Commerce, Madras ; and the Federation of Indian Chambers of Commerce and Industries, Madras, suggesting the desirability of granting protection to the tanning industry. The decline in the export trade in tanned hides and skins has been attributed to the revised American tariff in some of these representations, which are now under consideration.

REVERSION OF MR. N. A. DALVI FROM THE POST OF ACCOUNTANT, DHARWAR
HEAD POST OFFICE.

27. **Rao Bahadur B. L. Patil :** (a) Will Government be pleased to state whether they accept the interpretation of the Director General of Posts and Telegraphs, given in reply to the starred question No. 538 in the Legislative Assembly on the 12th March, 1930, that the term "provisionally permanent" means that the incumbent so appointed holds the post substantively so long as he works satisfactorily in the post and that there is no prescribed time limit for holding the post provisionally ?

(b) If so, will Government be pleased to state why the appeal of Mr. N. A. Dalvi (clerk in the office of the Superintendent of Post Offices, Dharwar Division) against the order of the Postmaster-General, Bombay, reverting him from his provisionally permanent post of Accountant, Dharwar Head Office, was not upheld? Is it a fact that the order of the Postmaster-General, Bombay, did not show that Mr. N. A. Dalvi was reverted on account of his inefficiency or misconduct?

(c) Will Government be pleased to say whether Circular No. 41 of 6th November, 1930, of the Director General, could be given effect to retrospectively in the case of accountants in the ordinary time-scale of pay in the absence of any orders to that effect in the circular?

(d) Is it a fact that Mr. N. A. Dalvi held the post "provisionally permanent" for over one year and a half in a clear vacancy prior to the issue of the said circular and that his work was reported on to be satisfactory?

Sir Hubert Sams : (a) The intention was as stated in part (a) of the reply to Mr. S. C. Mitra's starred question No. 118 in the Legislative Assembly on the 15th July, 1930, in making this appointment. Government see no reason to object to it.

(b) to (d). The case of Mr. Dalvi differs from that referred to in part (a). The post of Accountant, Dharwar Post Office, was on the ordinary time-scale of pay, and his provisional appointment to it did not involve promotion to a higher grade but only entitled him to draw an allowance. He had to vacate the post in favour of a senior qualified official. Government are not prepared to interfere.

IMPRISONMENT OF MR. IHSAN ILAHI UNDER REGULATION III OF 1818.

28. Mr. N. R. Gunjal : (1) Will Government be pleased to state if it is a fact :

- (a) that Mr. Ihsan Ilahi, a State prisoner, under Regulation III of 1818, who is at present confined in the Central Jail, Lahore, is an educated young man of 22 years of age ;
- (b) that he is one of the founder-members of the Naujawan Bharat Sabha and that he joined the political movement only in 1927 ;
- (c) that he was incarcerated under the said Regulation on 9th February, 1931 ;
- (d) that during this short interval he held at times such important offices as Secretary, Lahore City Congress Committee, Vice-President, Lahore City Congress Committee, President, Punjab Naujawan Bharat Sabha, General Secretary, All-India Naujawan Bharat Sabha, and member of All-India Congress Committee ;
- (e) that the local police considered his activities for organizing the youth movement as undesirable and was anxious to suppress the same ;
- (f) that his residence was searched on various occasions and, if so, on how many occasions ;

(g) that he was arrested in the following cases and was either released by the police themselves or found innocent by the courts of law :

- (i) in 1928, at Calcutta, where he went as an escort with the dead body of the late Mr. Jatindra Nath Dass when it was alleged that he was suspected of complicity in the Jullundur conspiracy case.
- (ii) during December, 1929, when the sessions of the All-India Naujawan Bharat Sabha and of the Congress were being held at Lahore.
- (iii) in the middle of 1930, under section 17-A, Criminal Law Amendment Act of 1908.
- (iv) during the pendency of the above case on 27th December, 1930, in connection with the case regarding the attempt on the life of the Governor, Punjab.
- (h) that the local police suggested that he should be dealt with under the Regulation III of 1818, and Government endorsed the suggestion ;
- (i) that the real object of his incarceration is to keep him away from organizing the youth movement ; and
- (j) that this action against him is caused by a desire to suppress the youth movement ?

(2) Will Government be pleased to state how long it is proposed to keep Mr. Ihsan Ilahi in confinement and why ?

(3) Is it a fact that since his incarceration in the Lahore Central Jail, Mr. Ihsan Ilahi has been segregated from other inmates and is kept practically in solitary confinement ; if so, why ?

(4) Is it a fact that he has contracted a heart disease ?

The Honourable Sir James Crerar : (1) (a) The prisoner is educated and aged about 25 or 26 years.

(b) The facts appear to be as stated.

(c) Yes.

(d) Government do not question the suggestions of the Honourable Member.

(e) So far as I understand this question, the answer is in the negative.

(f) I understand that his residence was searched more than once.

(g) The facts are generally as stated.

(h) The Government of India sanctioned his detention under Regulation III of 1818, on the recommendation of the Government of the Punjab.

(i) and (j). The answer is in the negative.

(2) He will be released as soon as Government are satisfied that his detention is no longer necessary in the interests of public safety.

(3) The State prisoner is not kept in solitary confinement, but he has complained of lack of companionship. This complaint is under consideration.

(4) I have no information to suggest this. His health was certified to be good as recently as the 1st September.

The Honourable Sir George Rainy (Leader of the House) : Since we last met, Mr. President, two of our number have been removed by the hand of death and we are the poorer for their loss. Mr. Alexander did not intervene frequently in our debates, but, when he spoke, his words were direct and to the point and the House was always ready to listen to one who never addressed it, unless he could make a definite contribution to the discussion. His frank and straightforward character and his kindly nature were known to all of us and we shall long miss him.

Mr. Shahani was a Member of the first Assembly and came back to this House at the last general election. He combined various qualifications for public life, for he was at once a zamindar, a scholar and a man of affairs and, whether the topic under discussion was the advancement of education, the promotion of agriculture or the larger political issues, he never failed to throw himself into it with his whole heart. There must be many in this House who knew Mr. Shahani for a much longer period, and who knew him much more intimately, than I could claim to do, but during the short months of the Delhi Session I learnt to know him and to respect him. Two things about him were noteworthy and could not possibly be overlooked. One was his obvious desire to devote to the service of his country every power he possessed ; and the other was a sincerity which made it impossible for him to represent things in any other light than that in which he saw them or to adopt a point of view which was not his own. His death leaves a sensible blank in our midst.

Finally, Mr. President, we have to mourn the death of a Member of a former Assembly. Many of us, I am sure, remember U Tok Kyi, who represented a Burma constituency for several years. He seldom spoke, save on topics in which Burma was directly interested, but he never failed to represent faithfully the needs and the desires of Burma when he felt that these were likely to be overlooked. He has now passed away.

I believe, Mr. President, it will be in accordance with the wishes of everyone of us if you would convey to the relatives of the deceased this deep sympathy and sorrow we feel.

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to associate myself with all that has been said by the Leader of the House about the departed friends whose loss we are mourning to-day. I knew Mr. Shahani from the year 1921 when I joined him in the first Assembly. He was a very keen student, an able politician and he was a sincere man, as the Leader of the House has told us. It was not easy to convert him to our views and he was always ready with his own opinion on various points. I worked with him as a member of the old Democratic Party and also the present Nationalist Party. It is a serious loss to the party and also to the Assembly that he should have been taken away at a time when he was most useful to the country. I know, Sir, that he was greatly respected in his own town for all his manifold good qualities, and I am sure the Member from Sind, who has taken his place, would like to say a few words about him in that connection. Sir, as a Member of this Assembly, I can say most emphatically that his loss is a very serious one.

As for Mr. Alexander, he came from my province. We knew him very well there ; he was greatly respected by the citizens there. He was a very

modest man and never pushed himself forward. He was a very able man and his charms were manifold. His loss we regret most keenly.

I had the honour of sitting with U Tok Kyi in this House. I knew him for a long time even in his home in Burma : a more genial host one could hardly expect to find. The Burmese people are always kindly people and it is their presence here which lends charm and colour to the House. We miss him very much indeed. He was a very nice man ; he was a very young man and in his death at this juncture his country has suffered a great loss.

I associate myself with the motion moved by the Leader of the House.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I beg to associate myself with what fell from the Honourable the Leader of the House regarding the deaths of Mr. Alexander, Mr. Shahani and U Tok Kyi. The last named gentleman represented Burma in the last Assembly and as regards the other two, we had the pleasure and privilege of working with them and we all regret their death. Mr. Alexander had retired from his business and he had chosen to make India his home and he died in England. Mr. Shahani was in evidence whenever any important question came up before the House and I agree with what has been said that, whatever speeches Mr. Shahani made on different questions which were mooted in this House, he displayed a considerable amount of research and a great deal of undoubted sincerity. I feel that Mr. Shahani's death is a loss to this House. I am sure, as the Honourable the Leader of the House has suggested, this House will adopt the motion conveying to the relatives of the deceased the deep sympathy and sorrow we feel.

Mr. Arthur Moore (Bengal : European) : I was one of those who knew U Tok Kyi as a Member of this House. My regret is personal for one who brought to this House that particular charm that we all associate with Burma.

At the end of the Delhi Session, Mr. Shahani seemed to most of us so full of vitality that I think his death immediately afterwards came as a great shock. As the Honourable Sir George Rainy said, most of us had not had the opportunity of knowing him very long, but we had already learnt to like him and to respect him. In particular I think we all realised that he was a real educationist, and we were impressed by his tremendous enthusiasm in the cause of education. He was, as we all know, of an impetuous temperament which led him into controversy, but that very impetuosity, I think, helped to endear him to us because we realised that it came from a warm heart.

In Mr. Alexander, we, on these benches, have lost a colleague of great sagacity and experience and of serene and unruffled temper. We are grateful to Sir Abdur Rahim for the reference which he made, and I would like to stress that point, because it is sometimes made a reproach to the European community that they are birds of passage. The French have a proud proverb which says that every man has two countries,—his own and France. I think in the case of Britons their divided allegiance might be more correctly described as England and India ; and I doubt if those who bring that reproach realise in how many cases there are men who, when it comes to retire, would, if they were free from responsibilities, stay in this country, and how many realise how numerous are the cases of those who, fortunately, finding themselves in a position to do so, do

[Mr. Arthur Moore.]

decide to live in this country which has become dear to them. Mr. Alexander and his wife were such a couple. He had finished his business career some years ago. He had retired from business, but his heart was in India, and he and his wife decided that they would settle down to live in this country and that he should render such public service as he could. It was only the doctor's orders that finally sent him Home—where he died. We desire to be associated with the Resolution of Sir George Rainy.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : On my behalf and on my party's behalf I associate myself with all that has been said by the Honourable the Leader of the House and other Honourable Members and I, whole-heartedly, support the suggestion that has been made that we should convey to the relatives of the deceased the sympathy and sorrow of this House.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to perform a sacred and solemn duty, a duty which we not only owe to the departed but which we owe to ourselves. Sir, the deaths of Mr. Alexander and Mr. Shahani have been mourned in this House, as also the death of the other Honourable Member, U Tok Kyi, who was not a Member of this present Assembly. As far as Mr. Alexander is concerned, all I can say is, I wish all Europeans were like him and the salvation of India would be nearer at hand. As for Mr. Shahani, I wish all Indian politicians had the same sober mind and political insight as he had. Lastly, it is my painful duty as one of the few remnants of the former Swaraj Party in this House to refer to the death of one with whose work we were associated for more than half a dozen years. It is U Tok Kyi, and if there were more Nationalists of his type, I think Burma would not have asked for separation. I do not want to enter into any controversial matters while speaking on this painful event, viz., when we are mourning his death. All I wish to say is that I whole-heartedly associate myself with all the Members and the leaders of the various parties in what they have said about the deceased Members of this House.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I regret the most the demise of Mr. Shahani. I come from Sind and I personally know that he was a renowned citizen of Sind. He was not only a Sind man, but I would call him an all-India man. He took a great interest in all the affairs of Sind as also those which concerned the whole of India. Sir, he was my personal friend. He, however, opposed me in the third Assembly elections but he carried on the campaign in a gentlemanly way, though I came in then. But in the last Assembly he came in practically unopposed and now by his sudden death I have taken the place. I must say that not only Sind but also this House has lost a politician of a very high order. He was responsible for the well-being of the D. J. Sind College. He was more or less the pioneer of that College and I must say with pride that the young graduates—both Hindus and Muhammadans—who have come out from that College showed allegiance and respect to him. If Sind has now so many graduates, it is almost all due to the untiring energy of Mr. Shahani. Mr. Shahani, besides being an educationist, was a public man of high character. I must also say to his credit that he was a great social reformer. Female education in Sind

owes its present advancement to Mr. Shahani. To illustrative it I may tell the House that Mr. Shahani has left behind him well educated children. His three daughters are graduates and one of them has passed the LL.B., and is practising the legal profession.

(At this stage, Mr. K. C. Roy had a seizure and fell down from his seat.)

Mr. President : I think you will all regret that one of our colleagues should have been attacked with a serious fit in the Assembly. We all earnestly trust that he will soon recover his normal health. I think it is desirable to adjourn the House for fifteen minutes so that Honourable Members may be able to render help to Mr. Roy.

The Assembly then adjourned till One of the Clock.

The Assembly re-assembled at One of the Clock, Mr. President in the Chair.

Mr. President : In asking you to resume the business of the Assembly, I am sure you will all join with me in expressing the fervent hope that our colleague Mr. K. C. Roy may soon be restored to perfect health.

Mr. Lalchand Navalrai : Sir, in continuing the tribute that I was paying to Principal Shahani, I will say that I am exceedingly sorry for the incident that has happened in this House. I wish good and speedy health to Mr. K. C. Roy.

Sir, beyond the remarks I made, I cannot forget one quality of Principal Shahani, viz., that as a zamindar he always had a soft feeling for agriculturists. He looked after the interests of the peasantry in Mirpur Khas District and rendered them good service.

I need not detain the House any longer. I do share fully the remarks that have fallen from the Leader of the House and the other Honourable Members. With regard to the other two Honourable Members who have also passed away from this frail world, I fully associate myself with the expressions given vent to in this House, and with these remarks I support the proposal that a message of condolence be sent to their families.

Mr. President : I wish to associate myself with all that has fallen from Honourable Members with regard to the loss that the Assembly and the country have sustained. I knew Mr. Shahani for many years and I highly admired his great educational and social work. Whatever he took in hand, he was very enthusiastic about it and tried to further the cause to the best of his ability. I had the pleasure of knowing Mr. Alexander only recently and the only remark that I will make about him is that he won every heart by the charm of his manners. I had not the pleasure of knowing U Tok Kyi, but I wish to associate myself with all that has fallen from previous speakers in regard to his public services. Gentlemen, it will be my duty to communicate to the members of the families of the deceased the sympathies of the House.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President : I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1931, 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 Punjab Criminal Procedure Amendment (Supplementary) Act, 1931.
2. The Steel Industry (Protection) Act, 1931.
3. The Gold Thread Industry (Protection) Act, 1931.
4. The Indian Income-tax (Amendment) Act, 1931.
5. The Indian Territorial Force (Amendment) Act, 1931.
6. The Auxiliary Force (Amendment) Act, 1931.
7. The Cantonments (Amendment) Act, 1931.
8. The Indian Naval Armament (Amendment) Act, 1931.
9. The Indian Merchant Shipping (Amendment) Act, 1931.
10. The Vizagapatam Port Act, 1931.
11. The Indian Ports (Amendment) Act, 1931.
12. The Indian Reserve Forces (Amendment) Act, 1931.
13. The Indian Factories (Amendment) Act, 1931.
14. The Salt (Additional Import Duty) Act, 1931, and
15. The Wheat (Import Duty) Act, 1931.

NOMINATION OF THE PANEL OF CHAIRMEN AND APPOINTMENT OF THE COMMITTEE ON PETITIONS.

Mr. President : Under Standing Order 80 of the Legislative Assembly Standing Orders, I have to appoint a Committee on Petitions and under rule 3 (1) of the Indian Legislative Rules I am required to nominate a Panel of not more than four Chairmen from among the Members of the Assembly. In view of the short Session of the Legislative Assembly, I have decided that the existing Panel and the existing Committee should continue for this Session also and that Mr. Arthur Moore should take the place, on the Panel as well as on the Committee, of Sir Hugh Cocke who has ceased to be a Member of the Legislative Assembly.

STATEMENT LAID ON THE TABLE.

RECRUITMENT OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

Mr. A. A. L. Parsons : Sir, I lay on the table the information promised in reply to a supplementary question to starred question No. 627 asked by Khan Bahadur H. M. Wilayatullah on the 23rd February 1931 regarding the recruitment of Muslims on the North Western Railway.

STATEMENT LAID ON THE TABLE.

LETTER No. 638-E.G., DATED SIMLA, THE 8TH AUGUST, 1931, FROM MR. P. C. CHOPRA, DEPUTY DIRECTOR, RAILWAY BOARD, TO KHAN BAHADUR H. M. WALAYATULLAH, SIMLA.

In reply to part (b) of your question No. 627, asked in the Legislative Assembly on the 23rd February, 1931, I am directed to state that the Divisional Superintendent, Rawalpindi, forwarded the representation from the Vice-President, Anjuman Islamia, Kohat, on the subject of recruitment of Mohammedans to the Railway Clerical Establishment, to the Agent, North-Western Railway, who asked the Vice-President of the Anjuman Islamia, Kohat, to substantiate certain assumptions made by the latter and that no reply to this letter has so far been received by the Agent."

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : With your permission, Sir, I desire to make a statement giving Honourable Members information as to Government business which will be brought before the House this week in so far as such information is not available in the Lists of Business for today and Wednesday which were circulated to Members on Friday last. If the House gives leave today for the introduction of the Bill to provide for the better control of the Press, it is proposed to make a motion on Friday, the 11th, to refer the Bill to a Select Committee with instructions to report within a week. With your permission, Sir, I shall make a further announcement on Thursday or Friday of this week in respect of the business to be taken up in the second week of the Session.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I beg to move :

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting', dealt with in the Department of Industries and Labour."

The motion was adopted.

Mr. President : I may inform the Assembly that for the purpose of election of members to the Standing Committee for the Department of Industries and Labour the Assembly Office will be open to receive nominations up to 12 noon on Wednesday, the 9th September, 1931, and that the election, if necessary, will take place in this Chamber on Wednesday, the 16th September. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

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 PRESS BILL.

The Honourable Sir James Crerar (Home Member) : Mr. President, I beg to move for leave to withdraw the Bill to provide for the better control of the Press which was introduced on the 15th January, 1931. I think that the motion which stands next in the List of Business will suffice to explain the object of my present motion. The Bill which is the

[Sir James Crerar.]

immediate subject of the present motion is a more comprehensive measure which was introduced in the last session, and with which, for reasons which were then explained to Honourable Members, the Government decided at that time not to proceed. We now contemplate a much more restricted measure, directed specifically and exclusively to the restraint of incitement to, or the encouragement in other ways of, murder and other violent crimes. It is as a preliminary to my making that subsequent motion that I lay this motion before the House.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, it may appear to be somewhat unusual that I should rise to oppose the withdrawal of a reactionary piece of legislation like the one which the Honourable the Home Member wants to withdraw. But as has been made clear by his speech, the reason for his withdrawal is not that he wants simply to withdraw the Bill, which of course I would have welcomed, but that he wants to withdraw to enable him to bring in another Bill of a more drastic nature. This Bill, which he wishes to introduce, if leave is granted to him to withdraw the other, was not placed in our hands till we came into this House to-day. In all fairness we should have been given an opportunity to study the provisions of both the Bills, and I think if the Honourable the Home Member gives us an undertaking that he will not move the next motion before we have had sufficient time to study the next Bill, then we will not oppose this motion. Otherwise, you are simply taking us unawares. When we enter the hall at 11 o'clock, you place heaps of papers in our hands and expect us to judge which measure is good and which measure is bad : that is something more than human. We know that the members of the Indian Civil Service are endowed with rare gifts of intellect, but for those who are not members of that heaven-born service, some allowance should be made for their intelligence. I would like to know whether the Honourable the Home Member will give us at least two days' time to think over the matter whether we should or should not oppose the withdrawal of this Bill. I do not know his mind, and I would like to know what he thinks before we make up our minds. I can tell him that we have not had time to go through the provisions of the other Bill which he proposes to introduce. I do not think anybody on this side could have done so—and in fact it will be a dereliction of our duty if we do not devote sufficient time to a study of the provisions of the Bill before giving our support to the withdrawal of the Bill. The Honourable the Home Member may take it that we on this side of the House will not approve of the withdrawal of this Bill unless we get at least two days' time for studying those provisions.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to make a few observations at this stage. I never expected last session, when my Honourable friend the Home Member postponed consideration of this Press Bill, that he would be in an indecent hurry to bring it forward in another form again this session and would ask the permission of the House for withdrawal of the old Bill so that he could introduce the new Bill. I agree with my friend, Mr. Dutt, that we have not had time to read the contents of the new Bill that he is going to introduce ; but it seems that if his purpose is to gag the Press, which the Government of India did by means of ordinances during the Civil Disobedience days, he is going to

meet with strong opposition from this side of the House. When the Honourable the Home Member did not want further consideration of his Bill last session, we thought he was one with us and desired to create a good atmosphere in the country. At that time, Sir, it is well known, that negotiations were going on between Mahatma Gandhi and Lord Irwin, and everybody was anxious—we on this side and the Home Member on the other—that there should be a peaceful atmosphere. Even very recently, there were negotiations going on between Mahatma Gandhi and the Viceroy ; and if newspaper reports be correct, the Honourable the Home Member played a splendid part in those negotiations. If he played that splendid part, I ask him to play that part again. What is the necessity of having another piece of oppressive legislation on the anvil ? Is it going to create a good and calm atmosphere in the country ? Will it not divert our attention from the greater atmosphere of peace and goodwill for the success of the Round Table Conference to the persecution and prosecution that Government will launch in every province against the Press ?

It has been said that the vernacular Press and certain portions of the Indian-owned Press incite to violence. I do not have access to those papers to which the Home Member and the Government of India have access. I did not have any opportunity to glance through certain papers placed in our hands as they were placed in my hands only this morning on the floor of the House. What was the situation two months ago is not the situation at present. That, Sir, everybody must recognise. At present the Home Member is aware that throughout the country there is a better tone ; and not only the leaders and public men throughout the country but also the Indian Press are trying to control the temper of the country. But if it is the opinion of the Government of India that it is public men and leaders of the type of Mr. Subash Chandra Bose (whose speeches I find have been quoted) and the vernacular Press that incite young men to terrorism, then I say, they are entirely in the wrong. I am not one who is in love with terrorism or with violence, but I do not want Government to make a wrong diagnosis at this time and at this stage when all our hearts, all our minds and all our eyes are turned to London where Mahatma Gandhi is going to settle the future constitution of India. I want to know this : do the Government of India want a peaceful settlement ? Or is it that they have got a certain message, confidential or official—I do not care what it is—from the Conservative Secretary of State ? Already there is a great suspicion throughout India against the present so-called national government in England. The Labour Party has abdicated and a few Labour men have combined with the Conservative Party to form an almost Conservative Cabinet. It does not in the least matter if there are a few Labour Members or a few Liberals in that Cabinet. The policy of the Conservatives is well known and it suits so well the bureaucrats here who rule India to get their own repressive actions supported by the Conservative Government of England. The Honourable the Home Member is therefore liable to the twofold charges that he is trying to get passed what he and his Civil Service Government in India wanted so long and which they, now, can get through with the help of the Conservative Government in England ; and I want to ask him is it going to create a good atmosphere ?

Are the Government of India so afraid from the secret documents that their Criminal Intelligence Department possess that the young men are going to murder everybody, official as well as non-official ?—I am aware

there have been murders ; but those murders are the results of the *lathi* charges and repressive policy of the Government and the police during the Civil Disobedience movement. They imbibed that spirit through no encouragement from the speeches of the leaders.

I know some of these leaders whose speeches have been quoted. I read occasionally some of the vernacular papers, and I don't think the articles contained in those papers excite me or incite me to violence. If you contend that those articles excite me, then I would draw the attention of the Honourable the Home Member to the articles the *Statesman*—the paper of my Honourable friend Mr. Arthur Moore—wrote during the period of delicate negotiations that were going on last month when Mahatma Gandhi did not sail in the "Mooltan" and had to sail by a subsequent boat. Did the Honourable the Home Member or his Deputy—my friend Mr. S. N. Roy whom I am so glad to meet again on the floor of this House—did they ever take note of those articles that created incitement throughout the period of those delicate negotiations ? Those of us who read those articles felt that nothing roused hatred against British Government, nothing undermined the British influence as those articles.....

Mr. Amar Nath Dutt : Who is the Editor of that paper please ?

Mr. B. Das : I think my friend Mr. Arthur Moore is now the acting Editor, and I was happy to know he became the Editor, but I was not happy to read those articles in his paper published in those days. Did the Government prosecute the *Statesman* ? Sir, the Government have got ample powers to prosecute those who write seditious articles. Only the other day I read in a paper that the Editor of a certain paper had been prosecuted and punished. Why are the Government so anxious to create bad blood between those who have stood by them and helped them to come nearer to a peaceful solution of India's future unless it is for what the *Statesman* thinks and dictates. The *Statesman* does not want peace, the *Statesman* does not want the evolution of Dominion Status in India. What the *Statesman* has advised the rulers of India, is that they should go back to the prehistoric days and rule India again with mailed fist and with iron hand. If that is the policy of the Government of India, then I congratulate the Honourable the Home Member to have persuaded the Governor General in Council to come to a decision to introduce such a measure as this.

Sir, I oppose the withdrawal of that Bill, because if it was a mere motion for withdrawal, I for one would have blessed it with all my heart. But it is going to create blood ; it is going to rouse the nation to anger and impress upon them the state of their helplessness. And to-day, Sir, we saw what happened on the floor of this House this morning ? My old friend Mr. K. C. Roy, who may rightly be called the father of Indian journalism, was not in a position to sit here to-day, I knew he was ill, but still he stuck on to the House to hear what his journalist friends in this House and what those friends on this side of the House who sympathise with Indian journalism would say on this repressive measure which the Government have in view. Sir, I oppose the withdrawal of this Press Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I should like to say a few words in connection with

the motion of withdrawal of the Honourable the Home Member. I don't see the relevancy of dragging in a discussion on an independent motion which the Honourable Member is likely to make and which stands in his name as item No. 2 in the Agenda of today. For the present we are merely concerned with the motion of the Honourable the Home Member that the Bill which he had introduced in January last should be allowed to be withdrawn, and I have heard absolutely nothing from Honourable Members who have spoken from this side of the House to justify the opposition to the motion of withdrawal. When the next motion is made, it will be then time for the Honourable Members of the opposition to criticise that motion, but I think to couple the two together....

Mr. Amar Nath Dutt : Who has coupled it ? It is he who has done it.

Sir Hari Singh Gour : He has done nothing of the kind ; to couple the two together and to treat this withdrawal as if it were leave to introduce another Bill is, I submit, wide of the mark. I would therefore request Honourable Members to refrain from commenting upon a measure which is not before the House so far and to allow the Honourable the Home Member leave to withdraw.

The Honourable Sir James Crerar : Sir, the remarks which have fallen from the Honourable and learned gentleman opposite have absolved me from a great deal of the responsibility that might otherwise have fallen on me to reply to the observations that have been made in the course of the discussion. I only want to make one point perfectly clear, and that is, that if the House accepts this motion, as the House will I trust accept it, then neither the House nor any individual Member of it will be in any way prejudiced or compromised in any opinion he may hold or may hereafter desire to express on a measure which is not now before the House on this motion.

Mr. President : The question is :—

"That leave be granted to withdraw the Bill to provide for the better control of the Press which was introduced on the 15th January, 1931."

The motion was adopted.

The Honourable Sir James Crerar : Sir, I withdraw the Bill.

Mr. President : The Bill is withdrawn.

The Honourable Sir James Crerar : Sir, I move for leave to introduce another Bill to provide for the better control of the Press. At this stage I do not think it will be necessary for me to add anything to the presentation of the case contained in the Statement of Objects and Reasons.

Mr. President : Motion moved :

"That leave be granted to introduce another Bill to provide for the better control of the Press."

Diwan Bahadur T. Rangachariar (South Arcot, cum Chingleput : Non-Muhammadan Rural) : Sir, I do not want to make any speech just at this stage. I am rather disappointed with the Honourable the Home Member because he said that he did not consider it necessary to make any speech in support of his motion, but I am bound to say this that, if he is going to make the later motion with the Bill as it stands, I am afraid he will get no help from this side of the House and unless he is prepared to show a change of heart and a readiness to alter the measure he cannot expect any help though we are prepared to face the facts with him.

[Diwan Bahadur T. Rangachariar.]

But he should not take advantage of the excitement created by these successive murders to enact a law in the way in which it is proposed to be done. I should like the Honourable the Home Member to give an assurance to the House, so that we may come prepared next time for a discussion, whether the Government is going to take the attitude which they have shown today in respect of this Bill, or whether they are going to adopt some other attitude.

The Honourable Sir James Crerar : I find some difficulty, Sir, I must confess in understanding precisely the nature of the assurance which the Honourable and learned gentleman opposite desires to obtain from me. If it is an assurance that Government do not desire to take advantage of any excitement in the state of public opinion, that they do not wish to invite from the House, anything else than a calm and temperate judgment of the facts and of the remedies that have to be applied to those facts, then I can give him that assurance. But so far as the contents of the Bill are concerned, my purpose is to submit them, at a later stage when the principles and details of the Bill will come under consideration, to the House, so that they may be fairly and fully considered. At the present stage, as my friend is aware, if the House passes this motion, it will be in no way committed to the principles or details of the Bill. I am afraid, therefore, that though I am perfectly willing to give the first assurance, as regards the second, I can only say that the Bill will in due course, both in its principles and details, come before the full scrutiny and judgment of the House.

Sir Hari Singh Gour : May I ask the Honourable Member one question? Is it the intention of the Government to move for reference to a Select Committee?

The Honourable Sir James Crerar : Yes, that is the intention.

Mr. President : The question is :

“ That leave be given to introduce another Bill to provide for the better control of the Press.”

The motion was adopted.

The Honourable Sir James Crerar : Sir, I introduce the Bill.

THE INDIAN MINES (AMENDMENT) BILL.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I move for leave to introduce a Bill further to amend the Indian Mines Act, 1923, for a certain purpose.

It is a very short Bill and it has been fully explained in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

Mr. J. A. Shillidy : Sir, I introduce the Bill.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move for leave to introduce a Bill further to amend the Indian Succession Act, 1925, for a certain purpose.

That purpose, Sir, is an extremely limited purpose, and is fully set out in the Statement of Objects and Reasons attached to the Bill to which I have nothing to add. Sir, I move.

The motion was adopted.

Sir Lancelot Graham : Sir, I introduce the Bill.

THE SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : I move for leave to introduce a Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody.

I may inform the House that the Bill is not so alarming as it sounds. The Bill is really a very small Bill, the necessity of which was brought to our notice by the High Court of Calcutta arising, out of a temporary dislocation in traffic in Calcutta due to the reconstruction of the Alipore Bridge, as a result of which persons taken to and from between the High Court and the Presidency Jail are actually taken outside the limits of the ordinary original jurisdiction of the Calcutta High Court. To prevent any ill consequences following from such an act of apparent technical illegality, it is proposed to give these special powers to the Sheriff. Sir, I move.

The motion was adopted.

Sir Lancelot Graham : Sir, I introduce the Bill.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : I move for leave to introduce a Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes.

I believe, Sir, that the Bill is of a non-controversial nature. I move.

The motion was adopted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I introduce the Bill.

THE LAND CUSTOMS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : I move for leave to introduce a Bill to amend the Land Customs Act, 1924, for a certain purpose.

That purpose is clearly explained in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

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

THE FOREIGN RELATIONS BILL.

Mr. E. B. Howell (Foreign Secretary) : I move for leave to introduce a Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States.

This Bill, if it becomes law, will have the effect of bringing our Indian legal system into conformity with that of the United Kingdom, the Dominions, and I may add, practically all civilized countries. It is not intended to give protection to any particular person or to meet the demands of any particular country. It is a matter of principle. I do not propose to anticipate at present what I may have to say at a later stage, but I think that the House is entitled to some preliminary explanation and I propose to give that now.

As things are, until the Foreign Relations Ordinance was promulgated in April last, the Government of India had no means of dealing with persons responsible for attacks on the rulers of foreign States. No matter how malicious, how gratuitous, or how false those attacks might be, or how disastrous the consequences of them might be to the country concerned, the Government of India was impotent. Not all India's neighbours are very advanced politically, and some are in such a condition that the dissemination of a wild rumour or a mere whisper that a rival candidate for power is about to enter the field may easily cause movements of armed men, destruction of property and loss of life. Against such consequences the rulers of these States have a right to be protected, and the inability of the Government of India to give that protection constitutes a lacuna in our system. It is the fulfilment of India's international obligations that requires that the Government of India should possess powers, the exercise of which, under necessary safeguards of course, will enable them to deal with such a situation. The Foreign Relations Ordinance was promulgated on the 6th April last. It expires on the 6th October next, and in view of the determined efforts made by one or two organs of the Press in this country to take sides in what is, after all, none of their business, but a purely domestic affair of one of our neighbours, the Government of India cannot afford to be without a weapon which that Ordinance afforded. It is therefore proposed that the Ordinance should be replaced by a permanent measure on the Statute-book. Sir, I move.

The motion was adopted.

Mr. E. B. Howell : Sir, I introduce the Bill.

THE HEAVY CHEMICAL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I move for leave to introduce a Bill to provide for the protection of the heavy chemical industry.

The object of this Bill is to give effect to the decisions of the Government to impose certain protective duties on magnesium chloride and certain other heavy chemicals. I do not think it is necessary for me to say anything more at present. Sir, I move.

The motion was adopted.

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

THE PROVISIONAL COLLECTION OF TAXES BILL.

The Honourable Sir George Schuster (Finance Member) : I move for leave to introduce a Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise.

3 P.M.

This, Sir, is a simple measure which deals with a matter which was brought very vividly before the attention of this House during the last session. Honourable Members will recollect that not only last session but in preceding sessions, in dealing with the Finance Bill, this House has been subjected to considerable embarrassment by the fact that the term of the Provisional Collection of Taxes Act only lasts for 30 days. We have often had the experience of being brought, in the discussion of the Finance Bill, to a stage when the time available has been very short, and the last stages have had to be rushed through unless Government was to be put to serious embarrassment and a considerable amount of revenue were to be lost by a failure to pass the Bill within 30 days from the date of its introduction. The present Bill proposes to extend the period to 60 days, which should give ample time for the most elaborate discussion of the provisions of the Finance Bill. I trust that when it comes to taking this Bill into consideration, it will prove to be a non-controversial measure. Sir, I move.

The motion was adopted.

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

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I move for leave to introduce a Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes. The said purposes are mentioned in the Statement of Objects and Reasons appended to the Bill and the particular measures are given under the heading "Notes on Clauses". Sir, I move.

The motion was adopted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 8th September, 1931.

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

DEATH OF MR. K. C. ROY.

The Honourable Sir George Rainy (Leader of the House) : We meet, Mr. President, to-day under the shadow of a sore and sudden bereavement. On the strange and dramatic circumstances in which one of our number was struck down in our midst whilst we were endeavouring to express our sense of loss at the removal of others, I will not dwell, for the thoughts which such an event must create in the mind of any man of ordinary humanity must be present to all our minds ! Standing as we do, Sir, under the immediate shadow of the tragedy, it is difficult to find fitting words to express what is in our hearts, and I will, therefore, Mr. President, be brief, because, in the face of the great tragedies of life, the emptiness of any words which we can use comes home to one strangely. Nevertheless, I will try, if I can, however imperfectly, to say something on behalf of the official Members of what we feel.

I suppose Mr. K. C. Roy was better known to us on the Official Benches, or to some of us at any rate, than any other non-official Member, for I believe it is more than 30 years since he became habitually resident at the headquarters of the Government of India—first, as a newspaper correspondent, and subsequently as the head of a great and important Press Agency. I remember well myself making his acquaintance about the year 1907 or 1908, when I was an Under Secretary to the Government of India. We have all of us for years past—at any rate those of us who are attached to headquarters—seen him from day to day as he moved in the exercise of his profession from one Department to another ; we have received his hospitality ; we have discussed with him all the important public questions that have exercised men's minds : and his removal, therefore, leaves a blank in Simla and Delhi which will long and sensibly be felt. We mourn not only a colleague in the Legislature, but a close, personal friend. Of his public career, I will only say this. As a veteran journalist, he occupied a place in the forefront of his own profession in India. For eight years he was a Member either of the Assembly or of the Council of State, and in that capacity, and more and more as time went on, he played an active and influential part in all important public questions. Two questions he had made particularly his own, and they will always in our memories be associated with his name. One was the Indianization of the Army, and the other, the interests of Indians overseas. I, for one, when these questions come up for our consideration, will always have memories of how near they were to Mr. Roy's heart. Of his many personal qualities, I think what impressed me most was his whole-hearted patriotism, his very genuine kindness, his cordial hospitality, and his genius for friendship, and for all these qualities, we shall long remember him whom we have lost.

[Sir George Rainy.]

Into the sacredness of the sorrow of those near and dear to him, Mr. President, it is not for us to intrude; but I know, Mr. President, that you will be carrying out the wishes of the whole House if you will convey to them, as you most fittingly can, the deep sympathy and sorrow which all of us feel. I would suggest, Mr. President, that, after what has occurred, you will be meeting the wishes of the whole House if, after we have tried to express our sympathy, you will adjourn the House as a mark of respect to the deceased.

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, while at our first meeting yesterday we were bemoaning the loss of the three departed colleagues of ours—stalwart men and true—who had been removed by the cruel hand of death from the scenes of their respective labours during the interval since we last dispersed in Delhi, we little realised that He, the God of Death, was still busy within our fold choosing his victim! In fact His messengers, Yama Dhutas, as we call them, had already entered our precincts and were laughing at us as it were by claiming another and a greater victim.

Mr. K. C. Roy was indeed a great man amongst us in every sense of the term. He was a universal friend. He was always ready with sage counsel. Young and old sought his advice—official and non-official alike. He enjoyed the confidence of everyone. The most solemn secrets of the mighty and low were not kept as secrets to him. He kept those secrets most rigidly and honourably and at no time was confidence misplaced in him. He was extremely modest and retiring. He used to father the credit really due to him for real achievements, to others. He always kept himself in the background. I know he did so in my own case when we were together in London on the Kenya Committee. He was not of that gushing pushing type of men whom we come across frequently. His manners were sometimes unconventional, but he was every inch a gentleman. His knowledge of men and matters was unique. He had a remarkable memory for names and events. For long we will miss K. C. Roy of Delhi and Simla. Who amongst us has not sought his company in that little room of his where he used to receive us in a most hearty and unconventional way?

Sir, the Government have lost a wise and a safe guide. The country has lost a sincere patriot. He was not of the noisy set: he was truly and sincerely patriotic. He may be said to be the father of the modern Indian Press. To his genius and power of organisation we owe that world-famous news agency—the Associated Press of India. That agency has not only spread news, but has also been helping in creating healthy public opinion. Mr. Roy was a truly great man. Words fail me. The Assembly has lost a wise and popular Member. We could ill-afford to lose such a true physician at this critical juncture when this country's future is in the throes of a new birth. The Press could ill-afford to lose him now. I am not sure the anxieties which he had about the new Bill for the better control of the Press did not hasten his end. He had, I know, planned to leave Simla, which did not at all suit him, and he would have gone down but for this Bill. The very last words I had with him yesterday on entering the Chamber were about

the Bill, as to how best it should be shaped to meet only the real necessities of the situation and at the same time to see that it does not affect the liberty of the Press. The Assembly will miss his sage guidance in the Committee stages of the Bill. The Assembly owes it to the departed patriot—the seniormost man among Indian journalists—to see that in its anxiety to get rid of terrorist crimes it does not sanction provisions which may have the effect of killing or crippling the Press in the country. To Mrs. Roy no words which we can utter here can give real comfort. You may, Sir, in your message to her give her the assurance that she is not alone in grieving for this great blow she has sustained: the whole country is mourning with her. May Mr. Roy's soul rest in peace!

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : In the absence of Sir Abdur Rahim, Mr. President, I rise to associate the Independent Party with the Resolution that has just been moved. I had not the honour of knowing Mr. K. C. Roy for any length of time, but there are many here who have known him for 15 to 20 years. One point in the career of the late Mr. Roy that most impresses me is that he was a really and truly self-made man. He rose from the bottom of the ladder in journalism to the very highest rung in this country—an achievement which undoubtedly must have required character, honesty of purpose, sincerity and, above all, the capacity to keep confidence. It has been rightly said that Mr. Roy was one of the most unassuming of men, a characteristic which will appeal, I feel sure, to many in this House. He never thrust himself upon anybody, and at the same time was ever ready with a helping hand and valuable advice to anybody who approached him. I personally am aware of the fact that he was most concerned about the legislation that is to be brought before the House very shortly and this was exercising his mind to an extent I could not have possibly believed. It was only yesterday morning—perhaps only a few minutes before the fatal attack overtook him—that he was discussing this question and trusting and hoping that this Honourable House would do the right thing in the right way. I have nothing further to say, Mr. President, except to whole-heartedly associate my Party with the motion which has been moved.

Mr. Arthur Moore (Bengal : European) : The Leader of the House and the other speakers have, I think, said all that can be said in the face of this calamity that has overtaken us. We, on this side of the House, desire to identify ourselves with the motion before the House: and, with your permission, Sir, I should like personally to associate myself with it on behalf of Mr. Roy's colleagues in the Press Gallery and on behalf of the profession of which he was such a distinguished member.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I knew Mr. K. C. Roy for the last 11 years since I have been in the Indian Legislature. I always found him a great patriot, full of zeal for doing good to his country. He was greatly respected in society, and yesterday, when we met, he did not know that this sudden attack upon him would bring about his loss to this House and to the country. When we came to the House he was talking very cheerfully, mixing with all the new Members and the old friends in the same usual manner which was his characteristic. In him we have lost a patriot

[Mr. Muhammad Yamin Khan.]

and a man who was liked and loved by everybody who was his friend in society. With these words I associate myself with all that has fallen from the Honourable the Leader of the House and the other Members of the House.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, in the tragic and sudden death of Mr. K. C. Roy, the House has lost one of its valued Members and I, Sir, have lost a personal and an intimate friend. Perhaps no one in this House knew him for so many years as I did and none know his earlier career as much as I do. Sir, a little over 30 years ago, I remember the day when Mr. Roy approached me to take him round to my revered friend and my political Guru, the late Sir Surendra Nath Banerjee, and ask him to allow him to work as a Reporter on the *Bengalee* staff. From an humble clerk in the Hindu Hostel, Roy took to reporting and he rose to this eminent position of a journalist by dint of his ability and perseverance. I still remember those days of his career when Roy conceived the idea of this News Agency, and how and under what circumstances he did it. The whole thing comes to my mind vividly today. After leaving the *Bengalee* he worked as a Reporter in the *Indian Daily News*, and while reporting the Congress proceedings of the Benares Session this idea of an Indian news agency came to his mind. Alone did he pursue this work tenaciously and work it out till he achieved his great object. The late Mr. Graham, the Editor and proprietor of the *Indian Daily News* no doubt assisted Mr. Roy, but nevertheless it may be said to Mr. Roy's credit that the idea of the agency originated in his fertile brain. Sir, some of us here are aware of the keen competition he had to face with the Reuter's News Agency till at last he succeeded in combining both. Sir, we, the Members from Bengal in this Legislative Assembly, were proud of Mr. Roy, and his tragic death has plunged us into deep grief. Only a week ago when I met Mr. Roy he complained of ill-health and of high blood pressure, and in spite of his doctor's advice, he would not go down to the plains, but he toiled on serving on the Retrenchment Committee. And only yesterday when I asked him on the floor of this House why he did not go down to the plains, he said to me that probably because he would one day drop down dead and that's why. Alas that prophecy came too true only within a few minutes of its utterance. Sir, our deep sympathy goes to that desolate widow and to the bereaved family. No word of ours, no human sympathy can console them in their affliction, but when they will know that all who knew Mr. Roy mourn his loss, it will undoubtedly lighten the burden of their intense grief. With these words, I associate myself with what has fallen from the Honourable the Leader of the House and the other Members who have just spoken.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to pay my tribute of tears to the memory of one with whom I was intimately associated for nearly 40 years. If one Honourable Member had the good fortune to know him for 30 years, my memory goes back to days nearly 40 years ago when I was a boarder in the Eden Hindu Hostel, of which he was the Assistant Superintendent and it was a peculiar piece of good fortune for me to be associated with him in later years in this Legislature. In my boyhood I was under his guardianship and was brought up by him with affectionate care. Sir, my heart is too full now to give expression to all that I feel. If he was intimately associated with the officials here, he was no less intimately associated with his own countrymen,

and I, for one, knew how his heart throbbed for the progress and freedom of his Motherland. Sir, he was an architect of his own fortune. I remember those days when he came helpless to the city of Calcutta and built up a career for himself, and thereby he also opened a career for our young men in those days. One other great man of my own province, the late Iswar Chandar Vidyasagar, of revered memory, is the only one with whom he could be compared. I only hope that the memory of those days when we were associated with him may help us on this Opposition side of the Legislature and the Official Benches to go hand in hand in the onward march of the progress of the land of our birth and the land of their adoption so that from Heaven he may witness that his lifelong labours have fructified in giving India a constitution with which every one will be satisfied, officials, Anglo-Indians, Indians as well as Europeans. I do not know how to console the widow whose loss is more than that of anybody else's in this House, but sorrow shared is sorrow soothed and the whole country mourns the loss of a true and sincere patriot. With these words I beg to associate myself with all that has fallen from the lips of the previous speakers.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I wish to pay my tribute to the memory of Mr. Roy, who died practically on the floor of this House only yesterday. I was closely associated with him in the Retrenchment Committee, and I can speak with knowledge that he brought to bear upon his work an amount of information and an amount of ability and shrewdness of judgment which cannot be over praised. Mr. Roy had many friends and I can quite understand it because he had an amiability of character which attracted to him all those who ever came into contact with him. He has now passed away, and I am sure the sympathies of all the Members of this House will go to the bereaved widow and the children. Mr. Roy was the founder of the Associated Press, and as such he rendered very great service to the public in this country. So far as I can understand, he rose without much help to the eminent position of a journalist which he occupied in this country. Sir, I do not think it is necessary for me to add more, because every one who has known him will long cherish in his heart his kindness of disposition and his great warmth of character.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise with feelings of pain to speak on this Resolution, especially as the tragic incident took place yesterday at the psychological moment when I was expressing to the House how we mourned the death of three other Honourable Members of this House. Sir, I knew Mr. Roy since 1928, and the qualities which I found in him and which made him out a gentleman were that he had a genial nature and specially obliging manner. I do not think any man who went to him with a request returned disappointed. Sir, I have also seen his usefulness fully as a colleague in this House, and I really deplore his passing away at this critical moment when specially the Press Bill is before this House. I express my deepest sympathy and I support this Resolution.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, as President of the Upper India Journalistic Association, to which position the late Mr. K. C. Roy invited me to succeed him a few months ago, and on behalf of the Indian journalists of whose profession he was the leader, I beg to associate myself with all the words and all the sentiments that the Honourable the Leader of the House gave

[Mr. C. S. Ranga Iyer.]

expression to today. Sir, the language of genuine grief is short, and I am really too much choked with grief today to talk about my personal associations with the late Mr. K. C. Roy, which extend over a period of seventeen years. Let us all pray for the progress of the late Mr. K. C. Roy's soul.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, by the tragic and untimely death of Mr. K. C. Roy yesterday, India has lost a great and a rare personality. The loss of this House is greater still. The illustrious deceased was a fine journalist, a sincere patriot and a very able and fluent speaker. His opinion always carried great weight and conviction, and during the debates of this House he showed great independence and courage. It is indeed very sad that at the present juncture of India's constitutional history when we needed his services most he is taken away from us by the cruel hand of death. But God's will must be done. His end was probably hastened by the hard work he did on the Retrenchment General Purposes Sub-Committee of which he was a distinguished member and on which he showed great ability and a wide knowledge of different subjects. Sir, universal sympathies will be felt with the equally distinguished widow of the deceased. We deeply mourn the irreparable loss. The illustrious departed soul was one of the most popular persons with all sections of all communities. Well he has fulfilled the wish of the Persian poet who said :

Yād dāri keh waqte zadane to

Hamān khandan budand wā to giryān,

Anchunan zi keh būde murdane to

Hamān giryān shawand wa to khandan.

"Rememberest thou that at the time of your birth all around you were laughing while thou kept weeping : but O man, livest thou such life that after your death, all may be weeping while thou mayest be rejoicing in the next world."

Sir, my family and I have lost a great and sincere friend. With these words, I associate myself with the motion proposed by the Leader of the House.

Mr. President : Gentlemen, I wish to associate myself with all that has been said by Honourable Members on this sad occasion. I first came to know Mr. Roy many years ago when he was struggling to firmly establish the Associated Press. When I compare the work which that organisation did then with what it is doing now, I cannot but admire the strenuous efforts by which, passing through various vicissitudes, Mr. Roy has brought up the Associated Press to its present standard of efficiency. In many directions and especially in his contact with the Members of the Legislature, everything that has been stated here is based on solid fact. The loss which the country and this Legislature has sustained is practically irreparable. I do not think many words are called for to express all that one feels on an occasion like this. It will be my duty to communicate to his widow and the members of his family the deep sympathy and sorrow of this House and as a mark of respect to his memory I adjourn the House till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th September, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 9th September, 1931.

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

QUESTIONS AND ANSWERS.

FACILITIES FOR TRAINING IN AGRICULTURE AT PUSA.

43. ***Mr. A. Das** : (a) Will Government state what facilities exist for training in general agriculture at Pusa ?

(b) Is the course regarded by the Government of India as adequate training for provincial Deputy Directors of Agriculture ?

(c) What is the staff of the agricultural section at Pusa ? What are their qualifications ? Which are qualified to give a course of instruction in general agriculture of the standard given in British universities ?

(d) Do Government consider the present staff of the Agricultural Section at Pusa adequate in numbers and qualifications to give the highest type of training in general agriculture ?

(e) If not, are Government prepared to consider the question of strengthening the teaching staff of the agricultural section at Pusa by the appointment of graduates of Indian universities who have taken post-graduate courses in agriculture in a British or foreign university ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Regular courses in general agriculture are not given at Pusa, but at the Provincial Agricultural Colleges. Special post-graduate courses of one year's duration are, however, given in farm organisation, farm management and general farm engineering, to specially deputed students, and since 1924 a post-graduate course in Animal Husbandry and Dairying has been instituted to enable students to equip themselves for admission to the general (or agricultural) branch of the Agricultural Departments. The question of developing the latter course to make it suitable for Deputy Directors of Agriculture is under consideration.

(c), (d) and (e). The superior posts attached to the Agricultural Section for both research and teaching are, (a) four Class I posts, viz., those of Imperial Agriculturist, Agronomist, Agricultural Engineer, and Supernumerary Agriculturist, and (b) two Class II posts, viz., those of First Assistant to the Imperial Agriculturist, and Cattle Superintendent.

The first three of these posts have been vacant for some time past, but instruction has been given by the incumbents of the other three posts, with satisfactory results. The first of them is a B.A. and Diplomat of Agriculture of Cambridge University ; the second is an L. Ag. of the Punjab Agricultural College, and the third is a graduate of Bengal Veterinary College. Proposals are, however, under consideration for

reorganising the Section and increasing the staff, and the suggestion made in (e) of the question will be borne in mind in connection with them.

RECENT STERLING LOAN.

44. *Mr. A. Das : (a) Has the attention of Government been directed to the article headed "Yet another sterling loan" in the *Leader* of the 27th May, 1931?

(b) Out of this ten million loan how much is for "general purposes" and how much for "railway purposes"?

(c) What are the specific railway and general purposes for which the said loan has been floated?

(d) How much of the loan has been subscribed?

(e) Are the figures about the profits of the railway earning, i.e., the rates of interest charged to railways year by year from 1920-21 to 1929-30 in respect of capital expenditure given in the said article correct?

(f) What return do Government expect on the investment to be carried out by this loan?

(g) Has the loan been floated with the approval of the Standing Finance Committee for Railways and the Standing Finance Committee for general purposes?

(h) What institutions in India and London have objected to the floating of the said loan, and how have Government considered their objection?

The Honourable Sir George Schuster : (a) Yes.

(b), (c) and (f). The proceeds of all the loans raised by the Government of India are utilised for railway and other capital expenditure and for general purposes. It is not possible to say before the accounts of the year are made up how the total amount borrowed by the Government of India has been utilised. A particular loan is not earmarked for particular expenditure and the interest charged to Commercial Departments is based on the average cost of borrowing.

(d) The whole loan has been subscribed.

(e) Yes.

(g) No. The approval of the two Committees is not required for the floating of loans.

(h) The Government of India have received direct communications from five Indian Chambers of Commerce in India and from the Indian Chamber of Commerce, Great Britain. The views expressed in these communications have been noted by the Government.

Mr. K. Ahmed : Are Government aware that at half a per cent. discount below par the bonds were sold in England just after the first date of sale when subscriptions were invited, and as a matter of fact Indians purchasing the sterling bonds issued by the Secretary of State were losers, because they did not know whether it was going to be sold below par (at a discount of half a per cent.) and had to pay at par?

The Honourable Sir George Schuster : I am very grateful to the Honourable Member for his information.

Dr. Ziauddin Ahmad : Is a part of this loan intended for the purchase of the Bengal and North Western Railway?

The Honourable Sir George Schuster : No ; no part will be available for that purpose.

Dr. Ziauddin Ahmad : Is it not a fact that the loan was subscribed immediately, and will it not be possible for them to float an additional loan for the purchase of that railway?

The Honourable Sir George Schuster : The loan is already required for other purposes.

Mr. A. Das : Will the Honourable Member mention what are the specific railways and the heads of general purposes as mentioned in clause (e) of my question?

The Honourable Sir George Schuster : In my answer I have already informed the Honourable Member that it is impossible to give the exact particulars until the accounts are made up at the end of the year. When the accounts are made up, the Honourable Member will be able to have the information which he requires.

Mr. A. Das : May I ask the Honourable Member if he should be able at least to tell us what particular railways are being helped and on what heads of general purposes the money is being spent, irrespective of the amount that is spent on a particular railway or head of general purpose?

The Honourable Sir George Schuster : I think there seems to be some misapprehension in the mind of the Honourable Member. In the financial arrangements which are made each year a certain sum is included for capital expenditure on railways. Capital expenditure on railways is divided over a very large number of heads and over the whole of the railways for which the Government of India are responsible. It is impossible to give any details at this stage which would be of the slightest value to my Honourable friend, and therefore I would ask him to wait until it is possible to give accurate information when the accounts for the year are made up.

Mr. A. Das : Will the Honourable Member mention to this House whether the return which he expects from the loan would be more than sufficient for the cost incurred?

The Honourable Sir George Schuster : No. The Government of India have certainly not borrowed more than the Government of India require.

THE CREW SYSTEM OF RAILWAY TICKET CHECKING.

45. *Dr. Ziauddin Ahmad : (a) Will Government give reasons on account of which the crew system in the East Indian Railway proved to be a failure?

(b) Was not the experiment tried on the North Western Railway and has it not failed?

(c) Why did Government not learn from their past experiences?

(d) Is it not a fact that in the original report recommending the crew system in the East Indian Railway, the estimates of the expenditure

of the crew system were given for four divisions and the expenditure as it then existed was given for six divisions, with the conclusion that the crew system would be more economical?

(e) Will Government lay the original report on the table?

(f) Why was the mistake not detected by the staff of the Railway Board?

Mr. A. A. L. Parsons : (a) I would refer the Honourable Member to the Report of the Committee appointed by the Railway Board to inquire into the working of the crew system on the East Indian Railway, a copy of which was sent to him on the 21st April, 1931.

(b) The crew system was introduced on the North Western Railway but owing to the necessity for retrenchment that arose shortly afterwards, the system was discontinued before it was given a full trial.

(c) Does not arise.

(d) No.

(e) I will have a copy of the Report placed in the Library.

(f) There was no mistake.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say what system is at present in force on the North Western Railway in place of the crew system?

Mr. A. A. L. Parsons : I am afraid I must ask the Honourable Member for notice of that question. I have been away for two months and I am not aware whether there have been any changes recently.

Mr. Lalchand Navalrai : Am I to understand that the crew system on the North Western Railway has not failed as alleged in the question? The Honourable Member has given no direct reply to it?

Mr. A. A. L. Parsons : As I explained, the crew system was abolished on the North Western Railway as a measure of retrenchment.

Dr. Ziauddin Ahmad : I should like to know whether the crew system on this railway failed or was dropped on account of retrenchment?

Mr. A. A. L. Parsons : It was dropped on account of retrenchment.

Dr. Ziauddin Ahmad : But that is not the verdict of the Moody Report? They said that it had failed?

Mr. A. A. L. Parsons : That report dealt with the East Indian Railway and not with the North Western Railway.

Dr. Ziauddin Ahmad : I think they referred to the North Western Railway as well in that Report.

CHARGES AGAINST MR. HARRIS, WHEN IN CHARGE OF THE CREW SYSTEM.

46. ***Dr. Ziauddin Ahmad :** (a) Were any charges made against Mr. Harris who was in charge of the crew system? If so, what?

(b) Why was he not prosecuted?

(c) Will Government be pleased to give the details regarding the cloth for the uniform of the crews?

Mr. A. A. L. Parsons : (a) Government are not aware that any charges were made against Mr. Harris.

(b) Does not arise.

(c) This part of the question is not understood.

ADOPTION OF THE MODY SYSTEM OF RAILWAY TICKET CHECKING.

47. ***Dr. Ziauddin Ahmad :** (a) Has the Mody scheme been sanctioned by the Railway Board?

(b) If the reply be in the affirmative, will Government be pleased to state the date on which the sanction was accorded?

(c) Will Government be pleased to state whether the scheme was not adopted in the Moradabad section prior to its sanction by the Government of India?

(d) Is it not a fact that Ticket Inspectors in this section had no uniform and no visible means of identity?

Mr. A. A. L. Parsons : (a) The scheme sanctioned by the Railway Board for the East Indian Railway is that recommended in the Report of the Committee appointed by the Railway Board to enquire into the working of the crew system on the East Indian Railway.

(b) The sanction to the adoption of the scheme was communicated to the Agent of the East Indian Railway on the 2nd April, 1931.

(c) and (d). No.

PROMOTION OF A RAILWAY FIREMAN.

48. ***Dr. Ziauddin Ahmad :** Is it not a fact that one Mr. Dunwell, who was drawing Rs. 90 as fireman in the East Indian Railway, was promoted as Line Inspector (without demand of qualifications) on Rs. 150 per mensem and then promoted as Chief Inspector on Rs. 240 per mensem and was put over persons who were better qualified and had longer services?

Mr. A. A. L. Parsons : Mr. Dunwell was promoted from fireman to Line Inspector in 1927 because he was well educated and exceptionally well reported on. There were at the time no men better qualified than Mr. Dunwell for the post. His work in that capacity fully justified his subsequent selection for the post of Officiating Chief Inspector in August, 1929. He discharged the duties of Chief Inspector with credit until the crew system was abolished in April, 1931, when he reverted to the post of Inspector, Grade I, to make way for senior men. He has been strongly recommended for promotion to Chief Inspector when a vacancy occurs.

RETRENCHMENT ON RAILWAYS.

49. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state its policy about retrenchment in various Railways?

(b) How many posts bearing salaries of Rs. 500 or more were retrenched?

(c) What is the proportion of the Mussalmans in each class of appointment retrenched?

(d) How many of the persons whose services have been dispensed with, have been provided? How many of them are persons bearing European names?

Mr. A. A. L. Parsons : (a) The policy of Government has been to effect retrenchment in all possible directions on railways in view of the serious decline in gross earnings and in the volume of traffic and other business of the Department but at the same time to make suitable provision with a view to mitigating the hardship entailed by the unfortunate necessity of reducing the staff.

(b) I have called for information and will communicate with the Honourable Member on its receipt.

(c) Government regret that they cannot undertake to collect communal statistics in respect of the retrenchment made in each separate class of establishment.

(d) Omitting the East Indian, Burma and Bengal Nagpur and Bombay, Baroda and Central India Railways, in respect of which Government have no information, the number of men discharged who have been since re-employed is 755 of whom 3 bear a European name.

Mr. Lalchand Navalrai : Will Government be pleased to say whether this retrenchment has been undertaken from the top to the bottom or if it is only confined to the subordinates?

Mr. A. A. L. Parsons : The Honourable Member, if my recollection is correct, is now asking as a supplementary question what he proposes to put as a main question later on.

Mr. Gaya Prasad Singh : Will a copy of the Report to which the Honourable Member just referred be available to other Members of this House as well?

Mr. A. A. L. Parsons : I am quite prepared to lay the statement on the table, but these statistics are ephemeral and change from month to month, and so when I give them I think it should be sufficient if I put copies in the Library.

APPOINTMENT AT HOWRAH OF A RAILWAY OFFICER RETRENCHED AT TUNDLA.

50. ***Dr. Ziauddin Ahmad :** Is it not a fact that the post of Assistant Superintendent, Watch and Ward, Tundla, East Indian Railway, was retrenched, but the incumbent of the post was immediately provided by creating a new post of Private Secretary to the Superintendent, Watch and Ward, Howrah?

Mr. A. A. L. Parsons : The post of Assistant Superintendent, Watch and Ward, Tundla, has been held in abeyance since April, 1931, and its incumbent transferred to Headquarters, as Assistant Superintendent, Watch and Ward, to fill an existing post in the cadre of the Department. No new post was created.

INDIAN TERRITORIAL FORCES IN THE UNITED PROVINCES.

51. ***Dr. Ziauddin Ahmad :** (a) Do Government intend to maintain the Indian Territorial Forces in the United Provinces?

(b) Do Government give preference to the members of the Indian Territorial Force for recruitment in the regular Army?

(c) Do Government intend to use the Indian Territorial Force for maintenance of internal order and peace?

Mr. G. M. Young : (a) Indian Territorial Forces are already maintained in the United Provinces.

(b) No, Sir.

(c) Provincial and urban units of the Indian Territorial Force are liable to be called out in aid of the civil power. This liability will no doubt be enforced whenever it is practical or economical to do so. But Indian Territorial Force units are only embodied for a small part of the year.

REGIMENTS ADMITTING MUSSALMANS FROM THE UNITED PROVINCES.

52. ***Dr. Ziauddin Ahmad :** What are the regiments to which the Mussalmans from the United Provinces can be recruited?

Mr. G. M. Young :

3 cavalry regiments, namely, Skinners' Horse, Gardner's Horse and the 3rd Cavalry,

2 corps of Sappers and Miners, namely, the K. G. O. Bengal Sappers and Miners, and the Royal Bombay Sappers and Miners,

3 battalions of the Bombay Pioneers,

22 Mechanical Transport Companies,

4 Mule Transport Companies, and

2 battalions of the Indian Territorial Force, namely, the 11th/7th Rajput Regiment, and the 11th/9th Jat Regiment.

Kunwar Hajee Ismail Ali Khan : Will Government kindly state the reason why the U. P. Mussalmans are not recruited to regiments to which the Punjab Mussalmans are recruited?

Mr. G. M. Young : Some regiments are open to U. P. Mussalmans, and others to Punjabi Mussalmans.

Dr. Ziauddin Ahmad : Is there any necessity to reserve particular battalions and particular regiments to persons belonging to particular provinces?

Mr. G. M. Young : Yes, Sir; that is part of the system on which the Indian Army is recruited.

Dr. Ziauddin Ahmad : Is the reconsideration of this matter under consideration so that there might be no bickerings amongst ourselves?

Mr. G. M. Young : No, Sir.

Dr. Ziauddin Ahmad : Is its revision under consideration?

Mr. G. M. Young : No.

RAILWAY PASSES FOR RETIRED SERVANTS OF THE OUDH AND ROHILKHAND RAILWAY.

53. *Dr. Ziauddin Ahmad : (a) When was the Oudh and Rohilkhand Railway amalgamated with the East Indian Railway ?

(b) Is it not a fact that the employees of the Oudh and Rohilkhand Railway were promised that they would enjoy the privileges which are granted to the servants of the East Indian Railway ?

(c) Is it not a fact that the retired servants of the East Indian Railway are given two free passes each year over the whole line, while the retired servants of the Oudh and Rohilkhand Railway are given only one pass each year, and it is restricted to those portions of the East Indian Railway which once formed part of the Oudh and Rohilkhand Railway ?

(d) Do Government propose to remove this discrepancy ?

Mr. A. A. L. Parsons : (a) In July 1925.

(b) No.

(c) The position is not exactly as detailed in the Honourable Member's question, but it is a fact that the regulations as to the issue of passes to retired servants of the East Indian Railway are somewhat more liberal than those for retired servants of the Oudh and Rohilkhand Railway.

(d) The Agent is being asked to consider whether uniformity in this respect should be secured.

RECRUITMENT OF MUSSALMANS TO THE MILITARY ACCOUNTS DEPARTMENT.

54. *Dr. Ziauddin Ahmad : (a) Is it a fact that Government, in reply to Mr. Farookhi's starred question No. 850 on the 28th March, 1930, in the Legislative Assembly, stated that the number of Mussalmans in the Military Accounts Department is 3 out of 90 in the Deputy Assistant grade, 23 out of 467 in the accountants grade and 316 out of 3,736 in the clerks grade ?

(b) What steps, if any, have Government taken to recruit Mussalmans in this department of military service ?

(c) Are Government aware of the fact that certain Mussalmans qualified themselves in the competitive examination and yet they were not given any post ?

(d) Is it not a fact that a large number of Mussalmans have passed the subordinate accounts service examination, and they have not yet been selected ? What is the number of such qualified persons ?

The Honourable Sir George Schuster : (a) The answer is in the affirmative.

(b) The Honourable Member is referred to clause (b) of the answer given in this House on the 22nd March, 1929, to starred question No. 1182 asked by Mr. Muhammad Ismail Khan.

(c) The total number of Mussalmans, who qualified at the examination for admission to the clerical service of the Military Accounts Department since November 1929 is 33, namely,

1929	..	..	..	8
1930	..	..	..	25

Individuals who qualified at the examination held in 1929 have all been appointed. Of those who passed in 1930, 8 have been appointed and one did not reply to the offer of appointment made, leaving 16 on the waiting list.

(d) The total number of Mussalmans, who have passed the S. A. S. examination and have not yet been promoted to the accountants' grade is 50. Promotion to the accountants' grade is made by seniority, subject to fitness.

RECRUITMENT OF MUSSALMANS TO THE MILITARY ACCOUNTS DEPARTMENT.

55. *Dr. Ziauddin Ahmad : (a) Will Government be pleased to state the number of probationer accountants appointed direct in the Military Accounts Department from 1920 till April, 1931 ? How many of them were Mussalmans ?

(b) Why were the Mussalmans not appointed at the time when the appointment was made by selection only ?

The Honourable Sir George Schuster : (a) If the Honourable Member refers to the direct appointment of non-Government servants as probationary accountants, the answer is "None". If, however, he refers to the appointments as probationary accountants of certain individuals who were already in Government service, 46 such appointments were made during the period from 1920 to April, 1931. Of this number 4 were Mussalmans. I may add that of the 46 appointments 44 were made up to the end of 1922 and only 2 have been made since then.

(b) Does not arise.

RELEASE OF POLITICAL PRISONERS.

56. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many non-violent satyagrahi political prisoners were confined in jails in India during the satyagraha movement from its beginning to the time of the 'Mahtama Gandhi and Lord Irwin' truce and how many violent political prisoners were so detained during the period ?

(b) Have all the non-violent satyagrahi political prisoners been released under the aforesaid settlement or are the cases of some of them still under consideration of the Government ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the number of such prisoners and the reasons for the delay ?

The Honourable Sir James Crerar : (a) The total number of prisoners sentenced to imprisonment in connection with the Civil Disobedience movement up to the end of February, 1931 was 60,507. This figure includes also those whose offences involved violence, the exact number of which is not known.

(b) So far as the Government of India are aware, all prisoners whose cases fell within the terms of the settlement of the 5th of March, 1931, have been released.

(c) Does not arise.

Mr. Lalchand Navalrai : Has the Honourable Member read in the papers that there are several prisoners who come under the truce and have not yet been released ?

The Honourable Sir James Crerar : I have seen statements to that effect.

Mr. Lalchand Navalrai : I understood the Honourable Member to say that he has seen statements in the public Press to that effect. If that is so, will the Honourable Member kindly say what is the opinion of the Government with regard to those men ?

The Honourable Sir James Crerar : Any person feeling aggrieved in the matter is perfectly entitled to make a representation to the Local Government concerned.

Mr. Lalchand Navalrai : Am I to understand then that the Government have on their part completely fulfilled the truce terms with regard to those prisoners ?

The Honourable Sir James Crerar : Yes, Sir ; that is contained in my reply to the original question.

RULES FOR THE CLASSIFICATION OF PRISONERS.

57. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the new jail rules framed by Government fixing three classes of prisoners have caused public dissatisfaction with the classification of the prisoners and the working of the rules ?

(b) Is the classification of prisoners made by the magistrates under fixed rules by taking legal evidence, or at their own discretion only ?

(c) Is such decision of the magistrates judicial and subject to the interference by the appellate and revisional courts ?

The Honourable Sir James Crerar : (a) No.

(b) and (c). The Honourable Member's attention is invited to the communiqué issued on the 19th February, 1930, which states the classifying authorities. No rules have been laid down for taking evidence, nor is any appeal provided for against the recommendation of a magistrate, but original as well as appellate courts have the power of making recommendations.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether the Government are going to introduce any legislation with regard to it to the effect that the opinions in regard to these classifications should be given by a judicial authority ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the communiqué on the subject which I have quoted.

Mr. Lalchand Navalrai : Is that provided in that communiqué ? I have not read it. (Laughter.)

The Honourable Sir James Crerar : Then I must ask the Honourable Member to read it.

REVISION AND IMPROVEMENT OF JAIL RULES.

58. ***Mr. Lalchand Navalrai :** Do Government propose, in virtue of the experience gained in the working of the jail rules and receiving particular complaints made hitherto in various jails regarding them, to appoint

a committee or to take necessary steps to revise and improve upon the rules ?

The Honourable Sir James Crerar : The reply is in the negative. The power to make rules for the administration of jails is vested in Local Governments, subject to the control of the Governor General in Council, by section 60 of the Prisons Act. Several Local Governments have, in recent years, appointed provincial committees to investigate jail administration and amended their rules, where necessary, and all Local Governments are fully alive to the importance of sound jail administration.

Mr. Lalchand Navalrai : Have the Government of India revised these rules or even looked into them and approved of them ?

The Honourable Sir James Crerar : Ordinarily the rules are made by Local Governments on their own authority but subject to general control. There have been many occasions for me to refer to the rules made by the Local Governments, and so far as I can see, they are satisfactory.

DEFECTIVE JAIL LATRINES AND INSPECTION OF JAILS BY VISITORS.

59. ***Mr. Lalchand Navalrai :** (a) Is it a fact that prisoners are seated together in a row while answering calls of nature—exposed to each other—in some of the jails and lock-ups in India ?

(b) If the answer to part (a) be in the affirmative, are Government prepared to issue a circular stopping such an inhuman practice ?

(c) Will Government be pleased to state if the visitors to jails are authorised to visit jails individually, to receive complaints and make suggestions ?

(d) Are the visitors when inspecting jails accompanied by the superintendents and jailors ?

(e) Do they receive complaints from the prisoners in the presence of the superintendents and jailors in charge of the prisons ?

(f) If the answer to part (e) be in the affirmative, do Government propose to consider the desirability of receiving complaints by the visitors in the absence of the officers of the jail ?

The Honourable Sir James Crerar : The Honourable Member is doubtless aware that "Prisons" under the Devolution Rules is a provincial subject, and that the matters on which he asks for information are primarily the concern of Local Governments.

As regards part (a) of the question, I have no such information, but I am prepared to enquire if the Honourable Member will give me more specific particulars of the jail or jails in which this practice is alleged to exist.

Part (b) of the question does not arise.

As regards parts (c), (d) and (e), I would refer the Honourable Member to the sections of the various Provincial Jail Manuals dealing with visitors of prisons. My information shows that the reply to part (c) of the question is in the affirmative, that, as regards parts (d) and (e), visitors are, in their own interests, attended during their visits by an

escort of warders and, in some cases, by a responsible jail official as well; and that private communication between a visitor and prisoner is ordinarily allowed or arranged on request.

Part (f) of the question does not arise.

ABOLITION OF THE PUNISHMENT OF WHIPPING.

60. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the punishment of whipping exists at present in any civilised country other than India?

(b) Are Government prepared to consider the abolition of such a brutal punishment in India?

The Honourable Sir James Crerar : (a) Yes.

(b) I would refer the Honourable Member to the reply I gave in this House to question No. 471 on the 11th September, 1928, on the same subject.

RETRENCHMENT OF HIGH OFFICIALS.

61. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Retrenchment Committee appointed by the Government of India in view of the present financial stringency is authorized to investigate and suggest measures for retrenchment of higher officers in India such as are appointed by the Secretary of State for India or whether its scope is limited to only subordinate and menial establishment?

(b) If the answer to part (a) be in the negative, will Government be pleased to state what steps have been taken to make the necessary retrenchment in the strength and pay of such high officials?

The Honourable Sir George Schuster : (a) The general terms of reference to the various Sub-Committees permit them to advise upon all possible economies within the field of their enquiry.

(b) Does not arise.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether the retrenchment of higher officers in India, I mean, those appointed by the Secretary of State, comes within the purview of the Committee that has been appointed to make retrenchment?

The Honourable Sir George Schuster : That question certainly comes within the field of enquiry on which each of the Sub-Committees will advise according to their terms of reference.

RETRENCHMENT ON STATE RAILWAYS.

62. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether the State Railways in India have undertaken retrenchment work? If so, do they begin from the top to the bottom or touch only the subordinate and menial establishment?

(b) Is it a fact that the North Western Railway, Karachi Division, have reduced the number and pay of the subordinate and menial staff only not touching the higher officials who draw heavy salaries?

(c) Will Government be pleased to state how much savings has the Karachi Division of the North Western Railway effected by the retrenchment made by them hitherto?

(d) Will Government be pleased to place on the table the list of the reductions made or proposed to be made by the Karachi Division of the North Western Railway?

(e) Will Government be pleased to state how many officers work in the Divisional office of the North Western Railway, Karachi and how much do they draw?

(f) How many of them are proposed to be done away with or how much reduction in their salaries is proposed by the Railway Department?

(g) Will Government be pleased to state how many officers, on what salaries and with what designations were working for the same area, which is now managed by the Karachi Division office, before the present Division office was established in Karachi?

Mr. A. A. L. Parsons : (a) The answer to the first part of the question is in the affirmative. With regard to the second part, State Railways have reduced a number of gazetted posts and discharged several temporary officers in addition to the retrenchment made in the subordinate and menial establishment.

(b) No.

(c) The savings in wages effected by staff retrenchment on the Karachi Division are estimated at present at a little less than Rs. 3 lakhs per annum.

(d) A statement of the reductions made by the Karachi Division is laid on the table. As regards further reductions, the position is to be examined in October next.

(e) A list of officers now working in the office of the Divisional Superintendent, Karachi, together with particulars regarding the rates of pay drawn by them is laid on the table. In addition there are 6 Sub-Divisional Officers employed on that Division who have separate offices of their own.

(f) No further reduction in the strength of officers working in the office of Divisional Superintendent, Karachi, is contemplated at present.

(g) A list of officers who were working for the same area which is now managed by the Karachi Divisional office, before the present Divisional office was established in Karachi, together with the scales of pay which they were in receipt of, is laid on the table.

List of posts brought under reduction on the Karachi Division.

1. Officers	2 (including one held in abeyance).	
2. Subordinates on Scales of pay rising to Rs. 100 and over	1 discharged. 8 demoted.	
3. Subordinates rising to Rs. 30 and over but less than Rs. 100	179 discharged. 74 demoted.	
4. Employees on pay rising to less than Rs. 30	776 discharged. 13 demoted.	

List of officers working in the office of the Divisional Superintendent, Karachi, together with particulars regarding their scales of pay.

Designation.	Scale of pay.
	Rs.
1. Divisional Superintendent	2,150 fixed
3 Divisional Engineers	625—50—1,375
1 Divisional Personnel Officer	550—50—1,300
1 Assistant Personnel Officer	300—50—900
2 Divisional Transportation Officers and Divisional Commercial Officers	550—50—1,375
3 Assistant Transportation Officers and Assistant Commercial Officers	300—50—900
	or
	350—30—800
1 Divisional Rolling Stock Officer	625—50—975
2 Assistant Rolling Stock Officers	375—50—975
1 Assistant Signal Engineer	350—30—800

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NOTE.—Officers of Non-Asiatic domicile draw overseas pay in addition to their basic pay.

List of officers who were working on Karachi and Sukkur Districts prior to Divisional organization.

Engineering—

	Rs.
2 Executive Engineers, Sukkur and Karachi	625—50—1,375
6 Sub-Divisional Officers (3 Sukkur and 3 Karachi)—	
3	375—50—975
3	250—20—750

Traffic—

3 District Traffic Superintendents	550—50—1,300
5 Assistant Traffic Superintendents	300—50—900
	250—20—750

Loco.—

2 District Locomotive Officers	625—50—1,375
4 Assistant Locomotive Officers	375—50—975

Carriage and Wagon—

2 District Carriage Superintendents	625—50—1,375
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NOTE.—Officers of Non-Asiatic domicile drew overseas pay in addition to their basic pay on the above scales of pay.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if up to this time, as a matter of fact, the higher officers' pays and allowances have actually been retrenched on the Railway?

Mr. A. A. L. Parsons : There have been reductions with regard to some allowances. But neither with regard to higher officers nor with regard to subordinates have there been changes in the rates of pay.

SELECTION AND PAY OF CONTROL SYSTEM OFFICERS ON THE NORTH WESTERN RAILWAY.

63. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state what policy they adopted when making selections from the railway staff to the control system?

(b) Is it a fact that only Indian Station Masters and Assistant Station Masters were selected for the control posts on account of their capacity and experience for the business?

(c) Is it a fact that lately guards were transferred to the control system?

(d) Is it a fact that the guards who were so transferred were allowed to draw their pay and also average allowances which they were drawing when they were working as guards, with the result that they drew more pay than the control officers who were drawn from the station staff much earlier than these guards?

(e) Are Government aware that this procedure has created dissatisfaction amongst the original control system officers and has also raised the question of seniority and juniority amongst them?

(f) Do Government propose to recognise the seniority of these guards notwithstanding their subsequent entry into the control system only because they are allowed to draw allowances allowable to working guards?

(g) If the answer to part (f) be in the affirmative, what reasons have Government to adopt such an extraordinary course?

(h) Will Government be pleased to state how many Controllers, Deputy Controllers and Assistant Controllers are there in each of the Control Divisions on the North Western Railway? How many of them are Europeans, Eurasians, Goans, Indians and Sindhis, respectively?

Mr. A. A. L. Parsons : (a) Selections are made from among a list of candidates who have passed a course of training in control duties. The following are the main categories from which employees are selected for training in control work :

Station Masters ; Assistant Station Masters ; and guards who are qualified to be Assistant Station Masters by passing the prescribed test.

(b) No.

(c) The practice of transferring guards qualified in control duties to posts in the Control Branch has been in force ever since the introduction of the control system on the North Western Railway.

(d) Guards when appointed to officiate in such posts draw their substantive pay plus 75 per cent. of pay representing average mileage, subject to the condition that the total emoluments thus drawn are not less than the minimum pay or more than the maximum pay of the officiating post. The pay of guards transferred permanently to the Control Branch is regulated by Fundamental Rule 22. There are instances where guards

appointed to the Control Branch draw higher pay than members of the station staff appointed at an earlier date to this Branch in the same grade.

(e) and (f). Government do not consider that a grievance exists as the seniority of employees transferred to Control Branch is determined by the dates of their confirmation in the respective grades of that Branch and not with reference to the pay drawn on transfer.

(g) Does not arise.

(h) A statement giving the information is being sent to the Honourable Member.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is not a fact that when this control system was first introduced not a single guard was taken on that control system?

Mr. A. A. L. Parsons : The information given to me by the Railway Administration is that the practice of transferring guards to the control system has been in force ever since the system came into force.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to lay on the table a list of the names of those persons that had been taken on the control system?

Mr. A. A. L. Parsons : No. If the Honourable Member will give me any definite information to the effect that the statement I have made is false, I will take the necessary action.

Mr. Lalchand Navalrai : Does not the Honourable Member think that the number of those guards that have been taken in vacancies must be very few and the information must be given?

Mr. A. A. L. Parsons : No.

Mr. Lalchand Navalrai : I should rise to a point of order. The question that I am putting is a very simple one but it is not answered. The point is that when the control system was first started not a single guard was taken on that control system. Subsequently, some Anglo-Indians have been gradually taken, and there is a great cry in the country with regard to that.

Mr. President : The Honourable Member should restrict himself to the point of order which he wishes to raise.

Mr. Lalchand Navalrai : I am giving my reasons for the point of order. The point of order is this. I request the President to get me an answer to this question.

Mr. President : The Honourable Member, though new now, has served on the Assembly before.....

Mr. Lalchand Navalrai : I have.

Mr. President : and he knows that there is no obligation upon Government Members to answer any questions. The remedy which the non-official Benches have under the Rules and Standing Orders against any Government Member declining to answer questions which are legitimate is a vote of censure in the form of an adjournment motion.

Mr. Lalchand Navalrai : I only wanted to avoid that censure on the Honourable Member. (Laughter.)

ALLEGED INFLUENCE OF MAGISTRATES BY PUBLIC PROSECUTORS.

64. Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that the public prosecutors in India or in any part of British India bring messages from the District Magistrates and the District Superintendents of Police and whisper in the ears of Magistrates that this or that is their order and that they should or should not release particular accused on bail or generally to abide by the orders so conveyed?

(b) Has the attention of Government been drawn to the speech of Syed Mia-Miran Mahomed Shah, M.L.C., Bombay, published at page 779 of the Bombay Legislative Council Debates dated the 11th March, 1931, complaining of the aforesaid practice?

(c) If the answer to part (a) be in the affirmative, what steps do Government propose to take to eradicate such a pernicious practice?

(d) If the answer to part (a) be in the negative, do Government propose to appoint a committee to inquire into such a serious allegation?

The Honourable Sir James Crerar : (a) I am not aware of the existence of any such practice.

(b) I have read the speech and have also read the reply of Sir Ernest Hotson that none of the many officers who had served in Sind had any knowledge of the state of things described.

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

Mr. Lalchand Navalrai : Will the Honourable Member take it from me that there is a system like this—Public Prosecutors in India convey messages to the Magistrates and go into their chambers and talk about the cases. Will the Honourable Member make inquiries, if the Honourable Member does not know?

The Honourable Sir James Crerar : I have no doubt that that is the Honourable Member's impression, but I think he is not justified in holding that impression. I do not think that that constitutes a *prima facie* basis for a formal inquiry.

Mr. K. Ahmed : I think there is a section probably 528 still in the Criminal Procedure Code as it was amended in 1923 for its remedy. There is a section also, that if it is a complaint of that description against a Magistrate of the first class or a Sub-Divisional Magistrate, the District Magistrate under section 528, Criminal Procedure Code.....

Mr. President : Does the Honourable Member give a reply to the supplementary question?

Mr. K. Ahmed : I am putting a question. Are the Government aware that sections 526 and 528 of the Criminal Procedure Code will remove the grievances raised by the questioner?

The Honourable Sir James Crerar : I think the Honourable Member is perfectly correct in suggesting that, if such a practice as the questioner suggests is found to be in existence, there are remedies provided by law.

Mr. Lalchand Navalrai : What I am stating is not my impression. It is my experience and that of the M. L. C. from Bombay whose name I have mentioned. Will the Honourable Member make inquiries into the case?

The Honourable Sir James Crerar : I think that there are already sufficient remedies provided by law for such a practice, if it is found to exist in any particular case.

Mr. Lalchand Navalrai : Does the Honourable Member say that putting questions is not one of the remedies.

The Honourable Sir James Crerar : I think the other remedies are more proper and convenient.

Mr. President : These are questions of opinion.

Mr. Lalchand Navalrai : I want to know whether the Honourable Member is going to get me the information or not. The Honourable Member had denied the facts I have mentioned. I am giving my personal experience and that of an M. L. C. of Bombay. Is the Honourable Member going to make inquiries into this matter ?

The Honourable Sir James Crerar : In view of the answer which I have already given, I do not think that there is a sufficient case for a formal inquiry of a general character.

Mr. K. Ahmed : In view of the fact that it can be remedied if an application for transfer is made either by his learned colleague, Syed Mia-Miran Mahomed Shah, M.L.C., or by himself, stating that the illegality may be done away with and asking that the file be transferred to some other Magistrate, will Government be pleased to point out that there is also a section in the Criminal Procedure code to enable that to be done ?

Mr. C. B. Elliott : Is it in order for an Honourable Member to make a general aspersion upon the Public Prosecutors in India, of this sweeping nature ?

The Honourable Sir James Crerar : I do not think any such charge is in any way justified.

SEPARATION OF THE EXECUTIVE FROM JUDICIAL TRIBUNALS.

65. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a declared policy of Government that the executive in India should be separated from the judicial tribunals ?

(b) If so, when do Government propose to take the initiative in the matter ?

(c) Do Government know that the police try to influence the Magistracy by privately carrying to them messages purporting to have been issued from the superior officers ?

(d) Have Government's attention been invited to the remarks made by Syed Mia-Miran Mahomed Shah, M.L.C., Bombay, published at page 779 of the Bombay Legislative Council Debates, dated the 11th March, 1931 ?

(e) Do Government propose to adopt a policy generally to appoint only experienced and permanent officials to exercise judicial powers in India ?

The Honourable Sir James Crerar : (a) and (b). The Honourable Member is referred to my reply to Rai Bahadur Sukhraj Rai's starred question No. 770, on the 2nd March, 1931, and to the reply given by Mr. Haig to a similar question in the Council of State on the 11th September, 1928.

(c) No.

(d) Yes.

(e) This is a matter primarily for Local Governments, and I have no reason to suppose that they are not alive to the considerations to which the Honourable Member refers.

SUBORDINATION OF RESIDENT MAGISTRATES TO JUDICIAL HEADS INSTEAD OF TO THE EXECUTIVE DEPARTMENT.

66. ***Mr. Lalchand Navalrai :** (a) Do Government propose to place the resident magistrates wherever they exist in India subordinate to the judicial heads as the subordinate judges are at present, instead of being appointed and dismissed by the executive department ?

(b) Will Government be pleased to state if such a course will entail any economical or any other obstacle ? If so, what ?

The Honourable Sir James Crerar : The appointment and dismissal of Resident Magistrates is a normal function of the Executive Government and no change in this respect is contemplated.

EXTRA POWERS OF THE COMMISSIONER IN SIND.

67. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the Commissioner in Sind holds many extra powers other than those possessed by the Commissioners of the other Divisions in the Bombay Presidency ?

(b) If so, which of the powers have been so conferred on him by the India Government or under the sanction obtained by the Bombay Government from the Government of India ?

(c) Is it a fact that for a long time the public of Sind in general, and provincial political conferences held in Sind in particular, have protested against the said officer continuing to hold such powers and have complained that they are prejudicial to the interest of the people ?

(d) What steps do Government propose to take in the matter ?

The Honourable Sir James Crerar : The information is being obtained and will be supplied to the Honourable Member in due course.

LENGTH OF SERVICE IN BOMBAY OF THE PRESENT COMMISSIONER OF INCOME-TAX, BOMBAY PRESIDENCY.

68. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state since how long the present Commissioner of Income-tax of Bombay Presidency has remained in the present post and how long in other posts of the Income-tax Department in Bombay ?

(b) Is there any rule or practice fixing a period for which Income-tax Commissioners and their assistants can remain in their posts in one place ?

The Honourable Sir George Schuster : (a), (1) Commissioner of Income-tax since the 14th October, 1927.

(2) Assistant Commissioner of Income-tax, Bombay City, from the 1st April, 1922 to the 13th October, 1927, except for periods during which he officiated as Commissioner of Income-tax.

(3) Deputy Collector of Income-tax, Collector or 1st. Collector of Income-tax under the Bombay Government from December, 1909, to the 31st March, 1922, except for the period, 31st March, 1914, to 21st April, 1919.

(b) The reply is in the negative.

REPORTS OF INCOME-TAX OFFICERS ON APPEALS MADE AGAINST THEIR ORDERS.

69. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that the Commissioners of Income-tax and their assistants call for a report from Income-tax Officers before deciding appeals filed before them against the orders of Income-tax officers ?

(b) Is it a fact that the Assistant Commissioner of Income-tax in Sind calls for such reports ?

(c) If so, is the report open to the assessee and are they given an opportunity to have their say on it ?

(d) Do Government propose to issue instructions that the assessee be allowed to be heard with regard to such reports if sent for ?

The Honourable Sir George Schuster : (a) Under instructions issued by the Central Board of Revenue in 1927, appellate officers ordinarily refrain from asking for reports or remarks when calling for the records of cases under appeal. Such reports are called for in rare cases when specific points are raised in the appeal on which the appellate officer requires enlightenment.

(b) It is not the practice of the Assistant Commissioner of Income-tax in Sind to call for such reports.

(c) and (d). These parts of the question do not arise ; but it may be mentioned that in 1927 the Central Board of Revenue issued general instructions to the effect that, when an appellate officer conducts a further enquiry himself or directs the Income-tax Officer to make further enquiry and report the result, the results of such enquiry should be brought on record formally, and that the appellant should invariably be given an opportunity of rebutting any such fresh evidence or any inferences therefrom.

*Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether in those rare cases those opinions are shown to the assessee or are they kept secret ?

The Honourable Sir George Schuster : I am afraid I must ask for notice. The Honourable Member knows much more about income-tax procedure than I do.

Mr. Lalchand Navalrai : Not more than the Honourable Member himself !

ALLEGED CONFIDENTIAL AND PRIVATE INSTRUCTIONS GIVEN TO INCOME TAX OFFICERS.

70. *Mr. Lalchand Navalrai : (a) Is it a fact that the Income-tax Commissioners and their assistants give confidential and private instructions to Income-tax Officers for enhancement of income-tax or fixing in a

particular manner the income of assessee when their cases are either pending before the Income-tax Officers or when the Income-tax Officers consider the same under section 27 of the Income-tax Act ?

(b) If so, under what law or rule is this practice followed ?

The Honourable Sir George Schuster : (a) No.

(b) Does not arise.

PAY OF ASSISTANT COMMISSIONERS OF INCOME-TAX IN BOMBAY AND SIND.

71. *Mr. Lalchand Navalrai : (a) What is the pay of the Assistant Commissioner of Income-tax in Bombay and Sind, respectively ?

(b) Do the incumbents belong to the cadre of the Deputy Collectors ?

(c) Will Government be pleased to state how much does a Senior Deputy Collector draw as his salary in the Bombay Presidency including Sind ?

The Honourable Sir George Schuster : (a) The scale of pay of Assistant Commissioners of Income-tax in Bombay and Sind is Rs. 1,000—100—1,500. Special pay of Rs. 250 is attached to the two posts of Assistant Commissioners of Income-tax, Bombay City.

(b) Three of the Assistant Commissioners were taken from the cadre of Deputy Collectors.

(c) The scale of pay of selection grade Deputy Collectors in the Bombay Presidency including Sind is Rs. 1,000—100—1,200.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT

72. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many prosecutions under the Sarda Act are at present pending in courts of all the Presidencies in India, stating their number in each Presidency ?

(b) Are Government aware that there is a defiance against the Sarda Act in some parts of India ?

(c) Are Government prepared to see that the Act is not infringed ?

(d) What measures have Government taken, or propose to take, to prevent breaches of this law ?

The Honourable Sir James Crerar : (a) I have no figures available regarding pending cases. Up till February, 1931, the number of prosecutions under the Act was 1 in Madras, 3 in Bombay, 4 in Bengal, 12 in the United Provinces, 1 in the Punjab, 3 in Bihar and Orissa, 1 in the Central Provinces, 3 in Delhi, and 1 in Ajmer-Merwara.

(b), (c) and (d). Government have no reason to suppose that action has not been taken on any complaint filed in accordance with the provisions of the Act. The prevention of child marriages, as distinct from their penalization as provided in the Act, would, as the Honourable Member will recognize, be extremely difficult to secure effectively by legislation.

Mr. Lalchand Navalrai : Does the Honourable Member know that in those cases of prosecution that have been launched, nominal sentences of a few rupees have been imposed?

The Honourable Sir James Crerar : No. I do not think that that is so in the great majority of cases.

FRONTIER REGULATIONS IN FORCE IN THE NORTH WEST FRONTIER PROVINCE AND SIND AND DECISION OF CASES BY JIRGAS.

73. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state which Frontier Regulations are in force at present in the North West Frontier Province and Sind respectively?

(b) Are Government aware that the system of deciding cases by Jirga has degenerated and the Elders generally are prone to influences?

(c) What methods are Government prepared to adopt in order to restore purity and confidence in these Jirgas?

Mr. E. B. Howell : (a) A complete list of the Regulations in force in the North West Frontier Province and Sind, respectively, is being forwarded to the Honourable Member.

(b) and (c). As regards the North West Frontier Province, Government are not prepared to admit the implications arising from the form in which the Honourable Member has put his question, but as he is probably aware, they have recently appointed a committee comprised almost exclusively of non-officials to enquire into the content and working of some of these Regulations in the settled districts of the North West Frontier Province. The Committee have completed their enquiry and submitted their report which is now under the consideration of the Government of India.

As regards Sind the personnel of each Jirga is decided by the District Magistrate who makes a careful selection, and objections raised by either party are duly considered. The Elders are chosen from different tribes having few interests in common and an experienced official presides. The Jirga system is very popular among the Baluch tribes and other tribes following Baluch custom, and faith in the system is proved by the fact that the District Magistrate receives many applications for transfer of cases from the ordinary law courts to Jirga. There is nothing to indicate deterioration in the system and the allegation that Elders are generally prone to improper influences is entirely unfounded.

Mr. Gaya Prasad Singh : May I know when the Report of the Frontier Regulations Committee is likely to be published?

Mr. E. B. Howell : I cannot say, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if that Committee which had been appointed also inquired into the system prevailing in Sind and as regards the influences that have been referred to in the question? Has that Committee gone into that?

Mr. E. B. Howell : The inquiry of the Committee was confined to the settled districts of the North West Frontier Province.

Mr. Lalchand Navalrai : May I understand, then, that an inquiry is going to be made with regard to Sind?

Mr. E. B. Howell : No case for any such inquiry has so far been disclosed.

Mr. Lalchand Navalrai : Has the Honourable Member got any papers from Sind with regard to this question, and will he be pleased to lay those papers on the table?

Mr. E. B. Howell : The only papers which I have, or rather the substance of them, are those which have just been read out in answer to the Honourable Member's question.

Mr. Lalchand Navalrai : How is the Honourable Member then prepared to say that what is stated in the question with regard to Sind is unfounded?

Mr. E. B. Howell : The Commissioner in Sind says so, Sir.

Mr. Lalchand Navalrai : Is that sufficient for the Honourable Member to justify him to take it that that is so?

Mr. E. B. Howell : I take it, Sir, that he is in a position to know and that he has told the truth.

Mr. Lalchand Navalrai : Will the Honourable Member then make fuller inquiries? Will the Honourable Member make inquiries not only from the Commissioner but through a Committee or through some public men?

Perhaps the Honourable Member has got no reply to make?

(There was no answer).

EXEMPTION OF MEMBERS OF THE LEGISLATURE FROM THE ARMS ACT RULES.

74. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the ex-Members of the Indian Legislature had exemption to possess arms under the Indian Arms Rules before they were amended in 1924?

(b) Is it a fact that the Members and ex-Members of the Provincial Legislative Councils were also similarly exempted?

(c) Will Government be pleased to state the reasons for removing the exemption in their case by the amended rules in 1924?

The Honourable Sir James Crerar : (a), (b) and (c). Members and ex-Members of the Indian Legislature and of the Provincial Legislative Councils were up to 1920, exempted from the operation of certain provisions of the Arms Act. This exemption was amongst those withdrawn in January 1920, when the Arms Rules were revised, the reasons being stated in Home Department Resolution No. 2125-C, dated the 21st March, 1919, a copy of which has been placed in the Library. In 1923, in pursuance of a recommendation of the Arms Rules Committee, the exemption was restored to Members of the Indian Legislature for the period of their office, and this period was subsequently extended to six months after their terms of office.

PAY OF THE AGENT AND SUPERIOR OFFICERS OF THE ASSAM BENGAL RAILWAY.

75. *Mr. Muhammad Anwar-ul-Azim : Will Government please state, if the Agent and other superior officers of the Assam Bengal Railway have

received any increment of pay in the financial year 1931-32? Is it a fact that there have been recurring losses in the said Company?

Mr. A. A. L. Parsons : Normal increments according to existing sanctioned scales of pay have been granted to officers of the Assam Bengal Railway on incremental scales of pay.

The only post in which the rate of pay has been revised during the current financial year is that of the Agent, where an incremental pay of Rs. 3,000—250—3,500 has replaced the fixed pay of Rs. 3,000 plus £13-6-8 sterling overseas' pay.

From 1925-26 to 1929-30, the latest year for which figures are at present available, the Company has earned surplus profits.

APPOINTMENT OF MUSLIMS ON THE STATION STAFF AT ROORKEE

76. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state, if they have received any complaint with regard to the station staff at Roorkee Railway Station? Are Government aware that it is a great place for the Muslims on account of the great shrine of the Muslim divines therein? Will Government please state if they have any objection with regard to the appointment of some Muslims on the station staff at Roorkee, so that they might help the Muslim pilgrims all the year round?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the negative. In regard to the latter part, Government understand that there is a shrine some little distance from Roorkee Station which is visited by Muslims, but they have no reason to believe that the present staff do not afford adequate assistance to passengers of all communities. I am, however, sending a copy of the Honourable Member's question and this answer to the Agent of the East Indian Railway for such action as he may consider necessary.

Mr. Gaya Prasad Singh : Sir, do Government propose to extend similar facilities to Hindus by providing Hindu staff at Hindu places of pilgrimage?

Mr. A. A. L. Parsons : I am not aware, Sir, that I have promised that any particular action will be taken.

Mr. Gaya Prasad Singh : Very good.

ABOLITION OF THE POST OF FEMALE ATTENDANT FOR THIRD CLASS PASSENGERS AT Dacca RAILWAY STATION.

77. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether it is a fact that the post of the female attendant at the Dacca Railway Station for third class passengers has been abolished? If so, why?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative. As regards the second part, the posts of female attendants have come under retrenchment in view of the present financial stringency.

LACK OF FACILITIES FOR PASSENGERS ON CERTAIN PLATFORMS AT THE CHITTAGONG RAILWAY STATION.

78. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what facilities, by way of shelter from rain and sun, are afforded at the Chittagong Railway Station; to passengers who board the trains for Hathazari, Nazirhat and Dohazari? Is it a fact that there is no water closet in third class waiting rooms at Chittagong Railway Station? Is it a fact that the third class Booking Office is far away from the platform at the Chittagong Railway Station? Do Government propose to see that these tickets are available on the main platform during rains?

Mr. A. A. L. Parsons : Passengers travelling from Chittagong can use the waiting rooms and waiting hall accommodation provided at the station for passengers generally, but similar accommodation has not been provided on the branch line platform from which trains leave for Hathazari, Nazirhat and Dohazari stations.

No water closet has been provided in the third class waiting hall, but there is a latrine about 58 yards away from the entrance to the hall.

The third class Booking Office is situated in the third class waiting hall, and the distance from the waiting hall to the foot of the overbridge on the branch line platform is 112 yards.

I am bringing the Honourable Member's question to the notice of the Agent, A. B. Railway, for such action as may be considered feasible to remove any inconvenience that passengers may be experiencing.

EXTENSION OF THE ASSAM BENGAL RAILWAY TO THE BORDER OF BURMA.

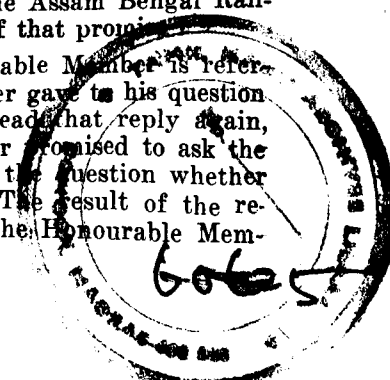
79. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the position of the Assam Bengal Railway with regard to its extension up to the border of Burma? When is that likely to be completed, and when is that to be taken up?

Mr. A. A. L. Parsons : I presume that the Honourable Member is referring to the Chittagong Dohazari Branch, which follows the alignment which an Indo-Burma-Railway connection might conceivably take. This was opened for traffic on the 10th June, 1931.

WORK AT THE CHITTAGONG JETTIES.

80. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if it is a fact that the Honourable Member in charge of Railways promised to the Assembly to examine whether it would be economical to work the "handling" work at the Chittagong jetties by the Assam Bengal Railway? If so, when, and what has been the result of that promise?

Mr. A. A. L. Parsons : I presume the Honourable Member is referring to the reply the Honourable the Railway Member gave to his question No. 179 on the 29th January, 1931. If he will read that reply again, he will see that the Honourable the Railway Member promised to ask the Agent of the Assam Bengal Railway to look into the question whether any more economical arrangement was feasible. The result of the reference made to the Agent was communicated to the Honourable Member on the 2nd April, 1931.



Dr. Ziauddin Ahmad : I thought, Sir, that it was the Government of India which was going to inquire into this affair as was promised at the Simla Session of the Assembly in 1930 ?

Mr. A. A. L. Parsons : The question, Sir, relates to the working of jetties at Chittagong by the Assam Bengal Railway, and I am not quite sure that for the purposes of that question, this is really relevant.

ALLOWANCES OF THE FRONTIER REGULATION COMMITTEE AND CERTAIN OTHER COMMITTEES.

81. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the difference between the Frontier Regulations Committee that is sitting in Peshawar, and the Cinema Committee and the Banking Enquiry Committee, which finished their labour some years ago in the matter of travelling and halting allowances ?

Mr. E. B. Howell : The information required regarding the travelling and halting allowances granted to the three committees referred to by the Honourable Member is given in the form of a comparative statement which is placed on the table.

Statement showing travelling and halting allowances granted to the Frontier Regulations Enquiry Committee, Indian Cinema Committee and Banking Enquiry Committee.

Name of Committee. 1	Travelling allowance or equivalent concession granted. 2	Halting allowance or equivalent concession granted. 3
Frontier Regulations Enquiry Committee.	<i>Official members (including the President and Secretary):</i> have been granted travelling allowance admissible under the Government of India Supplementary Rules. <i>Non-official members :</i> have been allowed travelling allowance as far first class officers on tour for journeys by rail and annas 12 per mile for journeys by road (journeys being other than those within 5-mile radius in places of halt of the Committee).	<i>President :</i> has been granted a daily allowance of Rs. 10 a day at headquarters or any other place of halt. <i>Secretary :</i> has been granted daily allowance admissible under the rules at headquarters or any other place of halt. <i>Non-official Members :</i> No daily allowance has been sanctioned. But each member has been granted a subsistence allowance of Rs. 1,200 per mensem and, in addition a tour allowance of Rs. 300 per mensem, provided that his ordinary residence is not within 10-mile radius from the headquarters of the place of halt of the Committee in which case conveyance allowance at rate not exceeding Rs. 100 per mensem will be granted. No other remuneration was granted to any member.

Name of Committee. 1	Travelling allowance or equivalent concession granted. 2	Halting allowance or equivalent concession granted. 3
Indian Cinema Committee.	<i>Chairman (a non-official) :</i> was entitled to reserve a 1st class compartment for himself. <i>Members (including Secretary) :</i> Any two members were similarly allowed to reserve a 1st class compartment for themselves.	<i>All members (including the Chairman and Secretary) :</i> A subsistence allowance of Rs. 15 per diem was sanctioned for each continuously while on duty with committee in addition to a daily remuneration of Rs. 50 in the case of two non-official members. The non-official Chairman received Rs. 3,000 per mensem in addition to the subsistence allowance of Rs. 15 a day above mentioned.
Banking Enquiry Committee.	<i>All members (including Vice Chairman) :</i> were granted travelling allowance at 1st class rates under the Government of India Supplementary Rules. The Chairman, Sir B. N. Mitra, was provided with a saloon when travelling by railway on duty connected with the Committee. There was one official member on the Committee and he was paid travelling allowance under the supplementary rules.	<i>Non-official members (including Vice Chairman) :</i> Each was granted a subsistence allowance of Rs. 15 a day for each day of halt at places away from headquarters, in addition to a remuneration of Rs. 50 a day. But members of the Council of State and the Legislative Assembly when attending the meeting of the Committee at Delhi or Simla during the Legislative session were not permitted to draw the subsistence allowances for the days of their residence at these places. The Chairman was granted a compensatory allowance of Rs. 1,500 per mensem plus a subsistence allowance of Rs. 15 a day. The official member drew halting allowance under the supplementary rules.

TEMPORARY CLERKS RETRENCHED BY THE ASSAM-BENGAL RAILWAY.

82. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state how many temporary clerks have been retrenched by the Assam Bengal Railway since 1931, and how many of them are Moslems ?

Mr. A. A. L. Parsons : Thirty-three temporary clerks have been retrenched since January, 1931, of whom 3 were Moslems.

UNFUNDED DEBT OF THE GOVERNMENT OF INDIA.

83. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state what was the unfunded debt of the Government of India on the 31st March, 1931 ?

The Honourable Sir George Schuster : The amount of debt under the heading of " unfunded debt " in the Government of India accounts, outstanding on the 31st March, 1931, was as follows :

	Lakhs.
Post Office Cash Certificates	38.44
Post Office Savings Banks	37.08
Provident Funds, etc.	71.26
Total ..	146.78

The figures are provisional as the accounts of the year have not yet been made up finally.

REPAIR OF THE ARRACAN ROAD IN THE DISTRICT OF CHITTAGONG.

84. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state if they have undertaken to repair Arracan Road, in the district of Chittagong, under their road development scheme ? How long will it take them to make it fit for motor traffic ?

Mr. J. A. Shillidy : The Honourable Member is referred to the Resolution on roads adopted by this Assembly on February 4th, 1930. Under the terms of clause (5) of that Resolution the Governor General in Council has, with the advice of the Standing Committee for Roads, approved as one of the schemes put forward by the Government of Bengal, the provision of certain bridges on the Chittagong-Arracan Trunk Road. Government have thus not undertaken to repair the road, as suggested by the Honourable Member. The second part of the Honourable Member's question does not, therefore, arise.

RAILWAY TO PATUNGA POINT AND THE COST OF THE AERODROME THERE.

85. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state who is the owner of the railway line, that runs from Chittagong up to Patunga Point ? What is the relation of Government with that railway line ? Have they considered the desirability of making a railway station at the Patunga Point for the convenience of the public ? How much has it cost Government up to now to make the aerodrome at the Patunga Point ? From which Budget has it been met ?

The Honourable Sir George Rainy : The railway line referred to belongs to the Commissioners for the port of Chittagong and Government have no special relation with it. As the Port Trust railways are not intended for the conveyance of passengers Government have not considered the desirability of making a railway station at the Patunga

Point for the convenience of the public. The actual expenditure incurred on the acquisition and preparation of the landing ground at the Patunga Point up to the 31st March, 1931, was Rs. 1,37,445 including departmental charges, and since then a further sum of Rs. 72,000 including departmental charges has been allotted for the completion of the work. The cost is debitable to the Civil Aviation Budget.

COST OF THE DREDGERS " KARNAFULI " AND " PATUNGA. "

86. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state how much the Port authorities at Chittagong have lost by way of repairs of the dredgers, " Karnafuli " and the " Patunga " ? How much has it cost them to purchase them initially ?

The Honourable Sir George Rainy : A sum of Rs. 12,03,901 including pilotage and docking charges, has been spent on repairs to the dredgers " Karnafuli " and " Patunga ". The expenditure cannot, nowever, be described as loss, since repairs are necessary to ensure the prolonged life and efficient working of the vessels. The initial cost of purchase of these dredgers was Rs. 23,91,137.

EMPLOYMENT OF INDIANS BY PORT TRUSTS.

87. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state what control the Government of India exercise over the Port Trusts in India, and what is the position of the Indians on those Port Trusts, as regards their representation by way of a percentage ?

The Honourable Sir George Rainy : With regard to the first part of the Honourable Member's question, I would invite his attention to the reply given to the first part of his question No. 176 in the Legislative Assembly on the 29th January, 1931. As regards the second part of his question, a statement showing the percentage of Indians on the various Ports Trusts in India is laid on the table.

STATEMENT.

Ports.	Percentage of Indians.
Calcutta	26.3
Chittagong	33.3
Madras	26.6
Rangoon	29.4
Bombay	45.4
Karachi	42.8
Aden	27.3

POWERS OF THE PRIVY COUNCIL IN RESPECT OF ORDINANCES PROMULGATED BY THE GOVERNOR GENERAL IN COUNCIL.

88. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state if it is a fact that His Majesty's Privy Council has opined that the Ordinances promulgated by the Governor General in Council are beyond their powers and that this is not contemplated by the Government of India

Act? If their power in Ordinance making is imperfect, do they propose to make it perfect in that behalf? If so, how soon?

The Honourable Sir James Crerar : The reply to the first part of the question is in the negative. The second part of the question does not arise.

PROPOSED LICENSING OF "MUALLIMS".

89. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether they are aware that the "muallims" (Guides) give the Hajis the greatest amount of trouble by cheating and molesting them? Are Government prepared to issue orders for the licensing of these "muallims"?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Government of India are aware that some muallims' conduct towards Indian pilgrims has given rise to complaints. The question of controlling the activities of muallims and their agents in India is at present under consideration in connection with the recommendations made by the Haj Inquiry Committee.

COMMUNAL INEQUALITY IN GOVERNMENT SERVICES.

90. ***Dr. Ziauddin Ahmad :** (a) Has the attention of Government been drawn to the article "Communal inequality in Government Services" published in the *Muslim Outlook*, dated the 24th April, 1931?

(b) Is it correct that the Mussalmans in the Civil Accounts Department are only about 5½ per cent.?

(c) Are Government contemplating to take special steps to remove this communal inequality?

The Honourable Sir George Schuster : (a) Yes.

(b) No. The correct percentage is 10.5.

(c) The instructions already issued are apparently proving effective. Muslim representation has gone up from 8.15 per cent. in 1925 to 10.5 in 1930. It is necessary to emphasize that since the instructions relating to communal representation refer to recruitment their effect must necessarily be gradual.

REPORTS FROM CERTAIN PROVINCIAL GOVERNMENTS ON FINANCE AND POPULATION OF ORIYA-SPEAKING TRACTS.

91. ***Mr. B. N. Misra :** (a) Are Government aware that the Provincial Governments of (1) Madras, (2) Central Provinces, (3) Bengal and (4) Bihar and Orissa, furnished reports as called for by the Sub-Committee appointed by the Simon Commission presided over by Major Attlee as regards (i) finance, and (ii) the population of the Oriya-speaking tracts under their administrations?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the reports referred to on the table?

The Honourable Sir George Rainy : (a) Government have not seen the reports referred to by the Honourable Member.

(b) Does not arise.

PROVISION OF AN EXTRA GATE AT BURHANPUR RAILWAY STATION.

92. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that on the 31st January, 1931, about one hundred leading merchants of Burhanpur applied to the Agent, Great Indian Peninsula Railway, stating that there was only one gate provided at the Burhanpur Railway Station, for passengers and goods traffic, motors, tongas and carts, and that this congestion was causing people some inconvenience?

(b) Did they ask for another gate being provided?

(c) If so, what steps have been or will be taken in the matter and when?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 92, 93 and 95 together. Government are aware of the general complaint that the accommodation and facilities existing at Burhanpur Railway Station are not adequate to meet all public requirements, but, owing to the financial position, it has not been found possible to provide the funds necessary for improving these facilities. Plans and estimates have, however, been drawn up to effect the necessary improvements, and these will be taken in hand, when funds are available.

INCONVENIENT USE MADE OF THE PASSENGER SHEDS AND PLATFORMS AT BURHANPUR RAILWAY STATION.

†93. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that the passenger sheds and platforms both for the Up and Down trains at Burhanpur are also used for storing parcels and goods? Is it a fact that people complained that this was causing them inconvenience?

(b) If so, what action do the Railway Department propose to take to remove this inconvenience?

PROVISION OF A ROAD TO THE NORTH OF BURHANPUR RAILWAY STATION.

94. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that there is no proper approach to the goods shed or the temporary goods siding towards the north at Burhanpur Railway Station?

(b) If so, will the Railway authorities kindly state if they will provide a proper road to remove the great inconvenience during the rains?

Mr. A. A. L. Parsons : (a) and (b). Government have no information, but if the lack of a proper approach road, mentioned by the Honourable Member, is an inconvenience to the travelling public, I would suggest that this fact be brought to the notice of the Great Indian Peninsula Railway Administration through the Local Advisory Committee.

†For answer to this question, see answer to starred question No. 92.

STORAGE OF DRY FISH AND HIDES ON THE PASSENGER PLATFORM AT BURHANPUR RAILWAY STATION.

195. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur H. M. Wilayatullah) : Is it a fact that packages of hides and dry fish are kept on the passenger platform at Burhanpur? If so, will the Railway authorities kindly state if they intend to take steps to stop this?

REMOVAL OF A PUBLIC LATRINE FROM THE PROXIMITY OF THE THIRD CLASS WAITING ROOM AT BURHANPUR RAILWAY STATION.

96. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that a public latrine is situated close to the third class waiting room at Burhanpur?

(b) If so, will the Railway authorities state if they intend to take steps to have it shifted from there?

Mr. A. A. L. Parsons : (a) and (b). Government have no information, but this is a matter which can most suitably be taken up in the Local Advisory Committee.

EXPENDITURE ON OVERSEAS PAY, EXCHANGE COMPENSATION ALLOWANCE AND PASSAGES.

97. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Will Government be pleased to refer to their reply to part (a) of unstarred question No. 157 on the 2nd February, 1931, and state separately the total expenditure during the last three years, on

- (i) overseas pay,
- (ii) exchange compensation allowance, and
- (iii) free passage for Government servants of non-Asiatic domicile and their families?

(b) What is the total budget provision under the above heads separately in 1931-32?

The Honourable Sir George Schuster : The information is being collected.

LOSS OR GAIN BY THE MAINTENANCE OF EXCHANGE AT 1s. 6d.

98. *Sardar Sant Singh : Will Government be pleased to lay on the table a statement showing :

- (a) the amount of remittances to England required in 1929-30, after deducting the trade balance in favour of India ;
- (b) the cost to Government if exchange had stood at 1s. 4d. and the savings by maintaining exchange at 1s. 6d. ; and
- (c) the loss caused to India by fall in prices due to action of Government of India in maintaining exchange at 1s. 6d. ?

The Honourable Sir George Schuster : (a) The attention of the Honourable Member is invited to paragraphs 6—9, 20 and 27 of the Report of the Controller of the Currency for 1929-30.

†For answer to this question, see answer to starred question No. 92.

(b) The only direct effect on the Government Budgetary position of maintaining the ratio at 1|6 instead of say 1|4 is to reduce the amount of rupees which have to be raised to meet the Government's annual sterling obligations by 1|9th. That is to say, taking the normal sterling obligation at £30 millions per annum, if the rupee stands at 1|6 the Government have to raise Rs. 40 crores to meet them, whereas if the rupee stood at 1|4 the Government would have to raise Rs. 45 crores. Therefore the immediate effect on the Government's Budget of dropping the rupee value to 1|4 would be to make it necessary to raise over 5 crores more of revenue.

(c) I regret that I do not understand the question. The fall in prices has been due not to the maintenance of exchange at 1s. 6d. but to general world causes. If, for example, exchange had been fixed at 1s. 4d. in 1927, India would have felt the full shock of the fall in world prices for all her main commodities just as much as she is feeling it now. The percentage fall would have been the same.

IMPORT OF WHEAT UNDER THE WHEAT (IMPORT DUTY) ACT.

99. *Sardar Sant Singh : (a) Will Government be pleased to state how much wheat has been imported to India since the passing of the Wheat (Import Duty) Act?

(b) Are there any contracts exempted from duty under section 3 of the Wheat Import Duty Act, still outstanding? What steps did Government take to check the genuineness of the contracts before permitting exemptions?

(c) What steps have Government taken to improve the prices of wheat or stabilise them? Do Government intend to take any steps for the future?

(d) How much wheat is at present in excess of the requirements of the country?

The Honourable Sir George Rainy : (a) 118,579 tons of wheat have been imported into India during the period from the 20th March, 1931, the date when the Wheat (Import Duty) Act, 1931, came into force, to the 20th August, 1931.

(b) Contracts covering not more than 2,549 tons of wheat were reported to be outstanding on the 20th August, 1931. The duty of checking the genuineness of the contracts rests on the Collectors of Customs under section 3 of the Act, and, under section 29 of the Sea Customs Act, they have the power, in cases of doubt, to require any documents bearing on the contracts to be produced before them.

(c) Government do not consider that any steps they could take would be effective in improving or stabilising the price of wheat. They have, however, taken much steps as they have found possible to assist the sale of Indian wheat, in the first place, through the Wheat (Import Duty) Act which has enlarged the internal market, and, in the second place, by reducing the railway freight on wheat from stations in the Punjab to Karachi with the object of assisting export sale. Government have also appointed a representative to the Standing Committee recently set up in London by all the principal wheat exporting countries with a view to exploring avenues for the greater utilisation of wheat. It is not

possible to say at present whether any further action will be found practicable or necessary.

(d) Government have no data on which a trustworthy estimate could be framed of the quantity of wheat in the country in excess of its requirements.

Dr. Ziauddin Ahmad : Are Government aware that on account of the time concession given in the Delhi Session of the Assembly, the importers have imported wheat equivalent to the total amount which they would have imported under normal conditions ?

The Honourable Sir George Rainy : No, Sir. If by normal conditions the Honourable Member means, if there had been no import duty on wheat, then I cannot accept his statement as correct. If there had been no import duty, the imports would probably have been twice as large.

Sardar Sant Singh : If the reduction in freight granted during the last two or three months comes to an end on 14th September, does the Honourable Member intend to keep that reduction in freight on ?

The Honourable Sir George Rainy : The concession expires on 14th September. The object of that concession was to promote the export of Indian wheat and for that purpose it has not proved effective because exports of wheat to foreign countries have been very small indeed. The actual effect has been to stimulate the transport of wheat *via* Karachi to Calcutta, and in effect, I am afraid, it is merely a transfer from one route to another. In the ordinary course, that wheat would have gone by rail from the Punjab to Calcutta. In these circumstances, it is very difficult to make out a case for the continuance of the concession.

Sirdar Harbans Singh Brar : Why not send the wheat direct from the Punjab to Calcutta rather than send it *via* Karachi to Calcutta ?

The Honourable Sir George Rainy : Looking at it as a question of purely railway economics, at a time when railway revenues are falling, it is a serious business to make such changes in freights as will reduce heavily what the railways receive without doing any particular benefit to anybody else.

Sirdar Harbans Singh Brar : Is it not a fact that about 500 wagons go empty every week to Calcutta to fetch coal from Bengal, and if you reduce the rates you will make some money on them ?

The Honourable Sir George Rainy : It is quite true that, if I reduced the freight on the all rail route from the Punjab to Calcutta, so that it would be the same as *via* Karachi, more traffic would go that way. That, I do not doubt. But the Honourable Member must remember that the reduction *via* Karachi was not made in the interests of sending wheat to Calcutta, but in the hope that it would promote the export of wheat out of the country and so diminish the surplus.

STATEMENT LAID ON THE TABLE.

REPORT OF THE COMMITTEE ON THE PURCHASE OF THE BENGAL AND NORTH-WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I lay on the table the report of the Committee appointed by the Legislative Assembly on 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st December, 1932, and to make recommendations.

Report of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North-Western and Rohilkund and Kumaon Railway systems occurs on the 31st December, 1932, and to make recommendations.

At the outset we wish to emphasise that in considering our recommendations we have had constantly before us the strong feeling which we know to exist in this country, and to which expression has often been given both in the Assembly and elsewhere, in favour of the State-management of railways and the termination of the contracts of railway companies at the earliest possible opportunity. We have also not overlooked the fact that the Bengal and North-Western and Rohilkund and Kumaon Railway Companies' management of their lines has frequently given rise to adverse public criticism, and that consequently a desire has been expressed that these lines in particular should be transferred to State management. But we have been compelled to recognise the practical obstacles to meeting at the present moment what we believe to be a general demand.

2. In our examination of the question we have had the advantage of receiving from the Honourable Finance Member very full explanations both of the present financial position and of the financial effects of purchasing the lines under the terms of the agreements with the Companies.

On the first point, the aspect chiefly emphasised by the Finance Member was that in present conditions the very large sterling sum (nearly £12 million) required to purchase the railways could not be raised without unduly straining India's credit with possible detrimental effects to existing securities, or without reducing the power of the Government to finance new expenditure in other directions to such a degree as seriously to prejudice their ability to maintain the railways of India in proper condition or to provide employment in India and place orders with Indian factories. Railway expenditure has, in view of the present financial position, already had to be reduced to a minimum. If the financial resources of the Government were further strained by providing money at the present juncture for the purchase of existing lines, a still more severe restriction on new expenditure and even on renewals would have to be imposed. The results of such a restriction would be so detrimental to India as to constitute a grave objection to purchase at the present time.

On the second point, an examination of the figures supplied to us demonstrates that having regard to the terms on which money would at the present time have to be raised and having regard to the prospects of railway earnings for the next few years, the purchase price to be paid under the terms of the existing contracts is extremely unfavourable. We observe incidentally that the purchase price payable under the terms of the agreement with the Bengal and North-Western Railway Company would apparently suffice for a distribution to the ordinary stock-holders of the Company of about £260 for every £100 of stock held, while on the basis of the last balance sheet, the other assets of the Company would seem to allow a further distribution of about £40 per £100 stock. The market quotation of the stock in London on July 22, 1931, was only £214.

On these grounds it was argued that, if regard were to be had only to financial considerations, the purchase of the railway on the contract terms could be justified only if there were very material improvement both in the terms on which the Government could raise sterling loans and in the prospects of earnings from the two railways ; and that even with the maximum improvement in these respects, which it is possible to expect, it is hardly likely that the transaction would prove to be, on financial grounds, favourable within the next few years.

2. For these reasons the Government members on our committee consider that it would most probably be in the best interests of India to allow the option of purchasing the railway on December 31, 1932, to lapse, and to rely on negotiating independently with the company. They consider that it should be possible to make an offer which, while much more favourable to the Government than the contract terms, would nevertheless be sufficiently favourable to secure agreement to a sale by the company. They consider, moreover, that by negotiating on these lines it is much more probable that an arrangement could be made which would be within the financial resources of the Government of India during the next few years.

The remaining members of the committee, however, have been more impressed by the fact that if the option to purchase on December 31, 1932, is not exercised, the Government will, under the existing agreement, be left with no absolute right to purchase until 49 years later. While they recognise the possibility of purchase by negotiation at any time independently of the agreement, nevertheless, having regard to the general public feeling, as expressed in the Assembly and elsewhere, in favour of the purchase of all companies' railways and of these two railways in particular, they feel themselves unable to recommend a course which would leave the Government without any legal right of acquisition for so long a period. They consider therefore that every effort should be made to obtain such a right. The Government members, recognising the strength of Indian opinion in this matter, are anxious to respond to this view as far as that is possible without committing the Government to financial obligations which it cannot discharge, or to unreasonably onerous terms. In these circumstances we have been able to reach agreement in recommending the following course.

We recommend that Government should enter into negotiations with the two companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December, of any earlier year, again subject to one year's notice.

4. We observe that the contracts relating to the working of the Tirhoot Railway by the Bengal and North-Western Railway Company terminate automatically on the 31st December, 1932. We recommend that the question whether the working of the Tirhoot Railway should be entrusted to the Bengal and North-Western Railway Company during the five years (or shorter period) for which we suggest that the option to purchase the Bengal and North-Western Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the company for working the Tirhoot Railway during this period.

The contracts relating to the working of the Lucknow-Bareilly State Railway by the Rohilkhand and Kumaon Railway Company can be terminated on the 31st December, 1932, or on the 31st December, in any subsequent year. We recommend that the question of the Lucknow-Bareilly State Railway should be entrusted to the Rohilkhand and Kumaon Railway Company during the five years (or shorter period) for which we suggest that the option to purchase the Rohilkhand and Kumaon Railway should be obtained should be determined by the terms on which it is possible to obtain this option and to arrange with the company for working the Lucknow-Bareilly State Railway during this period.

5. In the event of its proving impossible to reach agreement with the Bengal and North-Western and Rohilkhand and Kumaon Railway Companies on the terms recommended in paragraph 3, we recommend that the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms, and that the Government should again consult a committee of the Assembly for the purpose of reconsidering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways.

G. RAINY.
GEORGE SCHUSTER.
M. A. AZIM.
M. MASWOOD AHMAD.
RAM KRISHNA JHA.
MOHD. AZHAR ALI.
HARI RAJ SWARUP.
B. N. MISRA.
ZIA UDDIN AHMAD.
GAYA PRASAD SINGH.

THE INDIAN INCOME-TAX (SECOND 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 certain purposes, be referred to a Select Committee consisting of the Deputy President, Sir Hari Singh Gour, Sir Cowasji Jehangir, Mr. S. C. Mitra, Mr. Muhammad Anwar-ul-Azim, Mr. L. V. Heathcote, Mr. N. N. Anklesaria, Sir Abdullah Suhrawardy, 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, this is an important measure. It was introduced in the last session and a motion for circulation was carried. Numerous opinions have been received and I trust that Honourable Members have had time to study those opinions. Before I deal with any of the detailed measures of the Bill, I wish to clear the air as to its general purpose. One must recognise, of course, that a measure of this kind, which affects the whole basis on which the income-tax is assessed can be represented as being open to very many objections. It will interfere with a good many existing positions and no doubt a good many hard cases will arise. But I wish to impress upon Honourable Members the importance of their not being distracted from the main purpose of the Bill by detailed objections of this kind. I would ask them to put before themselves this very simple question. Can the Government of India, can the public of India, possibly justify not passing of a measure of this kind? Is it fair that a man who has money to invest should be put into this position, that if he invested in Government securities in India or if he invested in business enterprises, commercial concerns, banks or other propositions in British India, he is subjected to the burden of the British Indian Income-tax, but if he sends it away to the United States, to France or Germany, he can get the whole of his income and contribute nothing towards the cost of the Government of this country? I would submit that on that main principle the answer must be clear to every public spirited man in this country. This is a measure, which, as I have said, undoubtedly will affect certain interests. It will undoubtedly be embarrassing to certain people. I would suggest to this House that there is no class of Members in this House who will be more embarrassed by it than those of us who sit on these Benches. But we felt it to be our duty to put this measure before the House. I want to put it before the House in the fairest possible way; I want to give the House the fullest time for considering it. There is no intention of rushing it through, no intention of neglecting any opportunity to correct details where by detailed improvements you can remove obvious injustices. But I think this House should consider very seriously what they will commit themselves to if they reject the principle of this Bill. We, of course, shall accept the opinion of the House, and it is with you, gentlemen, that the responsibility mainly lies.

Again, before entering into real details of the Bill, I wish to deal with one objection to the Bill as it stands at present, which has been brought out very clearly in the opinions which we have received. I refer to the principle of discrimination between domiciled and non-domiciled residents. Now, Sir, I made it clear in introducing this Bill that in adopting that discrimination, we had followed the principle

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followed by the British Government. We recognised fully that a very difficult point was raised in this matter. But we had to include some provisions for dealing with it, and we thought that the simplest method would be, inasmuch as we were following the British practice in the general principle, the simplest method would be to include in the Bill a provision which was in accordance with the British practice on this particular point. I fully recognise the force of the objections which have been raised to this principle of discrimination; but I would ask the House to consider that it is not merely a case of slavishly following the British practice. The provision of the British law on the subject is based on a substantial principle; it is based on the principle of making a man pay tax to some extent according to the economic allegiance which he owes, and a domiciled resident does owe an economic allegiance to the country of his domicile which a temporary resident does not owe. After having said that much, I fully recognise that the case of India is rather a special case. There is in India a community which is resident but not domiciled in the technical sense, which lives in India under very special conditions. I refer to all that class of officials and business men who spend the greater part of their working lives in India, and yet are not in the technical sense domiciled in India. I freely admit that in the case of the United Kingdom there is no parallel to that particular class and that, I fully recognise, does give a point to some of the objections which have been raised to this provision.

Now, Sir, on this point I am particularly anxious to make the attitude of Government clear. We have, for the reasons which I have explained, inserted that particular provision in the Bill, but it would be perfectly open to the Select Committee—if this House agrees to send the Bill to Select Committee—to amend that particular provision. If they do so amend it, Government will accept their amendment. Government will not say that this defeats the principle of the Bill and therefore they will not proceed with it further. I trust, Sir, that this will resolve a good many of the doubts which are felt on the other side.

Now, Sir, on the main issue, Honourable Members who have read the opinions will see that here has been a considerable divergence of opinion. Several Local Governments and such important bodies as the Bombay Chamber of Commerce, the Bengal National Chamber of Commerce, the Indian Chambers of Commerce, Lahore and Calcutta, and several Trades Associations have expressed their general approval of the principle that foreign income of residents should be made liable to Indian income-tax, although in one or two cases opinions so expressed have been made subject to important qualifications. On the other hand a number of Local Governments and public bodies have opposed this principle and a variety of reasons have been put forward. I do not propose to spend much time at the present stage in referring to those who apprehend serious administrative difficulties, and that my anticipation of a substantial increase of revenue from this source will be falsified owing to evasion and so forth. This was a matter which was considered very carefully before the Bill was drafted, and the departmental officers responsible advised me that the passage of this Bill would not introduce any serious new administrative problem, but that on the contrary it

would relieve them of various more or less insoluble problems with which they have constantly to deal under the present system, for example, those arising out of the difficulty of determining whether a remittance from abroad is a remittance of profits or a remittance of capital. That point will be entirely eliminated if the present Bill is passed. As regards the yield that we may expect from this measure, it is in the nature of things impossible for the Income-tax authorities to give any accurate estimate. They have never been in a position to get returns of foreign income and they have no basis on which to make their calculations. I think I need only say that at least it will be a possible source of revenue and I do not think that any Honourable Member will quarrel with me in attempting to discover any new possible source of revenue to-day which can fairly be tapped without putting an unfair burden on any class of the community. Indeed at times like the present, quite apart from the revenue which we may expect, there is a special reason for introducing a measure of this kind; for this measure, if it is effective, will remove a force which is operating as a magnet to withdraw funds from the country. It will remove a particular inducement to invest money abroad, and I am sure Honourable Members will agree with me that all the money which is available for investment in India to-day ought to be invested in India and not in the United States or other foreign countries.

Now, Sir, several opinions have referred to the fact that the Indian Taxation Inquiry Committee, which reported some years ago, did not recommend this measure. I do not think that, because a Government Committee which reported six years ago failed to recommend a measure, I am precluded from taking a different view and introducing it. But there are other circumstances which operate to-day. First of all, when the Indian Taxation Inquiry Committee reported, income-tax was not nearly as high as, unfortunately, it stands to-day. Therefore that magnetic force to which I referred as tending to draw capital from this country was not nearly so strong then as it is now. Secondly, we had not the same need of revenue, and the reasons for introducing such a measure are on these two grounds much stronger to-day than they were in 1925.

I am also told—and the point has been made frequently in the opinions received—that if the main object of the Bill is to prevent the withdrawal of capital from India, it will fail to achieve this purpose because the causes which are now promoting such withdrawal are of a very different nature to the inducement of escaping income-tax to which I have referred. It is quite true that there may be other causes; but this at least is one important cause which, in the absence of all other causes, would operate most strongly, and this measure proposes to remove that cause and as such I think it is a measure worth passing.

I now come to what I conceive to be the main criticisms of the Bill, criticisms to which I should most seriously address myself, criticisms which are aimed at the justice and legitimacy of this form of taxation. It has been argued as a general proposition that restrictions on the free movement of capital, and thereby upon the spirit of enterprise, are undesirable in themselves; and it has been added that it is particularly undesirable to unsettle trade relations between British India and the States. I am

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afraid that I cannot subscribe to those arguments. Whatever advantages there may be to a country in its becoming a country which has foreign investments, such advantages are too dearly bought if they are obtained at the price, not of removing an unfair barrier, but of creating an artificial stimulus to people to send their money out of the country in which they live, money which might otherwise be invested in India. That is a point which I emphasized at the beginning and which I want to emphasise again, that the object of this Bill is to remove the artificial stimulus to the export of capital, and therefore it is most unfair to describe it as the erection of a barrier.

With regard to the Indian States in particular, I cannot myself see, to take a practical example, why an investor in British India who wants to put his money, let us say, into putting up a new cotton mill, should be swayed in favour of building that mill in an Indian State rather than in British India, because, if he erects it in an Indian State, he will escape income-tax. Surely that is a condition which cannot appeal to any Member in this House. In most of the Indian States he would have to pay no income-tax, and if that condition continues, it will eventually prove very detrimental to the interests of British India. I ask Honourable Members to consider that point very carefully.

Others again, to deal with criticisms on the fairness of the principle of this Bill, have urged that it is unfair for British India to tax money earned, let us say, in the United States, because the Government of India performs no service to the investor to help him to earn that money. That, if I may say so, is a very extraordinary argument. The Government of India levy taxation on the people who reside in India, let us hope mainly according to the principle of ability to pay. And to exempt a man who earns the whole of his income by investing it abroad because the Government of India have nothing to say in protecting the interests and the conditions under which that money is earned, is, I think a most preposterous proposition.

Then I turn to another extremely important point, the question of double taxation. That again is one of the objections which have been urged in very general terms. I think that there is a great deal of misunderstanding on that point. In the first place, if a man does want to invest his money abroad, there is a very wide selection of countries and of investments which he can choose, on which he will be able to draw interest or dividends without any deduction of income-tax by that foreign country whatever. If he wants to put his money in the United Kingdom, even there, although in the main income-tax is deducted at the source, he can find investments like the 5 per cent. War Loan or the "Funding Loan", or the Government of India's own sterling securities, or the bonds of any foreign country or of any Dominion, on which he can draw interest without any deduction of income-tax at the source. That money he gets, and according to this Bill he would only be subjected to Indian income-tax upon it. There will be no sort of case of double taxation. Then again he can go to a great number of countries and also draw his dividends without any deduction of local income-tax. I am afraid it is much too easy, and I do not want to continue the list by suggesting to Honourable Members ways in which they can invest their money without any levy of income-tax.

But on this question of double taxation I want to pursue the matter rather further. The Government of India has arrangements with the British Government and with the Governments of the Indian States where income-tax is levied, according to which no investor really has to submit to the burden of double taxation. As far as England is concerned, the case is very simple, and I would like to put a practical case to Honourable Members which I think will bring home to them something of what this Bill, if passed, would achieve. Let us take a man who has £20,000 to invest. He puts it into some British investment which yields him 5 per cent. The income which he will draw is thus £1,000. Supposing the British income-tax deducted at the source is 4s. in the £, that is to say a tax of 20 per cent., he will pay a tax of £200 to the British Government. If this measure is passed, what would be the position? The British Government would still deduct that £200. Supposing the income-tax in India is 10 per cent. or 2s. in the £. In that case the investor would have to pay £100 in income-tax on his income of £1,000 to the Government of India; but he would get that £100 refunded out of the tax which he pays to the British Government. The result of that would be that the investor himself would be no worse off; but instead of the whole of the £200 going to the British Exchequer, £100 of it would come to the Government of India. Therefore, so far as money invested abroad represents money invested in England, on which tax is deducted at the source, the result of this measure will be not to subject the investor to any new burden, but that the Government of India will recover from the British Exchequer a very large income which at present the British Exchequer recovers on Indian investors' money. I trust, Sir, that that is a point which will appeal to some at least of the Honourable Members in this House.....

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural) : What about the United States?

The Honourable Sir George Schuster : We have no arrangements for double taxation relief with the United States; but as my Honourable friend, I am sure, is aware, he can buy dollar bonds and draw full interest without paying any income-tax at all to the United States; and if he is in that happy position, I do not see in the least why I should not come down upon him and say "You are paying no income-tax to any other Government : please pay it to me.".....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) : What about Indians trading in East Africa or South Africa?

The Honourable Sir George Schuster : As a matter of fact they are already, under our existing income-tax law, liable on business profits which are remitted to this country. It is quite true that under the present Bill, if it becomes an Act, they would be liable to tax on profits whether they are remitted to this country or not; and I suggest to the House that there is no unfairness involved in that result.

Sir Cowasji Jehangir : Would they not be liable also to income-tax in the country in which they are carrying on their trade?

The Honourable Sir George Schuster : I think my Honourable friend is raising a number of points which I hope he will have ample opportunity to raise in Select Committee.....

Sir Cowasji Jehangir : But the answer is very simple : it must be in the affirmative; that there will be double taxation.

The Honourable Sir George Schnitzer : Then it will be left to the ingenuity of my Honourable friend to devise some means to avoid such a harsh operation of this measure, and I am sure it will not be beyond his ingenuity to suggest some amendment which we shall be able to accept.

I do not propose to explain to the House in further detail all the measures for avoidance of double income-tax and the arrangements which exist as between the Government of India and the Indian States. We have as a matter of fact different arrangements with Mysore from certain other States. I propose to supply a note on that point to the members of the Select Committee, and if any Honourable Member of this House wishes to have that information I shall be very pleased to furnish him with it.

Then, Sir, I would turn to another point. Special mention has been made in some of the opinions of the case of Indian holders of Indian sterling securities who bought those securities in the belief that they would enjoy the yield without having to pay Indian income-tax, and the suggestion has been made that it will be a breach of faith on our part to introduce a measure now which would defeat them of their expectation. Again I think that that is rather a preposterous suggestion. These investors live in India and are fair subjects of Indian taxation, and that one Indian citizen should be allowed to invest in a sterling loan and escape income-tax while his neighbour who invests in a rupee loan has to pay income-tax, and income-tax I say with regret in ever increasing measure—and that the correction of that disparity should be regarded as a breach of faith is I consider to be a preposterous criticism of the Bill. It is no more a breach of faith than it is for us, as we did last session, to introduce an increase in the Indian income-tax, and many a holder can say, “I invested my money in the Indian rupee loan thinking that the tax was going to be put on at a certain level and you have defeated, most unfortunately, that expectation”. I think, Sir, the argument has only to be mentioned to be dismissed.

Then, Sir, before I conclude, I would like to clear up one field of misunderstanding. Several bodies have construed the amendments made in clauses 6, 7, 8, 13, 14 and 17 as creating some new exemption from liability to Indian income-tax on salaries or interest on securities paid abroad. That is a complete misconception, as I think should have been obvious to any one who really perused the remarks on those clauses in the explanation of the Objects and Reasons of the Bill. The true position is this. The amendments merely deal with machinery sections and do not make any difference to the liability to tax. On the contrary, what we are now proposing by those amendments is the removal of a possible loop-hole in the existing system under which a resident might arrange to have his salary or interest on securities paid outside India and yet escape income-tax which would be adjusted uniformly. That, Sir, is a point upon which I do not think I need dwell further, for it can be further discussed in the Select Committee.

I have detained the House for some time on this measure, Sir, because I thought it necessary that I should, before anything further was said, clearly explain the Government's position on certain fundamental points, and also remove certain misunderstandings which it is clear from the nature of the opinions received, already exist. Such contact, as I have been able to establish with some of my friends on Benches opposite, leads

me to suppose that there will be a certain amount of opposition to this Bill. It was in order to dispel what I believe to be the misunderstandings on which that opposition would be based that I have emphasised so strongly what I considered to be the main purpose of the Bill. Now it lies with the House. The principles are clear; the objects which we are aiming at are clear, and I say with all the emphasis that I can command and although I myself, speaking personally, will be very severely hit by this Bill, that I think that it is a measure which nobody who has the interests of India at heart could possibly reconcile it with his conscience to reject.

Mr. R. K. Shanmukham Chetty : Mr. President, my Honourable friend the Finance Member spoke of the possible conflict of personal interests that this measure might give rise to, and I am free to confess to this House, Sir, that I am in the happy position of one who is not personally affected by this new measure that is proposed to be enacted. I am patriotic enough to place all my investments in my own country (Hear, hear), and I have not yet sought investments abroad, in spite of the inducements that a certain class of investments abroad have offered in the way of escape from income-tax from any country in the world. My Honourable friend, in his Statement of Objects and Reasons and when he introduced the Bill, mentioned to us that the chief objects which induced him to attempt to put a measure of this nature on the Statute-book were firstly, to fill up a lacuna in the Indian income-tax law as it exists at present, to prevent the flight of capital abroad, and to earn additional revenue by the income-tax. In analysing the object which I have just enunciated, I may at once concede, Sir, that the want of a measure of this nature leaves a lacuna to be filled in the Indian income-tax law as it exists at present. My Honourable friend wants this measure not so much to fill up this technical defect that at present exists in the Indian income-tax law, but to prevent primarily the flight of capital abroad. In examining the nature and extent of the flight of Indian capital abroad, it would be necessary for this House to assess what exactly are the reasons that have led to this recent flight of capital abroad. If it is the contention of my Honourable friend opposite that the defect in the income-tax law is the primary inducement for this flight of capital, then I might at once say that I most respectfully beg to differ from him, and in this connection, Sir, my opinion is supported by the valuable testimony of the Commissioner of Income-tax, Burma. In the note that he has submitted on this Bill, he clearly says :

“In the Statement of Objects and Reasons it is contended that the freedom of Indian taxation on income received by British Indian residents outside India offers an inducement for the investment of money abroad. This, in my opinion, is largely a theoretical argument, and I doubt very much if in practice this feature of the law has induced many persons in India to invest their money abroad.”

And he goes on to say that,—

“if this is the main reason for the Bill, therefore, it cannot very well be justified.”

My study of this phenomenon of this flight of capital from India also confirms me in the view taken up by the Commissioner of Income-tax in Burma. Sir, this is not the opportunity to dilate upon the various economic causes that have led to the flight of capital, especially in recent times from India to foreign countries. But it is enough for the purposes of my argument that this inducement mentioned by my Honourable friend is not the primary cause of the flight of capital from India to foreign countries.

[Mr. K. K. Shanmukham Chetty.]

Coming now to the third object of the Bill, namely, to secure additional revenues, I doubt very much whether my Honourable friend would be in a position to collect, to any appreciable extent, additional revenue from this new measure. He himself referred to the administrative difficulties mentioned by the Indian Taxation Committee, and he assured this House that he was informed by his administrative officers that no serious administrative difficulty would stand in the way of the collection of the income-tax proposed. But, Sir, taking it on the whole, it might safely be said that as a result of this measure the honest man will have to pay more and the dishonest man will just pay what he has been paying all these years. (Hear, hear.) [I know that every law must rope in dishonest persons also, but the value of a law in roping in dishonest persons must be judged from the procedure that it lays down which would effect the roping in of these dishonest persons. And I would submit to the House that, in spite of the vigilance of the income-tax officers and the Income-tax Department, it would be absolutely impossible to detect evasions as a result of this measure. I therefore contend that, whatever might be the hopes of my Honourable friend, he would not realise any appreciable increase of revenue as a result of this measure.]

Having stated these preliminary objections against the Bill, I would now proceed to analyse my main objections to the clauses of the Bill. The present law of income-tax in India with regard to foreign investments is this, that a person is assessed to income-tax on the profit derived from a business abroad if it is brought into the country within three years of the end of the year in which the income is derived. That is the present position. How does the Bill seek to alter this law? It provides that in the case of residents of India the income received in the country from investments abroad will be liable to Indian income-tax, and in the case of persons resident and domiciled in India the Bill seeks to provide that they will be liable to taxation in respect of incomes not merely received in the country but even of incomes which have accrued abroad. That, in short, is the main provision of the Bill.

Now, coming to the objections to these provisions, my Honourable friend himself mentioned to us an objection on the ground of double taxation, and he made some attempt to explain the position and wanted to convince the House how people will not seriously suffer as a result of this double taxation coming into operation. But, Sir, my Honourable friend did not inform this House that England, which has an income-tax law similar to the present Bill, has entered into reciprocity arrangements with other countries by which this double taxation is avoided, and I would ask my Honourable friend whether it is not a condition precedent to the placing of such a measure on the Statute-book that such reciprocity arrangements should be arrived at between the Government of India and the foreign Governments. So long as such reciprocity arrangements have not been entered into, I contend that the operation of double taxation would be a very serious injustice to the Indian subjects.

Sir, the Bill seeks to make a distinction between those who are only residents of India and those who are resident and domiciled in India. To my great relief, my Honourable friend the Finance Member assured this House that the decision on this point would be left to the Select Committee of the House and that if the decision went against the provisions

of this Bill, he would not treat it as affecting the main principles of the Bill. I would submit to the House that, even if this Bill goes to a Select Committee, there is not the slightest justification for maintaining this difference between residents and persons who are both resident and domiciled. The whole question of the theory of double taxation was very carefully gone into by a special Committee appointed by the League of Nations, and on this Committee there were some very eminent economists, and it reported to the Financial Committee of the League of Nations. The report says :

"The basis of taxation should be economic allegiance, that is, only those who owe economic allegiance rather than political allegiance to the country should be subjected to its tax laws."

That is the main conclusion that this expert Committee arrived at. Now, I would put to my Honourable friend the Finance Member and to this House whether the European residents in India who carry on their trade in India owe economic allegiance to India or not ; and if it is agreed that their economic allegiance is to India, then there is not the slightest justification to make a distinction between those who are resident and those who are both resident and domiciled.

Sir, this provision that my Honourable friend has put in in clause 4 is interesting from another point of view. It throws a great deal of light on an important constitutional question which is being discussed elsewhere, I refer to the question of the equality of trading rights claimed by the resident European community in India. Well, if the principle enunciated in this clause is to be carried to its logical conclusion, if it is conceded that a person who is only resident in a country has got only limited obligations to that country, then *per contra* it must be conceded also that a person who is resident in this country must have his rights and liberties restricted in that country. I do hope that the principle enunciated in this clause will be discussed in its logical sequence when the theory of equality of trading rights comes to be discussed in another place. But whatever might be the decision on that point, so far as this House is concerned, even if this Bill goes to a Select Committee, there will not be the slightest justification for maintaining this distinction between residents and those who are both resident and domiciled. In practice, if this distinction is maintained, it will certainly operate as a serious hardship upon individuals and business firms. If two business firms in a place are carrying on trade and they trade in competition with one another, and if one of these is to be exempted from Indian income-tax in respect of incomes received from its foreign investments, then, surely, you place the other firm and other individual in a position of serious disadvantage. In practice, therefore, I submit that if this provision is retained it will work serious hardship.

My Honourable friend referred to the possible complications that this measure may give rise to in our relation with Indian States and I do not think that I am competent at this stage to go into all the details of the relation between Indian States and British India, especially with regard to income-tax law, but I would only mention this, that when the whole constitutional question is now being discussed—and I take it that this question of income-tax law and income-tax rights as between Indian States and British India will be one of the subjects that will be discussed in the constitutional discussions—this is not the time to enact a measure of this nature.

[Mr. R. K. Shanmukham Chetty.]

Apart from all these objections, I would submit that the time is not opportune for placing a measure of this kind on the Statute-book. Already trade, industry and commerce are seriously hit by the economic depression through which we are all passing and I would only submit to this House that, at a time of economic crisis like this, it would not be justifiable to impose an additional burden on trade, industry and commerce. My Honourable friend the Finance Member has mentioned in the Statement of Objects and Reasons and also in his speech that this Bill is in conformity with the English law on the subject. I wish, Sir, that my Honourable friend had given us a little more enlightenment on the exact provisions of the English law in this point. Income-tax is certainly a nuisance, but income-tax law is a greater nuisance. I do not know whether there is any person who can claim to understand the income-tax law of any country thoroughly, and I am free to confess that when I attempted to understand the principles of English law on this point, I found very great difficulty indeed, but this much I was able to see—that the provisions sought to be introduced in this Bill are not exactly similar to the English law on this point. The English law on this point makes a distinction between persons who are resident and persons who are ordinarily resident. I find in some papers containing the opinions on this Bill a misconception that there is no distinction at all between resident and domiciled persons in English law. I must inform the House that that impression seems to be a wrong one. But this much can be said with confidence, that the non-domiciled resident gets more favourable treatment as compared with the domiciled resident. Under the English law, if a business is carried on entirely abroad, then it comes under the classification of foreign possessions, and the income derived from such business is exempt from British income-tax, and I find no such provision in the present Bill, and I would therefore submit that on a very fundamental point there is a great difference between English law and practice on this point and the Indian law as sought to be amended by my Honourable friend.

I will not dilate upon the value of consular services referred to by my Honourable friend Sir Hari Singh Gour, but I would only mention this—that it is the measure of protection that a country gives that justifies the taxation that it imposes, and judged from this criterion, I can say with confidence that the measure of protection given by the Government of India to the Indians abroad does not justify the imposition of this additional burden.

These are my main objections to the provisions of the Bill. It might be said that these defects could be remedied in the Select Committee, but I beg to submit that some of the objections that I have mentioned are fundamental objections, which cannot be remedied in the Select Committee. No doubt the distinction sought to be made between residents and domiciled persons can be remedied in the Select Committee, but beyond this the other fundamental defects cannot be remedied in the Select Committee. If I oppose this Bill even at this stage, it is not because I refuse to subscribe to the principle, and a very healthy principle too, enunciated by my Honourable friend, that no encouragement should be given to an Indian citizen to invest his money abroad and thereby escape taxation—it is not because I refuse to subscribe to that principle—I whole heartedly subscribe to the

principle—but, Sir, I oppose this Bill at this stage, and I would have no hesitation in advising my Honourable friends to throw out this motion, because there are not existing those conditions precedent which alone can justify the enactment of a measure of this nature, and so long as those conditions precedent are not satisfied, it will not be justice on the part of the Government to impose this additional burden on the trade, commerce and industry of this country.

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

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

Mr. L. V. Heathcote (Nominated Non-Official) : Sir, the Honourable the Finance Member at the close of his speech told us that from certain conversations he had had with Honourable Members on the other side of the House, he gathered the impression that there was some opposition to this Bill. He will since have heard from the Deputy President that there is very considerable opposition to the Bill, and I propose now, Sir, with your leave to add myself and the interests that I represent as also being opposed to this Bill. I think that we might, however, be grateful to the Honourable the Finance Member for having proved himself to have been as good an exponent of the reasons for the rejection of this Bill as we could have expected even among the Government Benches. What actually did he tell us ? What were the reasons for which this Bill was introduced ? On the paper, the only reason that is given for the introduction of this Bill is to prevent the flight of capital from India ; and the Honourable the Finance Member said that, in normal conditions, this measure would have some effect upon preventing capital from leaving India. I think we will all agree with that. It will have some effect. But what effect ? I agree with the Honourable the Deputy President in saying that the effect will be almost nil ; and yet this is the principal reason advanced by the Government for the measure. It is the general opinion and my opinion—I do not propose to ask Honourable Members to believe that mine is very valuable opinion—that capital is not caused to fly from the country because of taxation, but that security of capital is what is the main idea in the mind of any one who prefers to invest abroad. Those who have exported and are perhaps now exporting capital from India can be divided into the genuine investor and the speculator. The genuine investor is definitely concerned with the security of his capital, and, however regrettable it may be, conditions in India during the last year or so have not been such as to instil any feeling of security in those with capital to invest ; and for that reason alone, the imposition of a tax which is a fraction of the income which is itself a fraction of the capital is not going to deter people from putting their money where they think it safe to invest it. They will put their money where the capital is more secure, even if the return on the capital is smaller. The speculator is in a different class. He is the man who hopes, by criticising the exchange policy of the Government of India, so to bear the market that he will be able, having sent his money home or abroad, at the rate of 20d. to the rupee to bring it back after some years at 10d. a 100 per cent. profit ! Now is he to be deterred from speculating in that fashion by the possibility that he may have to pay a tax upon that money when it is brought back to India ? That, I feel certain, is not the case ; and that

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being the major reason at least, and the only reason on the paper for this Bill, I feel that there can be no justification for carrying it through. We learnt, however, that revenue was also an object of the Government; and here also the Honourable the Finance Member says that this Bill will provide a "possible" source of revenue. Now there can be no doubt that it will provide a source of revenue of some sort. But is the whole basis of income-tax law for India to be changed for some small sum of revenue? We have not been told what the Government expect to receive in additional revenue. We know that the Government are extremely hard put to find money in order to balance their Budget, and I think that, generally speaking, this House would assist the Government in carrying through a measure to provide the Government with any large amount of revenue even if the conditions of that measure were not entirely satisfactory. But no hope is held out to us that any large revenue is coming as a result of this Bill. We have heard it said that Rs. 40 lakhs or 50 lakhs may be expected. But are 40 lakhs or 50 lakhs worth the introduction of a measure changing the whole system of income-tax law in India and a measure moreover which has many essential defects in it which I very much doubt can be removed by the Select Committee? So here again I am afraid that the Honourable the Finance Member has failed to justify the need of a measure of this importance. He has no doubt cleared up some misapprehensions which exist in regard to this measure, but I am inclined to think that he has created almost as many as he has cleared up. He refers to the Bill as a justifiable Bill and he asks whether it is fair for a man who invests his money in the rupee loans of the Government of India to be taxed on the income arising from that investment, while another man working in India has sent his money to England and invested in British securities and thereby avoided the payment of Indian income-tax? But has that man avoided the payment of income-tax? Why did he invest his money? To allow it to grow, or to use it himself for his own expenditure? In the majority of cases it must be for his own use, and he brings it back to India. He therefore pays income-tax. Is not that sufficient.....

The Honourable Sir George Schuster: I am afraid my Honourable friend is under a misapprehension as regards the law on the subject. Income derived from *investments* abroad is not liable to income-tax in India, but income from *business profits* brought into India is liable to tax if brought in within three years. One of the points of this measure is that there is no chance of getting income-tax out of income earned from *investments* even if it is brought to India on the very day that it is earned.

Mr. L. V. Heathcote: I stand corrected. I thank the Honourable the Finance Member for his statement.

Sir Cowasji Jehangir: Was not that point contested? Was not there a difference of legal opinion on the point whether income from securities can be brought to India within three years without paying income-tax? Or is it a perfectly clear point now?

The Honourable Sir George Schuster: As far as I know it is a perfectly clear point. I am not aware that that particular point has ever been contested.

Sir Cowasji Jehangir: Is the Honourable Member unaware that it was once contested? If the point is perfectly clear now, I have nothing more to say.

Mr. L. V. Heathcote: In that case the argument advanced by the Honourable the Finance Member seems a justification for the institution of the Bill to tax income arising from foreign investments and brought into India but only provided the administration can undertake its proper assessment. One of our strongest objections to the Bill is the fact that it is extraordinarily difficult to assess income arising abroad whether it remains abroad or whether it is brought into India: and, although we have been told that no new problems of administration will arise if this Bill is brought into law, and on the contrary that the administrative problems will be eased, I am not satisfied, and many others are not satisfied, that the existing problems of income-tax assessment are being handled as they should be. We wish to give no further scope for the evasion of income-tax in a manner which is rendered so easy by the institution of this nature.

Dealing with the Bill itself and particularly with clause 4 (c), which is the clause which allows the resident who is not domiciled in India to avoid the effect of this Bill, I think that it may assist matters if I try to make our position clear. If it had been the opinion of Members on the other side of the House that this Bill should be made law as it stands, British trading interests in India would not have refused benefits which would thereby accrue to them. But in the very difficult times through which we are passing, we have decided that we would not support the Government in forcing this clause through, if there was a clear feeling on the other side that with this discrimination it should not be passed. Having said that I think I am possibly entitled to clear up some of the misapprehensions which seem to rest with the other side of the House. The British are referred to as the only people, or mainly the only people, who will obtain a benefit from this Bill. That is by no means the case. There are large trading sections in India who come from Indian States. As an example, I may refer to Marwaris. Unless I am mistaken again, they will secure exactly the same benefits in the matter of avoiding taxation as the British. There are others in India, such as the Armenians and the Japanese. They also will avoid taxation if British interests avoid it. So, possibly, it is a little unfortunate that the only people who are supposed to benefit from this Bill are the British. There is, at least, an argument of some sort which justifies discrimination. There are many people who come out to India from England with private means. Those private means arose without any connection with India at all: and there might be some truth in the general statement that the class with private means is the class which it will be best for India to attract from England. But if they are to be taxed on their private means—not only on the means themselves, but so as to be rated at a higher rate of income-tax by the inclusion of these private means—, then certainly there will be greater difficulties in obtaining the right type of people from England to serve India. There is at least a section of Britishers in India to be found in the Army where private means is common among the officers, and it is not unlikely that the effect of the removal of this discrimination would be to make them pay in income-tax more than the salaries which they earn in India. If it were possible to devise a plan which differentiated between an income arising to a resident who is not domiciled in India and which had no connection with India and an income which accrued to a resident who is not domiciled in India and which had accrued to him from connection with India, then I feel that many Honourable Members on the other side of the House would be only too glad to give us the benefit of such

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discrimination. However, as the Government have clearly agreed to withdraw the discriminatory clause, should the Bill get as far as the Select Committee, there is no need for much more to be said with regard to discrimination.

A good deal has been said in regard to double taxation, and the Honourable the Finance Member made it quite clear that in so far as money is invested in England, the effect of this Bill on the capitalist in India who has invested his money in England will be *nil*. But he has put it in a way which would remove or appear to remove all the deficiencies in this respect which we see in this Bill. He told us that if, as a result of an investment of £20,000 in England, an income-tax of £200 was paid in England and £100 was paid in India, the Government of India would recover that £100 from the British Exchequer, but that, I am afraid, is not exactly what would happen. That unfortunate individual will have to pay his £200 in England and he will have to pay his £100 in India, and if he takes sufficient trouble and waits long enough, he will be able to get back the £100 from the British Government. But it is going to be a great bother and in the case of many people with possibly small incomes, they may not be in a position to worry the authorities sufficiently to obtain their legitimate claims. On that point at least the Honourable the Finance Member has created as great a misapprehension as he removed.

It was urged that trading advantages would result to sterling firms who trade in India as compared to Indian firms. But there, I think, there must be some mistake, because the sterling trading firm pays its income-tax in England, and in so far as the total taxation is concerned, I should imagine that it is at no advantage over an Indian concern trading in India. The objections which we take to this Bill are based upon the fact that it will secure very little money and it will not achieve the object which the Government have at heart in introducing this measure. It is the evasion which is certain to follow upon the introduction of this Bill which makes us strongly opposed to it.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Mr. President, my Honourable friend the Finance Member at the end of his speech stated that he did not think that anybody looking at this Bill dispassionately could possibly think of opposing it. The Deputy President and Mr. Heathcote have given the answer, and I join them in whole-heartedly opposing the motion for reference of this Bill to the Select Committee. I am surprised that the Government of India should have elected to go on with the Bill in face of the very vehement opposition, not of capitalists or professional politicians or lawyers, but of the very people on whom they invariably in the past have been apt to lean. I do not think there has been any single Government measure which has encountered such stout opposition from those who may be regarded as the colleagues of the Government of India in the administration of the country, namely, the Provincial Governments and the district officers who form the backbone of the administration, as this measure. In the past we have known the Government of India to be unresponsive to opinion in this House and outside. I think this is the first time the Government of India have shown themselves to be unresponsive to the opinion of their own colleagues in the provinces, and of all those whom they have always regarded as infallible guides in matters of this description.

Before I come to the various objections which I have to the clauses of the Bill, there are three considerations of a general character which arise from this Bill on which I would like to dwell as briefly as possible. The Honourable the Finance Member both in the Statement of Objects and Reasons and in what he stated to the House this morning has tried to make out that this Bill is going to affect only a limited class of capitalists, only too anxious to take their investments out of this country, and therefore not entitled to the least sympathy at the hands of this House. I warn my Honourable friends on this side of the House not to be taken in by that plea. It is not merely the so-called limited capitalist class which makes investments in foreign bonds and in British securities that is going to be affected if this Bill becomes law, but there are thousands and thousands of small traders in various parts of India, not by any means confined to the Bombay Presidency, who have traded for generation upon generation with places outside British India long before the Income-tax Act was even thought of, who will suffer by this Bill. Their position is going to be affected very seriously. In the various papers which have been circulated to us you will find a representation from the Chettiyar community of South India who claim that they have for over a century traded with the Straits Settlements, Malay Peninsula, Ceylon and various other places, whose business is sorely afflicted as it is and who will be penalised equally with the so-called capitalists. I ask my Honourable friends to disabuse their minds of any idea that this Bill is going to affect a small class supposed not always to be influenced by considerations of patriotism or public good.

The second consideration which arises from the Statement of Objects and Reasons is that the law is sought to be brought into line with that obtaining in England. I have got a great deal to say about that argument. The House will remember that during the last Budget debate, I pointed out how the income-tax operated in England in favour of the small investor. I gave a list of various exemptions and I pointed out to the House that the small investor in England was a great deal better off than his counterpart in India. Then I raised the question of the carry forward of losses, which is admitted in England and other places, but which the Honourable the Finance Member has expressed his inability to admit in India because of financial considerations. My question is, if you are going to follow the English law and hold it up as a model and as one of the main reasons for the enactment of this measure, why is it that you are selecting exactly what suits you and you are not following the English law in all essential respects? I would draw the attention of my Honourable friends to an article in the *Statesman* of the 19th July. It says :

"If the Finance Member were to give the small income-tax payer all the concessions which are made to him in England, he would, thanks to joint families and large families, not to mention plurality of wives, get considerably less revenue. When the treasury would suffer unduly there is no attempt to follow the English model. Therefore the argument for the English model where the treasury stands to gain loses force. The issue has to be considered on its merits."

That much, Sir, for the argument that it is sought to bring the Indian law into line with the English law on the subject. But I would like to point out that there are special reasons why the English law is what it is. England being immensely rich cannot find profitable employment for all its capital in the country itself, and from time immemorial, at least after the industrial age came into existence, its capital has found employment in all parts of the world, and has found it very profitable too. It is natural that England, with such enormous capital all the time going out of the

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country for profitable employment in various parts of the world, should think it necessary to tax it. Those conditions do not exist here. Therefore to hold up before us the model of the English law is, I think, entirely irrelevant. But there is another point and it is this, that even the English law on the subject has not been followed in all respects. It is true that in England a man who is ordinarily resident, or what is the equivalent of domiciled, a man who is ordinarily resident pays generally on his income invested abroad, whether it is remitted to England or not. But a notable exception has been made, and it is that income from foreign possessions is exempted unless it is remitted to the country. Employment which is wholly outside the British Empire, trading which is wholly outside the British Empire, the profits accruing out of these, unless they are remitted to England are exempt from taxation. There is no such exemption in the measure which is placed before us. Let me read to you from the various opinions we have got on his particular aspect of the question. The Legal Remembrancer of the Punjab Government says :

“ On the question of principle the application of a law found suitable to a highly industrialised country is of doubtful expediency to an almost entirely agricultural province like the Punjab.”

And what applies to the Punjab in respect of its being an agricultural province can I think be more or less said to apply to the whole of India.

Now, Sir, the third argument and the strongest argument of the Finance Member is that it is necessary to prevent the flight of capital. I am surprised that the Finance Member should think that, because investments up to now have not been taxed in places outside British India, that is one of the principal reasons for capital going out of India. I will confront the Finance Member with the opinions found in practically every page of this file of opinions received from various Governments and officials. Everybody knows that the political and economic conditions of India have facilitated the flow of such capital as has actually gone out. I am afraid the inclination is to exaggerate the actual amount, but even assuming that capital has gone out of this country on any very considerable scale, the reasons certainly are not that there is no income-tax on investments abroad, but because the political and economic conditions of India are not at present favourable for the investment of capital ; and I may say that considering the various handicaps which trade and industry in India have to put up with—handicaps not altogether arising out of the world-wide trade depression, but peculiar to India,—I am not surprised that some part at least of the capital should go out from this country. My Honourable friend the Deputy President read out an extract this morning on more or less the same point. I should like to read out something which I think is even stronger, and that is the opinion of the Commissioner of the Bhagalpur Division. He says—and I am afraid with a little acerbity—

“ The most ignorant of us know perfectly well that the flow of money for investment outside India has very little to do with the income-tax but is mainly due to the lack of opportunity for profitable investment in the country and the shaken condition of India's credit.”

Sir, I am not arguing as to whether it is only the ignorant who do not know this, or whether people in exalted places do not know it. I am only concerned with this that your own officials—not one or two but a score—and various Provincial Governments, have stated deliberately that the

reason why capital is going out of India is because of the disturbed economic and political conditions in India. And, after all, I regard it as a very questionable policy that even if capital is going out of India you should seek by a statutory handicap to keep it in this country. I can quite agree with Government that every possible effort should be made to mobilise all the available resources of the country for the development of the country's trade and industries, but that is something very different from seeking to impose a positive handicap by statute upon capital going out of the country. I think that all of us sympathise with the very legitimate object that capital as far as possible should be mobilised in the service of Indian trade and industry, but we cannot deal with the matter by a statutory provision such as the one before us.

My Honourable friend the Finance Member this morning stated that one of the reasons why textile mills were going out of British India and were locating themselves in Indian States was that there is no income-tax to pay. I hope I am not doing him any injustice when I state the position so badly ; but if he really did say this and no more, then I am afraid he does not know the facts of the case. It is notorious that mills, and for the matter of that other industrial concerns, are going out of British India purely because labour conditions are much more favourable, labour is cheaper, taxation is much lighter, and what is more, the Government of India have never thought fit to impose on the Indian States all the obligations of labour conventions and conferences which have been imposed upon British India. I do not know, Sir, how far even the Factory Act is in operation in most places ; I do know of one or two places in the Indian States where a Factory Act more or less analogous to the Act in India does obtain. But I have reasons to say that so far as even factory legislation is concerned, the conditions in the Indian States are somewhat primitive. If there are these conditions which make for profitable working, and can you wonder that those who are confronted with high labour costs, high taxation and all sorts of labour legislation in British India should seek fields far out, and should go to the territories of the Indian States ? I say, Sir, that the Finance Member was altogether wrong in suggesting that Income-tax has had any influence in inducing people to go out into the Indian States and plant industrial concerns there.

These are the three general considerations which have been urged before us, and I hope I have shown that there is not the slightest justification for entertaining any one of them. I come now to the objections to the measure which I have, but before I deal with those, I would just like to have one point made clear. My Honourable friend stated this morning that if there was a feeling in this House that the most controversial clause in the measure should be altered and that the principle of discrimination should be done away with, he was prepared to have that examined in the Select Committee. Well, Sir, so far so good. What I want to know, however, is how he is going to deal with salaries paid out of British India. As I understand the position—and I shall ask my Honourable friend to correct me if I am wrong—at the present moment salaries paid out of British India are not subject to tax either in England or in India in most cases. As the Bill stands, it is intended that, so far as persons who are domiciled in this country are concerned, their salaries even if they are paid outside British India will be taxed. May I know from my Honourable friend if that statement is correct ? I take it that it is correct and so I will go on with my argument.

The Honourable Sir George Schuster : My Honourable friend must not take my silence as signifying assent to his proposition. But I would suggest that points of this kind are points to be taken in Select Committee and not on this motion when I am simply asking the House to accept a reference of this Bill to Select Committee.

Mr. H. P. Mody : I am thankful to my Honourable friend, even though he suggested that his silence was not to be construed as assent. I shall construe it as I like, and I hope he will forgive me for doing so. But I am grateful for his explanation, and what I want to say is that these are matters of importance and on them depends very much whether we are going to accord our sanction even to the principle of the Bill. And I want to know whether, if my reading of the Act is correct, he is going to do away with the principle of discrimination even in this particular ; because if he is not going to do so but is only going to deal with section 4, then I am afraid that it will become a matter of principle with some of my friends who at present seem inclined to send the Bill to the Select Committee. Considering that my Honourable friend is not disposed to be very communicative I shall not pause for an answer.

I will now come to the actual objections to the Bill, and I hope the Finance Member will not think that these are matters which should be threshed out in Select Committee. For one thing I am not on the Select Committee, and therefore I shall not have an opportunity of making such points as occur to me, and I am entitled, therefore, in fairness to myself at any rate, to make those points here.

An Honourable Member : We can add your name.

Mr. H. P. Mody : That is not wanted. Coming to the objections to the Bill, my first point is that the measure will lead to a lot of evasion. It may be a small point in some people's eyes ; to my way of thinking it is a very serious matter. Every one knows that the present number of assesses to income-tax in the whole of British India is something which is ridiculously low. I feel that there are a great many people, perfectly honest, perfectly honourable, who regard it almost as a sort of religious duty to dodge the income-tax and to cheat the Government out of their exactions. I do not think it is thinking ill of humanity to suggest that there are many honourable men who do not scruple for one moment to try and get out of the clutches of the Income-tax Collector. If Government want more revenue, they ought surely to go to the people who are dodging them ; they ought to tighten up their control ; they ought to strengthen the agencies they have for ferreting out the people whose income ought to be taxed rather than come forward with proposals for fresh exactions on the very classes who are bearing the burden now. The position is that those people who are evading income-tax will continue to evade it, and to their list will be added a fresh number of people who are paying up now but who in view of the very exacting nature of the provisions which are sought to be translated into law will not disclose their foreign income, and there will be no means of checking it at all. In this connection I would like to refer to the opinion of another Commissioner of a Division who says.

"All he can hope to do is to find out what income is received in the country. If this is the case, it must be admitted that the provisions of the Bill are quite unorthodox from a legislative point of view as well as entirely impractical as no adequate means can exist for enforcing them. All that could be hoped if the Bill were passed would be that the conscientious would pay and the unscrupulous would not."

I leave it to the Government of India to say whether they actually suggest that the conscientious should go on paying, cheerfully submitting to the burdens which are being imposed upon them, year after year, and sometimes twice in the year, as is the case with this year, and the unscrupulous should go on escaping these burdens.

I come now to what I think is one of the principal objections to the Bill, and that is on the score of double taxation. In England where a person ordinarily resident cannot hope to escape paying income-tax, whether his investments are outside the country or not, he has this consolation that there are reciprocal arrangements with various countries which enable him to be saved from the imposition of double taxation. These reciprocal arrangements do not obtain in India, and I think, as has been stated in some opinion which I cannot lay my hands upon just now, the first step should have been to ascertain what countries were prepared to reciprocate with India in this matter before putting on what will undoubtedly be a source of double taxation for a great number of years to come ; and I do not think it can be suggested that double taxation is a thing to which anybody can be asked cheerfully to assent.

But there is another point which has not been brought out and which possibly may not be brought out, for the simple reason that it is not in the materials that are before the House, and it is that if this Bill becomes law, Indian insurance companies will be hit in such a way as will seriously cripple them. The Indian Insurance Companies Association has submitted to the Government of India a very well argued memorandum showing how the measure is calculated to hit them. I think it is a matter of common knowledge, that insurance business has got to be international in character. It cannot be circumscribed within the country itself, and insurance risks have got to be spread out everywhere. The Indian insurance companies state that actually 60 per cent. of their revenue is derived from this re-insurance in foreign countries.

What happens is this : they have reinsurances in the United States, in Canada, in France, in Germany, in England and various other places. Insurance companies which reinsure with foreign companies have got, by the laws of foreign countries, to place very large deposits there, either in the shape of securities of those countries or in the shape of deposits. What will be the position then ? First of all, the Indian insurance companies will have to pay tax on such securities in foreign countries which they are bound to keep under the laws of those foreign countries ; and they will also have to pay tax here. Then again their profits accruing in those foreign countries will have to pay tax under the laws of those countries, and they will again have to pay tax here under the present measure. Therefore, the insurance companies are justified in stating—and I do not think there is any exaggeration—that the Bill will pretty well kill all their enterprise and activity ; and I want to ask the Government of India whether they seriously suggest that the Indian insurance companies should be allowed to be hit, when it should be the duty of everybody to foster what is undoubtedly to be regarded as a national industry.

Then, think of the handicap to trade and industry. My Honourable friend is continually suggesting, that it is only the capitalist class, sending out their investments abroad and earning interest, who are sought to be taxed. Why does he ignore or make light of this circumstance that there are thousands of people trading with Zanzibar, South Africa, East Africa, the Persian Gulf, the Straits Settlements, the Malaya Peninsula, Ceylon

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and places all over the world, who, if this measure is to become law, will have to bear a double burden of taxation. The Finance Member is not right in laying so much stress on investments outside. The case of these traders has got to be considered as even stronger than that of people who are merely sending out their money for investment in securities.

There is another point, and that is with regard to the investments of Indians in sterling securities. I do not know whether the object of the Finance Member is to discourage such investments. I think I am right in stating that a considerable portion of the money obtained for sterling securities recently has been obtained from the coffers of the people of India. These sterling securities have escaped taxation hitherto. You now propose to tax them. May I take it that it is your object to discourage investment in sterling securities, which, not only for the purpose of ordinary borrowing but for purposes of exchange operations you will have to float from time to time? If you will allow me a little personal note, I may say that I am on the Board of a bank which was perhaps the largest subscriber to the last sterling loan of the Government of India. I am also on the Board of a shipping company which has got very large investments in sterling securities. Is it intended that these and various other concerns similarly placed should go in for other kinds of investments? Does the Finance Member desire that sterling securities should no more be supported by the people of this country, because so far as I can see I cannot imagine anybody investing in sterling securities if he finds that the one advantage which there was before, namely, escaping income-tax, was going to be no longer there?

Then there are two or three small points: one of them is in connection with the difficulty which Government will experience in determining what is domicile and what is residence. They will have to determine that for various purposes. I do not know whether these questions which have troubled many countries are also going to trouble the Government of India, and whether the Government of India are going to undertake the expense and labour of determining such problems.

There is another very serious objection, namely, that we shall make it now possible for people to acquire domicile in Indian States, and outside British India in other parts of the world. It is common knowledge that many traders, in the Bombay Presidency at any rate, come from Indian States—Jamnagar, Cutch and various other places; they have lands there; they have businesses there; they have their families there and houses, and it will be easy for them to claim a domicile in those Indian States. It will be the easiest thing in the world to say that they are the domiciled residents of those Indian States. What will happen? Will you be keeping the wealth of British India in British India, or will you be driving it to the Indian States? Let me read, the opinion of the Commissioner, Central Division, Bombay Presidency:

"It would be equally impossible to find out what was the income in foreign territory of this kind and if there were any serious attempt to enforce the provisions of the Bill, it is probable that large numbers of the income-tax paying classes would establish their residences in such foreign territory and the result would be the exact opposite of that sought, viz., it would drive capital out of British India rather than prevent that movement."

Then, Sir, the Honourable the Finance Member made light of the argument that was advanced by certain people that the State was doing

nothing to protect or foster the trade and enterprise outside British India on which it is seeking to impose this tax, and he said that that argument was not worth consideration. I think, that argument is very well worth consideration, not because it comes from me,—of course I cannot hope that the Honourable the Finance Member will regard it seriously if it comes from me or any other Member but he will certainly regard it with respect if it comes from no less an authority than that of the Madras Government. The Madras Government say that they had received various opinions and they had classified them. One of them was:

"that the taxing in India of income earned abroad without any assistance from the Government of India is unjust. The analogy with the English system is unsound, in that the Government of the United Kingdom contribute towards the protection of British trade the whole world over, and render political, commercial and financial assistance to such trade."

And the Madras Government go on to say:

"The Madras Government consider that there is much force in these criticisms, and endorse them for the consideration of the Government of India."

Well, Sir, I have dealt with some of the objections. I could multiply them, but I shall not weary the House. All that I want to add is that there are various loopholes provided in this Bill, loopholes which have been referred to by the Commissioner of Income-tax, Burma, in a very able minute on the whole Bill, where he talks of certain taxes from income which are now derived by the Burma Government and which under this Bill will no longer be available. There is also the question of professional fees earned outside British India which may escape taxation, but it is not my purpose to take up every single point. All that I would like to say is that, in view of the fact there is no analogy between the English law and the Indian law, that no reasons have been shown why when the English law has not been followed in various other particulars it should be followed in this particular, that the flight of capital has got very little to do with the question of income-tax, that this Bill will affect not merely a small class of bloated capitalists but also a very large number of genuine traders in a small way of business, in view of all these circumstances, Mr. President, I feel that the Government have made out no case whatsoever for sending this Bill to the Select Committee.

I shall wind up, not by reiterating any opinion of my own, but an opinion which I think may be regarded as fairly authoritative, namely the opinion of the Commissioner of Income-tax, Burma. He says:

"On the whole I am inclined to think that the Bill should be dropped because the change to a residence basis is unlikely owing to evasion to produce results worth the trouble. Increased hostility to this Department and consequent friction will be the first result of the change and under these conditions a Department is not likely to function with success. We shall also unfortunately be antagonising the very assesses on whom we can now depend for honest returns. And while the unscrupulous escape, the honest assessee who very often is the poor assessee will have claims for double income-tax relief which will cause more work than perhaps the revenue involved will justify. On the whole therefore as I see no great prospect of increased revenue I am not in favour of the Bill."

Sir, I must apologise to the House for detaining it for over half an hour, which is rather unusual with me, but in view of the fact that I may not have another opportunity of placing my views before the House, I thought it necessary to express at some length the very strong objections I feel, objections which I happen to know are entertained by a

[Mr. H. P. Mody.]

large body of commercial opinion throughout the country. Sir, I stoutly oppose the motion to refer the Bill to the Select Committee.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : Sir, I regret very much to open my mouth to oppose this Income-tax Bill. Much has been said in opposition by the previous speakers so there is very little left for me to say on this Bill. However, I will try to save myself from repeating the arguments. My reasons for opposition are as follows. First of all, Sir, at this juncture when the economic and political condition of this country is not very sound, every one of us will prefer to invest his capital in a foreign country and he will pay the tax there. It will be very unjust and unfair to charge the additional tax in this country, which will be a great hardship on our brethren who are doing business in foreign countries.

Secondly, Sir, this Bill is showing a certain amount of favouritism to a certain community who have much larger interests and capital investments in foreign countries. With your permission, Sir, I want to read to the House the opinion of two learned Judges of the Punjab High Court namely Mr. Justice Harrison and Mr. Justice Broadway. Mr. Justice Harrison says this :

" I do not think the qualification of domicile is sound. I do not see why non-domiciled businessmen, and more especially Jews, Greeks and Armenians who have made vast fortunes out of this country, should receive specially favourable treatment. If it is desired to temper the wind to the non-domiciled official, let all Government salaries be put in a specially favoured class as earned incomes—as pointed out by Coldstreams J. Not taxing over investments out of India is no doubt kindly meant but is an empty boon for none of us have any to speak of."

This is also supported by Mr. Justice Broadway. Sir, I feel that I shall be failing in my duty if I do not say a few words about the viewpoint of the agriculturists. In this connection it may be pointed out that agricultural income in British India is exempt from income-tax on the ground that it pays land revenue. The agricultural land owned by British subjects in Native States pays similar land revenue there and that income ought to be exempt from income-tax. For such income the expenses to be incurred are considerable, and the Act does not define those that are admissible and those that are not. It looks very objectionable to make a distinction between land in British India and that in the Indian States, especially in these days when we hear so much about the idea of federation. It is impossible to fix such taxable income accurately and the hardship involved in keeping and producing accounts is likely to harass those concerned. For the land a person owns in a British district he pays no income-tax, but only the land revenue, and for the land which he owns in an adjoining Native State he will have to pay income-tax even if the whole of the income after paying the land revenue assessed by the Native State is kept or used there. Such double taxation should not be allowed by a civilised Government. Moreover, such landowners are generally illiterate and do not keep any accounts, and in that case they will be assessed according to the estimate to be made by the Income-tax Officer, who will not take into account the expenses incurred in a tract of which he has no knowledge. There will be no appeal as no accounts will be produced, and such zemindars will be driven from pillar to post—I mean from the revenue officer's office to the income-tax officer's office and *vice versa*. I do not want to say anything more, but I appeal to the good sense of this House to reject this Bill *in toto*.

Mr. B. Das (Orissa Division : Non-Muhammadan) : When I came here this morning, I came with the positive idea that I should support this reference to a Select Committee. I was guided by the impression formed when the Bill was discussed last session on the floor of this House. Since then various things have happened. I must congratulate my Honourable friend, Kunwar Hajee Ismail Ali Khan, on his very able maiden speech, and I think he has played no small part in making me hesitant in my support for a reference to Select Committee. The speeches of my Honourable friend Mr. Deputy President and my Honourable friend Mr. Mody have done a good deal to outweigh the views that I formed when I entered the floor of this House. But one particular matter outweighs all considerations that my Honourable friends Messrs. Chetty and Mody have advanced, and it is this. I thought that this piece of legislation would do away with a certain racial discrimination that exists even in the taxation policy of the Government. The Honourable the Finance Member said that if the Select Committee did away with the idea of discrimination between residence and domicile, he would have no objection. What I want to know from him is this. Will he support that view in the Select Committee, and will the Government accept that decision ?

The Honourable Sir George Schuster : I have already said so.

Mr. B. Das : What I want to know is whether the Honourable the Finance Member would himself propose the deletion of this discrimination in the Bill ?

The Honourable Sir George Schuster : I am not quite sure what assurance my Honourable friend wants. I am perfectly prepared to give him any assurance which he can possibly want on that particular subject.

Mr. B. Das : I thank my Honourable friend. I am satisfied. I feel that the Honourable the Finance Member has given me a reply that he is wholeheartedly with me and this side of the House and that he will himself propose the deletion of this clause doing away with discriminating system of taxation. If that be so, I will support the motion. I have no objection if some stalwart Member will rise after me and draw the Honourable the Finance Member again into an argument and disprove what I have stated to be his view. As a member of the Indian mercantile community, I know the serious troubles that will come in the way. But as an Indian I feel that the State is losing money because certain people who are not residents here are evading payment, and even the Government officials are evading this taxation. For that one purpose I want to support a reference to Select Committee, but if I find in any subsequent speeches of the Honourable the Finance Member that he is half-hearted in his idea of deleting these clauses, then I may not support the idea of a Select Committee.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I can very well understand the anxiety of the Honourable the Finance Member during this period of financial stringency to explore all avenues of adding to the revenues of the country. He has also our sympathy if he has been able to lay his hands on some kind of income which should, in all fairness, have been taxed and which so far has escaped taxation. The result of his efforts to find out such income is embodied in this Bill. As

[Rai Sahib Harbilas Sarda.]

he comes before us and asks to accept his proposals and pass this Bill, we have to see whether he has been just and fair in his efforts to levy a tax on incomes which should have been taxed and which have so far escaped taxation.

There are two glaring defects in this Bill, and both of them have already been pointed out by my Honourable friends Messrs. Chetty and Mody, but I want to find out exactly how the thing stands so far as the Honourable the Finance Member is concerned. He has made all incomes from foreign investments held by people domiciled in India taxable, but he has omitted from this category incomes from foreign investments held by people resident in India but not domiciled in India. Is that omission due to an oversight, or is it because of a set purpose? If he has done it with a deliberate purpose, then he must explain to us why he has done that, why in this Bill he has not included the incomes from foreign investments of those who reside in India but who are not domiciled in India. But if it be due to an oversight or want of proper consideration given to this particular point, now that he knows that this point has been raised, the justice of which he must admit, let him give a clear assurance to this House that he is prepared to support an amendment to the Bill making all such incomes liable to income-tax. Let him in unequivocal terms say that he is willing to support an amendment making the incomes from foreign investments held by people not domiciled in India taxable under this Bill.

Another point is this. While he was exploring all avenues for adding to the revenues of this country, why did he omit to levy income-tax on salaries and pensions which are paid out of the revenues of India and which are paid for work done in India, but paid to people outside India? Sir, all pensions and salaries when paid out of the Indian Treasury are taxed at the source. Before a man gets his salary or his pension, the tax is collected. That being so, what objection could there be for deducting at the very source, moneys paid as salaries or pensions to people who do not reside in India. If a man goes to England and draws his salary there, he does not pay income-tax. The next month he draws his salary here and he pays the tax. Why is this anomalous position continued? At a time like this when all avenues of adding to the revenues have to be explored, why has the Finance Member not taken this into account? When several crores of rupees are paid every year on account of salaries and pensions, a very large amount of income could be collected by taxing the salaries and pensions paid to people out of the country. I should like to know his reasons for not doing it. There is no question of British income-tax involved in this. Even if it were so involved, why should not the Government of India fight it out and say plainly that they are entitled to deduct income-tax on these moneys before they are paid to people residing out of British India? If he answers these two questions satisfactorily and gives us an assurance that he is prepared to tax the salaries and pensions paid out of Indian revenues to people residing outside India and that he is willing to make the income from foreign investments held by people residing in India but not domiciled in India taxable under the Act, we will favourably consider the matter and support the motion before the House.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I expected, after reading the opinions on this Bill, the Finance Member would himself withdraw the Bill and would not trouble the Assembly any more. I oppose this motion on two grounds, on the ground of expediency and on general grounds. Among the opinions, I entirely agree with the Secretary of the Bar Association at Jhohrat—who said, “The Bill is inopportune when India is on the eve of constitutional changes and when India is expected to have a federal constitution and that it may be useful to leave the reformed legislatures to deal with this important subject”. The Indian States are joining this federal system in the near future and it is desirable to treat the Indian States on the same footing as the provinces of British India. Now if these taxes are to be a central subject, then the taxes should be collected from all the units which form part of the federal system. Therefore, either the taxes should become a provincial subject, or the Indian States should also be included in their contribution to the Central Government. This is really a very important point, which will affect the entire policy of taxation, and it is not desirable to take up this very important question on the eve of our constitutional changes, as we do not know whether the Indian States should be treated as outside British India or should be included in British India as far as taxation is concerned.

Coming to the general grounds, I shall first tell a little anecdote. Two persons were fighting and a third man came along and gave them very noble advice, “Please don’t fight”, but actually he got hold of the less favoured man and tied his hands and thus gave the opportunity to the other man to beat the less favoured man all the time. This is practically what the Finance Member is doing in this case. He has really given very noble advice that we ought to check the flight of Indian capital, but in actual practice he has crippled his less favoured friend the Indians.

Now, I first take up the case of the distinction between domiciled and non-domiciled residents in India. I do not dilate on this, as the Finance Member, in reply to Mr. B. Das, promised to withdraw the distinction altogether. In fact in the Round Table Conference the Members representing the Europeans in this country clearly said that they did not want any differential treatment. They ought to be treated like Indians in every respect. If they themselves do not desire this differential treatment, I do not see why the Finance Member, on the eve of constitutional changes, should produce a motion which does introduce this invidious distinction between the Europeans and Indians. I am open to correction, but I think the present Bill will provide a ready way to dodge the payment of income-tax. If I be an European in the Government service, I can manage to evade paying income-tax altogether. I would have asked the Government to pay my salary not in India but outside India, and therefore, according to the income-tax rule, this salary would not be taxed. Since the interest alone, if brought into this country, would be taxable. I would never bring my income into this country, but I would sell some of my securities and would bring the capital for my expenditure in this country. Therefore by having my salary paid in England and bringing to this country for my expenses not the income but the capital, I can manage to evade the payment of

[Dr. Ziauddin Ahmad.]

all income-tax in this country. I will be living in this country and pay no income-tax. By this process any person in Government service can evade payment of the income-tax both here and in his own country. I entirely sympathise with the Finance Member in his anxiety to raise the income of the Government of India, but the method he employs is open to serious objection. If he was really honest in raising the income, he would have taxed all payments made in England on account of pensions, salaries and other contributions. This particular source of income has never been tapped and he is trying to tap sources which practically would lose the credit of this country.

There is one other aspect which we should not entirely ignore. If India did not invest money in foreign countries, then the credit of India would be very much minimised and it would be exceedingly difficult for India to borrow in the open market. Now, the Finance Member will bear me out when I say that in the recent loan of 10 millions which he raised in England, he had a very great relief from the Indians. Had Indians not come forward to take up this sterling loan, the interest which India would have had to pay would have been increased. We were able to get very easily 10 million pounds at 6 per cent. interest. Had the Indians been handicapped from purchasing this loan on equal terms with the people of the countries, then it would have been very difficult for the Finance Member to collect this loan within a short period. The other day the Finance Member said that the credit of India was so low, that it was absolutely impossible for India to borrow money for the purchase of the B. N. W. Railway, which is really a paying concern. Today I find that he has succeeded in taking a loan of 10 million pounds not for any profitable purpose, but really for meeting the day to day expenses of the administration of the Government of India. When he could succeed in raising a sum of 10 million pounds for unprofitable purposes, he would certainly have been able to get a loan for the purchase of the B. N. W. Railway, which is paying a dividend of 18 per cent.

Sir, the question of domicile which has been discussed becomes very complicated when we consider the Indian States outside British India. There are many persons who are really domiciled in Indian States, but they carry on their trade in British India. If these people are exempted from income-tax, I am afraid most of the trade will pass out from the hands of British Indians to those belonging to the Indian States, and a large number of people will begin the dodge of disowning themselves from British India and establishing their connections in the Indian States. Now this particular question in fact will be automatically solved if we can wait for six months till the Round Table Conference has given its decision.

Sir, I shall just mention one or two minor points which ought to have been provided in this Bill, but nothing has been mentioned with reference thereto. Now, as pointed out by the Honourable the Deputy President, if a person borrows money from a bank in order to buy certain securities, the question arises whether this income from the securities will or will not be taxed. The second point is that if a man's income is derived from foreign countries, it is quite possible that in one case there may be a loss, while in another case there may be a gain,

and the net result may be a dead loss instead of a gain. Now the question arises whether the interest will be charged only in the case where there is a gain; in other words, is it the case that the State is only interested in our good fortune, but it does not sympathise with us in our bad luck? Will the State sympathise both in our good and bad luck, and will charge the tax on the net result, that is, the profit and loss taken together?

Sir, as regards the principles of the Bill, I would ask three questions which I consider fundamental. In the first place, I would like to ask whether the Finance Member is prepared to disregard and to reject the invidious distinction between domicile and non-domicile. Now as regards this, I have got the answer that he is so prepared. I would then ask two more questions. Will it, or will it not, be open to the Select Committee to tax the salaries and pensions paid out of Indian revenues to people residing in England, that is outside India? I would like to know before I vote whether the Committee will be able to charge income-tax on all pensions, on all salaries and on all interests paid outside British India. The last thing which I would like to know is whether it would be open to the Select Committee to charge income-tax on the interest of all the securities in rupees or sterling, whether they are held by British Indians or by other persons. Now these are the three fundamental questions, and if they are not open to the Select Committee to discuss, then I say it is useless to appoint a Select Committee, because these fundamental things will not be open to them; and I will just finish by saying that we ought to adopt a more direct method for stopping the flight of capital from this country than the present method suggested by the Honourable the Finance Member which, as has been repeatedly pointed out by several speakers and the large number of persons who have submitted their opinions, will really constitute a tax only on honest persons, and that all the persons who are really clever will be able to evade the tax. I have already given one example by which payment of income-tax can be avoided.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I am in entire agreement with the principle of the Bill. But I confess I have got very serious doubts about the present time being opportune for putting such a very important and controversial measure on the Statute-book, more especially in face of the very substantial and solid opinion of the various Governments, Associations and individuals who have expressed their views. The Honourable the Finance Member told us that he and his colleagues would be sufferers by this Bill. That, Sir, only goes to show that the Honourable the Finance Member's sole thought and sole concern in connection with measures which are brought before this House has been the interests of Indian revenues, but I submit there are higher things, more important things than the interests of Indian revenues. It is surprising how solidly and how substantially the opinion which has been elicited on this Bill is against this Bill. Of the nine Governors' Provinces, six are against it, and of the Minor Administrations also there are more than one who have got nothing to say in its favour. The income-tax is a particularly unpopular tax, and we have strained the principle of the equality of burden or sacrifice to breaking point against the trading classes of India—only at the last session we increased the rates of income-tax.

[Mr. N. N. Anklesaria.]

Sir, this Bill has been creating serious discontent among the trading classes of Guzerat, which is my constituency. I speak from personal knowledge, and I would appeal to the Honourable the Finance Member to postpone consideration of this Bill to a more opportune time so that that discontent may not turn into disaffection. Then I ask, Sir, is it worthwhile to incur the risk of such serious trouble? I submit respectfully, not; and I think only a cursory examination of the Objects and Reasons appended to the Bill and of those stated by the Honourable Finance Member in his speech will completely bear me out. It is said, Sir, that on account of this particular lacuna in the present Act capital is flying away from India to foreign countries. It is then said, Sir, that this flight of capital can be checked by the present Bill. Thirdly, Sir, it is said that there is nothing novel about this Bill and it follows the English law on the subject. And, fourthly, it is said that the Bill will bring substantial revenues to the exchequer. As regards the first point, I doubt very much that the flight of capital is due to the present income-tax alone. Sir, if I take away my ginning or pressing factory to the neighbouring Native State of Baroda, it is not because of the present Income-tax Act, because there is a similar Income-tax Act in the State of Baroda also. It is because the factory legislation there is less galling and less oppressive. Sir, I take away my money-lending business to the Native State not because of the Indian Income-tax Act, but because there is no D. A. R. Act in the Native State. Sir, I invest my savings in foreign securities, not because of the Indian Income-tax Act alone, but because I get a better return and I feel that my money is more safe in foreign investments than it is in India. On this point, Sir, the Commissioner of the Central Division of the Bombay Presidency, Mr. Smart, has put his views in a very succinct and convincing form. I will not read it out because the printed papers are in the hands of every Honourable Member in the House. Then, it is said that the flight of capital to foreign countries will be checked by this measure. I doubt that view and this is also the opinion of many competent authorities who have expressed their views on the subject. My reasons are two-fold for saying why the flight of capital will not be checked by this measure. Firstly, there can be found so many loopholes for evasion in the present measure and, secondly, not only the flight of capital will not be checked, but I think there will soon be a flight of capitalists themselves from British India to Native States and other foreign countries, as has actually happened during the last couple of years. I can cite instances within my knowledge where ginning and pressing factories have been taken away from British territory to the neighbouring Native States which are only separated from the British territory by a railway track—a distance of 50 yards only.

Then, Sir, it is said that the Bill follows only the British law. I say that that is not a valid reason for the enactment of the Bill into law. In the second place, I maintain that India is not England. They do not have in England a large class of people, I mean the Native States people, who can easily evade with impunity the tax. Then, I say, Sir, that if the English law on the subject is to be the model, that model should be followed in its entirety. There are allowances in English law in respect of the wife, children, house-keepers, dependent relatives, age and so on. If the English law is to be followed, why should we not get the same privi-

leges? Lastly, Sir, I submit that the Bill as framed gives scope for many loopholes for evasion. It is in the nature of things and no human ingenuity could possibly prevent these evasions. Unless the Bill is minutely and oppressively "extensive", it cannot possibly stop evasion. Take, for instance, the taxation of the earnings of the British officials. I submit it will be manifestly unjust to tax the savings of the British officials from their Indian salaries which are invested in foreign countries. But if you let go the British officials, you are bound also to let go the British traders, the Japanese traders and other foreign traders who are trading in this country, including the large class of people who can resort to the Native States for evasion. Then, Sir, we have got several foreign companies which are trading in India. Take, for instance, the Ralli Brothers. It will be manifestly unjust to tax the Ralli Brothers in respect of the earnings made outside India and not brought into British India. But if you let go the Ralli Brothers by retaining the domicile provision people can easily evade the payment of the income-tax by forming one man companies and making their headquarters in a neighbouring Native State, with some figurehead as the managing director of the concern. I submit therefore that the utility of the Bill is of a doubtful character and it had better be dropped till more opportune times. I will appeal to the Honourable the Finance Minister to stay his hand at least till the next session of the Assembly and thus add to his popularity, popularity such as, I am happy to say, has not been acquired by any of his predecessors.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : When the Honourable the Finance Member introduced the Budget, we were promised legislation to prevent the flight of capital. It was a very admirable sentiment. At that time most of us looked upon it with great admiration. All of us welcomed the suggestion that the flight of capital, which we understood at that time to mean investment in foreign securities by persons in this country, would be prevented. We had our doubts at the time whether it was possible for the Finance Member of the Government of India or, for the matter of that, any Finance Member to compel persons to invest money in some particular concerns, but since the Finance Member promised legislation on the subject, we all welcomed it. But as time has passed and as the scope of legislation has come to be examined, doubts have arisen in various quarters, and I can safely say from the opinions received outside the House and inside the House that this measure has been assailed practically from every quarter. It is well, therefore, to look at this measure dispassionately to see why it is that this change of opinion has come about. Originally we thought this measure was to be confined to securities and shares, but we now find that it is aimed at business as well. A question was put in the earlier part of the debate which the Honourable the Finance Member, according to my humble way of looking at it, has not answered satisfactorily. The Indian scheme of Income-tax Act is distinct from the English one where residence is the test. Under the Income-tax Act, we tax income which has accrued or arisen in this country or which has been received in this country. Just look at it. The idea is if any person enjoys an income in this country, he is to be taxed, no matter whether he is a foreigner, an Armenian or a Jew or any foreigner resident in this country or a domiciled subject of this country, and his income is to be taxed for a very good reason. There was a time when in this country all kinds of foreigners could come and make profits and go away. Therefore, as distinct from the English

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practice, the Indian law took up the line that it is only the locality of income that we have to look to for purposes of taxation. This section was subjected to very severe strain in a case in my own province. It was the case of a certain contractor who made money in Baluchistan to which the Indian Income-tax Act did not apply, when he received considerable money in that province and then brought it over to the Punjab. The question arose whether the profits received by such person outside the area where the Income-tax Act was operative and then brought to the Punjab were to be taxed. That was the case which my Honourable friend Sir Cowasji Jehangir had in mind and that case was ultimately decided in favour of the assessee, namely that that income could not be taxed having been received outside the area in which the Income-tax Act applied. Even though the profits were subsequently brought into this province, he could not be assessed as if he had received his income here a second time. Therefore that income was held to be exempt from taxation. As a result of this, the Act was amended in section 4 (2) to this extent, that profits and gains will be deemed to have been received in this country if they are profits of a business and are received within three years from the last day of the year in which they accrued. The modification of that rule means that profits which accrue outside will be taxed in this country to this extent only that they must be profits of business carried on outside and if they are brought in within three years, the idea being that after three years they become capital. Now, we are departing from this basis and we are now embarking upon this new scheme of taxation that we are going to tax on the basis not of the locality of the income but on the status of persons who are in this country. I use this phrase advisedly, "who are in this country". As the Bill stands at present, it appears that a very invidious distinction is made in the case of persons who are only residents in this country but who are not domiciled in this country. Persons who are residents and who are domiciled in this country, wherever their income may accrue, whether in a foreign country or by holding land or carrying on trade or from securities, they are all roped in. With regard to persons who are only residents but who are not domiciled, they are left severely alone and incomes in this country alone are taxed. That, I submit, is a very invidious distinction on which the opinions received from various parts of the country have laid stress, though we are promised they will be subject to revision in the Select Committee.

Leaving that aside, there are very many contentious points that arise in this Bill which call for enquiry. First, I may point out that so far as the analogy of English law is to be applied to this subject, I submit we are entirely mistaken. Under the English law, so far as the foreign

4 P.M. possessions of a person are concerned, if a person is resident and domiciled, you tax only his income from shares and securities and not from business or lands. In this aspect the Honourable the Finance Member has gone wide of the mark. Let me point out that it is so. The idea originally was that we were to prevent persons from making investments in foreign countries, in securities, shares and so on. That was the idea. If I may say so, that seems to have been dropped. Of late people have been making investments in foreign countries in stocks, shares and securities, and I do not know the extent to which capital, that shy bird which is very often hiding in this country, has taken flight abroad. It is very difficult to catch this bird "capital" and keep

it in the country. Still if the Honourable the Finance Member has thought that capital was going abroad, then my submission is, it is not because of the Income-tax law. Capital has been flying to the United States and to Wall Street from all over Europe because of the huge fluctuations in prices. Yet no European country has thought fit to stop the flight of capital by a legislative measure like this. At any rate, we will examine the proposition whether under the English law—that was the stand taken by the Honourable the Finance Member—he was justified in going into this question and roping in not only persons who have invested in securities, but also in foreign possessions, e.g., lands and business, etc. Let me point out that all that we are concerned with at present is to see if there is any justification for taxing a man who not only invests in securities and thus gains unearned income, but also invests in foreign possessions, lands and so on. The Honourable the Finance Member jumps at this latter class also. What is the justification for our taxing a man who takes his goods into a Native State and carries on business and for all practical purposes gets the protection of the law of the State where he is and gets no protection from British India whatever? That is a proposition which I propose to examine at the outset. Does the English law offer a precedent for it? I turn to Law of Income-tax by Konstam, where at page 221, it is said :

"With regard to the income from, first, securities, and secondly, stocks, shares and rents, it depends on the status of the recipient or on the distinction between residence and ordinary residence, whether the whole of the income is charged with the tax, or only that portion which is brought to the United Kingdom, that is to say, it depends on the recipient being a British subject or being domiciled or residing or being ordinarily resident in this country."

Then, at page 223, it goes on :

"The income of a person residing in this country from possessions out of the United Kingdom (other than securities or stocks, shares and rents) is charged only to the extent to which it is received in this country."

Again at page 232, he says :

"Apart from stocks, shares and rents, the most important kind of income arising from possessions out of the United Kingdom, which is charged under Case V, is the profits of a trade or of an interest in a trade, which is owned by an individual or a company residing in the United Kingdom, but which is in no sense carried on in this country. The tax in such a case is charged, not on the whole income, but on the actual sums annually received in this country."

Therefore so far as any help is to be derived from the analogy of English law, I submit the Bill goes far beyond the immediate object we have in view. There is no justification to tax people whose business is outside or who, for reasons best known to themselves, do not choose to avail themselves of the protection of the laws of this land. If they go into a Native State and carry on business there, I do not see why we should tax them here. On the contrary, look at the proposition from another point of view. Persons, who are residents making money in this country in business and in professions whose payments may be made outside the country and whose investments may be made outside the country, are left severely alone. I would therefore say that this Bill attempts to rope in the wrong man and it leaves out persons whom it ought to rope in.

Then, Sir, it has been pointed out with great force that this is hardly the time at which to enter on legislation like this, and for a very good reason. There may soon be a time when possibly legislation in this matter may be undertaken here with regard to incomes arising in the Native States as well. Before that time, it is certainly odd to be taxing

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people for incomes which they may make in the Native States without any system of reciprocity by means of which we may be able to give them relief from double income-tax as is the case in English law or in some other countries with whom we may have reciprocity. We have not been shown any estimates of the extent to which revenue is going to profit from this source, but as things stand at present it has been pointed out to the Finance Member that we have various lacunæ in the Act and he could safely block in those passages through which income is leaking. For instance, all securities of the Government of India either in this country or in England which at present escape income-tax can be roped in. Similarly salaries paid outside India can be roped in. And one of the unfortunate effects and dangers of a measure like this is that we may be putting the axe at the root of capital and by encouraging the distinction between residence and domicile we may not only be sending capital away but people may be encouraged to look to the Native States as places where they are domiciled and residence in this country as merely temporary. In this connection I could read out a host of opinions which would amply repay perusal, but on page 51 we have the opinion of the Commissioner of the Ambala Division of the Punjab, from which I will venture to quote an extract or two. He says :

"No estimates have been prepared to show the extent to which Indian income-tax and super-tax suffer as a result of the alleged flow of capital out of India, nor have any figures been supplied to indicate the extent to which the alleged flow will be stayed as a result of this special measure. Nor is there any valid proof of the obvious implication that the capital to be thus detained in India can, with equal profit and equal security be invested in this country. The measure has thus perforce to be looked upon merely as a measure of taxation and of taxation alone.

If additional funds are needed this source of additional income must be tapped but the proposed Bill carries with it the grave risk of taxing capital out of existence. It will not be sent out of India to avoid the extra taxation and it will not be invested in India and the result may be serious financial deterioration. The main difficulty in India is not that capital is invested outside India but that it is not invested at all. Capital in this country is shy and buries itself in cheap silver bangles. If the Bill is passed the country may probably have more hoardings but certainly not more income.

The existence of a certain amount of untaxed income is, theories notwithstanding, a source of strength and not of weakness to a country and it should appear to be very unwise for the sake of some additional income-tax and super-tax to drive the recipients of these untaxed incomes into ways of dealing with their capital that may render it idle. Large incomes must pay large income-taxes but no legislature would be justified in laying the axe at the very root of large incomes."

I therefore suggest that the time is hardly opportune and the scope of the Bill is certainly very wide of the mark, and the Bill should therefore be withdrawn.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I have been carefully listening to the arguments which have been adduced to oppose the Bill going to the Select Committee and to throw it out at the initial stage. I have not been impressed by any of the arguments that have been adduced in this connection. I fail to understand how an Indian and a nationalist Indian can be opposed to a very fair and reasonable Bill like the present one. Income-tax is one of the most equitable taxes in the world. It is only people with large incomes who are going to be taxed, and if for the revenues of the country it is necessary to tax any people, it must be the commercial magnates of the country and not the poorly paid clerks, and menials for which the Retrenchment Committee has been started. Sir, I am sorry that there has

been opposition to the well-intentioned provisions of this Bill. Any one who knows the Honourable the Finance Member knows his anxiety to benefit the people of this country, and must be careful before offering any opposition to such a Bill which wants to bring in more revenues at the present time. The times are now very critical, the finances of Government are at a deficit and money has to be found. From whom are you going to find this money ? Are you going to find that money by dismissing or discharging the poorly paid clerks and menials only and not touching those who are able to pay, people whose incomes can be counted not in five or six figures but in seven and eight ? Sir, I beg to submit that what the Honourable the Finance Member has been pleased to ask us is to examine the provisions of the Bill. He does not say that he is a perfect man and that his Bill does not contain any defects, but if there are any defects, go with him to the Select Committee, convince him and others who are there and bring out a good Bill. In this connection I beg to read only one observation for my Indian friends on this side of the House which will convince them what is the opinion of the country and what is the opinion of the nationalists in India about this Bill. It is the opinion of the Bengal National Chamber of Commerce, on page 72. They say :

"In the opinion of the Committee the adoption of some statutory measure to realise the desired ends in view merits approval and is in fact called for to check the flow of capital outside India, which is obviously detrimental to the economic interests of the country where ample scope should be available for the absorption of such funds seeking investment and also for the purpose of augmenting the revenue resources of the Government which have been seriously affected by the prolonged trade depression and have been fast dwindling away."

If you really have the interest of your motherland at heart you ought seriously to bestow your attention to this subject. You ought not to be guided by the principle of looking to your own pocket and seeing that it is not affected. If you do that, I may warn you that the time is coming when you will have no income at all. The hungry millions will take away from you what you have got unless you give a little bit to the Finance Member who is asking you in all fairness to give it. And after all, as I was submitting, what is it that the Finance Member has asked for ? He has asked you to consider the Bill and to accept the principle of the Bill. If you say that you do not accept the principle of the Bill, I will tell you that you are not serving the best interests of your motherland. The Bill wants to prevent the flow of capital outside India and the Bill wants to tax incomes which were not taxable hitherto and thus relieve the finances of the country from its present depressing condition. That being so, as reasonable men we ought to sit in Committee and see if there is any defect in the Bill and then improve it. But to oppose its reference to Select Committee and not to accept the principle is going against the interests of the country. With these remarks I beg to support this Bill whole-heartedly.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, at this late hour I do not wish to speak for very long, but I wish to recapitulate a few facts and leave the Members on both sides of the House to exercise their judgment. I have been in this House ever since its inception in 1921. There has been Bill after Bill referred to the provinces for opinion in which the opinions were divided, sometimes in favour and sometimes against it ; but I can assure the House that there has not been a single Government Bill during the life of this Assembly and of its predecessors in which the provinces and the

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people have combined with such a singular unanimity in opposing it. The Government always rely upon the opinions of the provinces, and when this Bill was circulated to the provinces, it was circulated for the purpose of sounding the opinion of the provinces with a view to enable the Government to make up their mind as to whether they should or should not proceed with the measure.

Now, what are the opinions of the provinces? The Honourable the Finance Member in his opening address today told us that the provinces are opposed to this measure, but he might have gone further and told us with what unanimity the provinces have opposed this measure. Take that oldest of all provinces, the Presidency of Madras; and here I would like Honourable Members to hear what His Excellency the Governor in Council of Madras has got to say on this important measure.

Mr. Amar Nath Dutt: Any patriots or any Congressmen?

Sir Hari Singh Gour: I am coming to the patriots and Congressmen next. The Government of Madras sum up the situation in the following words:

"It will be observed that the provisions of the Bill have been strongly criticised by most of the authorities who were consulted. The more important of the points urged against the Bill are:—

- (1) that it will not prevent the flight of capital from India; and in any case restrictions upon the free movement of Indian capital are unnecessary and unjustified;
- (2) that it makes no provision for dealing with the problems of double or multiple taxation on the same income;
- (3) that it introduces the principle of differentiation between two classes of persons for purposes of taxation of their foreign incomes;
- (4) that a tax on foreign incomes will be easy of evasion and will merely mean an additional burden upon the comparatively few honest men who bear the main burden of the existing income-tax; and
- (5) that the taxing in India of income earned abroad without any assistance from the Government of India is unjust. The analogy with the English system is unsound, in that the Government of the United Kingdom contribute towards the protection of British trade the whole world over, and render political, commercial and financial assistance to such trade.

The Madras Government consider that there is much force in these criticisms and endorse them for the consideration of the Government of India."

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

This is a pronouncedly emphatic opinion against this Bill; and if that be all I would ask Honourable Members occupying the Treasury Benches to pause and consider. But that is not all for we find the other two Presidency Governments of Bombay and Bengal reinforcing the decision of the Madras Government. I feel that we stand here on stronger ground because it is one of those measures in which the Government and the people are united in opposing its further progress. Let me give to Honourable Members the opinion of the Bombay Government. They say on page 26:

"I am instructed to draw particular attention to the reasoned statements of the Commissioner, Central Division, and of the Bombay Millowners' Association and to say that the Government of Bombay, while unable to go in detail into the merits of the proposed amendments, are impressed by the arguments therein adduced, and fear

that the loopholes for evasion are so many that the main provisions would be unworkable."

Then, listen, what does the Government of Bengal say on the subject? They say:

"The Government of Bengal would draw particular attention to the serious objections to the Bill raised in the letter of the Bengal Chamber of Commerce."

I need hardly point out that the Bengal Chamber of Commerce have seriously criticised the Bill upon the grounds adverted to by the Government of Madras.

I do not wish to take up much of the time of the House: I shall rest content with informing this House that not only the Presidency Governors but the Provincial Governments have all combined in opposing this measure. If that were all, I should say it would be enough as far as the Government were concerned. But all the other constituted bodies in India, the large trade associations, both European and Indian, I find, with a singular unanimity opposed to this measure. We have the United Provinces Chamber of Commerce; we have the Indian Merchants' Chamber—though they accept the principle, they attack so many of its details that there is nothing of the Bill left after their criticism of the details but the brown paper it was printed on. Then we have the Grain Merchants' Association, the Karachi Chambers of Commerce, European and Indian, the Ahmedabad Millowners' Association; the Indian Society of Accountants and Auditors, the South India Chamber of Commerce; the Bombay Shroffs' Association, the Buyers and Shippers' Association, the Bombay Shareholders' Association—every one of them condemns this measure on the ground that it is bad in principle and unworkable in practice.

This unanimity of opinion ought to have weighed with the Honourable the Finance Member and I still ask him to reconsider his decision to push on with this measure in the teeth of such overwhelming opinion against its further progress. If this measure had been introduced in normal times, when the constitution of this country was not on the anvil, I should have considered the opposition of the provinces and of the people sufficient to throw out this measure. But we have on the present occasion an additional reason why this House should hesitate to commit itself to the novel principle which the Honourable the Finance Member wishes to embody in this enactment. It has been pointed out by the Governor of a province and also by an Association that at a time when the whole constitution of India is in the melting pot it would be inadvisable to proceed with this measure which might interfere with the development of a federal constitution in the country. At page 33 I find the following statement made by the Karachi Indian Merchants' Chamber:

"Since the Indian Constitution is being framed on Federal lines, the relations of British India and Indian States will have to be adjusted in many ways. As this Bill would affect the subjects of Indian States in British India its consideration may be postponed till the new constitution is definitely outlined."

Now, this statement is borne out by the view of the Governor of the Central Provinces, and this is what he says at page 78 of the Opinions:

"In view of the general opposition that the Bill is likely to arouse, he is of opinion that the decision on this point might be deferred until the nature of the reforms likely to result from the approaching Round Table Conference is more accurately known."

I therefore submit, Sir, that this is an inopportune time for the introduction of this highly controversial measure.

[Sir Hari Singh Gour.]

I now pass on to the next point. Is it a controversial measure, or if it is a controversial measure, is it supported by any precedent in the history of income-tax in the world? On this point I wish to draw the attention of the Honourable the Finance Member to what is said by one of his own Commissioners of Income-tax. This is what he says on page 68. Referring to the Statement of Objects and Reasons that this measure is on the lines of the English Income-tax Act, the Commissioner of Income-tax, Burma, says this :

"The person from abroad who stays more than six months in one year in the United Kingdom is considered to be 'resident' in the United Kingdom but not 'ordinary resident'. He is taxed only on so much of his foreign income as he brings into the United Kingdom. The non-domicile resident is in the same position. The British subject who is ordinarily resident is taxed on the whole of his foreign income whether he brings it into the United Kingdom or not. To this there is only one exception and that is income from 'foreign possessions'. Employment wholly abroad or a business carried on wholly abroad have been held to be 'foreign possessions'. Of the income from a 'foreign possession' only the amount brought into the United Kingdom is taxed. Now in the present Bill this concession in respect of income from 'foreign possessions' is not given to the domiciled resident. Nor is there any distinction between persons who are resident and persons who are ordinarily resident. And the non-domiciled resident gets more favourable treatment as compared with the domiciled resident than the English law gives him. These are matters in respect of which the Bill might be amended if it is to follow the lines of the English law. There is one very great advantage in adhering as closely as possible to the English law and that is the great body of decided cases."

So, Sir, so far as the reference to the English law is concerned, we have the weighty pronouncement of the Commissioner of Income-tax, Burma, that that law has been departed from and is not being followed in the measure under reference.

Then, Sir, it has been pointed out by numerous bodies and associations that this measure would be unworkable. Let me give you two considered opinions on that subject. At page 30 of these opinions, we read the following statement of the Karachi Chamber of Commerce, supported, as I shall presently point out, by a high official of Government. This is what the Karachi Chamber says :

"That in the opinion of this Chamber the Bill should be opposed on the ground that it will not be workable in practice."

And this opinion is echoed by no less an authority than the Commissioner of Income-tax of Assam. At page 90 he says this :

"The tax will fall on the honest and be avoided by the unscrupulous. In my opinion the distinction between residence and domicile should be dropped."

On another page we have exactly the same opinion given by Mr. Clayton, whose view has been endorsed by the Government of Bombay. He says that all that could be hoped if the Bill were passed would be that the conscientious would pay and the unscrupulous would not. That is the opinion of Mr. Clayton, Commissioner of the Central Division, and his opinion, as I said, has been endorsed by the Bombay Government.

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

Now, Sir, I submit that we have conclusively shown that this measure, which is opposed by the Local Governments and also by a large body of associations throughout the country, is not a measure which the Government can logically push on with in the teeth of such widespread and, I may submit, universal opposition. In the second

place, I submit this is an inopportune time to launch upon a measure of such a highly controversial character. In the third place, I submit this measure is unprecedented, and instead of following the English law, it makes a notable departure from that law. In the fourth place, I submit that this law would be unworkable and will set a premium on dishonesty and evasion, and lastly, Sir, I wish to draw the attention of Honourable Members to what is said by the Southern India Chamber of Commerce. At page 59 we find they say this :

"As far as South India is concerned, the outward movement of Indian capital has been in the shape of business chiefly of Nattukotti Chettiyars and Tamil Mahomedans in such places as Federated Malay States, Straits Settlements, Ceylon, French Cochin, China and so on. That is due to the traditional enterprising spirit of those people rather than to any desire to escape payment of tax in British India. Their business has been carried on in those places for not less than a century now, and there is no evidence of money leaving this country in recent years."

I therefore submit, Sir, that this is a measure which will hit these hard working poor traders overseas, and traders, if we had a national Government of our own, whom we would have subsidised. Do we not know that the Imperial Government of Japan subsidises all its overseas traders? Do we not know that all countries in the world for the purposes of fostering their industries and expanding their trade subsidise their overseas trade? Instead of subsidising them, you are going to penalise them. Is this the object for which you have brought forward this measure to thwart all industries, to destroy all enterprise, to penalise the poor traders overseas? Only the other day the Honourable the Home Member published the provisional conclusions of the Census Commissioner's Report in which he points out that of all countries in the world the population of India had increased by 10.2 per cent. and that there has been an accession of 31 million of population within the last decade, and Mr. Findlay Shirras also says in his articles in the *Times of India* that India must now be classed as an over-populated country. Sir, the least service that you can do is to help your countrymen to go overseas and make their living. The worst service you can do is to penalise them. It rests with you to do the one or the other. (Cheers.)

Mr. Arthur Moore (Bengal : European) : I move that the question be now put.

Mr. President : I think it would be best to ask the House to decide whether they wish to carry the debate to another day or vote to-day. I will therefore put the question. The question is that the question be now put.

(Cries of "Ayes" and "Noes".)

Mr. S. C. Mitra : I claim a division. So many Members have spoken against the Bill, but there has been no speech on the other side. There may be people who would like to speak in favour of the Bill.

Sir Cowasji Jehangir : I do not know whether you want the House to divide on this question like this. I would submit there are one or two speakers who want to speak, and if they are allowed to speak, we can go to the vote to-day and finish the business.

(An Honourable Member : "It will be too late.")

Mr. President : I have asked the view of the House and a division has been asked for. I do not know on what grounds the Honourable Member, Sir Cowasji Jehangir, thinks that there are only one or two other speakers. Before the closure was asked, I looked up all parts of the House. I was just going to ask the Honourable the Finance Member to reply. In the meantime closure was asked, and I thought that I might consult the House as to whether they wished to go to vote to-day or whether they wanted to adjourn the business to another day. I am in the hands of the House and they may decide as they please. But there is one aspect which appeals to me. This is a taxation Bill and I for one would not like to deprive any Honourable Member of the opportunity of addressing the House on it. (Hear, hear.) It was only when I thought that the whole House was agreed that we should now go to vote that I accepted the closure. If there is any feeling in the House that we should not go to vote to-day, I shall conform to their wishes and adjourn the House. But I ask Honourable Members to make up their minds as to what they desire. In order to save the time of the House, I will ask all those Honourable Members who desire to adjourn and carry the debate over to another day to rise in their places.

(A number of Honourable Members rose in their places.)

I see that there is a substantial minority which desires to carry over the proceedings to another day. I respect their wishes and adjourn further consideration of this Bill to another day. I now adjourn the House till 11 o'clock to-morrow for non-official business.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th September, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 10th September, 1931.

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

MEMBER SWORN.

Mr. Rahimtoola M. Chinoy, M.L.A. (Bombay City : Muhammadan Urban).

QUESTIONS AND ANSWERS.

DETENTION UNDER REGULATION III OF 1818 OF MR. AZIZ HINDI OF AMRITSAR.

100. ***Sardar Sant Singh :** (a) Will Government be pleased to state the number of persons detained under Regulation III of 1818 ; the period of detention undergone, and the allowance granted to these detainees and their families ?

(b) When do Government intend to release each of these detainees ?

(c) Is it a fact that one Mr. Aziz Hindi of Amritsar is being detained under this Regulation in Multan Jail ?

(d) If so, will Government be pleased to state the charge against Mr. Aziz Hindi ?

(e) Is it a fact that Mr. Aziz Hindi was the only earning member of his family ? If so, how many members of his family depended on his earnings ?

(f) What is the allowance sanctioned for Mr. Aziz Hindi and what is the amount sanctioned for his family ? Has this allowance been paid and accepted by the detainee and his family ? If not, why not ?

(g) Is it a fact that since Mr. Aziz Hindi's detention his family has been compelled to sell two houses for their family expenses ?

(h) Is it a fact that Government's offer of Rs. 60 per month has been declined by the detainee and his family ? How much allowance Mr. Aziz Hindi gets in Jail for his expenses from his family ?

(i) Do Government propose to increase his allowance ?

(j) Is it a fact that a Police Inspector sits close to the ladies when they go to visit Aziz Hindi in Jail ? Is it a fact that these ladies observe purdah and feel inconvenienced in these interviews ? Are Government prepared to issue necessary instructions to stop this intrusion ?

(k) Is it a fact that these prisoners are not permitted to read books of their choice ? If so, why is this restriction imposed ?

The Honourable Sir James Crerar : (a) I lay on the table a statement giving the particulars required.

(b) They will be released as soon as Government are satisfied that their detention is no longer essential in the interests of public safety.

(c) and (d). I would refer the Honourable Member to the reply given by me in this House on the 27th January, 1931, to Mr. Gaya Prasad Singh's question No. 43.

(e) Yes. Nine. Details are given in the statement I have laid on the table.

(f) The Honourable Member is referred to the statement mentioned above. The allowance sanctioned by Government for the State prisoner himself is being duly paid to and accepted by him. The dependents of the State prisoner have not drawn the allowances sanctioned for them from the treasury.

(g) The Government of India have no information to that effect.

(h) The dependents of Ghulam Muhammad have failed to draw from the treasury an allowance of Rs. 110 per mensem which has been sanctioned for them. The State prisoner does not, so far as the Government of India are aware, receive any monetary assistance in jail from his family.

(i) The allowances hitherto sanctioned were granted after due enquiry, and are considered sufficient.

(j) Under the rules a police officer has to be present at all interviews and I am afraid there are insuperable objections to any change in this procedure.

(k) The approval of the Superintendent of the jail is necessary to the introduction of books for the use of prisoners within the jail. The restriction is imposed lest books should be introduced which are open to grave objection.

Statement of persons detained in Jail under Regulation III of 1818.

Name of State Prisoner.	Date from which detained.	Allowances sanctioned for	
		Prisoner.	Family.
Abdul Waris <i>alias</i> Bashir Ahmed.	28th August 1930.	Rs. 1-6-0 per diem for diet.	No dependents.
Fazal Elahi <i>alias</i> Qurban	Do.	Rs. 32 per month for current expenses.	Do.
Ghulam Mohammad <i>alias</i> Aziz Hindi.	Do.	Rs. 60 for initial expenses on first admission to jail.	Monthly for
			Rs.
			1. Wife 30
			2. Mother 15
			3. Eldest son .. 15
			4. Second son .. 5
			5. Daughter aged 13 5
			6. Daughter aged 7 5
			7. Daughter aged 5 5
			8. Widowed sister 15
			9. Son of widowed sister .. 15
			Total .. 110
Karam Singh	21st May 1931.	Do.	No dependents.
Harjap Singh	14th April 1931.	Do.	Wife Rs. 15 a month.
Ihsan Elahi ..	9th February 1931.	Do.	No dependents.

Mr. Gaya Prasad Singh : May I take it that it is not contemplated to consider the question of increasing the allowance ?

The Honourable Sir James Crerar : The allowances were fixed on a lower scale in the first instance. After further inquiries they have been fixed at a somewhat higher scale and there is no intention of modifying that scale which was fixed after a very full inquiry.

Mr. Gaya Prasad Singh : It has already been fixed on a higher scale after reconsideration ?

The Honourable Sir James Crerar : Yes.

Kunwar Haji Ismail Ali Khan : May I know why Government are not trying his case in the open court ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the answer which I have just now given.

Sardar Sant Singh : Does the answer to part (a) include the case of the Maharaja of Nabha ?

The Honourable Sir James Crerar : No. It does not include persons who were interned on the grounds arising in that case.

Sardar Sant Singh : Has the case of Aziz Hindi been examined by any Sessions Judge ?

The Honourable Sir James Crerar : The case of two of these prisoners were examined by two Sessions Judges. The other cases fall under a different category.

Dr. Ziauddin Ahmad : Have the Government framed any definite charges against Aziz Hindi ?

The Honourable Sir James Crerar : Definite charges were framed in the case of the two prisoners whose cases were submitted to two Sessions Judges.

Mr. Gaya Prasad Singh : Were they allowed to appear before the Sessions Judge when the case was considered ?

The Honourable Sir James Crerar : No, Sir. There is no provision in the rules for that.

Sardar Sant Singh : Did the Government pay the travelling allowances of the members of the family of Aziz Hindi when they went to interview him in Multan ?

The Honourable Sir James Crerar : I must ask the Honourable Member for notice of that question.

ILL-HEALTH OF IHSAN ILAHI, A PRISONER IN THE CENTRAL JAIL, LAHORE.

101. ***Sardar Sant Singh :** Are Government aware that Ihsan Ilahi of Lahore is keeping bad health in the Central Jail, Lahore ? Is it a fact that a medical man of his choice was not permitted to examine him ? If so, why ?

The Honourable Sir James Crerar : No. As recently as the 1st September, his health was certified to be good, and no application appears to have been made by him asking to be treated by a medical man of his own choice. There is, of course, a qualified Medical Officer attached to the jail.

ARREST AND DETENTION OF MR. VIR INDER UNDER REGULATION III OF 1818.

102. *Sardar Sant Singh : (a) Is it a fact that Mr. Vir Inder was arrested under Regulation III of 1818? Is it a fact that he has been released now? If so, how has his release been brought about?

(b) Is it a fact that he has been found to be innocent of the charges laid by the police against him?

(c) How long was Mr. Vir Inder detained in custody?

(d) Have Government granted any compensation to Mr. Vir Inder? If not, why not?

The Honourable Sir James Crerar : (a) and (b). I would refer the Honourable Member to the answer given by me in this House on the 2nd March 1931, to clauses (b) and (h), (c) and (d) of Mr. Jagan Nath Aggarwal's question No. 783. In accordance with the undertaking given there, the case of Vir Inder was placed before two Sessions Judges. After considering the report submitted by them, the Government of India decided that Vir Inder should be released and issued orders accordingly.

(c) He was arrested on the 10th February 1931, and released before noon on the 2nd June 1931.

(d) Government did not consider that there was a case for the grant of compensation.

LENGTHY RETENTION OF THE POST OF SUPERINTENDENT OF POST OFFICES, MADRAS CIRCLE, BY RAO BAHADUR G. NARASIMHA NAIDU.

103. *Sardar Sant Singh : (a) Will Government be pleased to state if the Director-General, Posts and Telegraphs, has issued orders to the effect that the total tenure of Superintendents of Post Offices in different appointments in the same station should not, under any circumstances, exceed eight years?

(b) Was not this order issued with a view to prevent any particular officer from monopolising the same station by favouritism to the exclusion of other aspirants for the same place?

(c) Is it a fact that in the Madras Circle Rao Bahadur G. Narasimha Naidu remained in Madras for over thirteen years, of which eight years were spent continuously?

(d) Is it a fact that the present Postmaster General in Madras has reposted Rao Bahadur G. Narasimha Naidu to Madras as R. M. S. Superintendent for giving him training?

(e) Is this R. M. S. training absolutely necessary and is it prescribed for every officer; and, if so, is there no other station where Rao Bahadur Narasimha Naidu could be posted?

(f) Is it a fact that an opportunity for the R. M. S. training was offered to Rao Bahadur G. Narasimha Naidu in 1928 and that he declined to avail himself of it?

(g) Is it a fact that several Superintendents in the Madras Circle have applied for appointments in the Madras city?

(h) Has not the Director-General, Posts and Telegraphs, issued orders prohibiting transfer this year in the interest of economy?

(i) Is it a fact that if now Rao Bahadur G. Narasimha Naidu is posted to Madras apparently for R. M. S. training, he would be ousting Mr. Hamid Khan, Superintendent of Post Offices, from Madras?

(j) Is it a fact that if Mr. Hamid Khan is transferred from Madras city, there will not be a single Muhammadan Superintendent in Madras city?

(k) Is it a fact that the present Postmaster General's predecessor in Madras in pursuance of the orders of the Director-General, Posts and Telegraphs, transferred Rao Bahadur G. Narasimha Naidu to Guntur, that the Rao Bahadur took long leave after working for a very short period and has not so far rejoined Guntur?

Sir Hubert Sams : (a) Instructions were issued deprecating but not absolutely forbidding the retention of an officer in the same locality for more than 8 years at a time.

(b) The object was to prevent an officer being in the same locality for an inordinately long period, subject to the requirements of the service.

(c) As a permanent Superintendent of Post Offices the officer actually worked in Madras for a total period of a little over 10 years, of which approximately 4 years were continuous.

(d) The officer was posted as Superintendent, Railway Mail Service, "M" Division, under the rule which requires that every Superintendent of Post Offices should hold charge of a Railway Mail Service Division for at least three years.

(e) The reply to the first part is in the affirmative. With respect to the second part, postings are made by Heads of Circles according to the exigencies of the service.

(f) The Honourable Member is referred to the second sentence of the reply to (e).

(g) Yes.

(h) No, Sir.

(i) The officer was posted as stated in the reply to (d). There is no question of ousting any officer.

(j) Yes, but postings are not made on communal considerations.

(k) Yes. The officer was granted leave on medical grounds.

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

104. *Sardar Sant Singh : (a) Will Government be pleased to state the number of total appointments, and the appointments held by the Sikhs in the following cadres on the North Western Railway :

(i) superior gazetted service (senior scale officers),

(ii) lower gazetted service (junior scale officers),

(iii) senior subordinates,

- (iv) junior subordinates,
- (v) ministerial services :
 - (1) Clerks in the 4th and 5th classes.
 - (2) Clerks in the 1st, 2nd and 3rd classes ?

(b) Do Government propose to take immediate steps to remove the obvious paucity of the Sikhs, a very important minority community, and to safeguard their interests in the upper services of the North Western Railway ?

(c) Will Government be pleased to state the total number of appointments carrying Rs. 250 or above *per mensem* and the number of such appointments held by Sikhs on the North Western Railway ?

Mr. A. A. L. Parsons : (a) (i) and (ii). The strength of the superior services is 231, and 6 posts in it are held by Sikhs. The strength of the lower gazetted service is 74, and 5 posts in it are held by Sikhs.

(a), (iii), (iv) and (v). The Honourable Member will find the available information in the Classified List of Subordinates employed on the North Western Railway, corrected up to the 30th September 1930, copies of which are in the Library.

(b) Under the rules of recruitment, one-third of the vacancies are reserved to redress marked communal inequalities in the railway services. The operation of these rules should secure the interests of the Sikh community.

(c) I would refer the Honourable Member to the statistics given in Appendix 'F' of the Report by the Railway Board on Indian Railways for the year 1929-30, Volume I, copies of which are in the Library.

Sardar Harbans Singh : What proportion of this one-third reserved for minority communities is reserved for the Sikhs ? Does minority community only mean Muhammadans ? In practice we find that ?

Mr. A. A. L. Parsons : There is no special reservation for Sikhs.

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

105. ***Sardar Sant Singh :** (a) Will Government be pleased to state whether it is a fact that some subordinates of the North Western Railway have been recommended for appointments in the lower gazetted service ?

(b) Is it a fact that not a single Sikh subordinate has been included in the list of those recommended ?

(c) Is it a fact that almost all the Sikh upper subordinates possess superior educational qualifications than those recommended ?

(d) Is it a fact that some representations were made to the North Western Railway and the Railway Board to give an adequate share of appointments to the Sikhs in the lower gazetted service, in particular, and other upper services in general ?

(e) What action has been taken on those representations ?

(f) Are Government now prepared to take immediate steps to give the Sikhs their due share in the lower gazetted service and other upper subordinate services ?

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

(b) Yes.

(c) No.

(d), (e) and (f). Appointments to the lower gazetted service are, as a rule, made by promotions of selected subordinates, and the policy of Government is to make promotions on the basis of merit, having due regard to seniority, irrespective of communal considerations. A representation on the subject was received from the Sikh Rights Protection Society in June last and replied to accordingly.

ABOLITION OF THE RAILWAY MEDICAL DEPARTMENT.

106. ***Sardar Sant Singh :** (a) Will Government be pleased to state when the Medical Department (Railway) was created ? What has been the annual cost of the Department on each State Railway ?

(b) Are Government aware that the lower staff of North Western Railway is dissatisfied with this Department ? If so, do Government propose to abolish it in the interests of the taxpayer ?

Mr. A. A. L. Parsons : (a) Most of the Companies' Railways, including the East Indian, Great Indian Peninsula and Burma Railways recently transferred to the control of the State have for a long time had a Medical Department of their own. The older State Railways had generally a system under which Civil Surgeons held medical charge of railway employees in addition to their civil duties. Since 1928, this system is being gradually replaced by the organization of a self-contained Medical Department on each railway and the re-organisation is now complete on the Eastern Bengal Railway and on the Oudh and Rohilkhand section of the East Indian Railway. It is still in progress on the North Western Railway.

The cost of the Medical Department on each State Railway for the year 1929-30 was as follows :

	Rs.
Eastern Bengal Railway	4,21,969
East Indian Railway	8,30,316
Great Indian Peninsula Railway ..	6,81,535
North Western Railway	8,40,400
Burma Railways	3,30,611

(b) The answer to the first part is in the negative ; the second part does not arise.

THE PRICE OF WHEAT.

107. ***Sardar Sant Singh :** Has the attention of Government been drawn to a letter published in the *Tribune* of Lahore, dated the 19th June, 1931, under the heading "The wheat problem : The price should be forced up" ? If so, will Government be pleased to state whether they have any intention of forcing up the price of wheat ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : Government have seen the letter in question. The suggestions made therein

are impracticable and it is unsound to take any action to force the price of wheat in India above world parity.

SHOOTING OF SARDAR GANGA SINGH'S SONS AND WIFE.

108. *Sardar Sant Singh : Will Government be pleased to lay on the table the *communiqué* issued by the Chief Commissioner of the North West Frontier Province relating to the shooting of Sardar Ganga Singh's sons and wife ? Was any inquiry held later on ? Will Government kindly lay on the table the report published as the result of the inquiry ?

(b) Is it a fact that Sardar Ganga Singh was to be compensated ? If so, has any compensation been paid to him ? If so, what ? If not, why not ? What was the amount of the compensation offered ?

(c) Is it a fact that Sardar Ganga Singh has declined to accept any compensation ? If so, what reasons have been given by him ?

Mr. E. B. Howell : (a) I would invite the Honourable Member's attention to the replies given to Mr. S. C. Mitra's question No. 94 and Sardar Gulab Singh's unstarred question No. 139, dated the 15th and 18th July, 1930, respectively, on the subject of this most unfortunate occurrence. A copy of the judgment of the Magistrate who tried the case was placed in the Library on the 15th July, 1930, a copy of the Chief Commissioner's *communiqué* is now placed on the table.

(b) No monetary compensation was offered to Sardar Ganga Singh as Government could not accept liability for the accident.

(c) Does not arise.

Communiqué.

TELEGRAM No. 519[P], DATED THE 31ST MAY, 1930.

From—N.-W. F. P., Peshawar,

To—Associated Press, Simla. (Repeated to Home Department, Simla.)

Chief Commissioner, North West Frontier Province, regrets to announce that at 9 A.M. this morning at the Kabuli Gate of Peshawar City a rifle was accidentally discharged by a Lance Corporal belonging to the Detachment on duty at the Gate. The Lance Corporal is reported to have been cleaning the rifle which on being discharged unfortunately hit the passengers in a tonga passing down the street. No less than three persons were struck by the bullet, namely the wife and two children of Sardar Ganga Singh, Supervisor of the Peshawar Military Dairy Farm. The children were killed instantaneously and the lady was severely wounded. She was immediately taken to the Lady Reading Hospital for treatment where her condition is reported to be serious.

In a Notice published in the city to-day in English and Urdu the Chief Commissioner explained briefly the nature of the accident and expressed his profound regret and sincere sympathy with Sardar Ganga Singh adding that any reparation in his power would be made. An investigation by the City Magistrate was held this afternoon.

The sad event caused much excitement in Peshawar City and large crowds which collected round the Kabuli Gate had to be dispersed by the police and military. One round was fired without inflicting casualties. The Qissa Khani Bazar was cleared and nothing further occurred till about 11 A.M., when a large crowd of several thousand persons collected at the Gor Khatri. As a military patrol passed up the Gor Khatri street the crowd attempted to snatch their rifles from the hands of the troops who were compelled to fire 17 rounds in self-defence. The number of casualties has not yet been accurately ascertained but the wounded persons are receiving treatment in the Lady Reading Hospital and it is rumoured that three persons were killed and their bodies carried away. Shops were closed in the business quarters of the city but there have been no further disturbances.

REPRESENTATION OF HINDUS AND SIKHS ON THE PESHAWAR MUNICIPALITY.

109. *Sardar Sant Singh : (a) Is it a fact that the seats in the Peshawar Municipality have been distributed among Muslims, Hindus and Sikhs ? What is the respective voting strength of the various communities in the Municipality ? What is the proportion of distribution of seats ? Is it a fact that Hindus and Sikhs constitute important minorities in the North-West Frontier Province ? If so, what steps have been taken to safeguard their civic interests ?

(b) Is it a fact that the Hindus and Sikhs are dissatisfied with the distribution ? Have Government received any representation from these communities expressing their strong resentment ? If so, what steps do Government propose to take to protect their interests ? Has the attention of Government been drawn to this grievance of the Sikhs by the Sikh Rights Protection Society, Lahore ? If so, will Government be pleased to lay the correspondence on the table ?

The Honourable Khan Bahadur Mian Sir Fazli-Husain : (a) It is proposed to raise the total number of members of the Peshawar Municipal Committee from 20 to 34, of whom 17 will be elected. The voting strength of the various communities according to the tentative electoral rolls recently prepared is as follows :

Muslims	..	..	..	..	10,723
Hindus	..	..	..	..	2,830
Sikhs	..	..	..	..	1,173
Others	..	..	..	..	122
Total					14,848

Of the 17 elected seats on the reconstituted Committee, it is proposed to allot 13 seats to Muslims, 3 to Hindus and 1 to Sikhs. The Hindus represent between 1/6th and 1/7th of the population of Peshawar and the Sikhs less than 1/20th. In the proposed allotment of seats regard has been paid not only to the population of the various communities but also to their voting strength.

(b) Representations have been received from members of the Hindu and Sikh communities expressing dissatisfaction at the proposed distribution of elected seats. Government have seen the correspondence between the Sikh Rights Protection Society, Lahore, and the North West Frontier Province Administration. A copy of the correspondence is laid on the table of the House.

Correspondence.

To

The Revenue Commissioner,
North West Frontier Province,
Peshawar.

SIR,

We the Hindu and Sikh Members of the Peshawar Municipal Committee beg to approach you with the following humble representation in connection with the proposed changes in the constitution of the Committee.

From the information laid before the house on Tuesday, the 31st March, 1931, it was learnt that the Deputy Commissioner made certain recommendations in the matter. We have nothing to say against the proposed larger number of members but we have learnt with great concern that the proportion of seats reserved for different communities is proposed for no adequate reasons to undergo a marked change to the clear detriment of the minority communities, i.e., Hindus and Sikhs.

Since the constitution of the Committee till 1929, the Hindus and Sikhs of Peshawar City representing the most important civic interests of the advanced intellectual communities, consisting largely of traders and capitalists with vested interests in the town were given a due representation of 50 per cent. by nomination.

In 1929, when partial elections were introduced for the first time, the following proportion of representation was arrived at presumably in view of the importance of the minorities and in consideration of their vested interests. 5 Muhammadan members, as against 2 Hindus and one Sikh member, by election : and 4 Muhammadan against 3 Hindus and one Sikh by nomination.

Less than 18 months have yet passed since those revised proportions were settled, and it is inconceivable why now when the only question before the house is that of increase in its strength, the controversial and knotty question of a further revision of the proportion of communal representation should at all be taken up.

The only feasible and fair procedure under the circumstances will be to allot seats to the different communities on the basis of the existing proportion. This works out as under if the number of elected seats is doubled from 8 to 16.

10 Muhammadans,
4 Hindus, and
2 Sikhs.

As however the proposed number of elected members is 17, the only point worth considering in this matter is to which community should go the seventeenth seat.

In 1929 the Muslims had 75 per cent. voting strength as against 25 per cent. of that of the Hindus and Sikhs (who interse had a proportion of 2 to 1 respectively). In 1931 the Hindus show an increase of 2.5 per cent. in their voting strength, while the Muslims now have only 73 per cent.; thus showing a decrease of 2 per cent. This would not justify any increase in Muhammadan representation; but on the contrary would be a strong ground for the seventeenth seat to go to the Hindus and Sikh group, who now show a voting strength of 27 per cent., as against 25 per cent. of the year 1929.

The Deputy Commissioner on the other hand proposed the proportion of communal representation in election as follows :

13 Muhammadans,
3 Hindus, and
1 Sikh.

This he avers to do on the basis of the mean proportion worked from the population figures of 1921 and the voting strength of 1931 of the different communities.

This novel principle which is possibly meant to aim at some moderation in the political powers and ascendancy claimable by the numerically larger Muhammadan community on pure population basis, has hardly any merit as it on the other hand works out most unfairly to the interests of the important Hindu and Sikh minorities, which deserve to be adequately safeguarded.

The unjustifiableness of this proposal is clearly shown by the fact that if it is accepted, the Muslims will get 1 seat for every 825 votes, Hindus get one seat for 943 votes, and Sikhs 1 seat for as many as 1,173 votes. This, it will be granted, is neither fair nor just.

It goes without saying, as observed in the representation of N.-W. F. P. Hindu Sabha, dated 25th February, 1929, that representation on population basis with separate electorates is definitely unfair in view of the importance of Hindu and Sikh communities, in this premier city of the Province. The legitimate trading and educational interest of these minority communities cannot receive adequate protection against communal aggression of the larger community, unless due regard is paid to voting strength on some high basis, with additional safeguards to counter-balance the larger number of Muhammadan members including the official element. From this point of view the unequal proportion of two Hindus and one Sikh constituency as

against 5 Muhammadan constituencies even in 1929 gave rise to a serious grievance on the part of the Hindu and Sikh inhabitants of Peshawar City, but this was partly redressed by some balance of power maintained by keeping the nominated members half and half as before.

We are not fully aware what adequate grounds for modifying the 1929 proportion have been advocated by the author of this original scheme, but your humble petitioners have no doubt that double the number of members of 1929 scheme with an additional seat for the communities, which show increased voting strength, would be the only fair proposition to make.

It is submitted that in view of the above, 10 Muhammadans and 7 Hindus and Sikhs would be the more appropriate numbers and taken together with the official element the Muhammadans of Peshawar City cannot be possibly said to be labouring under any disadvantage of civic representation in Municipal matters.

We have, etc.

KARAM CHAND,
MEHR CHAND KHANNA,
ETC., ETC.

PESHAWAR CITY,

Dated the 9th April 1931.

COPY OF LETTER, DATED THE 22ND APRIL, 1931, FROM THE PRESIDENT, THE SIKH RIGHTS PROTECTION SOCIETY, LAHORE, TO THE CHIEF COMMISSIONER, N.-W. F. PROVINCE.

SUBJECT :—Sikh Seats in the Peshawar Municipal Committee.

The attention of my committee has been invited with regard to the proportion of seats reserved for different communities in the Peshawar Municipality.

My committee recall to the reforms that were introduced in 1929 under which the seats were allotted as under :

(a) Election—

Mohamedans	..	..	..	..	5 seats.
Hindus	..	..	..	..	2 seats.
Sikhs	..	..	..	..	1 seat.

(b) Nomination—

Mohamedans	..	..	..	..	4 seats.
Hindus	..	..	..	..	3 seats.
Sikhs	..	..	..	..	1 seat.

Now after the lapse of 18 months this proportion is going to be disturbed and therefore my community naturally feel perturbed and it is alleged that following proportion has been recommended :

10 Mohamedans.
4 Hindus.
2 Sikhs.
1 Unallotted.
—
17 seats.
—

My community is not in favour of communal electorates either in Legislative Councils or Municipal Committees, but they expect weightage as an important minority community who ruled Peshawar before the advent of British Rule.

The Sikhs in addition to weightage as a minority community as the Mohamedans desire in the Provinces where they are in the same position, expect that they may be allowed to contest additional seats in general electorates which must be common for Mohamedans, Hindus and Sikhs so that elected members must feel responsibility to all of them. The Muslims at their recent conference held at Lucknow passed a resolution

of joint electorates and those who attended the conference by common consent are the popular leaders of the Mohamedan community.

My Committee trust that the Government of the Hon'ble the Chief Commissioner will give special consideration to the claims of the gallant Sikh community and they shall be thankful if you throw some light in the matter in order to pacify the feeling of my community both in N.-W. F. P. and in the Punjab.

COPY OF A MEMORANDUM, No. 1058-L.F., DATED THE 8TH MAY, 1931, FROM THE REVENUE COMMISSIONER, N.-W. F. P., TO THE PRESIDENT, THE SIKH RIGHTS PROTECTION SOCIETY, 10/2, NISBAT ROAD, LAHORE.

SUBJECT :—*Sikh seats in the Peshawar Municipal Committee.*

Reference your letter, dated the 22nd April, 1931, to the address of the Secretary to the Chief Commissioner, North West Frontier Province, on the subject noted above.

2. It has been decided that electorates in the Peshawar Municipality will be communal and that the distribution of the seventeen elected seats on the committee will be as follows :

Muslims	..	..	..	..	..	..	13
Hindus	..	..	..	..	..	..	3
Sikhs	..	..	..	..	..	..	1

3. The decision regarding communal electorates has been arrived at in deference to the expressed wishes of Hindu and Sikh communities of Peshawar.

4. As regards the distribution of the elected seats, the proposed distribution is based on the "Punjab formula", which has been adopted for application throughout this province, that is, the proportion of seats is calculated on the average of what each community is entitled to on the basis of population and voting strength. It may be added that no weightage has been, or is proposed to be, given to any community in elected seats in any municipal committee in the N.-W. F. Province, and that if necessary the interests of the minorities including the Sikhs will be safeguarded by nomination.

No. S. R.-9/9.

OFFICE,
THE SIKH RIGHTS PROTECTION SOCIETY,
10/2, NISBAT ROAD, LAHORE,

2nd June, 1931.

From

Sardar Harbhajan Singh Balhaya,
Hon. Secretary, The Sikh Rights Protection Society,
Lahore.

To

The Revenue Commissioner,
North West Frontier Province,
Peshawar.

SUBJECT :—*Sikh seats in the Peshawar Municipal Committee.*

DEAR SIR,

I am directed to acknowledge the receipt of your letter, No. 1058-L.F., dated 8th May, 1931, which received a careful consideration of my committee and they have directed me to address you again on this question of great importance to my gallant community.

2. My Committee note that the Government have decided that the electorates will be on communal basis on the express desire of the Hindus and Sikhs and that the distribution of the seventeen elected seats on the Committee will be as follows :

Muslims	..	..	..	..	..	..	13
Hindus	..	..	..	..	..	..	3
Sikhs	..	..	..	..	..	..	1

But the proportion fixed by the Government it seems, is against the interests of both Hindus and Sikhs as my committee note from their joint representation, dated 9th April, 1931, to you. The approximate population and voting strength of the

different communities in Peshawar City as my Committee has been able to gather is as under :

				Approximate population.	Voting strength.
Mohamedans	..	..	..	73,000	10,723
Hindus	..	..	..	10,000	2,830
Sikhs	..	..	..	5,000	1,173

In accordance with the principle adopted by your Government the Mohamedans will get one seat to 825 votes, Hindus one for 943 and Sikhs one for 1,173. From this you will be pleased to observe at a glance that no special representation to the minorities have been granted and the position of the Sikh representation is not only unfair but ridiculous. The Sikhs in Peshawar have traditions behind them as ex-rulers of the Province and even now they form a compact and highly educated community and as most of its members are businessmen with very large stakes, therefore their interests require adequate safeguard from the Government.

3. The position of the Sikhs in the North-West Frontier Province is practically same as those of Muslims in the Madras Presidency therefore the "Punjab Formula" of representation is besides the point and cannot be taken into consideration. My Committee are strongly of opinion that the Sikhs should be allowed nothing short of 15 per cent. representation as the Muslims claim in the Madras Presidency and they must concede to others what they demand in the Province where they are in minority.

4. I am further directed to request you that the Sikh seats arrived at on the basis of 15 per cent. representation should be opened to them by election only and the ante-diluvian system of nomination should be dispensed with altogether and therefore they are obliged to disagree with your views that the interests of the minorities including the Sikhs will be safeguarded by nomination, *vide* paragraph 4 of your letter.

5. I am asked to impress upon you and through you to the Government of India that the Sikhs are not communalists and they would prefer joint electorates with reservation of seats so that the Muslim majority may feel sense of responsibility to Hindu and Sikh voters, otherwise the system enunciated by you will bring in a permanent Muslim rule in the Local Self-Government. My Committee invite your special attention of the Lahore Municipal Committee's Administration which on account of Muslim preponderance and irresponsibility, brought an unseathing criticism both from the ex-Muslim Commissioner of Lahore and ex-Muslim Minister for Local Self-Government. This must be an eye-opener to the Government of your Province before launching any scheme of reforms in which such state of affair will not be allowed. The views of the Sikhs of the Frontier Province are in perfect accord with those of my Committee and even the Sikh Conference at Kohat has expressed similar views in unequivocal terms.

6. My Committee trust that the Frontier Government will consider this letter in an equitable and just manner so that my community may not suffer in this present transitional state of affairs and they shall be glad to hear from you the steps the Government will be pleased to take after reviewing the whole situation.

I am,

DEAR SIR,

Yours faithfully,

(Sd.) H. S. BALHAYA,

Honorary Secretary,

The Sikh Rights Protection Society, Lahore.

No. S. R.-9/10, DATED THE 2ND JUNE, 1931.

Copy of the above to the Secretary to the Government of India, Political Department, Simla, for favour of information and immediate action to safeguard the interests of the Sikh in the Frontier Province.

(Sd.) H. S. BALHAYA,

Honorary Secretary,

The Sikh Rights Protection Society, Lahore.

Dr. Ziauddin Ahmad : Is it not a fact that the non-official elected members are in a minority in the Peshawar Municipality, and, is it not a fact that the Government promised definitely last year that they would increase the non-officials, at least in the proportion of two-thirds ? Are Government going to reconsider the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : 17 out of 34 will not be a minority, Sir ?

Dr. Ziauddin Ahmad : And what about the official Chairman ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The official Chairman would certainly have a casting vote when a dispute arose.

Dr. Ziauddin Ahmad : Therefore, Government is in a majority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Only when there is a dispute, Sir.

THE PRICE OF WHEAT.

110. ***Sardar Sant Singh :** (a) Have the Government seen the note on the wheat problem as published on page 2 of the *Civil and Military Gazette*, Lahore, in its issue of the 26th June, 1931 ? If so, what steps do Government propose to take to raise the level of the agricultural products of Northern India in order to prevent agrarian trouble from breaking out ?

(b) Have Government received any communication from the Indian Chamber of Commerce, Lahore, with regard to the price of wheat ? If so, will Government state what steps they intend to take with regard to the various suggestions made therein ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. Government do not agree with the contents of the note referred to, which is based on an incorrect statement of facts. In this connection, the attention of the Honourable Member is invited to the Honourable Sir George Rainy's speeches in the Legislative Assembly, on the 31st March, 1931, on the Wheat (Import Duty) Bill, explaining that any action that could be taken would not have the effect of raising the level of prices of agricultural products in India.

(b) Yes. The Chamber's suggestions with reference to the price of wheat related to reduction of railway freight, and prohibition of imports of foreign wheat. As regards the first matter, it is open to the Chamber to make any representation they desire to the Railway Administration concerned for a reduction in freight rates supported by any evidence they may have to indicate that the incidence of railway freight rates precludes the free movement of agricultural produce from the Punjab to other parts of India.

As regards the second matter, I would refer the Honourable Member to the answer which I have given to part (a) of his question.

Dr. Ziauddin Ahmad : What action have Government taken to prohibit the importation of foreign wheat ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member must remember that there was actually a Wheat Import Duty Bill passed by this Assembly at the last Delhi Session.

Dr. Ziauddin Ahmad : Is it not a fact that by Government giving a time-allowance the importers have imported more wheat than would otherwise have been the case, within the year ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Am I to understand that the Honourable Member questions the wisdom of the Assembly in doing so ?

Dr. Ziauddin Ahmad : The wisdom of the Government.

BENEFIT SECURED BY INDIA UNDER THE HOOVER MORATORIUM.

111. ***Mr. Gaya Prasad Singh :** Will Government kindly state if India is in any way benefited by the Hoover Moratorium ? And if so, how ; and to what extent ?

The Honourable Sir George Schuster : I would invite the attention of the Honourable Member to the Press communiqué issued by the Government of India on the 26th June, 1931, a copy of which is laid on the table of the House.

Press Communiqué.

On the 24th June, 1931, in the course of a statement in Parliament with regard to the policy of His Majesty's Government regarding President Hoover's proposal about war debts moratorium the Chancellor of the Exchequer said :

" Although His Majesty's Government in the United Kingdom do not regard President Hoover's proposal as directly affecting the war obligations of the Dominions and of India to the United Kingdom which are a matter for discussion and settlement between those of His Majesty's Governments concerned, we felt that we should be interpreting the wishes of the country in deciding freely to offer to the Dominions and India the same concession as is proposed for foreign countries under the same conditions.

Accordingly, when inviting the assent of the Dominion Governments and the Government of India to the suspension of German payments so far as regards the share to which they are entitled, we intimated that on the same principle we would readily give them the option of postponing the whole amount of their war debt payments to the United Kingdom for a period of one year from July 1st, 1931, if they so desire."

The Government of India have agreed to the proposals of His Majesty's Government. The effect of the proposal in regard to India is that, provided President Hoover's proposal is adopted the Government of India may suspend both capital and interest payments in respect of the outstanding war loan liability for one year beginning the 1st July, 1931. On the other hand, the Government of India will forego receipts from reparations during the same period. The total amount of the outstanding war loan liability on the 31st March, 1931, was £16,721,000. The total war loan liability till 1929-30 was being discharged by making such annual payments of capital as would lead to the extinction of the liability by about 1946-47. In 1929-30 and 1930-31, however, no capital repayment was made to His Majesty's Government and similarly the budget for 1931-32 does not include any amount for capital repayment of the war loan liability. The amount of interest payable by the Government of India to His Majesty's Government on the outstanding amount of the war loan liability is £836,000 per annum which is payable in two half-yearly instalments. As the moratorium year runs from 1st July, 1931 to the 30th June, 1932, the relief to the Indian budget on this account during the current year will be £418,000. The remaining half of the benefit will fall within the next year's budget. The total amount of reparation receipts due to the Government of India under the Young plan during 1931-32 and 1932-33 is approximately £228,300 per annum, which is payable monthly. Under the proposals of His Majesty's Government, the Government of India will forego these receipts for nine months in the current year (1st July to 31st March), amounting to about £172,000 and for three months (1st April to 30th June) in the next year amounting to about £57,000. The net relief to the budget of the Government of India will thus be £246,000 in the current year and £361,000 in the next year.

FINANCE DEPARTMENT,
Simla, the 26th June, 1931.

PROTEST BY INDIAN EMPLOYERS' DELEGATES AT THE INTERNATIONAL LABOUR CONFERENCE AT GENEVA.

112. ***Mr. Gaya Prasad Singh** : (a) Will Government kindly explain the circumstances under which Messrs. Walchand Hirachand, Ghosh, and Bagla, the Indian Employers' delegates to the International Labour Conference at Geneva, walked out of the Conference Hall in protest ?

(b) Who is Mr. Tarlton ; to what nationality does he belong ; who nominated him to represent India ; and what are his antecedents and qualifications in this respect ?

(c) Is it not a fact that the organisations which nominated Mr. Tarlton have a membership, 88 per cent. of which is incorporated in, controlled from, or belongs to Great Britain ?

Mr. J. A. Shillidy : (a) The gentlemen named are reported to have walked out of the Conference Hall as a protest against the action of the International Labour Conference in accepting the credentials of Mr. E. S. Tarlton as Adviser to the Indian employers' delegate.

(b) At the time of his nomination Mr. Tarlton was the Chairman of the Indian Mining Association. He is a British subject and was nominated by the Government of India in conformity with the provisions of Article 389 of the Treaty of Versailles. The nomination was upheld by the Credentials Committee and the Conference.

(c) Exact information is not available, but the answer to the question, as I understand it, is almost certainly in the negative.

Mr. Gaya Prasad Singh : What is the strength of the organization which nominated Mr. Tarlton ?

Mr. J. A. Shillidy : I did not catch the question.

Mr. Gaya Prasad Singh : With regard to (c), I should like to know how many Indians are on the organization which nominated Mr. Tarlton.

Mr. J. A. Shillidy : I cannot say quite how many Indians there are. I have not got the exact information ; but the answer to the question is almost certainly in the negative.

Sirdar Harbans Singh Brar : Did the Honourable Member try to get the exact information ?

Mr. J. A. Shillidy : No ; I am afraid we cannot get the information.

RACIAL DISCRIMINATION IN THE PROVISION OF ELECTRIC FANS IN JAILS.

113. ***Mr. Gaya Prasad Singh** : (a) With reference to the announcement of Government eliminating the policy of racial discrimination in jails, and the classification of prisoners, are Government aware that electric fans have been provided, or are going to be provided, for Europeans and Anglo-Indian prisoners in many jails, but not for Indian prisoners ; if so, why ? Has there been any correspondence with the United Provinces Government in this connection ?

(b) Has the attention of Government been drawn to the report published in the *Leader*, dated the 15th May, 1931, of an interview with Mr. Vaukatesh Narayan Tewari, an ex-member of the United Provinces Legislative Council, in the course of which he stated on the authority of his own personal experience that fans have been provided for European and

Anglo-Indian prisoners but not for Indian prisoners, even of the same class, in many jails ?

The Honourable Sir James Crerar : (a) The reply to the first part of the question is in the negative. I have ascertained from the United Provinces Government that electric fans are at present provided only in the Lucknow Central prison and that hand punkhas are provided elsewhere, when required. Orders were issued by the Government of the United Provinces in May last to the effect that whenever a punkha is considered necessary during the hot weather for any particular prisoner, recommendation should be made accordingly to the Inspector General of Prisons and these orders applied equally to European, Anglo-Indian and Indian prisoners. During the present year punkhas have been sanctioned for 15 Europeans and Anglo-Indians and for 124 Indians.

(b) I have seen the report referred to.

COMPLAINT BY PANDIT JAWAHAR LAL NEHRU AGAINST TAMPERING WITH HIS LETTERS IN THE POST OFFICE.

114. ***Mr. Gaya Prasad Singh** : Has the attention of the Government been drawn to the copy of a letter, published in the *Hindustan Times* of the 27th June, 1931, addressed by Pandit Jawahar Lal Nehru, to the Postmaster General, United Provinces, regarding the systematic tampering with his letters by Post Office "interlopers" ? Under whose authority are his letters opened and why ? How many letters of his have been so far opened ; and in how many have objectionable matters, if any, been found ; and how have they been disposed of ?

Mr. J. A. Shillidy : The reply to the first part of the question is in the affirmative. With respect to the other parts, Government regret that they are unable to give any information.

Mr. Gaya Prasad Singh : May I take it that the Government have not got this information in their possession ?

Mr. J. A. Shillidy : I am afraid I must refer the Honourable Member to my reply. The Government are unable to give any information.

Sardar Sant Singh : Will Government kindly state under what provisions of the law they are authorised to open the letters of private individuals ?

Mr. J. A. Shillidy : Under the Post Office Act.

REMODELLING OF THE KOTRI RAILWAY BRIDGE OVER THE INDUS.

115. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether it is intended to remodel the present Kotri Railway Bridge over the Indus ?

(b) If the reply to part (a) be in the affirmative, what will be the total cost incurred ?

(c) What are the reasons for the new scheme being undertaken at a heavy cost ?

(d) Is it true that the Karachi District Local Board, Hyderabad Sind Municipality, Kotri Municipality and Hyderabad District Local Board and the Bombay Government have been approached to contribute their share to the cost of remodelling the bridge ?

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(e) If reply to part (d) be in the affirmative, what are the replies received from each of them?

(f) If local bodies are unwilling to participate in such a costly scheme, do Government propose to drop the scheme in view of the present economic depression?

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

(b) The total cost is estimated to be Rs. 17,26,236.

(c) Because the existing girders are too weak to carry the new heavy standard engines already running on the North Western Railway between Lahore and Rohri, it not being possible to run them on the Rohri-Karachi section on account of the weakness of the girders of the Kotri Bridge.

(d) and (e). Government have no information as regards the Karachi District Local Board, Hyderabad Sind Municipality, Kotri Municipality and Hyderabad District Local Board, but the Government of Bombay have agreed to contribute Rs. 7,51,300 out of the estimated amount mentioned for the purpose of providing cantilevered roadways on either side of the strengthened girders.

(f) Work is already in progress and Government are, therefore, not prepared to consider the abandonment of the Scheme.

DUTIES OF THE ADVERTISEMENT AGENT FOR GOVERNMENT PUBLICATIONS.

116. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the nature of the duties that the Advertisement Agent for Government Publications has to perform ;
- (b) the pay and emoluments that are paid to such officer ;
- (c) the names of all the provinces where such a functionary exists ;
- (d) since when the post for such a functionary has come into existence ;
- (e) the amount of work that has been introduced by such officer in the province of Bengal ; and
- (f) the name of such officer posted in Bengal and his educational and special qualifications for the office he holds ?

Mr. J. A. Shillidy : (a) The duties of the Advertisement Agent are to secure advertisements for insertion in Government publications and forms, to conduct all preliminary negotiations and correspondence with prospective advertisers and to obtain payment for advertisements accepted by the Central Publication Branch.

(b) The Agent is paid a commission of 20 per cent. on all payments for advertisements secured by him and an additional commission of 5 per cent. if the net revenue to Government from advertisements is equal to or in excess of Rs. 32,000 in a year.

(c) The Agent secures advertisements from all parts of India. No separate Agents are employed by the Government of India in different provinces.

(d) The services of an Advertisement Agent are being utilised since April, 1924.

(e) The information is not available as receipts from advertisements are not accounted for on a territorial basis.

(f) The name of the present Agent is Mr. Colin Muirhead. He has worked as the head of the advertising department of certain firms in Calcutta.

CONSTRUCTION OF QUARTERS FOR EAST INDIAN RAILWAY EMPLOYEES, NORTH OF HOWARAH STATION.

117. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the total number of acres that have been acquired on the north of Howrah towards Salkia side for the construction of mansions and quarters for the East Indian Railway people ;
- (b) since when the acquisition of sites has commenced ;
- (c) since when the constructive operations have begun ;
- (d) the total amount of costs that have been incurred so far in constructing the buildings ;
- (e) how many houses in all have been built on the lands acquired so far ;
- (f) how many of those houses are (i) one-storied, (ii) two-storied, and (iii) three-storied ;
- (g) how many of such houses are primarily intended for the Indian employees ;
- (h) whether any buildings are still in process of construction at the acquired sites ;
- (i) how many people are expected to be housed in all the buildings already completed ;
- (j) how many people have already taken occupation of those buildings so far ;
- (k) the amount that has been spent in laying the roads and avenues about the buildings ; and
- (l) who was it that first originated the idea of acquiring the sites for the purpose of building the houses in question ?

Mr. A. A. L. Parsons : (a) 24.64 acres.

(b) September, 1918.

(2) Volume V, No. 4, dated 10th September, 1931, page 169, in reply to part (d) of starred question No. 117, for "Rs. 62,80,253" read "Rs. 52,80,253".

(f) One-storied—Nil.

Two-storied—108 units servants' quarters.

Three-storied—180 units.

Four-storied—408 units inferior servants' quarters.

(g) 408 exclusively for Indians and 180 for Indian or European employees as required.

(h) No.

(i) 588 families with servants.

(j) All quarters are occupied.

(k) Rs. 21,476.

(l) The proposal was originally put forward in 1918 by the District Engineer, Howrah.

RECOMMENDATIONS OF SIR ARTHUR SALTER.

118. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) the causes that Sir Arthur Salter has made out for the economic depression in India in particular ;

(b) the remedies that he has suggested for the alleviation of the prevailing acute economic situation in India ;

(c) whether the causes and remedies prescribed by him have been accepted by the Government of India ;

(d) whether the causes and remedies indicated by Sir Arthur Salter are in conformity with those prescribed by Sir E. Hilton Young in indicating the causes of the world slump ; and

(e) the recommendations of Sir Arthur Salter which the Government of India has resolved to give effect to ?

The Honourable Sir George Rainy : (a) The investigation of the causes of the present economic depression in India was not within the scope of the enquiry undertaken by Sir Arthur Salter. In this connection I would refer the Honourable Member to Sir Arthur Salter's Report, a copy of which is in the Library.

(b) to (d). Do not arise.

(e) Government have not yet taken any action on Sir Arthur Salter's Report.

REMEDIES FOR THE ECONOMIC DEPRESSION IN INDIA.

119. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) the remedies that the Government of India propose to adopt for the alleviation of the continuing economic depression in India ; and

(b) whether the provincial Governments are expected to fall in with the Central Government in adopting measures for the removal of the economic distress that prevails throughout the country ?

The Honourable Sir George Rainy : (a) and (b). The real causes of the present economic depression in India are unfortunately beyond the control of the Government of this country.

DECAPITATION OF THE BODIES OF CERTAIN BURMAN REBELS HANGED IN BURMA.

120. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) the names of persons who are responsible for the severance of heads from their bodies of the 12 Burman rebels in Prome ;

(b) the steps that the Central Government have taken to find out the exact reason for which such a severance of heads from the bodies was resorted to ;

(c) the action which the Central Government has taken to deal with the person or persons who had been responsible for the deed ;

(d) the resolution that the Government of Burma have passed in the matter since the news appeared in the papers ;

(e) whether it is a fact that long before the news leaked out photographs of the 12 decapitated heads were in the possession of the Executive Members of the Government of India ; and

(f) under what law the severance of heads from bodies of men already hanged is permissible ?

The Honourable Sir James Crerar : I would invite the attention of the Honourable Member to the Resolution issued by the Government of Burma on the subject, a copy of which I have had placed in the Library.

RECRUITMENT BY THE PUBLIC SERVICE COMMISSION.

121. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether the Public Service Commission is functioning normally in the present year ;

(b) whether they have brought out the results of the different examinations held under their auspices timely during the last year ;

(c) whether recruitment on the results of all those examinations has already been made ; if not, why not ;

(d) whether the Commission have been authorised to hold all examinations originally held by them in the present year ;

(e) whether recruitments will be made as usual on the result of those examinations ; and

(f) whether the activities of the Commission will be restricted in any way by the present retrenchment scheme of the Government ?

The Honourable Sir James Crerar : (a) Yes, except that one member has been absent on leave since April 1931.

(b) and (c). Yes.

(d) and (e). No examination will be held during the current year for entry to the Indian Audit and Accounts Service, the Military Accounts Department, the Indian Railway Accounts Service or the Imperial Customs Service, because no vacancies for direct recruits are expected to occur in any of those services in 1932. Similarly no examination will be held for

the Indian Forest Service, because no vacancy is likely to occur in 1933; that being the year in which a probationer recruited in 1931 would be appointed to the service after training at the Forest College, Dehra Dun. All other examinations will as far as is known at present be held as usual and recruitment will be made on the results of these examinations.

(f) The question as to what economy if any can be effected is under consideration, but there is not likely to be any restriction of the activities of the Commission.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

122. *Mr. Lalchand Navalrai : (a) Is it a fact that the Railway Unions suggested to the Railway Board that retrenchment should be made by discharging about 115 officers who were provided for on the North Western Railway when the Divisional Scheme was introduced in place of the old system of working under Traffic Superintendents and District Traffic Superintendents ?

(b) Is it a fact that such a re-organization scheme would mean about 10 lakhs annual savings to the Railway ?

(c) Was it also suggested that the salaries of the other 200 high officials should be reduced ; if so, by how much ?

(d) What were the replies made to the Unions on the aforesaid points ?

(e) If their suggestions were not agreed to, what were the reasons for such refusal ?

(f) What steps do the Railway Board propose to take for the retrenchment in connection with the suggested matters ?

Mr. A. A. L. Parsons : (a) to (c). No.

(d) and (e). Do not arise.

(f) The Railway Board do not propose to take any steps in the directions suggested.

Mr. Lalchand Navalrai : Will the Honourable Member kindly let me know the reasons for not taking the steps ?

Mr. A. A. L. Parsons : I fear, Sir, that in a reply I cannot give all the reasons, but I can say that it is quite impossible to get rid of 115 officers on the North-Western Railway.

IMPORTATION OF JAPANESE RICE.

123. *Mr. Lalchand Navalrai : (a) Have Government received any representations from the Indian Merchants' Association, Karachi, and the Bombay Chamber of Commerce drawing the attention of Government to an extraordinary import of Japan rice into the Indian markets affecting seriously the sale of rice produced in Sind and other parts of India ?

(b) Are Government aware that the price of rice has gone down abnormally in India, that the producers in India are not able to compete with the Japanese rice and are therefore suffering immensely ?

(c) Have Government taken any steps to protect the interests of Indian producers ? If so, what ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Government have received representations on the subject from the Indian Merchants' Association, Karachi, and the Indian Merchants' Chamber, Bombay.

(b) and (c). The attention of the Honourable Member is invited to reply already given to Mr. Mohd. Anwar-ul-Azim's question No. 4 on this subject.

The Honourable Member was inquisitive as to the source from which I derived the figures given in the answer referred to. I understand, Sir, that the information was obtained from the Director General of Commercial Intelligence, who, in his turn, I understand, received the reports from the Customs Collectors at all Indian seaports.

Mr. Lalchand Navalrai : Was any answer given in the Bombay and Karachi Chambers on this subject ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I believe the answer given to Mr. Mohd. Anwar-ul-Azim's question No. 4 is the reply to the representations made in the above-mentioned communications.

Mr. Lalchand Navalrai : What I want to know is whether any reply was given to the Chambers who communicated with the Honourable Member and therefore expected a reply ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : For that I should like to have notice.

APPOINTMENT OF SINDHIS AS SANITARY INSPECTORS ON THE NORTH WESTERN RAILWAY.

124. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many Sanitary Inspectors there are in the service of the North Western Railway in the Karachi and Quetta Divisions ?

(b) Where are they posted ?

(c) How many of them are Punjabis, how many Sindhis and how many of other denominations ?

(d) How many of them have qualified themselves in the course of training given to such a class in Bombay ?

(e) Is it a fact that one Sindhi, who qualified in the Bombay course applied to the Agent, North Western Railway, Lahore, in 1928 and who has repeated his request from time to time, has not been engaged by the Railway even though his name had been registered in 1928 ? If so, what are the reasons for not giving a due proportion of appointments to Sindhis, specially in the Sind section ?

Mr. A. A. L. Parsons : (a) Four in the Karachi Division and two in the Quetta Division.

(b) Karachi Cantonment, Sukkur, Rohri, Kotri, Quetta and Sibi.

(c) All are Punjabis.

(d) Three of these Sanitary Inspectors have qualified themselves in the Bombay Sanitary Inspector's course.

(e) The Agent, North-Western Railway, reports that he is unable to trace the application of the individual referred to by the Honourable

Member. Recruitment to the Class of Sanitary Inspectors is made by a Selection Board at the Headquarters of the Railways and in recruiting for the subordinate grades generally due attention is paid to securing representation of various communities.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to write to the Agent to recognise the rights of the Sindhis also and not give all the appointments to the Punjabis ?

Mr. A. A. L. Parsons : It appears to me that what should guide the Agent is the qualifications that are needed in Sanitary Inspectors and not whether that they should be Punjabis or Sindhis.

Mr. Lalchand Navalrai : Am I to understand that all the Punjabis that are now in service are qualified men ?

Mr. A. A. L. Parsons : I understand so.

Mr. Gaya Prasad Singh : What about the Biharis ? (Laughter.)

APPOINTMENT OF SINDHIS AS HEADS OF DEPARTMENTS IN THE NORTH WESTERN RAILWAY OFFICE AT LAHORE.

125. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the heads of the Departments in the Agent, North Western Railway, Lahore's office continue to be Punjabis ?

(b) Has any attempt been made to give such responsible appointments to Sindhis in order to safeguard the interests of the Sind subordinates on the North Western Railway ?

Mr. A. A. L. Parsons : (a) Presumably the Honourable Member refers to the Superintendents of the clerical establishments in Principal Headquarters Offices.

Out of nine posts six are filled by Punjabis and 2 by Sindhis.

(b) No.

DEPOSITS WITH THE IMPERIAL BANK OF INDIA.

126. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state what was the amount of deposit with the Imperial Bank of India during each of the months from 1st January, 1930, to 1st July, 1931 ?

(b) Will Government be pleased to state what interest is allowed on these deposits and what was the total income derived by way of interest during the period in question ?

The Honourable Sir George Schuster : (a) The amount of the Government deposits with the Imperial Bank is shown in the weekly statement issued by the Bank and also in a monthly statement published by the Controller of the Currency.

(b) The Imperial Bank does not pay interest on the deposits, but as a *quid pro quo* for interest-free deposits it executes a large amount of work for the Government.

ALLEGED DIFFERENTIAL TREATMENT OF INDIAN AND NON-INDIAN DIRECTORS OF THE IMPERIAL BANK OF INDIA.

127. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : Will Government be pleased to state whether it is a fact that the

Indian Directors of the Imperial Bank branch at Madras do not receive the same treatment as their non-Indian colleagues, that papers circulated to the latter are not circulated to the former and that knowledge of many of the transactions of the Bank are withheld from the Indian portion of the Directorate ?

The Honourable Sir George Schuster : The question deals with a point of procedure with which Government are not concerned and about which Government have no information.

WITHDRAWAL OF FACILITIES GRANTED TO INDIAN MERCHANTS BY THE IMPERIAL BANK OF INDIA.

128. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state whether it has come to their knowledge that the Imperial Bank, through its branches, is putting pressure on Indian merchants, particularly in withdrawing facilities granted to them for doing their business and in otherwise compelling them in many cases to close their accounts ?

(b) Will Government be pleased to state if it is a fact that in some instances at least this financial pressure is due as much to financial as to political reasons ?

The Honourable Sir George Schuster : (a) No.

(b) Does not arise.

AMOUNT OF ADVANCES GIVEN TO INDIAN MERCHANTS BY THE IMPERIAL BANK OF INDIA.

129. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state what is the amount of advance given to Indian merchants in the various branches of the Imperial Bank outstanding in the beginning of January, 1930, and what is the amount at present outstanding on the 1st of July, 1931 ?

(b) Will Government be pleased to state what is the amount of advance outstanding against Indian merchants in Burma, particularly on the 1st of January, 1930, and what is the amount outstanding on the 1st of July, 1931 ?

(c) Will Government be pleased to give similar figures for the same period to non-Indian constituents of the various branches of the Imperial Bank ?

The Honourable Sir George Schuster : Government are not in possession of the information required by the Honourable Member as it relates to the commercial business of the Bank over which Government have no control.

INQUIRY INTO THE WORKING OF THE IMPERIAL BANK OF INDIA.

130. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : Has the attention of Government been drawn to the allegations that have been specifically made in the course of the Banking Enquiry Committee regarding the Imperial Bank ? Have Government considered the

desirability of appointing a committee of inquiry to go into the question of the working of the Imperial Bank ?

The Honourable Sir George Schuster : No.

EFFECT OF THE BURMESE REBELLION ON INDIAN INVESTMENTS IN BURMA.

131. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Have Government considered the effect of the rebellion in Burma on the investments made by Indians in that country in relation to the policy pursued by the Imperial Bank and by other Banks regarding payment of advances made by them to their constituents ?

(b) Have Government considered any proposal for declaring a moratorium during the period of the rebellion in Burma and for some time thereafter till normal conditions are evolved, and have Government, in this connection, considered the proposal that the moratorium should include the banks of the country ?

The Honourable Sir George Schuster : (a) Government realise that rebellion in Burma may have had some influence on the relations between the Banks in Burma and their constituents, but they see no reason for State interference.

(b) No.

RETRENCHMENT AT THE DEHRA DUN FOREST COLLEGE.

132. ***Mr. Bhuput Singh :** Will Government be pleased to state :

(a) whether it is a fact that there has been no recruitment this year to the Dehra Dun Forest College for the Imperial Forest Service ; if so, (i) the reason for arriving at such a decision ; (ii) the manner in which the staff—who would have otherwise occupied themselves with the candidates to have been recruited—are employed and (iii) whether still the normal grant is to be maintained for the Dehra Dun Forest College this year ; and

(b) whether any retrenchment has been made or any such scheme prepared for that institution ; if so, the names of departments which are to be affected by the retrenchment scheme so prepared ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). No competitive examination for the Indian Forest Service has been held this year as no vacancy is likely to occur in 1933 to which a probationer, if recruited this year by competition, could be appointed after the usual training of two years at the Forest College, Dehra Dun. There are still two classes consisting of students who were admitted in 1929 and 1930. The staff is, therefore, fully employed. The question whether the College should be continued is under consideration. Expenditure on contingencies and miscellaneous charges has already been reduced as a measure of economy.

Mr. Gaya Prasad Singh : Is there any truth in the report that Government have already decided to close down the Dehra Dun Forest College as a measure of retrenchment ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The matter has not yet been decided. It is under consideration.

POWER HOUSES ON THE EAST INDIAN RAILWAY AND THE OFFICERS IN CHARGE OF THEM.

133. ***Mr. Bhuput Singh :** Will Government be pleased to state :

- (a) the total number of power-houses on the East Indian Railway ;
- (b) the names of stations where such power-houses exist ;
- (c) in how many of them the Officer-in-charge is (i) Indian, (ii) Statutory Indian, and (iii) European ;
- (d) the name of the officer under whose superintendence and direction the power-house at Jhajha was recently constructed ; and

(e) the academical and special qualifications of that officer ?

Mr. A. A. L. Parsons : (a) 18.

(b) (1) Jamalpur.

(2) Lillooah.

(3) Giridih.

(4) Lucknow.

(5) Tundla.

(6) Asansol.

(7) Ondal.

(8) Pathardihi.

(9) Jhajha.

(10) Dhanbad.

(11) Moghalserai.

(12) Gaya.

(13) Jasidih.

(14) Barakar.

(15) Raneegunge.

(16) Pannagar.

(17) Kiul.

(18) Hazaribagh.

(c) 16 Power Stations are in charge of Indian Officers and 2 in charge of Statutory Indian Officers.

(d) Mr. P. D. Low ; and

(e) Chartered Electrical Engineer (Associate Member of the Institute of Electrical Engineers).

MILITARY TELEGRAPHISTS EMPLOYED ON CIVIL DUTIES.

134. ***Mr. Bhuput Singh :** Will Government be pleased to state :

- (a) the total number of military telegraphists who are working on the civil side of the Posts and Telegraphs Department ;
- (b) the purpose or purposes for which such telegraphists are kept for work and training on the civil side ;

- (c) the pay and allowances to which they are entitled ;
- (d) whether their pay and allowances are debited to the civil budget ; and
- (e) the hours of duties they are required to put in daily ?

Sir Hubert Sams : (a) '97.

(b) To have available a regular supply and reserve of fully trained Army signallers for military requirements.

(c) Military telegraphists are entitled to their military pay and allowances *plus* a departmental allowance ranging from Rs. 1-4-0 to Rs. 3-8-0 a day according to their proficiency and length of service in departmental telegraph offices.

(d) The Civil Budget bears only a sum calculated as representing the actual value to the Posts and Telegraphs Department of the Military telegraphists' services. The balance of their pay and allowances is borne by the Army.

(e) The same as for Civil telegraphists, namely, 8 hours day work, 7 hours evening work, and 6 hours night work.

REPRESENTATION OF MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.

135. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to an article under the heading "Reduction in Electrical Branch", published in the *Muslim Outlook* of Lahore in its issue of the 20th May 1931 ?

(b) Is it a fact that in the cadre of gazetted officers and subordinates consisting of out-door supervisors, Foremen, Assistant Foremen and Train Lighting Inspectors in the Department all are non-Muslims ?

(c) If so, will Government be pleased to state on what ground has the above practice been adopted by the authorities concerned ?

(d) Is it a fact that since the opening of the above Branch, the posts of supervising staff have become the monopoly of non-Muslims ?

(e) Are Government aware that junior subordinates, who are Mussalmans, are being put to the hardest possible test and every effort is being made to prove them unfit with a view to reduce their pay or to discharge them from service ?

(f) What action do Government propose to take to stop further injustice being done to the Mussalmans and to redress their complaints and grievances above named ?

Mr. A. A. L. Parsons : (a) The Honourable Member presumably refers to the article on the subject which appeared in the paper in its issue dated the 23rd May, 1931, which Government have seen.

(b) Yes.

(c) The present Supervisors, Foremen, Assistant Foremen and Train Lighting Inspectors have been promoted from lower grades. Selections for promotions are made irrespective of race, community or creed. The rules for recruitment for the lower grades from which promotions are made provide adequate safeguards in the interests of communities inadequately represented.

(d) No.

(e) No, this is not so.

(f) The attention of the officer appointed on special duty to assist in carrying out the policy of Government with a view to securing adequate representation of Muslims and other minority communities has been drawn to the article in the *Muslim Outlook*.

PURCHASE BY GOVERNMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

136. ***Seth Haji Abdoola Haroon :** (a) Are Government aware that under the agreement with the Bengal and North Western Railway, the Secretary of State for India has an option to purchase the Railway on the 31st December 1932 on giving 12 months' previous notice ?

(b) Is it a fact that the next option to take over the line under the agreement with the Railway does not occur for a period of 50 years, that is until 1982 ?

(c) Are Government aware that this Railway has in recent years distributed ordinary dividends including bonus as under :

1922-23 at 11 per cent.

1923-24 at 13 per cent.

1924-25 at 14 per cent.

1925-26 at 16 per cent.

1926-27 at 18 per cent.

1927-28 at 19 per cent.

1928-29 at 19 per cent.

(d) Are Government aware that in addition to paying the above dividends the Company's reserves have within the last six years been increased from £1,800,000 to £3,150,000, being actually in excess of its ordinary capital which is £300,000 ?

(e) Is it a fact that various public bodies have drawn the attention of Government to the prosperous condition of this Railway as revealed by the figures quoted in parts (c) and (d) above, and advocated the purchase of this Railway by Government under the option referred to in part (a) ?

(f) Will Government be pleased to state what action they have taken or propose to take in the matter ?

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

(b) The next option is 49 years later, in 1981.

(c) Yes. I would point out, however, that the ordinary (profit sharing) capital of the Company is only £3 million whereas the total capital outlay is over £8 million, the balance being met from preference capital, debentures and reserves.

(d) This is correct, taking all reserves, including sinking and other similar funds together.

(e) Yes.

(f) A Resolution on the subject will be placed before the Assembly in the course of the present session.

**GRANT OF ADVANCE INCREMENTS TO ACCOUNTANTS IN THE STATE RAILWAY
ACCOUNTS AND AUDIT DEPARTMENTS.**

137. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the principles governing the grant of advance increments to accountants of the State Railway Accounts Department ?

(b) Is the grant of advance increments to accountants of the State Railway Audit Department, governed by the same principles ?

(c) Will Government be pleased to furnish :

(i) the number of cases in which advance increments have been given to accountants of the Accounts Department and the number of such increments given in each case from 1st October 1928 to date ; and

(ii) similar information in respect of accountants of the State Railway Audit Department, for the same period ?

(d) Is it a fact that some advance increments were given to Mr. P. G. Bhandari, accountant of the Accounts Department ; if so, how many ?

(e) Is it a fact that Mr. Bhandari has failed to pass the accountant's examination twice ?

(f) Is it a fact that in the Audit Department appointment or promotion to the rank of accountant takes place after passing the examination ?

(g) Is it a fact that in the Audit Department there are men with qualifications similar to or better than those of Mr. Bhandari who are not given advance increments ?

(h) Will Government please state reasons for adopting an unusual course in the case of Mr. Bhandari ?

Mr. A. A. L. Parsons : (a) Advance increments are generally granted when the work of a person justifies such a reward. Occasionally they are given to save persons from unintended loss which they would suffer by the strict operation of the rules.

(b) Yes.

(c) (i). Seven. In two cases, 5 increments were given ; in one case 3 ; in one case 2 ; and in three cases, one.

(ii) One case of one increment.

(d) Yes. Five.

(e) Yes.

(f) Yes, except in the case of probationers who however have to pass an examination before confirmation.

(g) and (h). I am not in a position to answer the question, but Mr. Bhandari was given advance increments partly to save him from unmerited loss and partly because of his high qualifications and the excellent manner in which he discharged the very responsible duties which were entrusted to him.

**DISCHARGE OF MUSLIMS FROM THE NORTH WESTERN RAILWAY ACCOUNTS
OFFICE.**

138. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if it is a fact that some clerical staff was discharged in the North Western Railway Accounts Office in May 1931 ?

(b) Is it a fact that Mr. Judge, Chief Accounts Officer, took into consideration the existing paucity of Muslims in his office and therefore discharged only a few Muslims in the first instance ?

(c) Is it a fact that he was sent for by the higher authorities at Simla ?

(d) Is it a fact that he was instructed to reverse the policy and discharge a larger number of Muslims ?

(e) Is it a fact that in the batch of men discharged from the 1st July 1931, after Mr. Judge came back from Simla, there were five Muslims and only one or two Hindus ?

(f) Will Government please state the percentage of Muslim subordinate staff, permanent and temporary together, in the General Branch of the Chief Accounts Officer's office to the total number of subordinate staff (clerks and accountants) in that branch on 1st March 1931 and 2nd July 1931, separately ?

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

(b) Yes.

(c) No. But he had a discussion with the Controller of Railway Accounts on this matter when he was in Simla on other business.

(d) There was no question of reversing any policy. It was, however, pointed out to the Chief Accounts Officer that in making his discharges he had not taken into account the existence of a number of purely temporary employees who had not passed the requisite qualifying examination for admission to the Railway Accounts Department.

(e) Yes. These were some of the purely temporary employees to whom I have referred.

(f) On the 1st of March, 1931, 18.68 per cent. and on the 2nd July, 1931, 18.16 per cent. I should like to add that in discharging the temporary staff the interests of Muslims and other minority communities were safeguarded by the rule that the members of the minority communities discharged should not exceed one-third of the total number discharged.

**APPOINTMENT OF APPRENTICE MECHANICS ON THE EAST INDIAN
RAILWAY.**

139. *Seth Haji Abdoola Haroon : (a) Is it a fact that the East Indian Railway advertised for apprentice mechanics in April 1931, or thereabout ?

(b) If so, how many men were appointed ?

(c) Will Government kindly give the number of men appointed by communities ?

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

(b) 44.

(c) Anglo-Indians	..	..	..	..	20
Hindus	..	..	..	..	20
Muhammadans	..	..	..	..	4

OFFICERS OFFICIATING IN THE LOWER GAZETTED SERVICE OF STATE RAILWAYS.

140. *Seth Haji Abdoola Haroon : Will Government please state the number of officers officiating in the lower gazetted service on all State Railways by communities ?

Mr. A. A. L. Parsons : The figures are as under :

Europeans and Anglo-Indians	..	..	102
Hindus	..	..	24
Muslims	..	..	2
Indian Christians	..	..	2

RETRENCHMENT ON THE RAILWAYS.

141. *Seth Haji Abdoola Haroon : (a) Will Government please state if it is a fact that staff near the age of retirement have on some Railways been asked to proceed on leave preparatory to retirement ?

(b) Is it a fact that on the North Western Railway the staff who have actually proceeded on leave are mostly Muslims and Hindus have been exempted ?

Mr. A. A. L. Parsons : (a) Yes, but only when their posts were brought under reduction.

(b) No.

(c) Government issued general instructions on the point in March last which apply equally to all State Railways and all communities.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

142. *Seth Haji Abdoola Haroon : Will Government be pleased to lay on the table a statement showing the total number by communities of :

(i) staff whose pay has been reduced permanently, and

(ii) staff discharged on account of retrenchment on the North Western Railway ?

Mr. A. A. L. Parsons : Statements giving the required information are laid on the table.

Statement showing by communities the total number of men whose posts were abolished on the North-Western Railway in connection with the recent retrenchment and who have accepted posts on lower pay as an alternative to discharge.

Europeans	..	..	..	..	..	3
Anglo-Indians	..	..	..	..	..	19
Hindus	..	..	..	..	..	501
Muslims	..	..	..	..	..	533
Sikhs	..	..	..	..	..	84
Indian Christians	..	..	..	..	..	9
Other classes	..	..	..	..	..	8

1,157

Statement showing staff discharged on account of retrenchment on the North Western Railway up to the 9th July 1931.

Particulars.	Euro-peans.	Anglo-Indians.	Hindus.	Muslims.	Others.	Total.
Distribution on 1st March 1931.	721	1,074	42,522	69,316	9,789	123,422
Retrenchment from 1st March to 9th July 1931.	2	22	2,894	5,706	629	9,253
Distribution on 10th July 1931.	719	1,052	39,628	93,610	9,160	114,169
Percentage on 1st March 1931.	·58	·87	34·46	56·16	7·93	
Percentage on 10th July 1931.	·63	·92	34·71	55·71	8·03	

SUPERVISION OF FEMALE LABOUR IN FACTORIES.

143. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the recommendation of the Royal Commission on Labour in India, viz., "that where women are engaged in substantial numbers, there should invariably be employed at least one educated woman in charge of their welfare and supervision throughout the factory" ?

(b) In how many factories does such female supervision exist at present ?

(c) In how many factories is such supervision non-existent ?

(d) Do Government propose to give effect to the said recommendation of the said Royal Commission ? If so, when and how ?

Mr. J. A. Shillidy : With your permission, Sir, I propose to answer questions Nos. 143—149 together as they refer to recommendations made by the Royal Commission on Labour. The Report of the Commission, which was published on the 2nd July 1931, is receiving the careful consideration of Government, but in this short space of time it has not been possible to arrive at a decision on any of the recommendations of the Commission. The Government of India are about to write to Local Governments with regard to the examination of the Report.

2. The statistical information desired by the Honourable Member in parts (b) and (c) of his question No. 143 is not available, and with reference to part (b) of his question No. 149, the reason for not convening any conference of Chief Inspectors of Factories since 1924 is that there has been no manifest demand for such a conference.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR IN REGARD TO UNEMPLOYMENT.

†144. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the recommendation of the Royal Commission on Labour in India, viz., that "Government should examine the possibilities of making preparations to deal with unemployment when it arises and of taking action where it is now required" on the lines of the system devised to deal with famine in rural areas?

(b) What steps have the Government taken in the said direction after the publication of the said Commission's Report?

(c) What steps do the Government propose to take and when?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR REGARDING HOURS OF WORK IN FACTORIES.

†145. *Mr. C. S. Ranga Iyer : (a) Are Government aware that the Royal Commission on Labour in India have recommended that the weekly limit of hours for perennial factories should be reduced to 54 and the daily limit to 10?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether they propose to give effect to the recommendations of the said Royal Commission? If so, when? If not, why not?

PROTECTION FOR ADOLESCENT LABOUR IN FACTORIES.

†146. *Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state whether they intend to give effect to the recommendations of the Royal Commission on Labour in India, viz., (i) that persons between the ages of 15 and 16 years should not be employed as adults in factories unless they are in possession of medical certificates of physical fitness for adult employment; (ii) that such persons should not be employed during the night hours; and (iii) that such persons should in no case be exempted from the provision relating to spread over?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether, and if so, when they propose to introduce a Bill to give legal protection to the adolescents?

APPOINTMENT OF WOMEN FACTORY INSPECTORS.

†147. *Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to introduce women factory inspectors of Indian domicile, not less than 25 years of age, in every province? If so, when; if not, why not?

FACTORY INSPECTION.

†148. *Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to separate boiler inspection from factory inspection and Ajmer-Merwara and Delhi from the Punjab for inspection purposes? If so, when? If not, why not?

†For answer to this question, see answer to starred question No. 143.

ANNUAL CONFERENCES OF CHIEF INSPECTORS OF FACTORIES.

†149. *Mr. C. S. Ranga Iyer : (a) Do Government propose to hold annual conferences of Chief Inspectors of Factories either in Simla or Delhi? If so, when? If not, why not?

(b) Why was no conference convened since 1924?

ILLNESS AND TREATMENT OF MR. IHSAN ILAHI, A DETENUE UNDER REGULATION III OF 1818.

150. *Mr. Jagan Nath Aggarwal : (a) Are Government aware that Mr. Ihsan Ilahi, a State detinue under Regulation III, 1818, who is at present confined in Lahore Central Jail, contracted complicated diseases since his confinement in jail? If so, will Government be pleased to state what steps have been taken for his proper treatment?

(b) Is it a fact that Hakim Noor Ilahi, the brother of the detinue, who himself is a qualified medical practitioner, applied twice to the authorities that Dr. Gopi Chand Bhargava, M.B., B.S., and Dr. Satya Pal, M.B., B.S., two well-known doctors of Lahore might be permitted to visit Mr. Ihsan Ilahi with a view to examine him medically, but that the request was refused on both the occasions? If so, why?

(c) Are Government prepared to issue instructions to the effect that the detinue may have access to and consultation with his medical advisers and use the medicines prescribed by them?

(d) Are Government aware that Hakim Mohammad Hussan Kureshi, Principal, Tibbia College, Lahore, examined Mr. Ihsan Ilahi in June and gave it as his opinion that Ihsan Ilahi was ill as the result of the confinement, that he should not be segregated and that he required particular attention?

(e) Are Government aware that Mr. Ihsan Ilahi, is practically kept in solitary confinement and is not allowed to remain in the company of other people?

(f) Will Government please lay on the table the result of the inquiry of the Sessions Judges appointed to inquire into the case against the detinue? If not, will Government please give reasons for the same?

(g) Are Government aware that Mr. Ihsan Ilahi was not given an opportunity of appearing before the Sessions Judge and explaining his position and defending himself? If so, why?

(h) Will Government be pleased to state why the legal adviser of Mr. Ihsan Ilahi, was not allowed to have an interview out of the hearing of the C. I. D. officials after Government had announced their intention of appointing two Sessions Judges for inquiring into the cases of the detainees?

(i) Is it a fact that the applications for interview submitted by the relatives or friends of Mr. Ihsan Ilahi are not attended to for a long time?

(j) Are Government aware that the correspondence of Mr. Ihsan Ilahi is inordinately delayed? Are Government prepared to issue instructions that this delay should not take place?

†For answer to this question, see answer to starred question No. 143.

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The Honourable Sir James Crerar : (a) The answer to the first part is in the negative. The second part does not arise.

(b), (c) and (d). My information is that in June last a brother of the prisoner was allowed to take Hakim Mohamed Hussain Qureshi to see and examine Mr. Ihsan Elahi. The Hakim made no report or recommendation to the Medical Officer of the Jail or to any other official, and subsequent requests by two other doctors to be allowed to see the prisoner were refused. If the prisoner submits a representation, it will be considered.

(e) The prisoner is not kept in solitary confinement, but has complained of lack of companionship. This complaint is under consideration.

(f) The report is a confidential document and I regret that I am unable to lay it on the table.

(g) Written charges were framed against the State Prisoner and his replies were recorded in writing in accordance with the procedure mentioned in parts (c) and (d) of my reply to the Honourable Member's question No. 783 on the 2nd March last. The Regulation under which the State Prisoner is confined makes no provision for any appearance before or examination by the Sessions Judge.

(h) Under the rules a police officer has to be present at all interviews.

(i) Applications for interviews submitted by relatives are attended to with as little delay as possible. The Superintendent of the jail has instructions to forward all such applications expeditiously for orders.

(j) After careful enquiry the Government of India are satisfied that Mr. Ihsan Elahi's correspondence has been delivered without avoidable delay. Instructions already exist that such correspondence should receive immediate attention.

Mr. Jagan Nath Aggarwal : Do I understand the Honourable Member to say that if the Regulation does not provide for a person to be represented before the Sessions Judge inquiring into his case he has no right to appear there ?

The Honourable Sir James Crerar : No ; he has no right under the Regulation.

Mr. Jagan Nath Aggarwal : Is it not a part of natural justice to allow a man to defend himself before the judges who are inquiring into his case ?

The Honourable Sir James Crerar : As I have already explained, when cases are laid before Judges a State prisoner has the fullest opportunity of submitting his replies to the charges in writing.

Dr. Ziauddin Ahmad : Is this a just rule in 1931 ?

Mr. Jagan Nath Aggarwal : Since when have the Government of India come to subscribe to such a rule that a man shall not be present before the person inquiring into his case but that he can only submit representations ?

The Honourable Sir James Crerar : I cannot add to the reply I have already given on that point, I am afraid.

Mr. Lalchand Navalrai : Is there any such rule in England or any other civilised country ?

Dr. Ziauddin Ahmad : How long was he kept in solitary confinement ?

The Honourable Sir James Crerar : He has not been kept in solitary confinement.

TRAINING SCHOOL FOR RAILWAY ACCOUNTS IN CALCUTTA.

151. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that on the eve of the separation of Audit and Accounts in the Railway Department a Training School for Railway Accounts was started in Calcutta and it cost the Railway Department a large sum of money, almost a lakh of rupees, to run it for a period of ten months ;

(b) if it is a fact that students for that School were recruited from the different Railway Audit and Accounts Offices as well as from outside ;

(c) what was the criterion of recruitment from outside, whether it was open competition or influence ; and

(d) what was the number of such outside students and how many of them passed the school examination ?

Mr. A. A. L. Parsons : (a) Yes, the cost was Rs. 86,000.

(b) Yes.

(c) Neither candidates were selected on the basis of qualifications.

(d) Eight men were recruited from outside and four passed the examination.

PROMOTION OF RAILWAY ACCOUNTANTS.

152. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that all the students of the Training School for Railway Accounts, Calcutta, were given to understand that on their passing the school examination they would be eligible for promotion to the rank of accountants, grade II ;

(b) if it is a fact that all the successful students recruited from outside were promoted as accountants on the Eastern Bengal Railway immediately on their passing the school examination and all of them are working as such up to the present day ;

(c) what were the reasons for posting all the successful outsiders on the Eastern Bengal Railway only ; whether it was to keep them secure from reversions ;

(d) if similar steps are taken by the accounts administration to secure the interests of departmental men in the matter of being promoted as accountants or if it is a fact that in cases out of number they had actually to wait for such promotion ;

(e) if it is a fact that successful students, other than outsiders, even if they had long service and experience to their credit,

have not so far been promoted or if promoted in some cases, had actually worked as accountants for a short time only ;

(f) if it is a fact that out of the 56 students of the school only 19 passed in the first attempt after obtaining 66 per cent. marks and only 4 passed in the second attempt ; and

(g) if it is to be understood that the success of only 23 out of the 56 students of the school is due to a stiff standard of examination which required a high standard of efficiency ?

Mr. A. A. L. Parsons : (a) The Honourable Member is referred to my answer to starred question No. 448 asked by K. B. Sarfaraz Hussain Khan on the 6th March 1930.

(b) Yes.

(c) Because there were vacancies on the Eastern Bengal Railway. The suggestion in the concluding portion of the Honourable Member's question is incorrect.

(d) Vacancies are filled up primarily with reference to administrative exigencies and not with reference to the interest of particular persons.

(e) Yes. Because accountants on probation and men who had passed higher qualifying examinations had to be provided first.

(f) Yes.

(g) No doubt if the standard of the examination had been lower, more candidates would have passed and the standard of efficiency required would not have been attained.

PROMOTION OF RAILWAY ACCOUNTANTS.

153. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that only recently the Controller of Railway Accounts has instructed the various Railway Accounts Offices that men who have passed the Training School for Railway Accounts examination should not be considered at par with those who pass the Appendix " D " or part II examination for the purpose of promotion to accountants, grade II, i.e., men who have passed the Appendix " D " or part II examination should be promoted as accountants grade II in preference to those who passed the school examination ;

(b) if it was the intention originally when starting the school that the qualification of passing the school examination would be inferior to that of passing the Appendix " D " or part II examination for the purpose of promotion to accountant, grade II ;

(c) if answers to the parts (a) and (b) above are in the negative, whether Government are prepared to issue clear instructions to the Railway Accounts Offices that, other things being equal, the successful students of the Training School should be promoted to the rank of accountants, grade II, according to their legitimate position in the seniority list along with the other qualified men ; and

(d) if the answers to parts (a) and (b) above, are in the affirmative, whether Government will be pleased to explain the reasons for spending a large sum of tax-payers' money (almost a lakh) in running the school, when its successful students were not to be ranked equal with other qualified men for the purpose of promotion to accountant, grade II at least ?

Mr. A. A. L. Parsons : (a) No. The orders are that of two qualified men with the same substantive pay and length of service the person who has passed the Appendix D or Part II examination should be considered senior to the other who has only passed the Appendix E. Examination.

(b), (c) and (d). The school was started because of the insufficiency of qualified men for filling accountant's posts in the separated accounts offices. To be on the safe side a larger number of men had to be trained than there were vacancies. The standard of the examination was tentative. The examination ultimately prescribed as a permanent measure is the examination prescribed in Appendix D. and in Part II of the Subordinate Accounts Service Examination, both of which required very close knowledge of departmental details, and are much stiffer than the original tentative examination. Orders have been issued making efficiency the primary criterion for promotion.

PROMOTION OF RAILWAY ACCOUNTANTS.

154. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state the number of unqualified men working as accountants, grade II in each Railway Accounts Office, together with the dates of their appointment as such in each case ?

(b) Were their appointments as accountants, grade II, made on the condition that they must pass the qualifying examination within a specific time, or their services would be dispensed with ?

(c) How many of them have passed the Accountants' examination since their appointment ?

(d) Has any action been taken against those unqualified accountants who have not fulfilled the above condition ?

Mr. A. A. L. Parsons : (a) and (b). Presumably the Honourable Member is referring to accountants appointed on probation whose retention in service and confirmation as accountants is subject to their passing the qualifying examination. If so, there are three such men one of whom was appointed in August 1928 and the other two in 1929.

(c) None.

(d) The time limit within which they were required to pass the examination has not yet expired.

PROMOTION OF RAILWAY ACCOUNTANTS.

155. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that before the separation of Audit and Accounts in the Railway Department outsiders were not appointed as accountants, grade II, and never were they confirmed as such, unless they passed the qualifying examination ?

(b) Will Government please state whether after the separation a departure was made from the old practice in appointing unqualified men as accountants in the first instance? If so, why?

(c) Are Government aware that the appointment of such unqualified men as accountants is a cause of heart-burning to those who have qualified themselves for the post of accountants and who have not so far been provided, because, a large number of accountants' posts are held by unqualified men?

(d) Is it a fact that these unqualified men are given chances after chances to pass the examination in spite of their failure to do so within two years?

(e) Were these unqualified accountants recruited through an open competition as hitherto had been the practice, *viz.*, to recruit probationary accountants before the separation, or otherwise?

(f) Is it a fact that out of the 16 permanent posts of accountants, grade II, on the North Western Railway at least seven are being held by such unqualified persons?

(g) Is it a fact that under the stress of the economy campaign or under any other circumstances these unqualified accountants are not reverted from the position of accountants in preference to the other qualified men? If so, are Government prepared to issue necessary instructions so that the interest of the qualified men are safeguarded in preference to those of unqualified men, whenever chances of reversion arise?

Mr. A. A. L. Parsons : (a) Outsiders were appointed as probationary accountants, but they were not confirmed until they had passed the departmental examination.

(b) It is not clear what departure the Honourable Member is referring to. With the separation of audit from accounts the Auditor General withdrew a number of men, filling posts of Accountants prior to separation, for employment in the new audit offices created after the separation. Their places were taken by :

(1) Temporary accountants recruited on the East Indian Railway during the experimental period of the separation scheme, whose work had been found satisfactory.

(2) Accountants appointed on probation in the experimental accounts offices under the Financial Commissioner's control.

(3) Passed students of the Training School at Calcutta, and

(4) Clerks who qualified by passing the prescribed examination.

(c) Government do not look upon the men appointed otherwise than on the result of examination as unqualified.

(d) Does not arise.

(e) No. There was no competitive examination during the experimental period of the separation scheme.

(f) No.

(g) As passing an examination has not been the sole qualification for appointment as accountant in the Railway Accounts Department the question of issuing the instructions suggested by the Honourable Member does not arise.

SALARIES OF EUROPEAN AND INDIAN RESEARCH WORKERS.

156. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following statement made by the President of the 7th All-India Medical Conference, held at Poona, in April, 1931, in his Presidential address :

" Though it is boasted that the Indian Research Fund Association employs as many as 62 Indians on the Research side as against 12 Europeans, on working out the details in the way of salaries, allowances over-sea pay, leave and pension contributions, &c., I find that the 12 European Officers cost the Indian Research Fund Association something over Rs. 25,000 a month, while the 62 Indians cost likewise just under that amount. The European Research worker is thus paid on an average five times more than an Indian Officer under the same research organisation."

(b) Will Government be pleased to submit a statement showing the work done by the Indian and European research workers, respectively, paid out of the funds of the Indian Research Fund Association, during the course of the last three years, which would justify such marked disparities in their emoluments?

(c) Do Government propose to instruct the Governing Body of the Indian Research Fund Association, (i) so to regulate its grants that as little money is spent on large salaries as possible; and (ii) that research is encouraged at Medical Colleges and Universities throughout the country, by granting as many Research Fellowships as possible with a view to encouraging young medical graduates in undertaking investigations, as recommended by the Conference of the representatives of the Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, held in Simla on the 21st and 22nd July, 1930?

(d) Will Government be pleased to state their conclusions on the several resolutions, and particularly the one relating to the widening of constitution of the Governing Body, Indian Research Fund Association with a view to ensuring a larger representation of non-official medical and scientific bodies on the same, passed by the Conference held in Simla on the 21st July referred to in part (c) above?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes, the House would perhaps like to be told that the number of Europeans and Indians working under the Indian Research Fund Association at present is 9 and 77, respectively, and the total monthly salaries drawn by Europeans and Indians, respectively, are Rs. 16,540 and Rs. 29,500.

(b) Enquiries conducted under the auspices of the Indian Research Fund Association are not as a rule done by European and Indian workers separately, but together; it is not therefore possible to prepare such a statement.

(c) (i). It is not necessary to do so. It is a well understood principle of sound administration that best return for investment should be secured.

(ii) The question of creating Medical Research Fellowships is under consideration.

(d) Government have not yet reached final decisions on all the recommendations of the Conference and hope to publish an announcement shortly.

RECRUITMENT FOR THE MEDICAL RESEARCH DEPARTMENT.

157. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that on the 8th February, 1930, Mr. M. R. Jayakar moved a Resolution in this

House, recommending the appointment of a committee, to inquire into and report on (i) the most suitable University centre for the establishment of the Central Medical Research Institute; (ii) the constitution of the Governing Body of the Indian Research Fund Association; and (iii) recruitment of the Medical Research Department; and that in reply to that debate, Sir Frank Noyce, while agreeing to convene a Conference to discuss the above points, said as follows:

"To that Conference Government are also willing to refer for consideration the two other questions which have been raised in the resolution, viz., the constitution of the Governing Body of the Indian Research Fund Association, and the question of recruitment of the Medical Research Department."

(b) Are Government aware that in spite of the above assurance, Sir Frank Noyce, as Chairman of the Conference, which was convened on the 21st and 22nd July, 1930, in pursuance of the above undertaking, ruled out of order the question of the recruitment of the Medical Research Department on the plea that the Secretary of State had already passed orders for the reservation of posts in the Medical Research Department for I. M. S. officers?

(c) When did the Secretary of State pass the orders referred to above; and why was the solemn undertaking given on behalf of the Government on the floor of this House, not allowed to be carried out, and the Conference was shut out from discussing this particular question?

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

(b) The only question which was ruled out of order was that of the reservation of certain posts in the Medical Research Department for members of the Indian Medical Services.

(c) The orders of the Secretary of State regarding the reservation of certain posts in the Medical Research Department for members of the Indian Medical Service were issued in May, 1928. No undertaking was given that they would be open to discussion, and when the point was raised at the conference it was held that it was beyond the terms of reference to it.

FREQUENT CHANGE OF DIRECTORS OF THE HAFKINE INSTITUTE, BOMBAY.

158. ***Mr. Gaya Prasad Singh:** Will Government be pleased to state:

(a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands;

(b) if it is true that eight different I. M. S. Officers acted as Directors of that Institute during the course of nine years, from January 1921 to December 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the Directorship was held by different officers for periods of not more than 10 months' duration at a time; and

(c) if so, will Government be pleased to explain why such frequent changes were permitted, and if such changes are conducive to efficiency?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Appointments to the post of Director, Haffkine Institute, Bombay, are made by the Governor General in Council.

(b) Yes, except that the post was held on four occasions by the same officer for 10 months or more.

(c) The frequent changes have been due to leave or to the selection of incumbents of the post for other important duties. Such changes are peculiarly liable to happen in the case of a department with as small personnel as the Medical Research Department. These particular changes could not be avoided; every effort, however, will be made to reduce them in the future.

RAILWAY INDIANISATION.

159. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to an editorial under the heading, "A retrograde move in the Railway Indianisation" published in the *Sind Observer* of the 15th July, 1931?

(b) Is it a fact, as stated therein, that the policy of 50 per cent. Indianisation was changed to 85 per cent. of European guards, 10 per cent. of station masters and 5 per cent. by direct recruitment in the control system?

(c) Is it a fact, as stated therein, that 4 of the station master's cadre have been reverted from the Control Department?

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

(b) No such policy, as that referred to by the Honourable Member, has been laid down for the subordinate establishment. The policy generally followed is to recruit subordinate staff in all classes and grades in India with the exception of a few specialists who are not available in the country.

(c) If the Honourable Member refers to men permanently promoted to posts in the Control Branch, the reply is in the negative.

APPOINTMENT OF GUARDS TO THE CONTROL SYSTEM ON THE NORTH WESTERN RAILWAY.

160. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if the guards hitherto transferred to the control system on the North Western Railway had ever worked as station masters or assistant station masters?

(b) If so, which of them? If not, how do Government justify taking up such guards on the control system? Is that work supposed to be the duty of station masters?

Mr. A. A. L. Parsons: (a) All guards and other staff transferred to the control system on the North Western Railway have to be qualified in Assistant Station Masters' duties. Many of the guards who have become Controllers have worked as Assistant Station Masters before their transfer to control work.

(b) The information for which the Honourable Member asks is not obtainable; but I may mention that he is mistaken in thinking that control work is the duty of Station Masters. Guards, as well as Station Masters, have been utilised for this work ever since the system was introduced.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if the guards ever worked as Station Masters before this control system was instituted ?

Mr. A. A. L. Parsons : I should like to have notice of that question.

SAVINGS BANK, CASH CERTIFICATE AND GOVERNMENT SECURITY WORK IN POST OFFICES.

161. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of (i) clerks, (ii) supervisors, (iii) inferior staff employed in (1) Post Offices and (2) Audit Offices for performance of Savings Bank, Cash Certificate, and Government Security work in the Indian Posts and Telegraphs Department for the year ending 31st March, 1931 ?

(b) Will Government be pleased further to state the amount expended on each head for the following purposes :

(i) Pay, (ii) leave provision, (iii) pensionary charges, (iv) travelling, (v) stationery, printing and contingency ?

(c) What amount has been paid to the Post Office for the performance of (i) Savings Bank, (ii) Cash Certificate, and (iii) Government Security business ?

Sir Hubert Sams : (a) and (b). It is not possible to furnish figures on these points, as work in connection with the Savings Bank, Cash Certificates and Government Securities is done for the most part along with other Postal work.

(c) The credits received in the Budget for 1931-32 are for (i) and (iii) Rs. 42 lakhs, and (ii) Rs. 3,38,000, approximately.

INCOME AND EXPENDITURE OF THE POSTS AND TELEGRAPHS DEPARTMENT FROM AIR MAIL.

162. ***Mr. S. C. Mitra :** Will Government please supply the following information :

(1) total income of the Postal and Telegraphs Department on account of air mails in the year 1930-31 ;

(2) total amount expended for (i) printing circulars and other posters, (ii) employment of staff, (iii) conveyance, and (iv) subsidy to the Imperial Airways flying between Karachi and London during the year 1930-31 and to the Indian State Air Service in the same year ?

Sir Hubert Sams : (1) Statistics are not kept of the actual amount of postage realised on air mail articles, but from the weight of mails carried, it is estimated that the income of the Posts and Telegraphs Department from air mails in the year 1930-31 was about Rs. 5,26,000.

(2) During 1930-31 the total amounts expended on the items named below were :

			Rs.
(i) Printing Circulars, &c.	..	..	6,000
(ii) Employment of staff	..	..	7,000
(iii) Conveyance and delivery	..	..	9,349

Rs.

(iv) Transit charges paid :

(a) For the Karachi-London Air Service to the British Post Office by which the service is controlled (and not to the Imperial Airways) 3,24,963

(b) To the Indian State Air Service during the same year 27,962

In addition to the above items of expenditure a sum of Rs. 6,000 was incurred on account of the manufacture of air mail stamps and stationery and a sum of Rs. 10,000 on account of telegrams issued in connection with the air mail services.

DUTIES OF TELEPHONE SUPERVISORS.

163. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state what is the duty of telephone supervisors ?

(b) Is it a fact that in June 1930 some telephone lines in Benares went out of order ?

(c) Is it a fact that an Engineering Supervisor from Allahabad was deputed to repair the lines, although there was a telephone supervisor in Benares ?

(d) Will Government please state why such extra expenditure is incurred ?

Sir Hubert Sams : (a) Telephone Supervisors' duties are :

(i) Maintenance of telephone exchange apparatus and plant.

(ii) Fitting, re-fitting and maintenance of the wiring in subscribers' offices.

(iii) Maintenance of subscribers' instruments.

(iv) Attention to complaints from subscribers.

(b) No, but there was a failure of telephone cables at Benares in July, 1930.

(c) Yes.

(d) Because the repair of telephone cables is work in which telephone supervisors are not trained or experienced.

DUTIES OF SUPERINTENDENTS OF TELEGRAPH TRAFFIC.

164. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the duties of the Superintendents of Telegraph Traffic ?

(b) Is it a fact that they are not required to inspect the combined offices and departmental telegraph offices ?

(c) Is it a fact that they deal with tour and complaint cases of the telegraph side only ?

(d) Is it a fact that now the inspection work of the telegraph branch of the combined offices has been taken away from their hands and this duty is being done by the Postal Superintendents and Inspectors who are given training for the purpose ?

(e) Will Government please therefore state why the Superintendents of Telegraph Traffic have been retained for such small work expending a lot of money?

(f) Do Government propose to consider the question of abolishing these superfluous posts in these days of economy?

Mr. J. A. Shillidy : (a) The question of the exact duties to be performed by the Superintendents, Telegraph Traffic, is left to the Postmaster General to decide, but it is intended that such officers should ordinarily divide their time between inspection and office duties. These officers also deal with work connected with the telegraph branch of combined offices, telephone revenue accounting, etc.

(b) No, but owing to the financial stringency the detailed inspection of combined and departmental offices by these officers has been temporarily suspended.

(c) No.

(d) As an experimental measure and with a view to economy the inspection work has been entrusted to Superintendents of Post Offices.

(e) and (f). Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole it is regretted that no statement can be made.

COMBINED POSTS AND TELEGRAPHS OFFICES, THEIR STAFF, COST AND INCOME.

165. ***Mr. S. C. Mitra :** Will Government be pleased to state :

(a) the number of combined offices in the Posts and Telegraphs Department in 1930-31 ;

(b) the number of signallers employed in those offices in the same year ;

(c) the number of supervisors and inferior staff employed in those offices ;

(d) the amount expended for (i) pay, (ii) leave provision, (iii) pensionary charges, (iv) travelling, (v) stationery, printing and contingency ;

(e) the amount credited as share of cost of combined office revenue and the basis of calculation ;

(f) the basis on which this amount is credited ; and

(g) the total income of the combined offices in the year 1930-31 ?

Sir Hubert Sams : (a) 4,296.

(b) 970 wholly on signalling duties and 3,925 partly on signalling and partly on postal duties.

(c) and (d). Government do not possess the information and do not consider the trouble involved in collecting it would be commensurate with any advantage to be gained by doing so.

(e) and (f). Rs. 32,07,922, credited by a *per contra* debit to Telegraphs and calculated as laid down in Article 302, Posts and Telegraphs Account Code. A copy of the Article is being sent to the Honourable Member.

(g) The information is not available.

DEPARTMENTAL TELEGRAPH OFFICES, THEIR INCOME, WORK AND STAFF.

166. ***Mr. S. C. Mitra :** Will Government be pleased to state :

(a) the number of departmental telegraph offices in the years 1922-23 and 1930-31 ;

(b) the total income of these offices in 1922-23 and 1930-31 ;

(c) the number of telegrams handled during the years 1922-23 and 1930-31 ;

(d) the total number of (i) Superintendents, (ii) Deputy Superintendents, (iii) Telegraph Masters, (iv) telegraphists (General, Local and Station Service) including leave reserve and (v) clerks and supervisors, (vi) inferior staff in the years 1922-23 and 1930-31 ;

(e) whether it is a fact that the Indian Retrenchment Committee in 1922-23 remarked that altogether 626 telegraphists were in excess in proportion to the work ;

(f) the number of telegraphists who have since been curtailed ;

(g) the number of telegraphists recruited since 1922-23 upto the year 1930-31 ; and

(h) the reasons why the telegraphists were recruited when their number was excessive ?

Sir Hubert Sams : (a) 179 and 82.

(b) It is regretted that the information is not available and could not easily be collected.

(c) 19,250,961 in 1922-23 in both departmental and combined offices. Figures for 1930-31 are not at present available, but will be supplied to the Honourable Member as soon as possible.

(d) If the Honourable Member will kindly specify the particular class of Supervisors referred to in part (d) (v), available information about them will be furnished. Information on the other points is being collected and will be supplied to the Honourable Member separately.

(e) Yes.

(f) 636.

(g) and (h). Information is being collected and will be supplied to the Honourable Member separately.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

167. ***Mr. S. C. Mitra :** (a) Is it a fact that the Ryan Committee of the year 1924-25 recommended rapid conversion of departmental telegraph

offices into combined offices, with the exception of a few special important offices ?

(b) Will Government be pleased to state since then how many departmental telegraph offices have been converted into combined offices ?

(c) What was the number of (i) Telegraph Masters, (ii) telegraphists, (iii) Clerks and (iv) inferior staff employed in those offices ?

(d) Will Government please state why the conversion of departmental telegraph offices into combined offices has not been as rapid as it has been recommended by the Ryan Committee ?

(e) Is it a fact that only one departmental telegraph office in the Punjab and not a single office in Bombay Circle has been converted into a combined office ? If so, why ?

(f) Will Government please refer to my starred question No. 171 answered in the Legislative Assembly on the 29th January, 1931, and state what was the total annual expenditure on account of pay, house-rent, etc., of the staff of the Madura, Trichinopoly and Vizagapatam Departmental Telegraph Offices ?

(g) Why are these offices being maintained when they are losing concerns ?

(h) Is it a fact that the Postmasters-General, Bengal and Assam proposed to convert some departmental telegraph offices into combined offices but the Director-General did not accord his sanction ? Is it also a fact that many obstructions are put in the way of converting the departmental telegraph offices into combined offices ?

Mr. J. A. Shillidy : (a) Yes, the Ryan Committee of 1924-25 recommended that the conversion of departmental telegraph offices into combined offices should be vigorously pressed. It was contemplated that about 75 such offices could be converted.

(b) Of these, 60 offices have since been converted into combined offices or closed as a result of the Ryan Committee's recommendations, and in 5 more the departmental telegraphists have been replaced by postal signallers. The cases of the conversion of 16 more offices are now under examination.

(c) (i) Telegraph Masters	4
(ii) Telegraphists	210
(iii) Clerks	41
(iv) Inferior staff	553

In addition to the above, nine other telegraphists were formerly employed in the 5 offices which are now being manned by postal signallers.

(d) Government consider that the pace of conversion has been as rapid as was practically feasible.

(e) No. The second part of the question does not arise.

(f) Total annual expenditure is :

	Rs.	a. p.
Madura	91,448	4 0
Trichinopoly	52,507	8 4
Vizagapatam	67,560	12 0

(g) These offices are what are known as "area" centres ; their function is to collect and distribute the traffic of a large number of minor offices and their cost cannot therefore be compared with the actual amount taken for telegrams emanating from them. The volume of traffic handled is very heavy for which high-speed apparatus is requisite and it is not possible for them to be converted into combined offices. Moreover, Madura and Vizagapatam are in addition important relaying stations between Madras and Colombo and Calcutta and Madras, respectively, necessitating the employment of a highly technical supervisory staff.

(h) No. The reply to the second part of the question is also in the negative.

BESOLUTION RE CIVIL COURT DECREES AND PROCEEDINGS AGAINST AGRICULTURISTS.

Mr. President : As Sir Abdulla Suhrawardy is not present, I call upon Seth Haji Abdoola Haroon to move the first Resolution.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I beg to move the Resolution which is in the name of Sir Abdulla Suhrawardy, and that runs as follows :

"In view of the general economic depression this Assembly recommends to the Governor General in Council to introduce, without delay, legislation prohibiting execution of Civil Court decrees against agricultural landholders and farmers for the next two years, and prohibiting institution of any new Civil Court proceedings against them for past debts for the next two years."

Sir, the present condition of the agriculturists and the zemindars is well known to all the Honourable Members of this House and therefore I do not think it is necessary for me to go in detail into their difficulties, but I propose to place a few points before the House and the Government so that they may consider the situation seriously ; otherwise what will happen everybody can understand.

As ill-luck would have it, the condition of the agriculturist is far from satisfactory even in normal years. He is there because there is nowhere else to go. He is ill-housed, under-fed and badly clothed. Dr. Harold Mann, the well known Director of Agriculture of Bombay, when retiring, gave an interview to the Press and referred to the economic condition of the cultivator in the following words :

"Until the Government and the social reformers recognised that the secret of the whole prosperity of the agricultural population was filling of their stomachs—the empty stomach was the greatest obstacle to progress in India."

The agriculturist lives in a lifelong perpetual poverty and his lot is not far removed from utter destitution. The existence of crushing debt is universally acknowledged to be the main cause of this state of affairs!

[Seth Haji Abdoola Haroon.]

Professors J. B. Jather and S. G. Beri in their book on Indian Economics, Volume I, page 309, quote Mr. Wolff who says :

“ The country is in the grip of the *Mahajan*. It is the bonds of debt that shackle agriculture.”

It is a well known fact and needs no emphasis that the average agriculturist is born in debt, lives in debt and dies in debt. What gives cause for alarm is that the debt is unproductive and tends to increase automatically. The reports of the different Provincial Banking Inquiry Committees have been published and their conclusion is :

“ There is a general consensus of opinion that the volume of agricultural indebtedness has been increasing in the course of the last century.”

Further, the Punjab Provincial Banking Inquiry Committee Report says to the effect that the agricultural debt in the Punjab has increased from Rs. 90 crores in 1921 to Rs. 135 crores in 1929. The Royal Commission on Agriculture says :

“ It is more than probable that rural debt has increased in the present century.”

Sir, the condition of the agriculturist is this. Whatever surplus the agriculturist has got after paying the revenue and expenses on cultivation, including his livelihood—in his livelihood we include bare necessities of life, not to say of better living, no allowance is made for medical relief, decent clothing, insurance against sickness, and temporary as well as permanent disability ; it is assumed that he wears a *langota* and remains half naked and is pleased with half a meal per day—is absorbed by interest charges. If by chance he falls sick, if by chance he is blessed with an issue and organises a simple thanksgiving ceremony, if by chance he buys a few fancy things for his dear little ones at home, if he marries, if he wishes to change the course of water running down his fields, he incurs debt. As agriculture barely yields him his subsistence, the debt increases by leaps and bounds.

Stability as a result of British rule has added to the misery of agriculturists and tended to increase the debt. In pre-British days, dynasties succeeded dynasties very rapidly, with the result that with the change of dynasty the agriculturists became free of the debt and made a new start in life. They obtained a chance to start with a clean slate and improve their condition.

The existence of the debt and the inability of the agriculturists to pay it have been suicidal to the best interests of the country. Land is rapidly passing out of the hands of the agriculturists into those of non-agriculturists. In my constituency of Sind 40 per cent. of the land has passed into the hands of money-lenders. In the United Provinces, as my colleague Maulvi Sir Muhammad Yakub says, the aristocratic families are rapidly vanishing owing to heavy indebtedness, and their property is passing into the hands of upstart money-lenders. To remedy this evil state of affairs, the Government even in normal times helped the agriculturists by the grant of *takavi* loans, freedom of attachment of the goods of the agriculturists, and the power given to the Courts to go behind the contract and see that the agriculturist is not unfairly treated. The co-operative movement was launched to eliminate money-lenders by providing means to redeem the past debt as well as to finance the current expenditure of the agriculturist. But it has signally failed in this, as is shown by the Provincial Banking Inquiry Committee's remark on their draft report, to the effect that the

existing co-operative credit organisation cannot provide funds for liquidation of prior debts except to a very small and negligible extent. Mr. Manu Subedar, one of the members of the Central Banking Inquiry Committee, said that 40 to 60 per cent. of the members of the co-operative movement in the Punjab had contracted debt from outside. The Central Areas Provincial Banking Inquiry Committee's Report, paragraph 119, reads as follows :

“ Not only the indebtedness of the co-operative members continues to increase, but their dependence on outside financing agencies for the satisfaction of their economic needs shows no signs of being eliminated in the near future.”

That is the Report of the Central Areas Banking Inquiry Committee.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of order, Sir, I want to draw your attention to rule 138, page 49 which reads :

“ A member in whose name a Resolution stands on the list of business shall, when called on, either—(a) withdraw the Resolution in which case he shall confine himself to a mere statement to that effect ; or (b) move the Resolution in which case he shall commence his speech by a formal motion in the terms appearing on the list of business :

Provided that the member may, with the permission of the President, authorise any other member, in whose name the same Resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly.”

Mr. President : Will the Honourable Member continue reading the rule part (2) ?

Mr. Amar Nath Dutt :

“ If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the President, move the Resolution standing in his name.” (Laughter.)

It is not a question of laughing.

Mr. President : I do not know whether the Honourable Member was present when I called upon Mr. Haji Abdoola Haroon to move the Resolution. I stated that Sir Abdulla Suhrawardy being absent, Mr. Haji Abdoola Haroon should move it. This is covered by part (2) of rule 138 which the Honourable Member does not seem to have read. I have received the written authority. Otherwise, I would not have called upon Mr. Haji Abdoola Haroon to move the Resolution.

Mr. Amar Nath Dutt : We were not aware of it.

Seth Haji Abdoola Haroon : The opinion in the Central Banking Inquiry Committee, when we discussed the draft Report, suggested debt conciliation on some such basis as through the agency of local *panchayats* under the direction of the Government officer where debtors and creditors meet and debts are composed on payment of cattle and grain at higher prices than the prevailing market price, and concessions are made regarding rate of interest and remission of irrevocable debt and payments by instalments. The Committee also refer in this connection to the work especially of the Sialkot debt composition committee. These measures might have succeeded in normal years but they are utterly inadequate to cope with the present economic position of the agriculturists. The prices of food grain and other agricultural produce have fallen abnormally, to the immense advantage of *sahukars*. The agricultural produce now sells for a song and is wholly taken away by the money-lenders in lieu of interest. The agriculturist is not left with enough grain to feed himself and his family. It has been

[Seth Haji Abdoola Haroon.]

estimated by the Provincial Banking Inquiry Committee that the rural debt stood at the colossal figure of 877 crores in 1929, which works out to 23 per cent. of land revenue. It is estimated that the average land revenue, as estimated by the Indian Year Book, 1930-31, is 37.4 crores. The Provincial Banking Inquiry Committee remarks that the interest charges vary from 12 to 75 per cent. The rate is highest in Sind in the Bombay Presidency, rising to 50 per cent. Here let me say that the average interest paid is at least 25 per cent. and if you calculate the total debt of the agriculturist as about 900 crores, the yearly amount of interest paid by agriculturists amounts to 225 crores, whereas the land revenue is only 37 crores. At present on all sides a hue and cry has been raised that the burden of taxation is very high. It has been proposed that land revenue be reduced by one-half. Owing to the recent fall in prices, Government have remitted land revenue varying from 25 to 40 per cent. I ask of you when the agriculturists are unable to pay even land revenue, it is impossible to expect of them, without giving rise to serious social and economic upheavals, to pay interest running to 5 to 10 times the land revenue. The time has come when we must come forward to help these poor people. We should not remain idle. Nero was fiddling while Rome was burning. Let us not fiddle while 90 per cent. of our population is passing through acute economic distress. Let us not wait for a Bill embodying this Resolution, for the Bill might cause a delay at least of six months or a year and who knows, in the meanwhile the situation caused by the agrarian discontent will be beyond remedy. Let the Viceroy peremptorily issue an ordinance as soon as you pass this Resolution, giving effect to its principles, and before the ordinance lapses let the required legislation be passed. Every one knows that the economic condition not only of India but of the whole world is very bad. The mightiest and the richest States of Europe are unable to pay interest on their borrowings, and therefore President Hoover of America has agreed to a moratorium excusing payment of debt and interest thereon for one year. The Government of India and the Provincial Governments have also benefitted by this moratorium. Would you deny the same privilege to your agriculturists who form 90 per cent. of the population, who are the backbone of the prosperity, happiness and greatness of this fair land of Hindustan, and who produce not only the food of the community in India, but a large exportable surplus by which India meets her obligations abroad?

Nor will this Resolution be disadvantageous to money-lenders in the long run. There is no denying the fact that the agriculturists are unable to pay the interest. If money-lenders persist, riots similar to Deccan, Santhal and Sukkur will follow, with the result that the agriculturists as well as money-lenders will be ruined for good. This Resolution will give a breathing space to agriculturists and enable them to improve their economic position, with the result that after 2 years they will be in a better position to discharge their debts.

Sir, the fall in prices, as you all know, is not a temporary one. If this Resolution fails on the floor of this House, or some delay is caused to translate this Resolution into action, the future ahead for India is gloomy and gives cause for desperation. What will be the result? The aristocratic families, who exercise a great moderating influence over the masses and who are the custodians of India's noblest traditions, will disappear. Land will pass into the hands of a microscopic minority of money-lenders.

More than 90 per cent. of the population will be landless, homeless, and without means. Recurrence of riots will be the order of the day. India will be plunged into lawlessness and no power on earth can stop this lawlessness inasmuch as it will be universal.

Sir, signs of this catastrophe are not wanting in India. Agrarian riots have taken place in U. P., Pudukotah State, etc., resulting in the deaths of many zemindars, tenants and public servants. If you want to lead India on to the path of progress, greatness and happiness, if you want that tranquillity, order and peace, which you all praise, should prevail in India, in a word if you want the India of your dreams, a happy India where its inhabitants can take full meals and have sufficient clothes and other necessities of life, this Resolution must be accepted by this House.

Sir, I have placed my case fully and fairly before the House. I am now only appealing to Honourable Members that they must consider this Resolution very seriously and give effect to it as soon as possible.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, having every sympathy with the debtors, I am very sorry to oppose this Resolution so ably moved by my friend on behalf of the new Midnapore Knight. The Resolution, in my opinion, has not been drafted in guarded language. It is proposed to give relief to agricultural landholders and farmers by prohibiting the execution of decrees against them, but any such legislation for ameliorating their condition will ruin them entirely. The Resolution has two parts. The first prohibits the execution of civil court decrees for two years, and the second prohibits the institution of any new civil court proceedings against them for the same period. It is not known to which particular kind of civil decree the recommendation refers. All kinds of civil decrees, whether for arrears of land revenue or for debts, come under this decree. A landlord will not be able to execute a decree about his arrear of rents. Being under protection of law, I do not know why the tenant will pay a single pie to the landlords, and in this way all the landlords will be ruined. The same case will happen with the Government and they will not be in a position to institute civil court proceedings against the landholder. I ask the Treasury Benches to realise the consequences which this Resolution, if accepted by the House, is bound to have. Had there been any mention of the exemption of rent decrees and rent dues, I would not have opposed it. And so I say that the Resolution has not been properly drafted. If a landlord will not get his dues, I cannot understand how he will be able to pay rent to the Government, to pay the collection charges, and to do improvements in the agricultural lands. When Government in their turn will not be able to realise the land revenue from the landholder, their condition during these deficit years can be better imagined than described.

Now comes the question of farmers. When the previous decrees will not be executed under the law, these decrees will not be barred by limitation. After two years there will be decrees again of the pending suits and also of fresh suits. The total burden as a result of these suits will be that about 99 per cent. of the tenants will not be in a position to pay such a heavy amount. The uneducated population of the tenants will not save anything and will not think of the future and the result will be that after two years they will find themselves in such a depth of water that there will be no alternative for them but to drown.

Sir, as I have pointed out at the outset of my speech, the second point prohibits the institution of fresh suits. This will also increase the burden

[Mr. M. Maswood Ahmad.]

of interest on the poor debtors. My arguments in opposing the first part will also apply here.

In my opinion the best thing will be to recommend to the Government to float a loan in India—not abroad—for the purpose of helping these poor agriculturists during these hard days and to give loans to them for their bare necessities at a cheaper rate of interest and to recover the amount by easy instalments and to prohibit by legislation that no agricultural property should be mortgaged or sold in future for any decree other than for the dues of rents.

With these few words, Sir, I strongly oppose the Resolution.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I rise to support the Resolution as it stands. I think the last speaker when he opposed this Resolution was mostly led by the law which prevails in his own province where a rent decree is also passed by the civil court. This is an extraordinary procedure which does not exist in other provinces. In other provinces rent decrees are passed by the revenue courts and not by civil courts. If the Honourable Member had some such difficulty, his remedy would have been to send in an amendment in order to exclude Bihar and Orissa, if the same law prevails there, so that the rent decrees may not be stopped. The chief reason why I support this Resolution, Sir, is this. At present in the case of a tenant who has not got any money to pay even to the landlord—and landlords have got no money, they cannot realise their rents even to pay their land revenue,—if the tenant is harassed by his money-lender, there is only one course for him to adopt, and that is to seek the remedy of the insolvency courts or to run away from his village. If the civil court decrees are not discharged now, the only course for the poor agriculturist or tenant is to leave his home and run away from his village and find some kind of petty labour in big towns. A tenant has to pay, as everybody is aware, Rs. 3-2-0 per cent. per month. That is the rate of interest which prevails in the villages. If a tenant can borrow at Rs. 2 per cent. with compound interest, it would seem to be the cheapest interest which he can ever get. But the usual rate of interest which one has to pay is Rs. 3-2-0 per cent. per mensem, which comes to something like 40 per cent. per annum. If an agriculturist borrows a little amount for the purpose of his seeds and for purchasing cattle or investment, then his cost of production from Rs. 100 rises to Rs. 140 in one year. Now, Sir, if there is a decree passed by the court, which never carries an interest of more than 6 per cent., he will be getting a great relief by having against him a decree instead of borrowing a fresh loan from some other person and paying off the whole loan and incurring a new debt at Rs. 3-2-0 per cent. per mensem. This matter had been threshed out a great deal and many zemindars had been invited by the district officers in my province at least. After consultation, the zemindars agreed not to execute the decrees even for the rent which they had against their tenants and at the same time they wanted that some relief be given to them by their *sahukars* as well. This matter is now being seriously considered by the United Provinces Government whether a moratorium be granted to the tenants on account of the rental decrees as well as the civil court decrees. As far as the zemindars are concerned, they are whole-heartedly supporting this, and are ready to forego the realisation of their money for two years, which they can get from executing their decrees provided the tenant is not going to cheat them or

deceive them. One thing which this Resolution seeks to do is that the already existing decree may not be executed, but if the tenant has got enough money he can pay to his *sahukar*. If he can satisfy the *sahukar* and is willing to borrow a fresh loan, which he can do only by paying something towards the past loan, they will never stop him from doing so. It is a wrong thing which has been put before the House that it will stop the tenant from getting any loan. That is not the case. The tenant will be getting the loan and paying his loan all right. If there is a decree which exists in his name, his cattle, his house and his other property may not be attached and he may not be driven to seek the remedy of the insolvency court. (A voice : "They are already exempt.") No, in the case of a civil court decree his house and his cattle are not exempt. His plough and other agricultural implements and the farm house are exempt. Sir, whether the relief is given to a tenant or not, that is the only gist of the Resolution. If relief can be given, it ought to be given. The House mostly consists of the representatives of the agricultural class, and I cannot see how they can vote against this Resolution and against the interests of the very persons whom they have come to represent in this House. Such a course on their part will drive the tenants to Bolshevism. If the tenants are finding themselves against Government to-day, there will soon be a time when the zemindars will find themselves up against the money-lenders. They must take proper precautions beforehand and must see that they should not tease them more than they can bear. With these few words, Sir, I support the Resolution.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, so far as this Resolution is concerned, I am placed in a very awkward position. I represent the landholders of the United Provinces, and the landholders in a joint conference in Lucknow on the 26th July last passed a Resolution practically in the same words asking the Government that, "in view of the economic crisis which seriously affects the agricultural classes, this Conference is of opinion that immediate steps should be taken by the Government to postpone the execution of civil court decrees against the members of the agricultural classes and declare moratorium for at least one year". My difficulty is this, that so far as my constituency is concerned, they want the Government to legislate to prevent the execution of civil court decrees, but as a student of economics and as a man of business and one who knows something of commercial morality, I feel that by such legislation we shall be defeating the very purpose which we are out to safeguard. The chief difficulty, if such legislation is undertaken, will be that the burden on the cultivators will go on accumulating. The Resolution says that fresh institution should be suspended for two years and no existing decrees should be executed. It means that the interest on the existing decrees will go on accruing at the rate of 6 per cent. per annum and on the existing debts at the contractual rates. It is just possible that in these times of economic depression, when decrees have been obtained, there may be some compromise and the tenants might be able to get some remissions from the *sahukars* or village money-lenders, when they will see that the tenant is not able and has nothing with which to discharge his obligations.

The second disadvantage will be that the whole system of agriculture will be dislocated. Everyone in this House must be aware that the agricultural operations of the tenant depend mostly on the finances that he receives from the village money-lenders. If this legislation is undertaken, I am sure fresh advances will cease, because they will think that

[Lala Hari Raj Swarup.]

another legislation may be undertaken prohibiting the institution of civil suits and suspending execution. The Co-operative Credit Societies in this country are in their infancy and they do not provide sufficient money facilities for the tenants in order to meet all their requirements for carrying on agriculture.

The third disadvantage will be that the value of land will fall. When advances cannot be had on the security of land on account of such legislation, the value of land will decrease and it will seriously affect the agricultural classes. In my own opinion, the remedy is not to promulgate such legislation, but to pass some legislation which may restrict the usurious rate of interest that the money-lenders can charge from the tenants. Or perhaps the best thing might be that for a certain number of years the rate of interest on the existing loans and the loans that may be advanced in the future may be fixed at a certain figure which may be considered reasonable both for the money-lenders and the agricultural classes. But, however, these are my personal views and so far as voting on this Resolution is concerned, I shall guide myself by the mandate that I received from my constituency.

Dr. F. X. De Souza (Nominated Non-Official) : Sir, with your permission, I should like to make a few observations on the Resolution before this House. The Honourable the Mover has painted a very gloomy picture of the distress into which the agricultural population of this country has been plunged. So far as Southern India is concerned, with which I am more intimately acquainted, I venture to think that the picture has been painted in colours far too sombre, and the reason is that the price of rice, which is the staple grain of Southern India has not fallen so low in value as compared with the price of wheat, which is the staple food of Northern India. Besides, the agriculturist of Southern India has got subsidiary means of eking out his income by the cultivation of spices and garden produce, which are not open to the cultivators of Northern India. There is however no doubt that agriculturists throughout India have been plunged in distress, in some places of a very acute nature. That distress is not peculiar to India; the distress is world-wide. The curious part of it is that this distress is not due to scarcity; it is a distress caused by abundance; there is abundance of food, abundance of grain, but there is scarcity, a famine of money due to a fall in prices. What is the cause of this fall in prices? Doctors disagree in diagnosing the cause. Some will tell you that the fall in prices is due to over-production which has been stimulated by the high prices prevailing during the boom period. Others will tell you that the low prices are due to the dumping of grain grown by free and sweated labour such as Russia does in pursuance of her five-year plan. Others again will tell you that the cause of the low prices is the fact that of the gold supply of the world, two-thirds are locked up in the vaults of the banks of New York and Paris, leaving only one-third for circulation. These are however questions of high finance into which I am unable to enter, nor do I venture to express any opinion upon them. But the fact remains that the distress caused is very great and widespread throughout the world.

Now, Sir, different countries have attempted to tackle the distress in different manners. We read that in the United States where the price of wheat has fallen so low that it hardly pays the cost of transport, the farmer

makes use of his surplus produce as fuel for the purpose of feeding his engines in place of coal. We are told that in certain parts of the United States the Government propose to acquire stocks of cotton on a very large scale and the Government are also seriously considering the question of restricting the cultivation of cotton, cultivating only one out of three rows in a field of cotton. In Brazil the Government are levying a heavy export tax of 10 shillings per bag and utilise the proceeds of the tax to buy up inferior coffee for the purpose of destruction. I am afraid these are remedies which we cannot dream of in this country. We cannot deal with the produce but with the producer. Our endeavour should be to keep him afloat till better times come. The problem has been attempted to be solved by the Government in Egypt very recently on the following lines. The House is aware that a sharp fall in the price of cotton in that country has led to the very serious danger of the owners of land being expropriated at the instance of the credit agencies who have given them loans and who are pressing for the refund of their money. The Government stepped in and what they have done is this. They have opened a new credit Agricultural Bank to which they have advanced a very large loan, about £10 millions, with instructions to take over the debt from the credit agencies and banks and make the agriculturists debtors to Government and give them time for repayment. They have also suspended repayment of loans for the purchase of seed and manure for a period of five years. Lastly, in lieu of payment of land tax, they accept payment of agricultural produce in kind and they are also accepting the golden ornaments of *Fellahin* women at market price in lieu of land tax. If I make a proposal on these lines to the Honourable Member for Agriculture, I know what he will tell me, in his most suave manner, that he will place the proposal before the Retrenchment Committee for consideration.

Is the proposal embodied in the Resolution likely to meet the situation? Is it feasible or is it likely to benefit the cultivator? I venture to think it will not benefit the cultivator in the slightest degree. It is a proposal virtually to grant a moratorium for a period of two years to the debtor. I have always understood that a moratorium is granted by the creditor of his own free will. Has the Honourable the Mover of this Resolution ascertained what the views of the creditors are in this matter? The creditors concerned are mostly small men who have been almost as badly hit as the debtors and they are not likely to consent to a moratorium. If the creditors will not consent what will be the result? We are aware from our own knowledge and from the description given by the Honourable the Mover of the Resolution of the conditions in which the agriculturist finds himself at the end of the cultivating season. He has no reserve to fall back upon. For his clothing, for his food, and for buying petty trinkets, as he pathetically put it, for his little ones, he has to fall back upon the money-lender. Now, if there is a compulsory moratorium, imposed upon the creditor, it will necessarily mean a cessation of credit for the debtor. And if the debtor for the next two years is not in a position to make any borrowings from his creditor, his last state will be worse than the first.

What then is the solution? That the problem requires solution, and an urgent solution, admits of no doubt. The law as it stands gives relief to the agriculturist to a very small extent indeed. For instance, in the case of civil court decrees, it is open to the court to grant him instalments while passing decrees; it is also open to the courts to reopen

[Dr. F. X. De Souza.]

accounts under the Usurious Loans Act which, I am very sorry to see, the courts use so sparingly. But, as I say, the times are abnormal, and special legislation is necessary. When the Government of Bombay in the year 1879 found themselves confronted with a similar situation, by the agrarian riots in the Deccan, they enacted a special piece of legislation which is known as the Deccan Agriculturists' Relief Act. That Act has been in force ever since 1879, and although certain defects of that Act have come to light in the course of its administration, yet the principles on which that Act was based are thoroughly sound, and I venture to think that if those principles are applied to India as a whole, some sort of solution may be found. Those principles are that in the trial of suits it shall be open to the Court, whatever be the terms of the bond, to reopen accounts and to see that the rate of interest charged is small, and then make up the account; and that course is open to the Court whether it is a simple money bond or a mortgage bond. In the course of execution of decrees, it is also open to the Court to grant instalments and to see that the land of the agriculturist is immune from attachment and so is his person. If any legislation on these lines is feasible and can be enacted, I venture to think that some sort of solution may be found. But, as I say, it is merely tinkering with the problem. The problem is too vast and I have my own doubts whether it is capable of solution by human ingenuity. The Honourable the Mover of the Resolution said that the total amount of agricultural indebtedness was 875 crores of rupees, and that the interest which the agriculturists pay in normal years to their creditors is something like 235 crores. These figures are such that they defy any treatment in the ordinary way. I for one am unable to suggest any adequate remedy; to be effective it must be a drastic remedy; and I only hope the time will not come when, if a solution is not found before then, the agriculturists themselves, who form the large mass of the population of this country, will take the solution in their own hands and find a remedy in their own way in a manner which I do not care to contemplate. That is all I wish to say and with these words I resume my seat.

Mr. B. R. Puri (West Punjab : Non-Muhammadian) : I am afraid, Sir, I must oppose this Resolution. To my mind it is a singularly ill-conceived Resolution. It seeks to secure for the benefit of a particular class a preferential treatment, and on that principle every reasonable man ought to oppose it. No doubt there is economic distress. That fact can hardly be disputed. But the economic distress is universal and it hits every class of people, and consequently there does not seem to me to be any special reason why a particular class should be selected for sympathetic treatment any more than any other class who has been equally hit....

Mr. Muhammad Yamin Khan : Is there any other class which has been hit so hard ?

Mr. B. R. Puri : Every class : I am one, you are the other.

An Honourable Member : I am both.

Mr. B. R. Puri : There is not a class that has not been hit; otherwise it would not be a general distress. In fact the very wording of the Resolution states that proposition.

An Honourable Member : You are hit less than the agriculturists undoubtedly.

Mr. B. R. Puri : Proceeding with the Resolution itself, one of the principal arguments that has been advanced for special sympathetic treatment towards this particular class is that they are impecunious. But, when were they not, may I know ? To quote my friend the Honourable the Mover, the affairs of this class are that they are in a perpetual state of indebtedness. Whether in a period of adversity or in a period of prosperity, they are always in a state of indebtedness. And I would like to know from my Honourable friend the Mover of this Resolution whether it does credit to a class to come forward and say, "Sir, we so badly manage our own affairs, that we are always in a state of indebtedness. Whether we get plenty or not, we are always like that; and therefore please give us preferential treatment". I submit that the proposition is too ridiculous to be seriously advanced. Let us look at the remedy suggested.

The remedy proposed is worse than the disease itself. The Honourable the Mover suggests that for two long years—twenty four months—there should be no fresh institution of any money suits against the agriculturists....

Mr. Muhammad Yamin Khan : No, no.

Mr. B. R. Puri : I say, yes, yes. Look at your Resolution. I am afraid you have not read the Resolution. It says "and prohibit the institution of any new civil court proceedings against them for past debts for the next two years". I wish my Honourable friend had read the Resolution before he started contradicting me.

Has the Honourable the Mover realised the import of his suggestion ? I think if this Resolution were to be carried out, one of the first persons who would be up in arms would be the Honourable the Finance Member. He is already in straits so far as the financial condition of the country is concerned and the large revenue which at present is derived from the sale of court fees would be materially reduced; and that would affect the revenues of the country: would it not ? I put the pertinent question. After that, let us pursue this matter a little further and see the evil consequences of a measure like this. If this relief is to be given to the agriculturists, it cannot be given except at the expense of another class, that is, the creditors. If the creditors are debarred from seeking what is due to them, would there not be justification on their part to come forward and say, "Sir, you have robbed us of our legitimate dues; please do not levy any income-tax from us, at any rate for the corresponding period of two years because you have crippled our resources and thus debarred us from meeting our obligations". If that is the position, then this peculiar measure is likely to lead to very widespread mischief in the country, and I am afraid on that ground it should be strenuously opposed.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : Sir, I think I am peculiarly fitted to speak on this Resolution because I have heard some Members in this House say that they belong to certain institutions, that they are landlords or agriculturists and therefore they have certain mandates. But in my case I do not represent any special constituency. I represent a general constituency, which comprises both agriculturists and creditors. Therefore I feel that I am in a position

[Mr. Lalchand Navalrai.]

to put the case impartially. I should not be misunderstood in the least that I have no sympathy with the agriculturists or the landholders; but it should be recognised that we should be fair to both the agriculturist and the money-lenders.

I feel a little surprised that the Mover of this Resolution, who I do not think belongs to the land-holding class but belongs to the money-lender class, has unfortunately chosen to shoulder this Resolution.

An Honourable Member : But he represents the agriculturists.

Mr. Lalchand Navalrai : If he had belonged to the land-holding class, I think in speaking on this Resolution he

1 P.M. would have been more fair. Now coming to the merits of the Resolution, I feel that the Assembly would be stultifying itself if this Resolution is passed. I will make myself clear. The reason that is given for this Resolution to be passed is the general economic depression. Now I ask, does the general depression affect the creditors and other people also or not? If it does, then this Resolution stultifies itself. Now coming to the practical difficulties, I as a lawyer can claim to say that there will be a great many difficulties in giving effect to this Resolution as it will necessitate amendment of several existing legislative enactments. In the first place, it will be revolutionising many Acts of the Legislature. Take for instance the Limitation Act. You cannot pass the Resolution without amending the Limitation Act. You ask that the decrees should be postponed for two years. Under what law? A law shall have to be made amending the ordinary provisions of the Limitation Act. Take then the Civil Procedure Code. I think the whole procedure there will have to be changed. But apart from that, a very important thing that you have to consider is this. Has this House the power to interfere with the contracts of parties? You are asking by this Resolution that the contracts that have been solemnly made or statutorily adjudicated between parties should be changed and that creditors and decree-holders should be kept out of the benefits that are their due under their contracts. The Contract Act itself should then be amended. So there are three Acts which must be amended.

(At this stage Mr. K. Ahmed made an interruption which was inaudible.)

I do not follow the Honourable Member's interruption. Then, Sir, apart from these difficulties there will be actual harm done by asking that this Resolution be passed. There will be complications and fresh encumbrances attaching to the debtors. Their interest will accumulate, and that will have to be paid after all. Then the second thing that will have to be considered in this connection is that there will be a loss of credit. Already there has been much loss of credit I think, and the creditors are feeling shy of lending to their debtors to the extent they used to do before. Now do you want that the entire credit of these people should be jeopardised? Then you have to remember that there are already several remedies which can be applied instead of asking for the adoption of a Resolution like this. Take, for instance, the case where there is a contract between parties and a decree has been made. Now you want that that decree should be postponed for two years. But why not ask the Court and make out a case before them for easy instalments? Then, if it is a mortgage decree, why not ask for six

months' postponement? You have got remedies already which are ample.

Seth Haji Abdoola Haroon : The agriculturists has got no money to engage pleaders and no money to pay for the cost of mortgaging property.

Mr. Lalchand Navalrai : Well, I know agriculturists are well-protected at least in Sind. Proceeding further, I have to say that, apart from the securing of easy instalments and the postponement of decrees, there is another remedy also. When the creditors realize their position, namely, that they will not be able to get their dues in full at once, and the debtors also realize their position, and it is clear to both that it should be made easy for the creditors to postpone the obligations that the debtors have to perform, they come and compromise their cases. Then the case is sent to arbitration, easy instalments are made, and time is given. Why then should there be any legislation, and especially legislation which differentiates between man and man? Then, Sir, there are other remedies also by way of asking for remission of assessment, or postponement of assessment, as is already now happening in Sind. Now the difficulty which presents itself to me is this. The Resolution is a general one asking for legislation for the whole of India. My Honourable friend opposite said that the Honourable Member from Bihar should ask for separate legislation. Well, this is a general Resolution. If you want any particular Resolution for helping certain tenants and certain zamindars who are inconvenienced, bring out another Resolution applying to that part of the country alone, but to ask for a general Resolution is, I submit, not proper. Sir, I will not detain the House any more, and with these words, I resume my seat.

Mr. S. G. Jog (Berar Representative) : Mr. President, I am rather fortunate in catching the eye of the President at once and I thank you, Sir, for giving me an opportunity of saying a few words on this Resolution. The Resolution I think is very loosely worded, and I think in a way it is heading towards Bolshevism (Laughter). The Resolution takes it for granted that all the tenants are honest and that all the landlords are dishonest, (*Cries of "No, no."*) and that there is harassment of the tenants by the landlords in times of distress. I think both these premises are entirely wrong. I know of many tenants who are very dishonest, and although they are in a position to pay the rent, still they want to take advantage of any factor whereby the property is not liable to attachment, or they devise all possible means of avoiding payment. Then look at the question from the legal standpoint, which has been already explained by my Honourable friend, Mr. Navalrai. (*Mr. Lalchand Navalrai :* "I am Lalchand Navalrai.") Sir, the various difficulties in the way of the adoption of the Resolution have already been pointed out. The law as it is already gives sufficient protection to the agriculturist. It gives wide power and discretion to the Courts to give relief in proper cases. The Courts can and do grant instalments on very easy terms. The Courts can reduce the amount of interest, and in so many other ways the Courts have got sufficient discretion to give relief to deserving tenants.

Seth Haji Abdoola Haroon : Therefore, the agriculturist is prospering!

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : If you think the Courts can reduce the rate of interest, then you have not heard of the Privy Council ruling.

An Honourable Member : What about the attachment of the produce of the tenant ?

Mr. S. G. Jog : I am coming to that.

As regards the Code of Civil Procedure, with which probably my Honourable friend the Mover is not so very familiar, I will read out to the House the exact section which says what properties of a tenant are not liable to attachment. Section 60 (c) of the Code says that "houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him" are not liable to attachment or sale.

Mr. K. Ahmed : The principle is just the same with regard to lawyers' books and their libraries.

Mr. S. G. Jog : My Honourable friend also suggested that special legislation might be undertaken by Local Governments. There is another section which empowers a Local Government to give relief in certain cases. That also I will read out for the information of the House.

"The Local Government may, by general or special order published in the local official Gazette, declare that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the Local Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family, shall, in the case of all agriculturists or of any class of agriculturists, be exempted from liability to attachment or sale in execution of a decree."

I think the provisions as they stand are sufficient to give proper relief in the present circumstances. The framers of the Code in those old, old days could very well foresee the distress of the agriculturists and they have made provision for this also. Therefore I submit that the Resolution moved by my Honourable friend is entirely futile.

Apart from the question of other difficulties explained by my Honourable friend, I think it is also against principle that civil remedies should be suspended for a period of two years. It will give an opportunity to, it will encourage, dishonesty among the tenants. This Resolution deserves wholesale condemnation and it should not be passed by the House. There are many tenants who are in a position to pay and who will be in a position to pay. They will also take advantage of this Resolution and the consequent legislation and will not pay anything to the landlords. In these circumstances, I oppose the Resolution and request the House also to reject it.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : I only want to make a short observation with regard to this Resolution. My point is simply that the phraseology of this Resolution is incorrect when it talks of the "execution of Civil Court decrees against agricultural landholders and farmers". From what I understood from the speech of the Honourable the Mover of the Resolution, he has referred to the case of the Punjab mostly, and he has taken the cue to this Resolution from the condition of the Punjab agriculturists. Taking the Resolution as it is worded, it will mean that the agriculturists would form one class of the population and non-agriculturists would be the other class. The agriculturists in the Punjab are made a special caste, and in that caste it is not only the

poor tenants that are included but all the big landholders and owners of large squares of land. I do not know if this remedy is for the relief only of the poor tenants and the poor agriculturists.

Seth Haji Abdoola Haroon : Of both the agriculturists and the landholders.

Bhai Parma Nand : The landholders are there. They are also called agriculturists. Not only that, but among that class of agriculturists there are people who are enjoying the posts of Ministers and Executive Councillors. While these people class themselves as agriculturists in the Punjab, there are actually people holding land but who being Hindus are not called agriculturists. This phraseology, "landholders and farmers in the Punjab" will apply to a particular class of people, among which class we find very rich men, and these big landholders are owners of land and they now occupy the position of money-lenders also. If this Resolution is passed, it will mean that the money-lenders or the creditors will have no case against those people who are very rich and who intentionally avoid paying their dues to the creditors. With these few observations, I want to oppose the Resolution because it does not define what a landholder and what a farmer is. We should have to give a proper definition of these words, and then there will be great trouble in saying which class we should exempt from the operation of this Resolution. With these words, I oppose the Resolution.

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 Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I did not intervene, at an earlier stage of this debate today because the subject (knowing as we do, how keen and wide an interest it evokes in all legislatures), was bound to evoke the same in this. In my forecast I was not disappointed. The Honourable the Mover of this Resolution has given us a mass of statistics. I am not in a position to say that I have had them verified, but if they are anywhere nearly correct, they do really reveal startling circumstances and conditions which must make us all pause and see whether all is well with our agrarian population. Many efforts have been made in this country and in other countries to take steps and measures to improve the condition of the agrarian people. Some measures have achieved a certain amount of success and for a certain amount of time. Some have entirely failed, but upon one point all schools of thought are agreed, that unless and until what is called a national reconstruction programme is adopted and enforced with great will, no substantial improvement in the condition of the agrarian population can take place. That is perhaps not a very optimistic point of view with which to begin a speech, but still I have always believed that it is best to know the worst and then see what measures—may be palliative, may be curative—we may take to put matters right. It is true our legislation has gone far to protect the interests of the agriculturists. Why? Obviously because the profession is such that it has from times immemorial stood in need of protection, as was remarked by an Honourable Member who I think spoke from this side

[Sir Fazl-i-Husain.]

of the House (Mr. De Souza), and if I may say so, made an excellent speech, well-balanced speech, showing that the speaker had an insight into both sides of the case. I must say that, having devoted some time to the study of this question, to which I along with many others from time to time have felt very much attracted, I have not achieved success up till now to any appreciable extent in devising schemes or methods which would substantially improve the condition of the rural population; nor had I, when I had a chance of putting those ideas into practice in the Punjab, attained any great measure of success in materially improving the condition of the rural population in that province. But the efforts that I made enabled my critic friends to invest me with a reputation which I feel I hardly deserved of being very strongly rural. Therefore whatever unpleasant things I may say about the rural population or their defects will not, I trust, be misunderstood, coming as they do from one described not only as a friend, but a partisan.

I must say that the Resolution as it stands is not one to which, however much I may desire to give my support, I can lend support. It is unfortunately very vague, and perhaps the vagueness from which it suffers is such that even if an effort were made to do away with it, that effort would not succeed. As has been pointed out during the course of the debate, whom are we out to protect? The "agricultural" landholder and farmer. The landholder is a man who holds land and a farmer in common parlance is a man who owns and probably cultivates agricultural land. But what an agricultural landholder or an agricultural farmer is it is not easy to determine. "Agricultural landholder" is a restrictive term rather than descriptive. Probably an agricultural landholder is intended to mean a landholder who is by descent an agriculturist, and is not a purchaser from amongst those who have been practising professions other than that of agriculture. That will create very great difficulty, because in each case the issue will have to be determined whether a particular landholder and farmer is an agricultural one or not, and by no executive order, unless it be based on Manu's caste system or on the system which prevails under the Land Alienation Act in the Punjab of notified agricultural tribes can that be done.

That is one difficulty. The other one relates to "decrees". By that I am sure the Honourable the Mover of the Resolution never intended to cover either decrees obtained by landlords against tenants or by tenants against landlords. Otherwise it will mean really the cessation of agricultural relationship or co-operation between the landlord and the cultivator. In the third place, when he says that no civil proceedings can be initiated, is not the Honourable the Mover going far beyond what is intended to be done? To put a very extreme case, if an agricultural landholder defames somebody and the defamed person wants to proceed against him for damages for two years that agricultural landholder or farmer can have the run of his life defaming everybody he likes. I am sure he did not intend doing that. Similarly an aggrieved person in a case of damage for assault and battery can have no relief for two years.

An Honourable Member: He means for past debts.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: So the whole matter really bristles with difficulties. I feel that a certain amount of

good has been done by availing ourselves of this opportunity of pointing out how very difficult it is to proceed with a measure which at first sight is so attractive as to enlist the sympathy of the casual person who looks at it. When the Resolution is examined in detail, even those who have great sympathy with the object of the scheme under consideration find it difficult really to sponsor it. These are some of the difficulties that must be apparent to any one who tries to examine critically the wording of the Resolution.

As to the object of the Resolution, I think I may take it that, in spite of some of the remarks which fell from some Members just opposite me, that we all really feel that the rural population, although they have got the safeguards of the Civil Procedure Code and the Usurious Loans Act and other things, are not the top dogs in the scheme of present day society, and realising that, we must always bear in mind that, situated as these people are, we must not miss any opportunity that offers itself to do the best we can for them. We must remember that whatever the reasons under the existing conditions of Indian society the rural people have not the best of times. The rural population has a wonderful facility for running into debt and getting their estates encumbered. A man may be well off during the first two or three years of his career as a farmer, but he soon manages to run into debt. There is some fatality attaching to land which makes even a good business man who takes up farming run into debt. I have seen many doing so. In fact, in my part of India, it is well understood that those who earn money in professions and buy land, before the second or third generation is over, will be no better than the persons from whom they purchased it. So knowing that without agriculture India cannot possibly do, are not we more or less creating a caste, if not a caste, at all events a class, which is absolutely essential to Indian society? The cultivating class is so situated economically, that it is almost always badly off. We may say it is badly off because it does not possess knowledge. It is badly off because it does not possess the requisite capital to improve its methods of cultivation. All these things come back to the same thing. There is some defect in the scheme of economic and social construction which is responsible for a very large population in the country being situated as the rural population is. I have not the slightest doubt that every one, whether on the Government Benches or on the Opposition Benches, would welcome a scheme which offers some chance of improving the condition of the rural classes. Any scheme like that would deserve sympathetic and careful consideration, because the evil is there and the desire to remove the evil is there. What we need is a suitable scheme which will enable us to remove that evil. If I am right, so far as the desire to attain the end is concerned and the willingness and the keenness to tackle any scheme that offers itself for examination, will it be too much to ask the Honourable the Mover of this Resolution, having seen the enormous difficulties that stand in the way of the scheme that he has suggested, that he should be content with the discussion that has taken place and with such solace as my words have been able to convey. No useful purpose will be served by pushing this Resolution to a division.

I feel that putting off the evil day for two years is neither here nor there. It is better to go to the insolvency court today to put an end to the long drawn agony of an impecunious man hopelessly in debt

[Sir Fazl-i-Husain.]

rather than do so two years hence. Perhaps I have put it very baldly. If what I have said is enough to convince the Honourable the Mover that the best thing is not to proceed further with the Resolution, then I need not prolong my speech. I understand that the second Resolution on the agenda paper is not going to be moved. The third one relates to agriculture and there is a good deal of information I want to give the House as to what the provinces are doing. I would have given it under this Resolution, but for the fact that it would more appropriately come under the third Resolution. Therefore, I think I had better give it in the more suitable and relevant place than here.

Mr. President : Are you going to withdraw your Resolution ?

Seth Haji Abdoola Haroon : After hearing the Honourable Sir Fazl-i-Husain, I want to suggest.....

Mr. President : Do you intend to withdraw ?

Seth Haji Abdoola Haroon : I want to withdraw under certain conditions. When Mr. Amar Nath Dutt's Resolution is considered, I hope that my Resolution will be considered side by side.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : If you withdraw it now, it will be considered then.

Mr. President : The Honourable Member has to decide.

Seth Haji Abdoola Haroon : I am not withdrawing.

Sir Zulfiqar Ali Khan (Nominated Non-Official) : Sir, I am very unfortunate that from this part of the House I could not quite follow the speech of the Honourable Government Member, although I wanted to pay every attention to his arguments in order to furnish myself with a possible reply thereto. However, I can see from the trend of his speech that his words were words of empty consolation. The situation in the country is such as to call for the closest attention of the Government ; and not only attention but the application of some sovereign remedy for this world malady which is now afflicting not only India but practically every part of the world. If people elsewhere have thought fit to apply certain remedies in their parts of the world, how is it that we do not seek any remedy for our own country ? If we do not possess ingenuity enough to find a sovereign remedy, we might at least follow what others have done in other parts of the world. Well, the House knows, and Government ought to know more, that the distress and the financial depression in the country are very acute and are shaking the very soul of the people. It has gone so far as to move the great masses of India which are not very easily amenable to influence or agitation, whatever their strength may be. But when we do see them moving and their souls being affected by the distress, then I think it is the duty not only of every Member of this House but more so of the Government to see that the people do get relief and do go back to a life of contentment as before. Sir, I have known instances in which whole families have committed suicide for not being able to support themselves, and the state of the children starving before the eyes of their starving parents is such as to move the heart of any man. In the Punjab I know that murders of money-lenders have taken place already, and I think it is on a large and increasing scale ; and howsoever a money-lender may take a decree for execution, this will never be executed,

and I am afraid those money-lenders who go to the rural areas for the execution of their decrees will find that, unless they take a strong military force, there is no chance of their decrees being executed. The prices of produce have gone down to practically one-third of the original prices, and therefore the indebtedness of the people has increased three-fold. Under these circumstances, is it not the duty of the Government to look into this affair and see that a moratorium is declared so that these distressed people may find some relief ? Sir, it is also the duty of the Government to see that the rate of interest is also decreased proportionately. I think this Resolution has caused some flutter in the dovecotes of the money-lenders. I am not an enemy of money-lenders, on the contrary I am a friend of theirs, and I wish them well, but at the same time I want them to have sympathy with those very people who fill their coffers, and if they are obstinate, and if they do not listen to reason, and if they are unmindful of the distress of the people, then I am afraid they will be cutting their own throats. Sir, how does Bolshevism come into the country ? Bolshevism comes into the country because the masses find it difficult to live ! You have to enable them to live in order to find tranquillity in the country. If the masses think that the money-lender is making their existence impossible, then you know the consequences. You know how revolutions come—and you know how even the strongest Government will find it impossible to cope with the situation under these circumstances. Sir, I am not an alarmist, but I am only putting the situation before you, not in its sombre colours, but actually as I find it in the country outside this Chamber ; and I think that instead of opposing this Resolution—as I find some of my Honourable friends to my right doing—they ought to have sympathy, they ought to have enlightened self-interest in their minds when they think over these subjects. Even self-interest demands that they should have sympathy with this Resolution, and try to show to the people, those very people who want this relief, that in such times of distress they will come to their relief and they will afford them every facility in order that they may get some peace, in order that they may recoup and in order that they may strengthen their resources.

Mr. S. G. Jog : No legislation is necessary for that purpose.

Sir Zulfiqar Ali Khan : Yes, legislation is necessary ; otherwise you will not listen to reason. (Laughter.)

Mian Muhammad Shah Nawaz : Quite right !

Sir Zulfiqar Ali Khan : I have pointed out what is the duty of the Government, and I have pointed out what is the duty of the money-lenders, and I think I need not point out what is the duty of this Chamber, because I know that my Honourable colleagues are enlightened enough and will only consult their own very best wishes by supporting this Resolution.

Mr. G. I. Griffiths (Bombay : European) : Sir, I wish with your leave to touch lightly on the Resolution as it stands on the paper. Apparently, no Honourable Member who has spoken on the subject has remembered the rights of the trader and the business-man in this connection. Does the Honourable the Mover intend that this two years' moratorium should be granted for everything ? What about the suppliers of livestock, agricultural machinery, raw materials and such commodities ? Have they to wait for two years to receive their money ? I think, Sir, the Resolution is unhappily worded ; and if the Honourable the Mover will accept an amendment whereby protection will be afforded to the

[Mr. G. I. Griffiths.]

business-man and the trader, I feel sure that this side of the House will whole-heartedly support his Resolution against the money-lender and the exorbitant rate of interest which the farmer and the landholder pay at present.

Seth Haji Abdoola Haroon : Sir, I have listened to all the speeches which have been made in the House. Lately, I heard 3 P.M. the Honourable Sir Fazl-i-Husain and I find there are many difficulties for the acceptance of this Resolution because of its wording. But I know that all the Members, including the Government Members, are full of sympathy for the poor agriculturist and are anxious to do something for him. Of course, if I ask for a division now, I have very little hope of success. What I would like to suggest is that, if Resolution No. 4 which stands in the name of Mr. Amar Nath Dutt is accepted, then my Resolution ought to be forwarded to the Committee which Mr. Dutt's Resolution seeks to establish. Having considered all these points, I have decided to withdraw my Resolution.

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

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : Sir, it was in the interests of the agriculturists that I had proposed a Resolution. That Resolution of mine proposed to levy a duty on imported cotton but it has not come out in the ballot. My supplementary Resolution* has come in the ballot and I do not want to move it.

RESOLUTION RE AGRICULTURAL DISTRESS.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, the Resolution that stands in my name needs very few words for its acceptance from this House. It runs as follows :

" This Assembly recommends to the Governor General in Council to form a committee of inquiry consisting of experts and Members of the Assembly to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population."

Sir, if I am correct in my diagnosis of the views of the Members of this House, I may be bold to assert that there is not a single Member in this House who has not his sympathies for the distressed condition of the agriculturists at the present moment and who has not also an earnest desire to improve it. Sir, the science of political economy has changed so much from the days when we were students in college that I find that all the theories which we find in Fawcett's book have been exploded. It is no longer a question of land, labour and capital, but it is a question of socialism, communism, Third International, Fourth International and dictatorship of the proletariat. (A voice : " And communalism.") Sir, we in India are the inheritors of a great civilization and culture and cannot see eye to eye with our European friends about their ideas of constitution-making and economic arrangement of our society. It has been said that we are a conservative race. No doubt, we are a conservative race because we believe in the wisdom of the past and wish to preserve our

* " This Assembly recommends to the Governor General in Council that he will be pleased to levy an import duty of 50 (fifty) per cent. *ad valorem* on cotton yarn imported into India."

ancient culture, religion, and philosophy. Sir, foreign institutions, which have been grafted on Indian soil by our foreign masters, have not benefited us in the least but have brought us to the verge of ruin. The system of land tenure and land holding, I do not know which is at fault. I will not try to discuss what is at the root of all this agricultural distress, but I may point out that nearly a century and a half ago there was another devastating famine in Bengal which is known as *chiattarer Manwantar*. Sir, if anyone is inquisitive to know all the details of the horror which the people of Bengal suffered in those days, I would refer him to the book of that eminent historian Sir William Wilson Hunter and you will have to admit that the conditions are no less severe in Bengal at the present moment. I know you all sympathise with the poor agriculturist and I hope you will try to strengthen the hands of the Government in anything that they would try to do in order to improve his condition. The condition in Bengal has been such that when a purse was going to be raised for the Poet Laureate of Asia, I mean Sir Rabindranath Tagore, he would not accept the same and said that this was not the time to raise a purse for his University and that it was time to raise a purse for those people who are in distress. I do not wish to tire out your patience by placing before you the harrowing tales of distress and poverty which the agricultural population are going through at the present moment. But I would like to warn you that unless you take note of these facts, unless you sincerely and earnestly try to devise means by which to put a stop to this state of things, conditions in India will not be in any way different from those that obtained in Russia a few years ago before the five years' plan came into force. It is not for me to suggest the remedies at the present moment and I feel sure that the Honourable Member in charge of the Department, whose sympathetic speech we listened to with attention, leads me to hope that he has something up his sleeve which will improve the condition of the agriculturist. I thank my Honourable friend Seth Haji Abdoola Haroon for his Resolution. That indicates a noble mind, a feeling mind and a sympathetic mind. He himself is a rich man, yet he came forward with a Resolution for the alleviation of the distress of the poverty-stricken people. I found Member after Member supporting the principles underlying the Resolution, but they only found some difficulty in working it out practically. I also sympathise with them, and I hope they are also in favour of what Mr. Haroon wanted or what I am putting forward in my Resolution. From what I heard from the Government side, I am emboldened in the hope that there will be a committee of inquiry which will devise means to the best of its ability to give relief to the poor. I wish to submit that more than 75 per cent. of the people of this country live on agriculture. The exact figure of course is not 75 per cent. but something like 73.9 per cent. The Government have their own way of collecting statistics and I shall accept them. But to my mind it appears to me that we have devoted too much attention to industrial development, and industrialism is the bane of our country. Of course, whether it is so or not, it will be for the committee to decide. Industrialism drives an important section of the agricultural population to the towns, and what is the gain? Slum-life and nothing else. It is a Western article imported into India which we never wanted. Industrialism has deprived these people of the little cottage industry with which they could maintain themselves. I can tell you that if you go to a Bengal village, of which I have sufficient experience, you will find that though they got sufficient crops last year, yet not a single seer of paddy is to be found in the homes of the tillers

[Mr. Amar Nath Dutt.]

of the soil. Why? Because you have brought in before them cheap industrial products and you have made them accustomed to those luxuries which they would purchase from towns, leaving nothing for themselves to eat. Such luxuries were unknown before. I remember the days of plenty in a Bengal village 50 years back when I was a little boy of four or five years. I witness the distress at the present moment. They were then a very prosperous class of people having nothing to do with politics, undisturbed by friends over there, with no ideas of constitution. They were leading peaceful lives except for the occasional fear from the appearance of a *darogha*, who also disappeared as soon as he got a few rupees. Those days are gone. They had plenty of grains in their granaries, plenty of fish in their tanks and plenty of pure milk, and from the weaver's house, they could get one or two cloths which were sufficient to clothe them throughout the year. Now, you place before them all sorts of tinsels imported from Europe. You bring in all kinds of luxuries from Europe and tempt them. (Laughter.) I see one of the Honourable Members on the Government Benches is surprised at this statement. I say most emphatically that all the miseries to which the agriculturists are subject in this country have been brought from abroad. If the foreigners were not allowed to trade here, I think the condition of the agriculturist would not have been what it is to-day. This favoured land of the gods, surrounded on three sides by the sea, the natural barrier and on the north by the insurmountable Himalayas, except for a few passes through which the foreigners came, while Europeans came in the guise of traders through the seas and subsequently not only monopolised the trade but became rulers. It may be that I am wrong in my analysis of the causes of agricultural distress, but what I beg of you is to have a committee of inquiry which will go into the causes deeply and if I am wrong in my diagnosis of the causes, my views will not be accepted, and the views of others more competent to speak on this subject will be accepted and acted upon. Therefore, I ask the Government to institute a committee of inquiry comprising of people who know the exact situation of the agriculturists in this country, not comprising merely of well-to-do people, who can merely talk here or elsewhere, but comprising those who live amongst the poor people, who know their real needs and who live with them day in and day out. It is only such men that can go into the real cause of the situation. They must be men who can understand the situation, and who can devise means for the alleviation of the distress of the agriculturists. I do not want Commissions of the type which were instituted in the early eighties. There were several Commissions instituted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I understood those were days of plenty.

Mr. Amar Nath Dutt: I may remind you that our miseries began not from 1757 or 1857, but from 1193.

Mr. K. Ahmed: During the Muhammadan period.

Mr. Amar Nath Dutt: I think it is too late for any Honourable Member to go to school to learn all the dates. Even if he is sent to school he will not take the lesson. There was a Famine Commission in

1880, another in 1898 and another in 1901. We had one Irrigation Commission and that was in 1903. Then we had also a Committee of Co-operation in the year 1915 and last but not least we had the Agricultural Commission in 1926. You had so many Commissions, but you missed the real point. You did not enter into the real causes of the distress, but you merely satisfied yourselves with high-sounding phrases. You wanted to have scientific agricultural research, the Research Institute, Pusa College and things like it. We do not want them. They merely provide a few more jobs.

An Honourable Member: Few more jobs for Europeans.

Mr. Amar Nath Dutt: No, we have some Indians also, and one of them I see here. Be that as it may. What I submit is those are good literature and probably good literature for the consumption of the West, people of the West who have no knowledge of the actual situation in the country. I ask you to be a little more sincere, to take into your consideration the actual situation of the country, because such things can never happen at least from those principles of political economy which we learnt more than 35 years ago which are said to be exploded now. When there is ample food, there can be no famine. Yes, we grow ample paddy, but still all the paddy goes to, I do not know where, at least it does not remain in the homes of the agriculturists. Sir, I do not pretend to philosophise about the five year plan or the hoarding of gold by France or the United States. These are things quite outside my province. But what I want to say is this: let us do away with all these things; let us seriously undertake this business of inquiring into the causes of distress and do the best we can to alleviate the distress of the people; and for this I make an earnest appeal to the Honourable Members sitting on the Treasury Benches. With these words, I beg to move my Resolution.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I feel grateful to my friend, Mr. Amar Nath Dutt, for having given this House this opportunity to talk about the distress of the agricultural population. Some of the Provincial Councils have already discussed this problem and some of the provinces have already taken steps, but everybody recognises that the Provincial Governments are handicapped; they cannot take adequate steps without the Government of India coming to their succour, and the Government of India themselves own large territories where also the agriculturists are in acute distress. My friend, Mr. Amar Nath Dutt, has spoken as a member of the proletariat; I myself am an agriculturist and a farmer; I speak as a practical farmer and I will not refer to the five-year plan in Russia, or to what will happen when my friend Mr. Amar Nath Dutt sits on the other side and forms his five-year plan.

Mr. Amar Nath Dutt: That will never be.

Mr. B. Das: I do not want to go into the hoary past of 1880 nor into the tragic ratio troubles that happened in 1905 thereafter. I come to the immediate past. What are the causes of the acute distress among the agricultural population to-day? Those of us that were Members of this House during the ratio trouble, when the Government of India by the order of the Bank of England and of the British Government forced down the throats of an unwilling people the 18d. ratio, those of us who were on this side warned the Government that they were leading the agriculturists to ruin, and that the purchasing power of the agriculturists

[Mr. B. Das.]

would go down and that they would have no money and there would be scarcity of money in the country. That has happened. The agriculturist has suffered from heavy assessment of land revenue by the policy of the alien government which has ruled India for so many years. There was a time in India when there was no venue of taxation except land revenue, and they went on raising it till they could get the maximum blood out of the agriculturist. Since then the Government of India have got other methods of taxation. The Customs revenue has gone up to Rs. 50 crores per annum and there are other methods also. The Government of India might have given relief to the agriculturist; but they could not; under the Montague-Chelmsford reforms, land revenue became a provincial source of revenues; and many a province, like mine—Bihar and Orissa—lives only on land revenue and on the money derived from excise duties. The people must drink more, Sir, under this civilised Government so that their civilised administration shall continue. So now the Government of India and the Provincial Governments have come to a position when they have to pause and think whether the agriculturist should receive any relief. But the situation, that was created by the ratio Bill of 1925, has brought great economic distress in the country. My Honourable friend the Finance Member cannot accuse me that I have not taken into account the drop in prices all over the world. I have taken that into account, but the legislation of the Government, whether Central or Provincial, should be so flexible that it will take into account the drop in the world level of prices, and it will automatically ensure that land revenue also will be reduced. I recognise that some of the provinces—especially the United Provinces as I recently read—have announced that they have permitted their district officers to give relief to land revenue to the extent of 50 per cent. That is something; but it is not all. While I support the idea of a committee, I would suggest that while the committee is going on with its investigations, the Government of India have ample opportunity to take certain action; the Finance Member of the Government of India and the various provincial Finance Members and the Revenue Members could meet together and devise means how they can give immediate and adequate relief to the agriculturists in the country. The Finance Member, who always taps our resources and takes loans from the public, can take a few crores more loan and give it to the provinces so that relief could be given to the distressed taxpayer.

I must observe here that a certain loan has been floated recently to tap an already impoverished people. There is scarcity of money in the countryside; everybody knows that the agriculturist cannot pay his land revenue to the Government, and yet to-day the Honourable the Finance Member has floated a loan whereby he wants to tap the little hoarding of the masses in the countryside. He has floated his recent Postal loan; I do not know how much he will get; he is going merely to enrich those who have already Cash Certificates at 4½ per cent. They will convert them to 6½ per cent., and he is going to add to the distress of the countryside. I know that the President of the Indian Federation of Merchants Chambers has already protested and all the Indian Chambers of Commerce have protested against this unwise step which the Honourable the Finance Member has adopted. That shows that the Finance Member, sitting in the cool climate of Simla, does not take note

of what is happening in the countryside. Thinking that the provinces are autonomous or semi-autonomous and that he has no concern whether they are solvent or insolvent, he is not concerned with the distress of the agriculturist.

My friend, Mr. Amar Nath Dutt, had a cheap gibe at the industrialists of India. I confessed at the start that I am a farmer, but I am also an industrialist. On behalf of the infant industries in India—because we are just making our headway—already we are suffering heavy losses through the ratio policy of the Government of India and general trade depression—and it is no use my friend laying the blame at the door of the Indian industrialist. He must have gone himself deep into the problem and ought to have pointed out that, apart from the drop in price levels, it is the ratio policy of Government of India that has made the agriculturist so poor that he cannot buy his daily luxuries and he cannot pay the taxes that are due to the Government or to the landlord. It is recognised on all hands by economists, whether Indian or European, that the Indian land revenue is assessed very high. If it was 55 or 60 per cent. two or three years ago, it is 100 per cent. to-day as it happens to be in Orissa. Even if the agriculturist sells his whole output, he cannot meet the demand of the Government or the landlord who collects the revenue. This Government want to pose as a civilised government. Their primary function is, even without appointing a committee of this Legislature, without appointing a committee of experts, to go themselves into the problem, and if there is justice on the side of the agriculturists, they must come forward and reduce the land tax to an equitable basis of taxation. I challenge any Member of Government to come forward and say that to-day the Indian taxpayer pays land revenue which is equitable, and can my Honourable friend the Finance Member who comes here with a better experience of England,—can he say why the land revenue is so low in England, and why the incidence of taxation in India is so high—as high as in England, considering at the same time the income per capita in India as compared to England? Why should he not take steps to reduce the taxation to a limit which every civilised nation pays? I hope that the Government will have sympathy to do that. Whether they appoint a committee as suggested by my Honourable friend, or whether they themselves go into the problem, I commend to them to go into the question. Otherwise, you talk of terrorism and revolution. There will be a revolution, an economic revolution in the country where the masses will rise and upset every Government and even those of us who pose as capitalists.

Mian Muhammad Shah Nawaz: (West Central Punjab: Muhammadan): Mr. President, I whole-heartedly support the Resolution so ably moved by my Honourable friend Mr. Amar Nath Dutt. It will be freely admitted that the prosperity and the defence of this country very largely depend upon the well-being, happiness and contentment of the agricultural population which forms the bulk of the people of this country. It will also be admitted that widespread distress and discontent have been caused by the terrible decline of prices in agricultural commodities. Sir, the agricultural population is on the verge of revolt. Honestly speaking, the situation is one of desperation. There is confusion among the agriculturists worse than death and it is growing worse day by day. Look at the hard facts of the situation. The agriculturist collects his yearly due of corn, wheat, maize and cotton,

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and when he collects it and it is a saleable commodity, the demand comes from the Government for payment of the land revenue and the water rates, and the whole income is lost. I can say without exaggeration that there is not a single agriculturist in the whole of the Punjab who can save a penny from his lands. My Honourable friend Mian Sir Fazl-i-Husain will bear me out when I say that no one can save a penny. All the income goes towards the payment of land revenue and water rate. In this House I have the honour of representing what used to be one of the richest colonies in the whole of India, but which is now in the most distressed state, I mean the Lyallpur Colony. The land revenue from that colony used to be Rs. 2 crores and the zemindars were willingly paying the heavy land revenue and water rates to the Government and were themselves in good circumstances. At present I am receiving letter after letter saying that they are selling their daughters to meet the crushing demands of the Government and their creditors. They have already sold ornaments of their womenfolk and they have mortgaged their lands. They have no capacity to pay and they are on the verge of ruin. I make no exaggeration whatever, and I say that I cannot be an honest man if I make an exaggeration in this respect; I will tell the truth. By the traditions of my family I am not an extremist, or disloyal to the Government, but the hard facts of the situation must be told to the Government in the interests of the agriculturist population and the public. I say that if the Government were to treat the agriculturists fairly, kindly and generously they would be all right. There is a couplet in which the old Sadi said:

Marat-i-dahqan kun az bahr-i-khesh,

Ki mazdur-i-khush dil kunad kar besh.

In your own interest treat your cultivators and agriculturists with consideration and kindness as a happy labourer works harder and harder to enable him to pay your dues and also receives his own income. Have Government done much to meet the present situation? I submit that the Government have failed to give material relief to the distressed agricultural population of Northern India. Sir, if the situation continues like this, the agriculturists will not care much for the present administration, good, bad or indifferent. The duty of the Government is not to maintain law and order only. The duty of the Government is to look after the well-being of the people of this country, especially the agricultural population, who form 90 per cent. of the whole people. So far as the agriculturists are concerned, the present administration has failed. In the Punjab the distress is so widespread that the Governor in Council is in a difficulty, the Revenue Member is in a difficulty, and everybody is in the grip of a dire calamity, and yet we are hoping against hope for the best. Pain, pain, no hope, no pause, and no redress! And it is strange that yet the agriculturist continues to endure. No food for subsistence for the children of the producers of grain, hard labour for aged agriculturists, sore task to hearts worn down by incessant payments of crushing land revenue and water rates and limitless debts with exorbitant rates of interest. Surely, surely the Government cannot view this awful situation with equanimity.

Sir, I would like to suggest many remedies which should be considered by the Central and Provincial Governments and should be considered forthwith, before the assessment on the *Kharif* crops comes to be

paid. First of all, I submit that the land revenue should be cut down by 50 per cent. Secondly, the water rates should be reduced by 40 per cent. in the Lyallpur Colony which, as I have said before, I have the honour to represent in this House, 7 years ago the land revenue was increased by 42 per cent. Then the price of wheat was Rs. 4-8-0 per maund, the price of cotton was Rs. 13 or 14 per maund. What is the condition to-day? The price of wheat is Rs. 1-4-0, that of cotton is Rs. 3. Is it not just, is it not fair that the Government should reduce the land revenue by 66 per cent., at any rate by 50 per cent.? The water rates used to be much lower, fifteen or twenty years ago, than they are at present. Now that the prices of agricultural products have gone down so low is it not fair, is it not just that the water rates should be reduced at least by 40 per cent.? If the Government are not prepared to do all this, then I say to the Government, I cannot pay you in cash, I pay you in kind. (Applause.) That is the only alternative left to the agriculturists. I stand here at the bar of this House and demand justice from the Treasury Benches and also from Mian Sir Fazl-i-Husain who is in charge of the subject. Does he not possess land in the Lyallpur Colony? Can he say that he earns any income whatever from that land? Can he swear that he does? (*An Honourable Member*: "Pause for a reply.") Sir, we cannot pay you in cash, then take it in kind. What is the due of the Government? 25 per cent. in the Punjab. I collect my corn, wheat, maize, cotton, barley or whatever it is. I give you 25 per cent. in kind, after defraying charges, towards the payment of land revenue. In addition to this the cultivators will give to the Government 25 per cent. of the yield in kind. One half is our due and in fairness and justice we are entitled to it. I must have it. It is ridiculous and absurd to hold that I must give my entire earnings—earned with hard labour, to the Government for the expenditure of a top-heavy administration. Mr. President, in the old times of the Moghul rule and the Sikh Government, the agriculturists were never so badly off as they are at the present evil times. The then Government used to levy their dues in kind, after the agriculturist had fed his cattle,—he used to have as much fodder for his cattle as he liked,—the Government took one-third in kind and not in cash and everybody was satisfied. The trouble is this that the prices of grain have gone down very much. Indeed we do not know what to do. It is but just that the Government should have their dues in kind or their value in money. Whether the Government have got to employ many servants or a few servants we do not care. I repeat it, Sir, that we cannot pay you in cash but we must pay you in kind. If the Government want payment in cash, then they must reduce their demand by 50 per cent. in respect of land revenue and 40 per cent. in respect of water rates. At any rate reduce it to the level which existed 30 years ago. Or if the Government must be paid in cash, then they must be satisfied to charge from the agriculturists on the basis of income-tax.

Then, Sir, it is an admitted fact that the agricultural population is buried in debt throughout their lives. There is a proverb which says that an agriculturist is born in debt, he lives in debt and he dies in debt. How to meet the situation? Cannot we fix a rate of interest, say 9 per cent. or 12 per cent. per annum? I know in Turkey it is 9 per cent. and in some other countries it is 12 per cent. fixed by law. In the Czechoslovakian constitution I find that usury is prohibited by the constitution. Here in India is a state of things of which Government can never be proud of. I know in the city of Lahore and in several towns and rural areas

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the money lenders are exacting 36 per cent. and 48 per cent. from the most respectable men, and yet there is no remedy for this. I do not wish to say anything against their Lordships of the Privy Council, but I have a great complaint against Government. Their Lordships of the Privy Council have laid down, rightly or wrongly—I do not challenge their judgment and they do not know the conditions of this country—that if the rate of interest agreed upon is 24 or 36 per cent. per annum it must be enforced by the courts of justice. Courts of justice! As if freedom of contract can exist between the lion and the lamb! This is the state of things, and yet Government have paid no attention to it whatever. I earnestly request you, Sir, to fix the rate of interest at nine or twelve per cent. per year. It should never exceed 12 per cent. Indeed the Hindus even in the days of Manu never exacted double the principal. The Europeans have brought the so-called freedom of contract in this country and the rate of interest is enforced at 36 and 48 per cent.; and in this year of grace 1931, no one cares to find a remedy despite the fact that the agriculturists are in a state of helplessness.

Then, Sir, retrenchments must be effected in all the Departments of the provinces and the Central Government, and the salaries of the officials must be cut down by a certain percentage and the relief must be given to the provinces. Otherwise there is no hope for the provinces at all. The provinces are living from hand to mouth. No retrenchments can relieve them unless the Government of India come to their help. Retrench your Army, reduce your military expenditure, cut down the salaries and help the provinces and help the agriculturists, and for God's sake do it quickly, otherwise it will be too late. A noble lead has been given by His Majesty the King-Emperor. His Majesty has cut down his civil list by £50,000. And His Royal Highness the Prince of Wales has reduced his household expenses by £10,000. I request the officials to follow the noble lead given by our Emperor. Again, Sir, has not the Honourable the Finance Member a borrowing programme for the benefit of the agriculturists? Can he not give a portion of the money he is going to raise to the Provincial Governments so that they may in turn give it to the agriculturists at the rate of 6½ per cent., the rate at which he is himself raising it? Is he going to do this? I doubt very much. The Government are so indifferent because the agriculturists are weak and do not agitate. But I am afraid the day of reckoning is not very far. In January last when the Wheat Bill (now the Wheat Act) came before this House, clause 3 was not deleted and my friend on my right was in favour of retaining it because he would not disturb the contracts. I said then that we were sitting on the verge of a volcano and yet thinking of a few contracts. And what is the position now? The contracts still exist and tons and maunds of wheat are coming from Australia and other countries. A few wealthy contractors and the millers are still bringing their cargoes from Australia on the basis of bogus contracts to jeopardise our own interests at home. That is the way the Government treated the agriculturists in the Delhi Session for the benefit of a very few Midas-eared and emerald-necked contractors. Even at that time I said that we must raise a high tariff wall against the importation of wheat and cotton, etc. But nobody listened to me and nobody cared. But the Government have got to care for the agriculturists very soon.

Mr. President : The Honourable Member's time is up. I will allow him only two minutes more to conclude.

Mian Muhammad Shah Nawaz : I will not take any more time, Sir. I have placed the case of the agriculturists quite clearly and fairly. I have spoken with the greatest frankness. I assure you that I am not an alarmist. I am a well-wisher of the Government. Indeed Government have brought peace and prosperity to this country; but it is the bounden duty of Government to look after the interests of the agriculturists and they should look after them in time so that there may not be any danger of an upheaval. Surely the Government cannot create a desert and call it peace. With these words, I whole-heartedly support the Resolution. (Loud applause.)

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (Member for Education, Health and Lands) : Sir, we have listened to three speeches on this Resolution. I am ready to admit that there is a great deal of truth in every one of the three speeches made. There is a great deal of what has been said by the three Honourable Members with which I entirely agree. But what we have to see is, starting from the substratum of fact and truth that is in every one of these three speeches, what is it that we want to do and what is the right method of achieving that object? We really have by now passed beyond the stage where it is necessary to work up our sentiments in favour of the agriculturists. Government at all events do not stand in need of that being done. We know the problem perfectly well; we know perfectly well that all is not well with the agriculturists. We know perfectly well that, after having a wonderful windfall of high prices during the last 10 or 15 years and having thus been led by Providence to improve his standard of comfort slightly, the fall that has come is felt by the agriculturist all the more because it is a fall from a slightly improved standard of comfort in living. We all know that. The Honourable Member who spoke last appealed to me to say whether I made much out of my lands in the Punjab. He may rest assured that, although a short while ago Revenue Member in the Punjab and now here, I make no more than he does out of his lands.

Sardar Sant Singh (West Punjab : Sikh) : Did you not pay land revenue out of your pockets this year on the *rabi* crop?

Mian Muhammad Shah Nawaz : I paid Rs. 350 from my own pocket in addition to my income from land, which was absorbed in the payment of Government dues.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is all very well. I say that I am fully cognisant of all the troubles with which the average farmer is faced, and all the disappointments with which the large land holders or the professional man who has an agricultural income, is faced. All these are facts and I can assure the House that these are perfectly well known to Local Governments. In many of the Local Governments, the Revenue Members are themselves suffering from all these troubles which have been referred to by the previous speakers. We may take it therefore that as regards the troubles from which the agriculturists and landholders, large or small, are suffering, there is no misunderstanding on the subject and no misapprehension whatsoever. I think it would be right if at this stage

[Sir Fazl-i-Husain.]

I place before Honourable Members certain information I have been able to collect from the Local Governments. I have frankly admitted that there is a great deal of economic distress amongst the rural people in India. None of us individually, barring myself perhaps, is in a position to know exactly what the situation in each province is. Each Member knows more or less what is happening in his province, but he cannot be expected, unless he is keeping himself in touch with all other provinces, through his friends in those provinces who are in the know, to know all these things. The position is like this. I will first take Assam. There remission of land revenue had to be resorted to and a good deal of land revenue had also to be suspended. This action indicates that there is agricultural distress there and the Local Government had to meet that distress by having resort to what has already been suggested by the three speakers who have spoken. Not only had the Assam Government to suspend land revenue, but they had to give *takavi* as well. I may mention for the information of Honourable Members that *takavi* is not given by Government at the exorbitant rate of 12 or 18 or 24 per cent. It is seldom given at more than 6½, and the rule is 6¼ per cent. Therefore Government do not resort to the distribution of *takavi* in order to make money, but simply and purely to assist the poor agriculturists. I may further add that recently there has been a great change in the method of distribution of *takavi*. In the old times *takavi* used to be given to these people at the district headquarters or at the most at the headquarters of the tahsil, and it cost some money to the man to come to the district or tahsil headquarters. Under the improved system, Collectors depute a number of revenue officers to go about the district and find out where money is needed for the purchase of seed or bullocks. In Assam, they had unfortunately to have recourse to opening test works. They are not opened in a place unless the distress is so acute as to need a decision on the point whether famine works are to be opened or not. They had further to give gratuitous relief in the case of women and children. The Local Government in Assam is fully cognisant of the distress there and is doing its best to help the people to the utmost that lies in its power.

Next we come to Bengal, which in the matter of land revenue is luckier than most other provinces. I believe the question of the remission of land revenue does not arise there. In Bengal, agricultural loans have been given to the extent of 10 lakhs. Test works have been opened and Rs. 45,000 has been spent thereon. Gratuitous relief to the extent of Rs. 68,000 had also to be given. That again bears out the fact that in Bengal there has been some distress, and efforts are being made to meet it. The continuance of low prices is no doubt a serious blow to small landholders. As has been rightly pointed out, a debt of Rs. 100, five acres of your produce of jute or wheat might have been quite enough to repay, but now the same debt cannot be repaid because the prices have gone down and the produce of the same land, though same in quantity, will not fetch even one third the money. The condition in Bengal however is not so serious as in some other places. In the adjoining province of Bihar and Orissa *takavi* has been made available. It has actually been distributed.

Mr. B. Das : No announcement has so far been made.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I will just advise the Local Government that it is best to advertise the good work they are doing.

Mr. Gaya Prasad Singh : To what extent ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : To such extent as the proposals of the Retrenchment Committee of the Assembly will permit. The condition in Bihar and Orissa is not so bad as in many other places. Collection of revenue has been fair.

Mr. B. Das : The collections have been extorted by zamindars and District Magistrates. The condition there is the worst in India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I would request my friend to be a little more careful. He may be perfectly justified in saying that the condition in Bihar and Orissa is bad, but he cannot generalise that it is the worst. He really cannot know the conditions in Ajmer-Merwara, in the Punjab and the United Provinces. I admit that it is very very bad, but you cannot say that it is the worst in India. Here again the complaint is that money is scarce. Reading these reports, one gets absolutely sick of the repetition of this complaint that money is scarce. Why not do away with money and have recourse to some such thing as barter ? The next province, the Central Provinces, seems to be better off than many parts of India because it appears that they have been lucky enough to have their land revenue assessment at a lower rate than other provinces. There is no cause for much anxiety there. It is refreshing to know that.

Mr. S. G. Jog : (Berar Representative) : Has the Honourable Member figures relating to Berar, where the distress is acute ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Under Federation we might have. Here we have an interesting philosophical and critical account of the theory about low prices.

4 P. M. We got a very illuminating paragraph on the subject of low prices. Low prices ? Yes, it is there, but you cannot say that there is not enough of produce ; there is plenty of grain to eat, and plenty to sell. Low prices ? Yes, that is troublesome ; but does it really matter very much, taking society as a whole, because low prices benefit quite a lot of people ; they do not benefit me a bit, I assure you. They do not benefit any producer of grain. But everybody is not a producer ; and therefore some people do benefit thereby. The people who are suffering the most by these low prices are, I am told,—and there is a great deal of truth in it, I recognize—either the big landlords or the absentee landlords. That is perfectly true. My friend and I both belong to the last category.

Mian Muhammad Shah Nawaz : We have no time to go to our lands.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Well, the second class of people that are suffering the most are the enterprising people who had taken long leases of agricultural land, hoping to make lots of money thereby. Having taken long leases, at rates which prevailed two years ago, they, naturally, are now down, absolutely

[Sir Fazl-i-Husain.]

down, but I understand, though I have very little acquaintance with business affairs, that that is a contingency which does occur to many who try to become rich quickly (Laughter). The third class, Sir that has suffered the most is the class which was in the unfortunate position of owing large debts at the time when this trouble arose, when this distress came. Well, they had borrowed large sums, but when they have to pay them back, especially in the case of those who have to pay from their agricultural income, to them those debts have become three-fold, excluding interest and every thing else ; well, they are very hard hit. We must sympathise with them. We must see whether we can help these people. If we can, well, we ought to try ; and if we cannot, you must not refuse them the sympathy that we can give them. Passing on from the Central Provinces, Sir—I have forgotten Burma, and I must go back to Burma (*An Honourable Member* : “Leave Burma alone ; they want separation”). Sir, as long as Burma is in India, it is our duty to treat it like ourselves ; therefore it will never do, because they are contemplating separation, that we should (*An Honourable Member* : “They are not contemplating separation ; you are forcing it on them”) try to shirk our duty to them : we must try to be so affectionate and so mindful of them that such intentions as they have of getting separated may be revised. (*An Honourable Member* : “They have no such intention of their own”). Well, in the case of Burma, the reduction in land revenue has been very considerable.

Mr. B. R. Puri : That is why you are anxious to talk of Burma ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : And *takavi* also has been given to the extent of 56 lakhs.

An Honourable Member : Was that before the riots, or after the riots ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I think both before and after.

Mr. B. R. Puri : And during the riots too ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Passing on from Burma to Bombay, the remission of land revenue by the enlightened Government of Bombay has been to the extent of 40 lakhs. (Hear, hear.) That is not a small sum by any means.

Mian Muhammad Shah Nawaz : What is the percentage ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I could not tell you that. There has been suspension of land revenue to the extent of 28 lakhs and of water rates to the extent of 4 lakhs.

Mian Muhammad Shah Nawaz : Out of 6 crores, 40 lakhs ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : They make much more by excise. Therefore, Sir, the Bombay Government, I am sure the House will recognize, has not done so badly. Coming on to Madras, that is a lucky province ; they are not so subject to all these fluctuations in the prices of agricultural produce as the rest of India. (*An Honourable Member* : “And they have plenty of rainfall.”) They had to suspend their land revenue a little, and they are doing

fairly well, considering the circumstances prevailing in the rest of India. (*An Honourable Member* : “That is because the price of rice has not so much gone down.”)

Sardar Sant Singh : And therefore there is no Member from Madras present now.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Loans have also been given to a fairly large extent there.

Now coming to the United Provinces, you know there are peculiar conditions there of the system of rent ; that is to say, the dues from the cultivator to the landlord, the rent, they are all cash rates. My Honourable friend was saying, “Take it in kind”. I wondered whether he was in league with the Kisan movement in the United Provinces and against most of the Taluqdars, or whether he was only thinking of himself and myself and not of the United Provinces landlords. Sir, the conditions prevailing in the United Provinces are quite different from those prevailing in other parts of India. But the economic conditions, difficult and complicated as they are, have been made much more complicated by the inter-action of economic and political forces. Yet I am glad to be able to say that the United Provinces Government have had recourse to the constitutional machinery of invoking the aid of the Legislative Council to solve this tangled scheme. A committee was set up to see to what extent the fall in prices should be reflected in the amount of land revenue to be demanded by the Government, and the rents to be fixed between the landlord and the tenant. I have no doubt that the underlying idea of what was said by Mr. B. Das and my Honourable friend, Mr. Shah Nawaz, led in the same direction. Great minds often think alike ! Apparently, the United Provinces Government and the Members of the Assembly are thinking alike.

Passing on to my own province, the Assembly will no doubt see from the figures I am going to quote, the extent of the distress prevailing there, and the responsibility of the Administration of that province. During the last year, land revenue to the extent of 1 crore and 40 lakhs had to be remitted. One crore and forty lakhs ! That is, in land revenue and water rates. There is distress in two districts where test works have been opened, and some gratuitous relief has also been distributed. The suspension of land revenue in other districts has also been resorted to. *Takavi* is liberally distributed ; concessions in canal areas are also given ; and railway freights of over a lakh had to be paid by the Punjab Government because their expectations did not come up to the figure to which they ought to have worked up their exports to Calcutta.

Mian Muhammad Shah Nawaz : But are the conditions materially improved ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Now, Sir, these are all but palliatives. I do not claim that any Local Government has put the matter right, or for the matter of that can in a year or even two or three years put matters right. Is this trouble of low prices a trouble limited to a province or limited to India ? Are the Government of India responsible for the low prices that prevail here or, at all events, are we entirely responsible for them ? Is the responsibility wholly ours ? If some Members for a moment think

[Sir Fazl-i-Husain.]

that that is so, I would request them to study the conditions prevailing in other parts of the world. I will not go so far afield as the whole world but would confine myself to the British Empire. Are not the Australians quite near us? I have got in my hand the Journal of the Parliaments of the Empire, and Australia claims quite 56 pages of this book. It is very sad reading from beginning to end. I have been through it. Canada presents another tale of sorrow. They have tried to do there all that has suggested itself from time to time to various persons who want to improve the lot of the agriculturist. In one place they have actually said that every man who produces say a maund of wheat ought to get 4 annas, and the Finance Member was asked to raise a loan as was suggested by one of my friends here. There is a strong party in favour of it, but they had reached the stage where the loan could not be subscribed. Therefore, it is easy enough to devise schemes to help the agriculturist and we may succeed in helping him for a year or two, but the process cannot go on for any length of time. We have heard this morning the enormous debt which the agriculturists of India owe. It is something like 875 crores of rupees, the interest of which we were told comes to about 237 crores. I find from this book, which is very interesting, that in Australia the annual produce of the farmers has not been found this year or the last year, I forget which, to be enough to pay the interest on the debt due from the farmers. Does not that sound bad? They say that the produce of a farmer is not enough to pay even the interest which he owes for the debt that is due from him?

Seth Haji Abdoola Haroon : The same prevails in India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Then I can tell my Honourable friend that "*margi amboh jashni darad*".

Mr. Amar Nath Dutt : What does it mean?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It means this, Mr. Amar Nath, that if you were called upon to die alone, by yourself you might feel a little bit awkward about it and feel hurt also, but if you were told that you and all the Members of the Assembly would die together, you would not mind it very much. (Laughter.)

I do not really mean to say that we must not take this economic distress seriously nor that we should not strain every nerve of our brains to devise means to meeting it and overcoming it as far as possible. But at the same time it is no use taking it so seriously to heart as to imagine that we are the only afflicted people in the world, and not others, because obviously there are others also. I assure you that I have tried my level best to find out why we are all suffering in India as well as outside India. I must say I have not got the financial gift to make that discovery. Somebody said there is not enough money and we must find money. I must say as a Member for Education in charge of all sorts of researches that are going on now and which might be stopped owing to the retrenchment campaign, that none has yet discovered the old *Kimya* of making gold that we could distribute in the country.

But one thing I can tell the Assembly straight away. It is this. They want me or want the Government to institute a committee of experts and Members of the Assembly to inquire into the present agricultural distress. Is it to inquire whether this distress exists or not? If that is the object, then it is useless to have a committee, because we know there is distress. Then, admitting that there is agricultural distress, this committee is to do what? To devise means for improving the condition of the agricultural population. Now, just imagine, this committee is to devise means for improving the condition of the agricultural people. Surely, India did not spend 13 lakhs of rupees on the Royal Commission on Agriculture which sat for 18 months and which produced 14 volumes and which made a book of recommendations, in pursuance of which this Assembly organised a Governing Body of the Council of Agricultural Research which is functioning now and which the Assembly is now thinking whether they should not do without.

Mr. B. Das : Mr. Amar Nath Dutt never meant that.

Mian Muhammad Shah Nawaz : You are avoiding the issue.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The other way of improving the condition of the agriculturist is well known to all of us and I hinted at it this morning, namely, the nation-building activities in the rural areas. Without primary education and without removing the ignorance of the rural masses, it is impossible to achieve any success. They lack vitality. We have tried to do away with things that bring about lack of vitality by improving the public health conditions of the malaria-infected areas. When we are doing this and many more useful things on the top of it comes this financial depression, and what is the result? Honourable Members sitting opposite are advising strongly that all activities beneficent or otherwise should be stopped.

Mr. C. S. Ranga Iyer : Yes, food first.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : True, I bow to that. But is this committee going to find food or to advise how food is to be produced, and can food be produced unless people who are to produce it know what is the right way of producing it?

Mr. B. Das : It will reduce the land revenue and thereby bring more food.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : As for land revenue and water rate and things of that description, no useful purpose can be served by constituting a committee of the Members of the Assembly and experts. That is a matter which is peculiarly the concern of the Provincial Governments and Provincial Governments have their Legislatures, to which Legislatures in money matters they are responsible. Therefore, to say that we should take upon ourselves to do the work that Local Governments and Local Legislatures are doing, to my mind, is hardly fair to them. It shows hardly the right appreciation for the efforts that they are making, and if I may venture to say so, it is the usual frailty of all associations and legislatures—they feel that they can do the work of other legislatures ever so much better. Therefore, I strongly place these points before the House to show

[Sir Fazl-i-Husain.]

whether we are not really having recourse to the appointment of a committee as a matter of personal satisfaction and not that we really expect much to come out of it. If it is so, I trust the Assembly will not adopt the Resolution.

Mr. Arthur Moore (Bengal : European) : After the sincere and impassioned speech of Mr. Shah Nawaz, I think the Member who doubted the realities of agricultural distress and agricultural unrest must have revised his opinions. But, Sir, it is only a few years ago since the Indian taxpayer spent a sum of 14 lakhs on an agricultural enquiry and as far as I know the principal result of that was the Council of Agricultural Research, and I am told, I do not know whether it is correct, that in these times of financial stringency there is already a proposal to abolish that Council of Agricultural Research. Now, it seems to me that it would be the height of paradox on grounds of financial stringency if we abolish the results of one Commission, and for the same reason decide to set up another machinery of enquiry which would involve fresh expenditure. Therefore, I cannot see my way to vote for my friend, Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : You have never voted with us.

Mr. Arthur Moore : O, yes, we have been in the same lobby several times. At the same time one of our objections to this Resolution is that it is really a delaying Resolution. We do feel that the agricultural situation is extremely serious and that something has got to be done. The unfortunate agriculturist has through the catastrophic fall in the price of silver lost his savings and through the equally catastrophic fall in the price of commodities has lost his income, and as well as that he is loaded down by debt. Therefore, I would like, if it is possible, to get some indication from Government as to what real measures they think can be taken. Some Members would be interested to learn something of the question of the possibility of re-monetization of silver. The proposal is rapidly making new converts, and we would be very glad if it were possible for Government to give us a little information on that question. Certainly I would not ask them to commit themselves, but they can tell us something whether it has reached some definite stage of discussion, in what I imagine must be an international discussion. We would be very glad to know if there is in the offing any possibility of speedy international action with regard to silver, which we do feel might bring possibly enormous relief to the Indian agriculturist.

Further, there is the question as to whether there is under contemplation by Government any real and effective measure to deal with the exorbitant interest charges to agriculturists, and whether in the opinion of Government a really practicable measure is possible.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I must confess that I was somewhat disappointed with the speech of the Honourable Mian Sir Fazl-i-Husain. I was disappointed not because I did not recognise in his speech his usual sympathy for the agricultural masses, he was so full of it, but I was disappointed because his speech was devoid of any practical measures to meet the situation, a fact which I believe Mr. Arthur Moore also had in mind when he definitely wanted to know what the Government had to show in a practical way to deal with the situation. I believe on this problem, so far

as the question of sympathy is concerned, the House is unanimous, as it never has been in the past, but mere sympathy without its being translated into actuality will not deal with the situation with which the country is confronted. Sir, as an old Member of this House, I remember the agony that prevailed on one side of the House when the ratio and exchange question was being discussed. I also remember on that occasion the warning that was given to the Government from the non-official Benches, how, as they thought, this manipulation of the ratio and exchange would affect the agricultural masses in an agricultural country. Unfortunately today the Honourable Member responsible for the creation of that particular ratio is absent and the burden of his responsibility falls on new shoulders. We have not had any assurance from the Government that they propose to take any practical step in the way of revising the ratio, and curiously enough the Honourable Member on behalf of the Government who spoke, spoke only about how much the Government feel in this matter and what they have done in certain provinces and that it is a provincial matter. When a matter of this kind is brought before the Assembly, we are told, "Go to the provinces"; then I say there should have been no discussion at all in this House. There should have been a provincial discussion. But it is an all-India problem, and every province is affected and we want more or less uniformity of treatment. There is no use saying that parts of the Central Provinces are better off than parts of the Punjab; there is no use saying that in the United Provinces there is what the Honourable Sir Fazl-i-Husain was pleased to describe as "inter-action of economic and political forces". Sir, I thought that that expression, with all its implications, would not have been used in this House, especially after the Government of the United Provinces and the politicians of the United Provinces agreeing to observe the Settlement and the inter-action of economic and political forces, as he himself later on was pleased to observe, found expression in what is called the appointment of a commission of enquiry. What is demanded now is not what Mr. Arthur Moore was pleased to observe as a delaying process. We do not want anything in the nature of expensive machinery either. If he has read the Resolution, rather the tabled amendment of Mr. Das, he could have understood the purpose that we have in mind.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Where is the amendment of Mr. Das.....

Mr. C. S. Ranga Iyer : I do not want to give way to the Honourable Member. We do not want an expensive enquiry. We do not want an expensive commission of enquiry, as the Honourable Sir Fazl-i-Husain was perhaps thinking, when he was pointing out to us the Agricultural Commission and its enquiries and its recommendations. We know what has happened to the recommendations of the Agricultural Commission. He ought to tell us what the Government have done in regard to those recommendations. He ought to tell us why those recommendations have not been given effect to. There is no use telling us that we are now asking for a commission of enquiry, a sort of white elephant consisting of white men and coloured men and all kinds of men who would just go into a committee of enquiry and make a mountain of recommendations and then just put them aside and not give effect to them. That is not what we are concerned with. We are now face to face with a most difficult situation in the country, face to face with what in his most frank and honest and feeling speech, Mr. Shah Nawaz was pleased to describe as

[Mr. C. S. Ranga Iyer.]

a situation verging almost on a revolution : he did not use that word, but that is what he meant. He said, "Something coming and for goodness' sake—I am a loyal man and my family is loyal : I am not accustomed to talk like this, but knowing things as I do in the Punjab, something is coming, something like communism". That is what he had in his mind when he dwelt on the situation getting from bad to worse. At such a time we want the Government to tell us what they propose to do. The Honourable Member-in-Charge talked about Australia, and in a rather flippant and frivolous way, unworthy of an occasion of this kind, said that all of us were in a sinking boat and all the Assembly Members would like to die together rather than die alone. That is the kind of attitude that is responsible for the utter irresponsibility which characterises the policy of the Government when on occasions like this we bring forward practical suggestions to meet a delicate crisis. What has the Finance Member to say I ask, in regard to the revision of the exchange and the ratio ? Is he going to accept the opinion which was expressed in this House when the ratio was under discussion ? If Sir Purshotamdas Thakurdas were here today, or if I were inclined to read from his speeches, I could read to you that his prophecy has turned out to be true in regard to the crisis that has swept over the land.

Then the Honourable Member was talking of America, he was talking of Australia and he was talking of England. Does he understand the average income of an Englishman ? Does the Honourable Sir Fazl-i-Hussain understand the average income of people in America and the average income of the Indian ? Has he made a comparative study of the situation there and the situation here ? I am simply astonished that a Member entrusted with much responsibility should talk so frivolously in this matter. We should like to know if Government officials drawing high salaries are prepared to forego 30 or 40 per cent. of their salaries until the situation is tided over ?

Sirdar Harbans Singh Brar : Like Australia.

Mr. C. S. Ranga Iyer : My friend, Mr. Harbans Singh says like Australia. I do not know why that quotation did not emanate from the Honourable Sir Fazl-i-Hussain (Laughter), or from the gentlemen seated on the Treasury Benches. I ask, are they prepared to forego 40 per cent. of their salaries until the agricultural and economic situation improves ? We have no answer to that question. The proper thing would be for men drawing over Rs. 500 to forego 40 per cent. of their salary, and men drawing under Rs. 500 to forego 20 per cent. of their salary. Let us face things in a practical way. We do not want commissions of enquiry ; we do not want white elephants to tour over the land. We want to deal with the proposition as it is, with the situation in the country growing worse and worse. After all there is what Sir Fazl-i-Hussain himself described as the inter-action of political forces. Those political forces have been temporarily chained. Goodness knows when the bounds of Bellona are going to be let loose on this land. I hope a situation like that will never arise, but we cannot be sure. In politics it is the unexpected that always happens, as the late Lord Morley used to say. Face to face with an agricultural crisis, of which the Honourable Sir Fazl-i-Hussain himself is quite well aware, and also with an unsettled state of political affairs, what have we got from the Government

in the shape of practical proposals ? I put to them one question : are they prepared to forego—men drawing more than Rs. 500—forty per cent. of their salary ? I do not want them to forego that for all time to come but only until the situation is tided over. Secondly, are they going to revise the present ratio and the present exchange ? That has been weighed in the balance and found wanting. The forecasts of prophets, like Sir Basil Blackett, an able man himself, have proved absolutely false. Our own prophecies have unfortunately proved true. We were then thought to be talking like Cassandras, prognosticating an ugly and clamorous future, but our prophecies have unfortunately proved true, and in the light of that experience, in the light of all that has happened, are the Government prepared to revise this ratio ? Are they prepared to get out of this maladjustment of ratio and exchange ?

My third and last question is this : are they prepared to see to it that the land revenue is, as Mr. Shah Nawaz truly said, considerably reduced until the situation is tided over ? Or are they prepared to receive their revenue in kind instead of in cash ? I do not want sympathy : I do not want soft words of which we have had an abundance today. Soft words were showered on this House by Sir Fazl-i-Hussain, but soft words cannot liquefy hard facts.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, Mr. Shah Nawaz has truly displayed what the Punjab and other agriculturists all over the country are feeling. He has asked that the land revenue should be charged in kind. I whole-heartedly support it, and I would go further and ask that the agriculturist should not be burdened more than the urban population and that the land revenue should be based on the same scale as the taxes on income. People in urban areas getting an income up to Rs. 2,000 a year are not taxed on their income—they do not have to pay even a pie. But the agriculturist who has got even a farm of 10 acres and whose income does not go to more than 50 rupees has to pay land revenue as well as water rates. We must have equality. If the Bombay mill-owners and capitalists want bounties for Tatas in order that they may get dividends, if they want income-tax not to be levied on their securities in foreign countries, they must now come forward and feel with the agriculturists and propose to the Government that the taxes on land should be on the same scale as the taxes on income.

Then, Sir Fazl-i-Hussain pointed out the example of Australia and England. I hope Government in their sincerity will follow the example of the New South Wales Government where from the Governor downwards they have voluntarily agreed to a 25 per cent. cut in their salaries, and of England, where His Majesty the King Emperor knowing the high cost of living and the establishment which he requires, has agreed to a cut of £50,000 a year. I hope the Government of India will follow that example. (Hear, hear.) I hope the Government will put this principle into practice even before the Retrenchment Committee reports, because the remedy is needed to be immediate, and it is no use postponing it for a year or two, and in meantime to consider their report, print it, circulate it and wait for opinions and all that sort of thing. They must be practical men and face things in a practical way.

As regards the rate of interest that Mr. Shah Nawaz wants to be fixed, I do not think that is a practical proposition. The money-lender will

[Sirdar Harbans Singh Brar.]

merely get the amount written double in the beginning, whatever the interest may be. What the Government ought to do is to follow the German example and establish land mortgage banks which would advance money to agriculturists at a rate which is now charged on *takavi*, or a little more than the rate at which Government borrow themselves. It is only if Government adopt such propositions that the agricultural conditions can be improved.

As Mr. Ranga Iyer said, the question of the ratio and exchange is most important. It was emphasised from the non-official Benches most unequivocally that the conditions will be what they are now; but the Government did not pay any heed to it and unfortunately some Members who are now with us voted with the Government then under some mistake or misapprehension. (Laughter.) I hope now they have revised their opinion and they will also be with us in pressing on the Government that it is time to change the ratio to what it was previously.

With these few remarks I appeal to the Government not merely to express lip sympathy with the agriculturists or say that the conditions here are the same as in the whole world, that it is the same with Australia, Canada or England, and that Members of this Assembly would like to die together rather than one by one and as other countries are also suffering, let us also suffer. That is no consolation. If other countries are not doing well, that is no concern of ours: that is no reason why we should not do anything. We must mend our ways and manage our own affairs in a more business-like manner and try to put the conditions right and help the agriculturists in the most distressing trouble which they have ever faced since the British rule in India, because during these 160 years the condition of the agricultural masses has gone from bad to worse, and now they are almost on the verge of insolvency. What I predicted on the 31st March last will soon come true, that unless the Government adopt these measures, revolution will come and we are in the midst of it. Let them now guard against it if they want to remain any more in India.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, the present agricultural distress prevailing all over the country is too well known to require any mention. India is chiefly an agricultural country where a very large percentage of the population lives by agriculture. And when such a large population of the country is in distress due to an unprecedented fall in the prices of agricultural produce, it is imperative for the Government and for this House to explore all avenues for improving the condition of the agricultural masses, and the improvement of the masses is impossible without rendering them financial assistance. No masses in the world are so steeped in such abject poverty as the masses of India. The agricultural indebtedness of the masses is a notorious fact, but the only remedy for such indebtedness is to raise the standard of living. At present, however, the trouble has arisen through various causes, not the least of which is agricultural depression. How this agricultural depression or distress has arisen, how it is to be tided over and how long it will last, are matters which call for urgent enquiry. All that my Honourable friend, the Mover of the Resolution, wants is a committee of enquiry consisting of experts and Members of this House to probe this distress to the bottom so that both the Government and the agricultural classes will be in a position to

combat it. Perhaps the Government are not aware how hard this agricultural depression has hit the Zamindars. Agricultural produce is lying unsold so much so that one contemplates with anxiety as to what will happen at next harvest when there will be increased reaping of wheat and decreased sale. What is it due to? Is it due to outside competition or to any other reason, the Government themselves are not in a position to furnish an answer, and having as they do the welfare at their heart of the consumer as well as the producer it is not too much to expect of the Government to accept this Resolution. With these words, Sir, I support the Resolution moved by my Honourable friend, Mr. Amar Nath Dutt.

Kunwar Raghubir Singh (Agra Division: Non-Muhammadan Rural): Sir, I whole-heartedly support the very useful and necessary Resolution of my Honourable friend, Mr. Amar Nath Dutt.

India is predominantly an agricultural country and every Government of India must hold the welfare of the agriculturist at heart, and unless it does so, it is bound to fail in its primary mission. The distress is undoubtedly acute and it cannot be redressed by mere lip sympathy of the Government. Lord Irwin was very sympathetic, and being a landlord himself, showed keen interest in every matter concerning agriculture, but it is a pity that this distress arose in his time. The present Viceroy is also interested in agriculture as when he was Governor of Bombay and of Madras he showed his sympathy by attending agricultural exhibitions. There were so many such shows in his time as were never witnessed in any other Governor's time. In spite of such sympathetic Viceroys, the Government have been lukewarm in their attitude towards the agriculturist, as was apparent in the Delhi Session. Government in fact opposed the motion of my Honourable friend, Lala Hari Raj Swarup, about the dumping of wheat, and when the House carried that motion, the Government was forced to levy a tax on the import of wheat. So the price of wheat rose but very slightly. So unless the Government are forced to move, they do not do so themselves. Hence, my Honourable friend, Mr. Amar Nath Dutt, has earned the thanks of the teeming millions of my countrymen for bringing forward a matter of such importance. Government will be well advised in accepting the motion. There will be no necessity for remission of rent if the situation improves as a result of the deliberations of the committee proposed in the motion. There will be no necessity for the retrenchment axe, or the reduction of salaries of low paid clerks. So, the distress is very widespread, as the Annadata, the grain giver, is in trouble the layman eater is bound to die of hunger. The tenant, even if he pays his rent and his debt, cannot pay water rate and other dues; hence it is very necessary to appoint such a committee. In fact, the Government ought to have appointed such a committee themselves. It is, in my opinion, a silver lining in the cloud of agricultural distress that a lawyer has thought it proper to bring such a motion and an industrialist supports it. So, the House is unanimous in its support. Hence, I will again appeal to the Government to accept it and save their face from a crushing defeat. Taxation is very heavy in my province. 45 per cent. is revenue, 4 per cent. cess, income-tax, district board tax, on circumstances and property, etc.—all these are, you will admit, sufficient to ruin a land holder. All these things should be gone into by the proposed committee.

Mr. C. B. Elliott (Madras : European) : I am not an agricultural labourer, though, as a golfer, I have sometimes done my bit on the land. But I have listened to all the speeches with very real sympathy, because like most Englishmen land runs in my blood and in the blood of my ancestors. I have listened to some of the suggestions made, and I want to try and put one or two of them to the test of reality. First of all, let us take the idea of a moratorium. One speaker seemed to me rather to advise the Government to create a crematorium for creditors rather than a moratorium for debtors. (Laughter.) I take it that the ashes will be presented to the Sowcar's family. But what would be the result of a moratorium, especially if no suits were instituted for 2 years? You would at once throw the whole of the legal profession on the dole, and the judges would be joining the ranks of the unemployed. One must be practical, and how are you going to stop suits being filed for two years? And when you put those proposals to the practical every day test, then I think you will begin to see that the task of Government is not quite so easy as some people would think.

Then some people want to pay taxes in kind. Let me give you an example of that. A well known advocate the other day went down to Madura, and as usual the whole of the fee had not been paid in advance. The clients met him with a large supply of grains and told him, "Sir, will you take this instead?" He said, "No. I want a fee, and not a feed". (Laughter.) Let us apply the idea to ourselves. Instead of all these delightful sets of papers and cheques that have been distributed to us, if we had been told, "Three bullock carts or five rickshaws, or motor cars or motor lorries—but we have no lorries in Simla—are awaiting you downstairs with a large supply of millets in lieu of your allowances," what would you do? (An Honourable Member : "That is only an alternative"). I wish to say that there must be practical results with regard to these propositions.

I want to say one word or two if I may about the agricultural labourer. After all he is rather an improvident fellow. What does he waste—I say it with some sacrifice as a lawyer—what does he waste very often on a lawyer? How many of these crores we have been told have been taken from the sowcar for a mere faction fight and so on? And I do think that those who have influence amongst the agricultural population might do a great deal to help the agricultural population by educating them in matters like that. Then, Sir, you come to this question of excessive interest. Every lawyer knows that in every country to limit the rate of interest by law has been regarded as a panacea. What does the agriculturist do? He signs a note for Rs. 200 or Rs. 300, takes Rs. 100 or less and the sowcar gets the legal rate of interest three times over. The difficulty is to protect the agriculturist in this country from himself, and not from the Government. And I do think that while these Usury Acts are well worthy of consideration, the first thing is to try and educate the agriculturist to take advantage of them and not let them take advantage of him. Certainly one would have thought that they would have been educated by the hard test of experience of what they find in the courts.

Then, Sir, there is one other point. I know that many people have visions of a more contented thrifty and prosperous agriculturist when the rate of interest is reduced. May I tell the House a little story?

A friend of mine who is a great co-operator and very keen on assisting the agriculturist said to a most esteemed Madras agriculturist not long ago, "What rate of interest do you pay?" "Sir", he said, "I pay 30 per cent." And my friend said, "Would it not be of great help to you if you paid only 15 per cent.?" "Oh yes" he replied "because then I could borrow double". (Laughter.) And in all these measures you must not forget the human factor. I have been listening to-day with very great interest—for I am a new Member and have come here to learn—I have been listening with great sympathy to the speech of my Honourable friend opposite because it is a subject on which you can wax eloquent and his speech came from his heart—there is no doubt about that. I am not a whit behind him in wishing to see the agricultural prosperity of India restored, but I asked myself, what about my own case? What about rubber which was fetching 4/6 pence a pound three or four years ago? We are now getting about 2 pence for it. It is no use sitting down and wringing your hands, but I must thank God that it is not a penny—ha'penny. That is the spirit in which to approach it, and I do think that the worst form of depression is the spiritual depression, the human depression which has so largely been underlying the speeches delivered to-day. A friend of mine, a Scoutmaster, not long ago sent out a card which I put up over my washing stand where I shall see it at least once a day. That card says, "Always plus, never minus". And I do think that when we stand here and cry out that the country is on the brink of a revolution, we are rather inviting it to revolt. If we cry out here, and say that all is wrong with agriculture, what is the good of that? The answer is this, that every one of us in the past has been unthrifty. What the world wants is a bit of more saving, a bit of more unselfishness and self-sacrifice. And what I think is the most bright and hopeful feature to-day is what I saw outside just now, that His Majesty the King has made a cut of £50,000 in the Civil List and the Prince of Wales has given £10,000 to the State. I am prepared to give ten rupees per centum if the hat goes round, or such proportion of my income as I can spare. That is the right spirit, and if we meet in that spirit and if we do not send out what I would call a minus cry to the country but a plus cry, I believe the spirit of the country will be elevated. But the more you encourage self-pity in the agriculturist, the more you are keeping him down and not raising him up. And I would like a much more encouraging message to go from this House to the agriculturists of India, and I believe that instead of appointing another committee, we should take other steps. I remember being once told a story of a number of people on board a ship which was sinking, and somebody said, "All hope is gone what shall we do?" and somebody else said, "Let us form ourselves into a committee"; and they went down, sitting, as a committee. Whereas if I have got to sink, I want to sink standing up.

Sir, I do not hold any brief to defend any Minister, but I do think that the idea that there was anything frivolous in the speech of the Honourable Minister was literally a mistake. I think it was valuable to hear what Government have done; and I think the best test of what people are going to do is to look back and see what they have done and what they are now doing. And although one knows that in the Punjab the conditions are bad, surely one word of thanks and of encouragement

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might have come from some of the speakers thanking that Government for what they have done and taking that as, if I may say so, an earnest of further remissions to come.

Sir, this proposed committee—I notice that experts come first and the Members of this House come next, but that is a small point—this Committee I suppose would not report for two or three years. Well, I am a man of law and yet I am going to indulge in a word of prophecy. I do believe that what is wanted to-day in the world is a return of confidence. Things cannot go very much lower and improvement is bound to come. I believe if you study all the curves of trade in the past you will find that the present depression cannot go lower. It is impossible, for example, for rubber to remain at about 2 pence a pound much longer. And if you get to that position and the people in the business world feel that the bottom has been reached, at once they start buying again and then you are going to see prices rising; and, if nothing else, what is first wanted is a plus feeling, as I call it, of confidence and not the minus of a spiritually depressed class. And I hope that in that way the suggestion made by the leader of our little Group with regard to silver may be considered. But I do feel, after all that has been said, that the general feeling in the House is simply a sort of gesture and not a practical proposition. The fact remains that the moment a committee is appointed, everybody says that nothing can be done until the committee has reported. This appointment of a committee is often like an old practice of old-fashioned pleaders in England when they used to enter in their defence a number of what were known as dilatory exceptions. I trust that Government in this case will not commit themselves to a plea which is really a plea of temporary exceptions, and say that they will appoint a committee and so they must wait, which they can very well say, until the committee has reported. Sir, I give my vote against, though I desire to say that every right-thinking man has a very deep and real feeling for the agricultural depression that exists in India. We do not shut our eyes to that fact and I know it. My pocket tells me that too. But if agricultural conditions in India to-day have dropped by 50 per cent., you may take it from me that in Ceylon which geologically once formed part of India, it has fallen by 200 per cent. And so I say, thank God for the fact that India is in a very much healthier and better position to-day than almost any other part of His Majesty's Dominions. (Applause.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, I think it will be admitted that this debate has served a most useful purpose. We have been hearing from all parts of the country the cry not only of trade depression but of agricultural depression, and every Legislative Council has discussed this question. And if nothing else, we have to thank our friend, Mr. Amar Nath Dutt, for having given this House an opportunity of giving vent to its feelings collectively and individually. Mr. President, as the Honourable Member said, this is very much a provincial subject. But the larger aspects can only be dealt with in this House, and I do not know whether my Honourable friends on the Benches opposite propose to do so or not.

It might be, in the opinion of the Finance Member, beating a dead horse to talk about the ratio. But I would assure him that although he would like to forget it, it is not possible for both agriculturists and industrialists to forget that all-important question in times of the greatest depression the world has ever seen. Again, Sir, we have been given

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by the Honourable Member in charge a detailed account of what Provincial Governments have done, and really you can discuss these things most beneficially only in Provincial Councils, where circumstances vary so greatly from one part of India to another. Therefore to have a committee to effectively consider all the conditions that prevail throughout this country is a practical impossibility, but I do desire to point out one thing. Many of us have been sitting on Retrenchment Committees. We have been told by Mr. Ranga Iyer that salaries should be cut down by 50 per cent. I hope and trust that when the Reports of these committees come to be discussed in this Honourable House, Mr. Ranga Iyer will give his steady and valuable support not to imaginary cuts of 50 per cent., but to the solid and substantial cuts that the Committees may recommend. The time will come when the support of this House will really be required, and I trust it will be forthcoming. That time cannot be postponed very much longer. Therefore I would suggest that appointing a committee means further expenditure and if Mr. Amar Nath Dutt's committee is going to cost this country even one thousand rupees, I would vote against it. If Mr. Amar Nath Dutt can invent a committee that will not spend any money, I have no objection if Government agree to having such a committee.

Mr. Amar Nath Dutt : Honorary committee.

Sir Cowasji Jehangir : I am perfectly certain that we would not advance very far if we had an honorary committee. If it gives satisfaction to my Honourable friend, let him by all means have it, but provided it does not spend anything like the amount spent on commissions in the past or committees in the past. I prophesy most reluctantly that the result will also be nothing at all. Nevertheless, Mr. President, I do desire that Government, if they are not already, should be alive to the position that has been created in this country. Poor as this country is, trade and agricultural depression have hit it harder than they have hit other countries. A note of warning has been sounded not only here but on other platforms, from the north to the south, and from the east to the west, that we are running on to a rock where the ship will founder and break up, if we do not take steps to see that the agricultural classes are enabled to live through this great crisis. That is all that is asked for from this side of the House. How is that to be done—relief from taxation to a much greater extent for the next year and a half, or it may be for the next two years, appears most advisable, and in order to do that, if we have to increase our debt, we shall be ready to bear the burden. But it must be a well thought out and well considered scheme of relief. The relief must go into the right pockets, and it must not last any longer than the critical time demands, and I venture to suggest that if that relief is given and the ship is prevented from going to the rocks as it might otherwise do, you must have a well considered scheme. You will have revolution if present conditions continue. The money will be well spent even if it is borrowed money. If we are alive to the position that it is not starvation alone that we are facing but complete and

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absolute ruin, I feel sure that Government will not hesitate to take the very extreme measure of giving relief from borrowed money. It may not be sound finance but in times like this, principles have sometimes to be forgotten and neglected. Such sound finance can await the day when normal times return and then sound finance can come back into its own, but to talk of sound finance and to talk of imposing greater burdens in critical times like this are only telling us, and telling us in stronger language than even the extremists, that Government do not realise their responsibility and their duties. It is not only in their own interests, it is not only in the interests of this country, it is in the interests of the Empire that Government should prevail upon Provincial Governments to look after the agricultural position for the next year and a half or so.

The Honourable Sir George Schuster (Finance Member) : I had not myself expected, when I read this Resolution, that it would be necessary for me to take part in this debate. I thought that the case about a further inquiry into general conditions would be easily answered, and I did not anticipate that the debate would range over such a wide field, and over a field with which I am so closely connected, as it has done in the course of the last half a dozen speeches. I should like to say at the outset that I entirely associate myself with those Members who struck what I might call a serious note in this discussion. It is a very serious matter. On the other hand I should also like to associate myself with my Honourable and learned friend who spoke from the Benches of the European Group, and whom I should like to congratulate, if I might, on his first contribution to the debates of this House, which I certainly hope will not be his last. I should like to associate myself with him in the note which he struck, which was that, although we must take this position very seriously, it is right and it is going to benefit the country in the end, if we do not go about it in an atmosphere of complete and hopeless depression. I do believe, Sir, that difficult as the times are, the conditions in India to-day are, compared with other agricultural countries, not so desperate, and compared with the industrial countries where millions of people are actually suffering starvation. I think it may be said that there is not the same misery in India to-day as there is in those highly industrialised countries. One thing at least has been fortunate for India and that is that recently crops have been fairly good, and except in the most distressed parts, except I believe just now in certain parts of Bengal, there is a sufficiency of food. The situation to that extent is not so entirely desperate as some of the speeches might have led us to believe. But, having said that, I wish to return to my first sentence and say that I entirely associate myself with those who regard this as one of the most serious problems which India has ever had to face—the condition which has come upon the country to-day. I should like to say also that we on these Government Benches have been taking the position very seriously. We are not, as my Honourable friend, Mr. Das, would have the House believe, sitting idly in the cool air of Simla, an air which he himself did his best to heat. (Laughter.) We are not sitting up here idly, and neglecting any thought of what is going on in the great plains of India and amongst the agricultural masses. We have been in constant touch with the representatives of the Provincial Governments. We started last summer at the beginning of August, with a conference of the representatives of all the provinces to discuss the economic situation, and since then we have been constantly, officially and unofficially, in close touch with

them, constantly receiving reports, asking them whether there is any way in which we can help them, whether they have any proposals which require action by the Central Government—endeavouring to find some means which lie in our power to improve the situation. But, Sir, I venture to say to the opposite Benches that there is a certain tragedy awaiting all those who may come to fill posts of responsibility in any Government. It is so easy, when you sit outside and criticize or when you indulge in dreams of ambition for the future—and possibly it will fall to Members now in the Opposition to hold posts of responsibility—it is so easy to think of all the great things that could be done. I venture to say that any one who comes to sit in one of these seats and to tackle the actual problems will have to realize the limitations which beset all human endeavour, and will find himself sadly disappointed when he tries to make good those brave words and bright hopes which he may have expressed in his days of opposition. Sir, we have to think not only of the possible advantages of any measure which it is so easy to bring forward and to parade in argument : we have to think of *all* the consequences ; not merely to the few who will benefit but of all the reactions all-round, of any measure that may be proposed. And I venture to say that, when one comes to examine the sort of practical measures that have been proposed to-day, and when one feels responsible for all the consequences, I venture to say that the task is not quite so easy as it looks. We have had several practical measures proposed ; I will take them in the order in which I have noted them down. The Honourable the Leader of the European Group asked whether anything could be done to improve the situation by rehabilitating the value of silver. I wish, Sir, that I had longer time in which to deal with the matter because it is a highly complicated and technical subject. But I am sure my Honourable friend will not take it amiss if I say to him that I think there is a good deal of nonsense being talked about silver to-day. I read in many papers articles on the subject, emanating very largely from the United States, from people who have interests as producers of or dealers in silver, who try to make the world believe that one of the main causes of the present depression is the fall in the value of silver. They write often in great ignorance. They almost always speak of India, for example, as a country which is still on a silver currency ; and they say, in explaining the causes of the present depression, “ Look at India and China, two countries whose purchasing power is entirely dependent on silver, that is to say half of the population of the world, whose purchasing power has been entirely destroyed by the fact that silver has fallen to this unprecedentedly low level ”. Now of course everyone here knows that India is not on a silver basis, as far as her currency is concerned. But China is, and let us take the case of China. People say that the purchasing power of China has been destroyed because of the drop in the value of silver. But the purchasing power of a country, that is to say, its purchasing power for the purpose which has been mentioned in all these articles, its purchasing power in the region of international trade, does not depend on the intrinsic value of its currency ; it depends on the goods which that country can export. No country can really pay for imports except with exports, and that fact is very clearly brought out if one examines the condition of China's trade. And here I may refer to an address given by Sir Arthur Salter in New York of which he sent me a copy, and I would remind the House that after he left India Sir Arthur Salter went to China to advise the Chinese Government on their economic situation, and that he came back through New York where he was at once got hold of, and asked to speak on the silver question. In

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this address, he pointed out that in the case of China, although the amount that she has purchased of international trading goods in the last year has fallen, still the percentage drop in her purchases has been less than the average percentage drop in the case of countries that are on a gold basis. Now I think that fact brings out absolutely convincingly that you cannot ascribe the word depression to-day to any fall in the purchasing power of China caused by a drop in silver values. Undoubtedly, disturbances in China have affected the position, and there are other factors of that kind which are operating in the world to-day, but I do assure my Honourable friend that we could not suddenly restore prosperity to the world by improving the price of silver.

As regards India, conditions are of course much better known to all Honourable Members. They know of course that silver is held in very large quantities by the masses of the population of India. But, for the greater part, that silver is not bought in order to be sold again: it is bought mainly to comply with traditional customs—to provide people with ornaments, and it is only in times of distress that they have to realize their silver. It is quite true that if in times of distress they have to realize their silver, their position would be better if silver was highly priced. But it certainly could not be said that the position in India could be permanently improved by raising the price of silver. What India wants is better values for her cotton and her jute and her rice and her ground-nuts and her wheat: that is what is really going to improve the position in India, rather than an improvement in the price of silver.

But let me follow the situation up still further. I have always made it clear in speeches on this subject in this House that we are very willing to co-operate in any form of international action to improve the price of silver. But even if we try to do what we can, what is it that we can do? We have thrown out sympathetic suggestions, we have been ready to receive proposals, but no proposals which we could possibly accept have ever been put forward; and, without going into details in the matter or revealing secrets, I would tell my Honourable friend that, as far as I can see at present, there is no chance of getting any sort of agreement with the American interests which would offer any hope of a permanent improvement in the price of silver, or which we could enter into except upon terms which no one who was responsible for the interests of India could possibly accept: That, Sir, is all that I would say on silver.

Now, I come to that much more controversial question which has been raised by several speakers, of the ratio. I only want to make certain points clear about that. In the first place, a good deal of credit has been taken for those who are said to have prophesied what the results of fixing the ratio at 1s. 6d. would be. Talk of this kind presumably implies that if the ratio had been fixed at 1s. 4d. conditions in India to-day would have been quite different. It is further apparently implied that these "prophets" foresaw the unprecedented and totally unparalleled economic disaster which has come upon the world in the last two years. I venture to say that if they foresaw that, their speeches during the controversy on the question of the ratio did not reveal the knowledge. I also assert that if the ratio had been fixed at 1s. 4d. in 1927, the percentage fall in prices that would have come upon India would have been exactly the same as it has been in the last 18 months. Of course, if the ratio was now changed from

1s. 6d. to 1s. 4d. there would come to this country slowly and by degrees an improvement of 12½ per cent. in the rupee prices of those commodities whose prices in India immediately reflect the international level. That is quite true. But that, Sir, is not going to solve the present trouble. What we are up against is a drop of 40 per cent. and more in prices. We have wheat selling at less than one-third of the normal pre-war price. If you are going to improve that merely by 12½ per cent., you are not going to solve the troubles of India as they exist to-day. And, on the other side, what is going to be the result? The theory underlying all the arguments which are brought forward to-day on this question is that when a country has once adopted a stable currency—and by a stable currency I mean a currency which maintains stability as an article of exchange with other currencies—it is legitimate for that country to alter the value of the unit of its currency in order to meet a fall in world prices. If that is once accepted, then I maintain that the whole idea of a stable currency goes. India would, in fact, have said: "We are going to have a currency based for the time being on a certain quantity of gold to the rupee; but, if gold goes up in value and commodities fall in terms of gold, then, in order to maintain stability of internal prices, we are going to say tomorrow that our rupee is to be worth so much less in gold than we said yesterday it was to be worth". Once you adopt that principle you have got away from stability, and you have put into the hands of the currency authorities the power to manipulate the value of your exchange. Now, Sir, *theoretically* there may be a good deal to be said for that. If we could bring into India a group of supermen who had the prophetic knowledge of the future and whose integrity was entirely above suspicion and whose ability was far greater than the ability of any group of men that could be found in any country to-day, then I say you might perhaps safely go on to such a basis of currency. But I am afraid that ideal condition is not likely to be realised in India within any time which anyone of us can foresee, and that applies not merely to India but to any other country of the world. I wish again that I had more time to enlarge upon this subject, but perhaps I might refer Honourable Members to a speech that I made at the annual meeting of the Federation of the Indian Chambers in Delhi last April when I quoted from the evidence which had been put up before the last Currency Commission, and when I proved to them convincingly that the opinion of all the Indian Chambers in the days of that Currency Commission, whatever they thought about the level at which the rupee ought to be stabilised, was absolutely united that the one thing which they did not want was an unstable currency which might be manipulated up and down by a human currency authority. That, Sir, is an opinion to which India had come as a result of the experience of being for 150 years on a silver basis, and of having a currency which fluctuated according to the value of silver. A silver currency is a fluctuating currency, but it has at least one advantage. It fluctuates automatically and it does not give the power to manipulate the value of your unit of currency into the hands of a small body of men. But India said: "We do not want a fluctuating currency: we want to be on a stable basis, and not to have the international value of our currency varying from day to day". I do not know whether Indian opinion has changed from that view now. I am greatly puzzled, when I read some of the utterances of the leaders of thought on this subject, to understand whether they really want to stabilise at a slightly lower level, or whether they want to abandon stability altogether. I do not believe the question has been faced by them, and I do not think any people, except

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perhaps one or two, have made up their minds on that vexed question. But I do say to my friends opposite: "What exactly do you really want, in order to improve the condition of India in that way?" They ought to know on their side what they want. Do they want merely to go down to 1s. 4d., and get that small percentage benefit for a few people to which I have referred, or do they want to abandon the whole system of stabilised currency and go back to a system which they themselves condemned as the result of all the experience of the last century?

Now, Sir, before I leave this subject, I would also call the attention of those who speak on these matters to the lessons that can be learnt from the world around us to-day. I have said that India is not in such a serious position as some other countries. That is very true. And if you look at all the agricultural countries of the world to-day, I do not think that you will find one which has really so little trouble as India has, except possibly, on external evidence, Canada. Look at the Argentine, or any other South American country. They have been forced off their gold basis. Have they benefited. Far from it. Look at Australia: they have been forced, by weakness, off their gold basis. Now, let us just examine the position of Australia. The Australian pound stands at a discount of 30 per cent. to-day. That means that it is about equivalent to the rupee standing about at 1s. 0½d. According to the arguments which we hear from those who condemn the Government for their currency policy, Australia ought to be now enjoying a sort of millennium. They have had the so-called advantage of an exchange which has dropped by thirty per cent., a change which has therefore raised the internal price level of all their goods. But are their troubles any the less? As far as I can see, judging from the reports, their troubles are far greater than they were before, and the greatest of all their troubles is that, with the conditions that have come upon them, their power of borrowing abroad has disappeared altogether. It is not a question of the terms on which they can borrow: it is a fact that they cannot borrow on any terms.

Now, Sir, I think all these questions are worth discussing. I certainly have never been able to turn a deaf ear to opinions which are so widely expressed and held in India. Therefore ever since I have been here, it has not been the line which I have taken to say "This is a 'dead horse', I am not going to say a word about this subject". I have always tried to argue and reason it out with people on the other side. But I come back to what I said at the beginning that when Honourable Members opposite, who merely have the pleasant task of criticism, come before us and put proposals before us, let them try and imagine what action they themselves would take if they sat in our places and had to face all the consequences. They, as I said, can point to one or two advantages, but we have to consider all the consequences, bad and good and let that thought be in the minds of all who try and make the Government change their policy on this question of currency.

Sir, I am afraid that I have kept the House beyond my proper time. I will not refer to the third suggestion which has been made as a remedy, namely relaxation of land revenue. That course is in fact been boldly taken and it has already been dealt with by my Honourable colleague, Sir Fazl-i-Husain. At the very last moment one suggestion was made by the last speaker, my Honourable friend, Sir Cowasji Jehangir, and I am sure

he will excuse me if I say that I was deeply shocked by the tone of his speech. I trust that it will not be widely reported. If the message goes abroad that a leading Member of this Assembly, the actual leader of one of the largest opposition parties in the Assembly, a delegate to the Round Table Conference, a man, I think I may say, of outstanding reputation in India, has said that when times are bad, we cannot afford to observe principles of sound finance, then, Sir, I think it will be a very bad day for India. What we want above all at present is to preserve our credit.....

Sir Cowasji Jehangir: And let the ship go to the rocks.

The Honourable Sir George Schuster: And these are times when we have to stick to principles of sound finance. We have to set our teeth, we have to make sacrifices, I entirely agree with that, but let us hold fast and stick to our principles of sound finance. We can never afford to abandon those. (Applause.)

Mr. Amar Nath Dutt: At this late hour of the day, I am not going to take up much of the time of the House in attempting to reply *seriatim* to the points raised by the Honourable Member in charge of the Department of Education, Health and Lands. It will be my duty to reply to the objections that have been raised to this Resolution as briefly as I can. He has asked us what this Committee is going to do. He said it will merely catalogue the grievances of all the provinces, and in the picture that he wanted to give us of the various provinces, he has drawn a very gloomy picture of his own province. But he characterises Bengal as fortunate and lucky, as if it is a paradise. I would ask him to come with me to this province. I will not take him to those devastated tracts and areas where flood has been creating havoc. I shall take him to that tract of country which is described as "*Sujalam Shupalam Shasya Shyamalam*". Let him come with me. I shall bear all the costs. I find most of the Members here think that this Committee of enquiry may cost the Government some money and that it is not possible to spend any money at the present moment. I do not think that people who enquire into the causes of agricultural distress need be paid any high salaries, such as Rs. 64,000 and Rs. 80,000 a year. I think they would not even charge for their own food and travelling expenses. But they must adopt the same standard which the poor people adopt, namely, they must travel in carts and pay a few annas for going from place to place. They must have only rice and a few vegetables for their diet, not the sumptuous dinners which they enjoy at the Viceregal Lodge, or for the matter of that at the place of one of the Honourable Members, or the Cecil Hotel. I simply want an enquiry to be made, and as my Honourable friend over there suggested—one of the richest Members of this House—they cannot even spare Rs. 1,000. I say let the Government not spare even Rs. 100. Simply just enquire into the causes and if you think the Committee will cost you say even Rs. 5, do not have a Committee. You had better yourself enquire and go through, not with the same attitude as some of my Honourable friends over there reveal before this House. I was really pained how people who are being fed at the expense of the poor agriculturist, how people who have no right to be in this country of ours, how they can talk so flippantly and in the way they do about the agricultural distress of the country. Are you going to continue that attitude still towards the poor people of this land? Don't you see the signs of the times? Don't you read the writing on the wall? (Laughter.) My friend over there

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who laughs will have to pay the penalty one day for his light heartedness. In fact, I was surprised to hear one Member saying that the cause of the difficulty of the agriculturist was he himself. I fail to understand what he means by that. Probably he thinks that he is not thrifty, he is uneducated, he is accustomed to half a meal a day, he is accustomed to have simple rags and for all these things the poor agriculturist himself is to be blamed. It was said by him that this Committee might take two or three years to enquire. All these simply amount to arguing in a vicious circle. You assume something, and then with that assumption you want to demolish the arguments on the other side. Well, you have no reason to assume such a thing, as that, that this enquiry will take two or three years for being completed. This inquiry should not take an ordinary intelligent man more than a month and a half if he cares to travel through all places of the country.

Mr. K. Ahmed : How will it be possible within a month and a half ?

Mr. Amar Nath Dutt : It may not be possible for bulky individuals like the interruptor but quite possible for an ordinary human being. (Laughter.) The argument that has been advanced by the Member that the agriculturist is his own enemy or that this committee of inquiry will not do any good is not at all a sound argument with which to oppose this motion of mine.

I wish now to take up one by one the arguments adduced by my Honourable friend, Sir Fazl-i-Husain. He says that no Local Government can put things right. I was just reading the Report of the Agricultural Commission about which so much fuss has been made. You will remember that this great Commission was a Royal Commission and I am not going to say much about it because it might be thought that to say anything against a Royal Commission is almost tantamount to a sacrilege. That Commission had as members Maharajas and G. C. I. E.'s or professors who live in cloistered seclusion. What do they know of the condition of life of the agriculturists and of the ills they suffer from ? Whenever you have a commission, you always get men from palaces to inquire into the condition of life in rural huts. There are members of committees of enquiry who cannot believe that a man can live at less than Rs. 50 a month. I tried to impress upon them that if they would go and see the agriculturists in villages they would find that the poor man lives on Rs. 3 to Rs. 4 a month—sometimes they maintain whole families for that sum. That is the state of things. So I say it is impossible for men born with silver spoons in their mouths to appreciate this state of things. What is the real condition of this country, such men can never know. This Agricultural Commission, in spite of its having Maharajas and learned professors as members could not relieve the miseries of the agriculturists. One of their recommendations was about a Marketing Board. Have you taken that up ? Have you made any attempt anywhere in any of the provinces to have a Marketing Board ? That is the ill from which the agriculturists suffer. I do not know about the conditions in other provinces : it may be that remission of rent is necessary there ; but as far as Bengal is concerned, where there is a permanent settlement, the rent is an infinitesimally small portion of their liabilities. What they complain of is the low prices to which the agricultural produce has come down. Paddy used to be sold—there is my friend presiding over the destinies of a

district and he knows all about it—at Rs. 4 or Rs. 4½ per maund. I received a letter yesterday saying that the price had come down to Rs. 1-4-0 a maund. Take for example a poor agriculturist who has only 20 bighas of land. In order to grow paddy on that land, the cost amounts to no less than Rs. 20 per bigha or Rs. 400 in all. It produces 120 maunds of paddy and a certain quantity of straw which fetches something like Rs. 40, while the 120 maunds of paddy will bring him Rs. 150, or a total of Rs. 190 in all. That is the state of things in Bengal. I do not know the conditions elsewhere ; so the question of remission of rent which was brought out and mixed with this question does not arise in Bengal : it may be the case in the United Provinces and other provinces where there is no permanent settlement. Therefore I want a thorough and sifting inquiry by people who know the real needs of the people and who can sympathetically realise and understand how to give them relief. If you do not want to appoint a regular committee of inquiry, if you only give me an undertaking that you will inquire into the causes—not in the way in which you wanted to satisfy us just now by your speech, giving us annual figures of Assam, Punjab and so forth—but a real inquiry which will benefit the agricultural people of the country who form according to your own statistics 73.9 per cent. of the population, I will not press for a division. But if you are not even willing to have an inquiry of that type, certainly I shall press my Resolution to a division. With these words, I commend the Resolution to the House.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have not quite grasped what the Honourable the Mover of the Resolution desires me to agree to. If he wants me to agree to this, that the debate as it has taken place to-day should be duly despatched to each Provincial Government with the request that they should take such action as they consider is necessary in the case of each province, then I will be very glad to do so. As a matter of fact, Honourable Members know that Provincial Governments are already instituting such inquiries on their own. They are actually doing it. If he wants any action to be taken at the headquarters, so far as the provinces are concerned, it is obvious that for any Honourable Member of this House to say that half a dozen of us should go about to Burma or Madras and so on is impossible. But if he wants any action to be taken at the centre it can only be with reference to the controversial question of finance. The House has heard what has been stated about that matter. Can we now make any advance on the present position. So far as I can see, we cannot. Therefore what I have already submitted with regard to the provinces I am ready to do.

Mr. Amar Nath Dutt : What I wanted was that the Central Government should make an inquiry. I find from the Madras Government that they say it is not practicable for the Local Government to deal as a whole with any of the causes of the depression. That is their report, and in view of this I thought that the Provincial Governments could not do justice to the question and therefore it was necessary for the Central Government to step in and do the needful.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have now grasped the Honourable Member's meaning. What he wants is that the causes of the depression should be inquired into—depression with reference to agricultural produce, I presume. So far as that subject is concerned, I have no doubt that the House will be glad to know that as regards one

[Sir Fazl-i-Husain.]

item of agricultural produce, I mean cotton, we have already taken part in the all-world conference which was held in London a short time ago. I understand that another one is going to be held in Egypt during the next three months or so, and although we are most anxious to economise and not send men from here, if we can manage it economically we have already provisionally arrived at the conclusion that we should take part in the Egyptian conference when it takes place. Similarly, if there is any other international conference going into the matter of prices, I shall be very glad indeed to see that India is represented on that conference.....

(At this stage Mr. B. Das rose in his place to put a question.)

Mr. President : I cannot at this stage allow the Honourable Member (Mr. B. Das) to put questions. I have allowed Mr. Dutt, as the Mover of the Resolution, to ask one or two questions so that he may consider whether he should withdraw, but I cannot allow any other Honourable Member to rise and put questions.

Mr. C. S. Ranga Iyer : May I ask one question.....

Mr. President : As I have said, I will not allow any more questions to be put. The Honourable the Mover has no right now to say anything when the Government Member is replying, but I am making an exception in his favour in order to smooth the matter and see whether an agreement can be reached. I cannot extend that concession to any other Honourable Member.

Mr. Amar Nath Dutt : Enquiry by the Central Government into the economic distress,—that is what I am concerned with.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is exactly what we have done twice, that is to say, written to Local Governments asking them to keep us fully informed of the economic distress in each province, and actually the extracts I gave to the House this morning were from those very reports of economic distress throughout India.

Mr. Amar Nath Dutt : I want the Central Government to take the initiative.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not propose to give any lengthy reply. The matter is to my mind extremely simple. The Honourable Member wants a moving committee consisting of Members of the Assembly and some experts. (Some Honourable Members : “No, no.”) All right. He does not want a roving committee. He wants a committee which will sit at headquarters in Simla, or if necessary, in Delhi and make an enquiry. Well, Sir, I am afraid I cannot understand what that committee is going to do as to the agricultural conditions of the villages of Bengal which the Honourable the Mover is so anxious about. They cannot do it in Simla or Delhi; they must go to the villages of Bengal, and if to the villages of Bengal, why not then to the villages of Lyallpur.....

Sir Cowasji Jehangir : Is not the Government of India holding an enquiry into those reports?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : We have made enquiries twice already, and we have requested the Local Governments to keep us informed from time to time.

Sir Cowasji Jehangir : And you will enquire in the future again?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Of course, I will.

Mr. President : Will the Honourable the Mover make up his mind?

Mr. Amar Nath Dutt : I have made up my mind if he really promises what is needed, viz., “The Assembly recommends to the Governor General in Council to enquire into the causes”. I mean you.....

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I cannot go and quarrel with the Local Governments and say, I must do it.

Mr. President : Let him finish reading the Resolution.

Mr. Amar Nath Dutt : “This Assembly recommends to the Governor General in Council to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population”. If the Honourable Member in charge accepts this, then there is nothing else to be done.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I must not mislead the Assembly in any way. If “inquire” means inquire from Local Governments, I will do it. If it means that I am going to institute an independent inquiry of my own, then I am afraid I cannot do it. If you mean the former, I am at your service. If you mean the latter, I cannot do it.

Mr. President : I do not think there is any room now for misunderstanding. The Honourable Member in charge gives an assurance that he will make enquiries from the Provincial Governments as regards the points mentioned in the Resolution. The Honourable Member has also made it clear that he will not constitute any definite separate enquiry. The Honourable the Mover has now to make up his mind whether he will accept the assurance or whether he will not. I cannot allow the discussion to go on indefinitely across the table.

Mr. Amar Nath Dutt : Then I press my Resolution.

Mr. President : The question is :

“That this Assembly recommends to the Governor General in Council to form a committee of inquiry consisting of experts and Members of the Assembly to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population.”

The Assembly divided.

AYES—23.

Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Brij Kishore, Rai Bahadur Lala.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Haji.
Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi Sayyid.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.
Raghubir Singh, Kunwar.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Sant Singh, Sardar.
Shah Nawaz, Mian Muhammad.
Sohan Singh, Sirdar.
Yamin Khan, Mr. Muhammad.
Zulfiqar Ali Khan, Sir.

NOES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.	Knight, Mr. H. F.
Ahmed, Mr. K.	Lall, Mr. S.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Leach, Mr. F. B.
Anklesaria, Mr. N. N.	Misra, Mr. B. N.
Azizuddin Ahmad Bilgrami, Qazi.	Moore, Mr. Arthur.
Bajpai, Mr. R. S.	Morgan, Mr. G.
Banerji, Mr. Rajnarayan.	Mukherjee, Rai Bahadur S. C.
Chinoy, Mr. Rahimtoola M.	Parsons, Mr. A. A. L.
Crerar, The Honourable Sir James.	Rafiquddin Ahmad, Khan Bahadur Maulvi.
Dalal, Dr. R. D.	Rainy, The Honourable Sir George.
De Souza, Dr. F. X.	Rajah, Rao Bahadur M. C.
Dyer, Mr. J. F.	Rama Rao, Rai Bahadur U.
Elliott, Mr. C. B.	Row, Mr. K. Sanjiva.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Roy, Mr. S. N.
Fox, Mr. H. B.	Sahi, Mr. Ram Prasad Narayan.
French, Mr. J. C.	Sams, Sir Hubert.
Ghuznavi, Mr. A. H.	Schuster, The Honourable Sir George.
Graham, Sir Lancelot.	Sher Muhammad Khan Gakhar, Captain.
Griffiths, Mr. G. I.	Shillidy, Mr. J. A.
Heathcote, Mr. L. V.	Studd, Mr. E.
Hezlett, Mr. J.	Suhrawardy, Sir Abdullah.
Howell, Mr. E. B.	Sykes, Mr. E. F.
Ishwarsingji, Nawab Naharsingji.	Tait, Mr. John.
Jadhav, Mr. B. V.	Todd, Mr. A. H. A.
Jawahar Singh, Sardar Bahadur Sardar.	Yakub, Sir Muhammad.
	Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 11th September, 1931.

LEGISLATIVE ASSEMBLY.

Friday, 11th September, 1931.

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

MEMBER SWORN.

Hony. Captain Rao Bahadur Chaudhuri Lal Chand, M.L.A. (Nominated Non-Official).

QUESTIONS AND ANSWERS.

TRANSFER FROM THE MILITARY DEPARTMENT TO THE POSTS AND TELE-
GRAPHS DEPARTMENT OF CERTAIN POST OFFICES.

168. ***Mr. S. C. Mitra** : (a) Is it a fact that the management of certain telegraph and telephone offices which were being maintained by the Military Department was taken over by the Indian Posts and Telegraphs Department from 1st April, 1927, as has been mentioned in the Annual Report of the Department for the year 1927-28 ?

(b) Is it a fact that the Indian Posts and Telegraphs Department had to pay a sum of Rs. 3,74,000 on account of capital value of the telephone system of the North-West Frontier Province in the same year ?

(c) Is it a fact that the Department was safeguarded against loss on working those telephone lines ?

(d) Will Government please submit a statement showing the income year by year from the year 1927-28 up to year 1930-31 of the telegraph and telephone systems separately with the actual expenditure to maintain those offices ?

(e) What amount was paid by the Military Department in each year to make good the losses ?

(f) If the reply to part (e) be in the negative, do Government propose to credit the amount to make up the deficit ?

Sir Hubert Sams : (a) Yes.

(b) Yes.

(c) Yes, by guarantees both on account of the telephone and telegraph lines and systems.

(d) and (e). Statements are being sent separately to the Honourable Member. The Accountant-General, Posts and Telegraphs, reports that it is not possible to separate the actual expenditure incurred separately on these systems. The guarantee figures, therefore, which have been calculated on the basis of estimated expenses, have been given.

(f) Does not arise.

POSTS AND TELEGRAPH OFFICES MAINTAINED FOR POLITICAL PURPOSES.

169. *Mr. S. C. Mitra : (a) Will Government please state the number of combined post and telegraph offices in India and Burma which are maintained for political purposes ?

(b) Will Government please submit a statement showing the income and expenditure of those offices in the year 1930-31 ?

(c) What amount has been paid by the Foreign and Political Department to compensate the loss in maintaining those offices ? If not, do Government propose to credit the amount now ?

Sir Hubert Sams : It is regretted that the information is not available and could not easily be collected. The general rule is to obtain contributions from the interested parties to cover losses involved in the maintenance of unremunerative offices.

EMPLOYMENT BY THE RAILWAYS OF STAFF TO RECEIVE AND DELIVER LETTERS TO RAILWAY OFFICIALS.

170. *Mr. S. C. Mitra : (a) Is it a fact that according to Post Office Act No. 4 no one is allowed to maintain any system of receiving or delivering letters ?

(b) Is it a fact that the Railways of India and Burma maintain such a system of their own, i.e., they employ certain number of staff to receive and deliver letters addressed to railway officers or railway officials ?

(c) Will Government please state why the Railways are allowed this concession, when this concession is not granted to any other agency, and thus the Postal Department is deprived of a decent income ?

(d) Is it a fact that this concession was granted to the Railways on their consenting to issue free card passes to certain supervising officers of the Posts and Telegraphs Department who are required to travel for inspection and other supervising duties ?

(e) Is it a fact that the system of issuing free passes has since been discontinued by the Railways ?

(f) Will Government please also state what amount was expended in the year 1930-31 for the travelling expenses of the officers who used to get free passes from Railways ?

Mr. J. A. Shillidy : (a) No.

(b) Yes.

(c) The question is under investigation.

(d) No.

(e) No.

(f) It is regretted that the information is not available and could not easily be collected.

MILEAGE RUN BY MESSRS. GARAGE, CALCUTTA, LIMITED, IN THE CONVEYANCE OF MAILS IN CALCUTTA.

171. *Mr. S. C. Mitra : (a) What is the minimum mileage to be run by Messrs. Garage (Calcutta), Limited, according to their agreement to convey mails in Calcutta ?

(b) How were mails actually run in each month in the year 1930-31 ?

(c) Is it a fact that there were some schedules of regular motor despatches at the time of contract ?

(d) Is it a fact that since then many despatches have been changed owing to the altered situation and mileages decreased but this fact is not taken into consideration at the time of counting mileages ?

(e) Is it a fact that mileages run for extra despatches are taken extra without taking into consideration whether the minimum mileages were run in a month or not ?

(f) Is it a fact that in the course of a certain enquiry it was found out that although monthly regular mileage was far below the contract mileage still full mileage was paid in addition to the mileages which were run extra for extra conveyance of mails without totalling the actual mileages run for regular and extra despatches together ?

(g) Do Government propose to institute a thorough inquiry into this affair and will they please intimate the result to the Assembly ?

(h) Who is responsible for this waste of public money ?

Sir Hubert Sams : (a) The contract does not provide for any minimum mileage. Extra remuneration is payable to the contractor when the mileage done in a month exceeds 28,750 miles.

(b) It is presumed that the Honourable Member wishes to know the actual mileage run in each month during 1930-31. A statement on that basis is placed on the table.

(c) Yes.

(d) Changes occurred which made for increased mileage, but actually mileage was reduced by a revision of arrangements. The latter part of the question does not therefore arise.

(e) No.

(f) The facts are not as stated.

(g) and (h). Do not arise.

Statement of total mileage run by the vans of the Calcutta Motor Mail Service contractor during the year 1930-31 referred to in part (b) of the reply to Mr. S. C. Mitra's starred question No. 171, dated the 7th September, 1931.

	Miles.
April, 1930	28,406.5
May, 1930	29,308.2
June, 1930	27,866.1
July, 1930	29,460.0
August, 1930	28,453.8
September, 1930	27,580.3
October, 1930	27,735.5
November 1930	28,041.6
December, 1930	30,891.0
January, 1931	28,134.2
February, 1931	25,617.8
March, 1931	27,933.8

PAY OF POSTMASTERS-GENERAL AND DEPUTY DIRECTORS-GENERAL OF
THE POST OFFICE.

172. *Mr. S. C. Mitra : (a) Is it a fact that from the 1st March 1930 the pay of the Postmasters-General has been revised by which the pay of the Postmasters-General of Bengal and Assam and Bombay and of the Senior Deputy Director-General has been specially raised ?

(b) Is it a fact that when Mr. J. R. T. Booth, Deputy Director-General, went on leave, the Postmaster-General, Bengal and Assam was appointed to act in his place, then the Postmaster-General, Central Circle, was transferred from Nagpur to Calcutta to hold over charge there and the Electrical Engineer-in-Chief was transferred from Calcutta to Nagpur to officiate as Postmaster-General, Central Circle ?

(c) Are not all these changes due to the fact that the Senior Deputy Director-General and Postmaster-General, Bengal and Assam Circle happen to draw special pays ?

(d) What amount has been expended for their travelling allowances ?

(e) Are Government prepared to fix one scale for all the Postmasters-General and Deputy Directors-General, so that in case of leave or retirement of any officer so much travelling may be avoided ?

Mr. J. A. Shillidy : (a) The fact is not as stated by the Honourable Member. The pay of all Postmasters-General was raised and a special pay sanctioned for the Postmasters-General in charge of the two most important Circles, viz., Bengal and Assam and Bombay, while the pay of the Senior Deputy Director-General was fixed at a special rate.

(b) Yes.

(c) Yes.

(d) Rs. 2,753.

(e) The scales of pay of the officers named were fixed in 1930, with reference to the nature of the duties and responsibilities of the respective posts and Government as at present advised see no reason to make a change.

PAY OF POSTMASTERS-GENERAL AND THE SENIOR DEPUTY DIRECTOR
GENERAL OF THE POST OFFICE.

173. *Mr. S. C. Mitra : (a) Is it a fact that provision was made in the Budget for 1930-31 under demand No. 23 increasing the scales of pay of the Postmasters-General and the Senior Deputy Director-General ?

(b) Is it a fact that in the despatch, in which the sanction of the Secretary of State for India to this revision was asked for, it was suggested that the requisite funds for it would be available out of the savings effected by certain proposed retrenchments in the ministerial staff in the offices of the Director-General of Posts and Telegraphs and the Postmaster-General, Bengal and Assam ?

(c) Is it a fact that considerable retrenchment has since been made in the staff of both the offices mentioned above ? If so, will Government please give details of the retrenchment so far made and contemplated ?

(d) What were the considerations that led Government to incur heavy additional expenditure for revising the pay of the Postmasters-General and the Senior Deputy Director-General simultaneously with the retrenchment of ministerial establishment at a time of heavy deficit in the Department ?

Mr. J. A. Shillidy : (a) Yes.

(b) The case is not as stated. Mention was made of certain past and prospective savings. No mention was made of any in the Postmaster-General's office.

(c) Ministerial staff found surplus was reduced to the extent of 25 posts in the Director-General's office and 9 in the Postmaster-General's office, while 23 further surplus posts in the former office await abolition.

(d) The considerations for revising the pay of officers were their increased duties and responsibilities. For the rest, the Honourable Member's attention is invited to the replies to part (b) above and to part (b) of Mr. Amar Nath Dutt's starred question No. 311 in the Legislative Assembly on the 18th July, 1930.

DUTIES OF THE FINANCIAL ADVISER, POSTS AND TELEGRAPHS.

174. *Mr. S. C. Mitra : (a) Will Government be pleased to state what the duties of the Financial Adviser, Posts and Telegraphs are ?

(b) Is it a fact that Mr. Coburn, while he worked as Financial Adviser, Posts and Telegraphs, used to detain cases abnormally on account of which the Senior Deputy Director-General, Mr. J. R. T. Booth, issued orders to maintain a statement of cases submitted to him and to note the dates of their return ?

(c) Is it a fact that at the time of his going on leave to England he took with him a large number of cases which he could not dispose of in due course ?

The Honourable Sir George Schuster : (a) The Financial Adviser, Posts and Telegraphs, is the representative of the Finance Department and exercises the powers of that Department in financial matters relating to the Posts and Telegraphs Department under the general control of the Finance Member. He is responsible for giving financial advice to the Director-General, Posts and Telegraphs, and to the Department of Industries and Labour in respect of Posts and Telegraphs and Stores Department business, for supervising the preparation of the Posts and Telegraphs Budget and for assisting financial control in the Posts and Telegraphs Department generally.

(b) There is no official record to show that any cases were *abnormally* delayed by Mr. Coburn or that Mr. Booth issued the orders referred to by the Honourable Member.

(c) Mr. Coburn took with him only three difficult cases, two of which he returned from Marseilles, and the third soon after his arrival in England.

EMPLOYMENT OF A TELEGRAPH MASTER-GENERAL AT THE GOVERNMENT TELEGRAPH OFFICE, LUCKNOW.

175. *Mr. S. C. Mitra : (a) Will Government please state the number of telegraphists, clerks, and Telegraph Masters employed in the Government Telegraph Office, Lucknow ?

(b) Is it a fact that there is an official designated as Telegraph Master-General, in the above office, whose only duties are to keep an account of casual leave cases, to make arrangements for the men on leave and to prepare a weekly watch list ?

(c) Is it a fact that the Superintendent of the office recommended replacement of the Telegraph Master-General, by a Head Clerk on a lower pay, on the ground that the latter would be quite competent to do the work for which a Telegraph Master was too expensive and quite unnecessary ?

(d) Is it a fact that the recommendation was finally rejected by the Director-General of Posts and Telegraphs ? If so, why ?

Sir Hubert Sams : (a) 43, 18 and 5, respectively.

(b) No, Sir.

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

NUMBER OF MEMBERS OF VARIOUS COMMUNITIES EMPLOYED IN TELEGRAPH OFFICES.

176. *Mr. S. C. Mitra : (a) Will Government please lay on the table a statement showing the number of Hindus, Muhammadans and Anglo-Indians or Domiciled Europeans recruited for appointment as telegraphists in the departmental telegraph offices in the years 1928-29, 1929-30 and 1930-31 ?

(b) Will Government please further state how many Hindus, Muhammadans and Anglo-Indians or Domiciled Europeans are there working as General and Station Service Telegraphists ?

(c) Will Government please lay on the table a statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans, who were recruited in the years 1927-28, 1928-29, 1929-30 and 1930-31 for appointment as Engineering Supervisors in General, Electrical and Telephone Engineering Branches ?

(d) Will Government please state how many Europeans, Anglo-Indians, Hindus and Muhammadans are there amongst the gazetted officers and Engineering Supervisors of the Engineering Branch of the Telegraph Department ?

Sir Hubert Sams : (a) A statement is laid on the table.

	Hindus.	Muhammadans.	Anglo-Indians or Domiciled Europeans.
(b) General Service ..	567	51	1,536
Station Service ..	430	37	65

(c) A statement is laid on the table.

	Europeans.	Anglo-Indians.	Hindus.	Muhammadans.
(d) Gazetted Officers ..	51	107	23	2
Engineering Supervisors	1	174	93	12

Statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans appointed as Telegraphists in Departmental Telegraph Offices in the years 1928-29, 1929-30 and 1930-31.

Community.	1928-29.	1929-30.	1930-31.
Hindus	..	3	121
Muhammadans	..	2	12
Anglo-Indians or Domiciled Europeans	35	12	23
Total ..	35	17	156

Statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans appointed as Engineering Supervisors in 1927-28, 1928-29, 1929-30 and 1930-31.

Community.	1927-28.			1928-29.			1929-30.			1930-31.		
	General.	Electrical.	Telephones.	General.	Electrical.	Telephones.	General.	Electrical.	Telephones.	General.	Electrical.	Telephones.
Hindus	..	..	2	1	..	1	1	1	..	28	5	6
Muhammadans	..	..	..	1	..	..	..	..	..	1	..	1
Anglo-Indians or Domiciled Europeans.	4	3	2	5	2	1	2	2	..	2	3	1

HOUSE RENT AND ALLOWANCES PAID TO TELEGRAPH AND POSTAL STAFF.

177. *Mr. S. C. Mitra : (a) Will Government please state the rate of house-rent and other allowances paid to the Telegraph Traffic and Engineering staff and the total amount expended under these heads in the years 1929-30 and 1930-31 ?

(b) Is any house-rent or other allowance paid to the Postal staff employed in places where such allowances are paid to the Telegraph Traffic or Engineering staff ?

(c) If the reply to part (b) be in the affirmative, what is the rate of allowance ? If reply to part (b) be in the negative, will Government please state why no allowance is paid to them ?

Sir Hubert Sams : (a) to (c). Various kinds of allowances are granted to various classes of officials in the Indian Posts and Telegraphs Department according to localities or nature of duties or on other

considerations. If the Honourable Member will kindly specify the particular "other allowances" and classes of officials in the Traffic, Engineering and Postal Branches of the Department with the names of localities which he has in mind, it may be possible to furnish information.

SHORTAGE OF SUPERVISORY POSTS IN POST OFFICES AND THE RAILWAY MAIL SERVICE.

178. *Mr. S. C. Mitra : (a) Will Government be pleased to furnish a statement showing (i) the number of (i) Telegraphists, (ii) Telegraph Masters, and (iii) gazetted officers in the Central Telegraph Offices of Calcutta, Bombay and Madras, and (b) the number of time-scale clerks and selection grade officials respectively in the Calcutta, Bombay and Madras General Post Offices ?

(b) Is it a fact that the number of selection grade posts is 16 per cent. of the total staff in the Telegraph Branch, while it is only 6 or 7 per cent. in the post offices and Railway Mail Service ?

(c) If the reply to part (b) be in the affirmative, will Government please state the reasons for such an invidious distinction ?

(d) Is it not a fact that the post office or Railway Mail Service officials have to deal with money and other valuable articles for which close supervision is necessary ?

(e) Is it a fact that Mr. G. V. Bewoor, I.C.S., in his report on the Time Test has noticed the shortage of supervisory posts in the Post Office and Railway Mail Service and has emphasised the urgent need of adequately increasing their number ?

(f) If so, what action has been taken or is proposed to be taken by Government in the matter ?

Sir Hubert Sams : (a) The statement will be sent to the Honourable Member separately.

(b) The facts are not as stated.

(c) Does not arise.

(d) Yes.

(e) The facts are not as stated. What Mr. Bewoor stated was that the provision of adequate supervisory staff as contemplated by his scheme was essential ; and in applying his proposed test in certain cases found that the results worked out to more staff than existed at the time.

(f) Attention is invited to part (c) of the reply given to Mr. C. S. Ranga Iyer's unstarred question No. 378 in the Legislative Assembly on the 23rd March, 1931.

PREPONDERANCE OF ANGLO-INDIANS IN THE DEPARTMENTAL TELEGRAPH SERVICE.

179. *Mr. S. C. Mitra : (a) Is it a fact that the Anglo-Indians are considered as a "minority community" for the purpose of recruitment in the post office and it has been ordered by the Director-General that they should be provided in every fourth vacancy ?

(b) If so, has the Director-General issued any orders for the recruitment of the telegraphists on the same line ?

(c) Is it a fact that the present number of Anglo-Indians in the Departmental Telegraph service is more than 70 per cent. of the total strength ? If not, what is the exact proportion ?

(d) What are the reasons for the present preponderance of Anglo-Indians in the Departmental Telegraph service ?

Sir Hubert Sams : (a) The reply to the first part is in the affirmative and to the second part in the negative.

(b) Does not arise.

(c) The reply to the first part is in the negative. The percentage on the whole Departmental Telegraph service from clerical grades upward is 39.

(d) The ranks of telegraphists were filled in the past mainly by Anglo-Indians.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

180. *Mr. S. C. Mitra : (a) Is it a fact that the Posts and Telegraphs Departmental Committee presided over by Mr. Ryan strongly recommended the rapid conversion of departmental telegraph offices into combined offices for effecting economy ?

(b) How many offices have been thus converted since the report was accepted by Government ?

(c) In view of the present financial stringency in the Department, do Government propose to accelerate the process of conversion and to convert at least 50 per cent. of the existing departmental offices in course of the next two years ? If not, what are the difficulties ?

Sir Hubert Sams : (a) Yes.

(b) Sixty. In 5 others departmental telegraphists have been replaced by Post Office signallers.

(c) The process of conversion is being pressed on as and when conditions render it feasible. There are at present 81 Departmental Offices of which 42 are Zone and Area Centres and the remaining 38 are Group Centres and Minor Offices. The case of 16 of these is being examined. The remainder will be considered as soon as possible.

PAY OF TELEGRAPHISTS AND POSTAL CLERKS.

181. *Mr. S. C. Mitra : (a) Is it a fact that the pay of General Service Telegraphists is Rs. 80—250 plus house-rent allowance or free house and compensatory allowance in certain towns ?

(b) Is it a fact that their pay was increased in consideration of the fact that they are liable to transfer to any place in India and Burma ?

(c) Will Government please state how many General Service Telegraphists were transferred in the years 1928-29, 1929-30 and 1930-31 and what is the percentage of such transfers ?

(d) Is it not a fact that the post office clerks are also liable to frequent transfer ?

(c) Is it a fact that the Station Service Telegraphists are not liable to any transfer at all ?

(f) Is it a fact that in England there are no differential scales of pay for Telegraphists and Postal clerks ?

(g) Are Government aware that an Arbitration Court in England has held that the work performed by Telegraphists is in no way superior to that performed by Postal clerks and as such there should not be differential scales of pay for them ?

(h) Will Government please furnish a statement showing respectively the time-scale of pay for (i) General Service Telegraphists, (ii) Station Service Telegraphists, and (iii) Postal and R. M. S. clerks working in Rangoon, Bombay, Madras and Calcutta ?

(i) What are the reasons justifying differential scales of pay as between Telegraphists and Postal clerks in India ?

Sir Hubert Sams : (a) Yes.

(b) Yes.

(c) 889, 814 and 564 ; percentages 39.98, 38.94 and 25.56.

(d) The case is not as stated.

(e) Ordinarily, yes.

(f) and (g). Government have no information.

(h) The statement is being sent to the Honourable Member.

(i) The different scales of pay were sanctioned in consideration of different kinds and conditions of work. All these questions, however, are embraced by the examination which is being made by the Retrenchment Advisory Committee.

PARTICIPATION OF THE GOVERNMENT OF INDIA IN THE WORLD DISARMAMENT CONFERENCE.

182. ***Mr. S. C. Mitra :** (a) Will Government please state whether, as a member of the League of Nations, they have been invited to participate in the World Disarmament Conference to be held in February, 1932 ?

(b) If the reply to part (a) be in the affirmative,

(i) have they undertaken any preparation or preliminary investigation or consultation in connection with the matter ;

(ii) has any correspondence passed between them and His Majesty's Government on the subject ; and

(iii) have they received any request from the League to furnish particulars with regard to the position of their armaments and, if so, what reply have Government sent ?

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

(b) Information with regard to armaments in India has been called for by the League, through the Secretary of State for India, and has been supplied to the League, through the same channel, in accordance with the instruction contained in the Draft Disarmament Convention.

USE OF TROOPS FROM THE INDIAN ARMY OUTSIDE INDIA.

183. ***Mr. S. C. Mitra :** (a) With reference to section 1, paragraph 3 (iii) of Field Service Regulations, Volume I (1930), will Government please state whether any agreement or understanding, formal or informal, exists between His Majesty's Government and the Government of India with regard to any contingents of troops to be furnished by the latter, in any circumstance, for service outside the limits of India and Afghanistan ?

(b) If the reply to part (a) be in the affirmative, what are the circumstances in which they are to be furnished and what is the strength of the contingents which Government have taken upon themselves the responsibility to furnish ?

Mr. G. M. Young : (a) The Government of India have entered upon no undertaking or commitment to send troops out of India, nor could they do so, as it is impossible for them to say whether at any given time any troops could be spared.

(b) Does not arise.

USE OF TROOPS FROM THE INDIAN ARMY OUTSIDE INDIA.

184. ***Mr. S. C. Mitra :** (a) Will Government please state whether, between 1921 and the present date, any requests or proposals were received by them from His Majesty's Government, or the War Office, or any other authority in the United Kingdom, for the prospective or immediate employment of any part of the Army in India for service outside India and Afghanistan ? If so, on how many and what occasions ?

(b) Will Government please lay on the table the correspondence which led to the despatch of a contingent of Indian troops to China in 1926-27 ?

Mr. G. M. Young : (a) Only one occasion has arisen since 1921 on which the Government of India were asked actually to send troops out of India. That is the occasion referred to in part (b).

(b) The Government are not prepared to lay the correspondence on the table. The circumstances leading to the despatch of the contingent were, however, fully stated by Lord Irwin in his speech to this Assembly on the 24th January, 1927.

Mr. K. Ahmed : Is it not a fact that only the other day troops were despatched to China in the regime of Lord Reading for the protection of British subjects ?

Mr. G. M. Young : So far as my recollection goes, it was in the time of Lord Irwin.

DIRECT COMMUNICATION BETWEEN THE ARMY AUTHORITIES AND THE WAR OFFICE.

185. ***Mr. S. C. Mitra :** (a) Will Government please state whether His Excellency the Commander-in-Chief, or any of the principal staff officers under him have the right to communicate directly on any subject with the Secretary of State for War, the Army Council, Chief of the Imperial General Staff, or any other authority at the War Office ?

(b) If the reply to part (a) be in the affirmative,

- (i) what are the subjects on which such correspondence takes place ; and
- (ii) whether it is submitted to the Government for information or decision ?

Mr. G. M. Young : (a) and (b) (i). The Commander-in-Chief has the right of corresponding direct with the War Office personally, or through his Principal Staff Officers, on questions relating to intelligence, training, preparation for war, routine and other matters not requiring the decision of Government, and the supply of military information required by the Chief of the Imperial General Staff. The right does not extend to important questions involving principle or policy or expenditure from Indian revenues. These are dealt with by the Army Department of the Government of India in correspondence with the Secretary of State for India.

(b) (ii). Under existing orders, copies of all direct communications between the Commander-in-Chief and the Chief of the Imperial General Staff are furnished to the Government of India, the India Office and the War Office. Routine correspondence with the War Office is not ordinarily submitted to Government for information : but the Secretary to the Government of India in the Army Department can call for and examine the papers on any subject dealt with at Army Headquarters.

NATURE, EXTENT AND SCOPE OF INTERNAL SECURITY SCHEMES.

186. ***Mr. S. C. Mitra :** In connection with their answer to starred question No. 195, dated January 29th, 1931, will Government please refer to paragraphs 11, 12 and 13, and to Appendix XXIX of the Regulations for the Army in India and explain the scope, extent and nature of :

- (a) the internal security schemes prepared by the Director of Military Operations, the General Officer Commanding-in-Chief the commands and the District Commanders, under the regulations ;
- (b) the measures for the support and maintenance of the civil power taken by the Director of Military Operations at the Army Headquarters under the same authority ; and
- (c) the responsibility imposed under paragraphs 11 and 12 of the Army Regulations upon the General Officer Commanding-in-Chief and the District Commanders in respect of the security of internal areas under their command ?

Mr. G. M. Young : It would not be in the public interest to disclose the scope, extent or nature of internal security schemes.

ARTILLERY ALLOTTED FOR INTERNAL SECURITY.

187. ***Mr. S. C. Mitra :** With reference to their answer to starred question No. 191, dated the 29th January, 1931, will Government kindly give the following information :—

- (a) the date from which medium artillery ceased to be allotted to internal security ;

- (b) the number of field artillery sections which, in the event of the mobilization of the Field Army, will be left behind at different stations in India and be " classed among Internal Security Troops " ;
- (c) how many of these will be on full establishment and how many on a lower establishment ;
- (d) whether it is possible to bring the sections on a lower establishment on to their full complement of driving and gunner personnel if need arises to reinforce the artillery of the Field Army ; and
- (e) the number of Field Brigades and batteries, complete in equipment and personnel, which in the event of the mobilization of the Field Army, will remain at the disposal of the Army Headquarters or the subordinate commands or districts as a reserve, unless allotted to the Field Army in excess of the sanctioned war establishments ?

Mr. G. M. Young : (a) and (b). It would not be in the public interest to furnish this information.

- (c) All on a lower establishment.
- (d) Yes.
- (e) None.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

188. ***Sardar Sant Singh :** (a) Will Government be pleased to state the number of acres allotted in the Jhelum Canal Colonies on horse-breeding conditions ?

- (b) What was the number of mares belonging to the Ghoripals in both the colonies in the years 1928-29 and 1930 ?
- (c) How many of the breedings of these mares have been purchased by the Army Remount Department ?
- (d) How many of these, including fillies kept for breeding purposes, have been purchased during the last seven years, over the age of 18 months ?

Mr. G. M. Young : (a) Approximately 2,25,120 acres.

(b) The number of horse breeding mares in 1928-29 and 1929-30 was 4,502 and 4,346, respectively.

(c) 407 young stock horses were purchased in 1928-29 and 478 in 1929-30.

- (d) 720. These were purchased at the expressed wish of their owners.

BRANDING OF MARES IN THE JHELM CANAL COLONIES.

189. ***Sardar Sant Singh :** (a) Is it a fact that some mares in the Jhelum Canal horse-breeding colonies are branded with J. C. and others are branded as G. I. J. ?

(b) What is the number of mares branded J. C. ? What is the number of mares branded G. I.|J. in both the colonies ?

(c) Is it a fact that Army Remount Department decides to brand mares as J. C. or G. I.|J. at its discretion ? If the reply of the above question be in the affirmative, will Government be pleased to state the rules which govern the discretion of Army Remount Officers ?

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

(b) In 1930-31, 4,131 mares were branded JC and 293 were branded GI|J.

(c) No, Sir. The JC brand is used for mares kept by breeders holding land on horse breeding terms. The GI|J brand is used for mares of unbound breeders and a mare is so branded only at the request of the owner.

BRANDING OF MARES IN THE JHELM CANAL COLONIES.

190. ***Sardar Sant Singh :** (a) Is it a fact that J. C. brand is used for the mares kept under the condition on which the land has been allotted in the Jhelum Canal colonies ?

(b) If so, why has G. I.|J. brand been introduced ?

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

(b) To distinguish unbound from bound mares and to enable the owner of an unbound mare to have the use of a Government stallion.

BRANDING OF MARES IN THE JHELM CANAL COLONIES.

191. ***Sardar Sant Singh :** (a) Is it a fact that grantees of land in Jhelum Canal colonies who keep a spare mare are forced to get their spare mare branded with J. C. ? If so, why has this practice been allowed to prevail ?

(b) Are Government aware that keeping of such spare mare has inflicted great hardship upon the grantees of land ?

(c) Is it a fact that a regular record of spare mares is also kept ? If so, why ?

(d) Is it a fact that in case of breach of rules the spare mares are also subjected to fines and penalties ?

Mr. G. M. Young : (a) No, Sir. There is no compulsion as regards maintenance or branding.

(b) No, Sir. Spare mares are kept at the option of the owners.

(c) Yes. In the interests of the owners, a record of coverings and foalings is maintained. This enhances the value of the stock.

(d) No, Sir.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that the grant of the concession of furnishing a record of the coverings and foalings of mares is greatly appreciated by the colonists for the reason that they have the services of superior colony stallions and also get a good price for their young stock from Government ?

Mr. G. M. Young : That is undoubtedly a fact, Sir.

BRANDING OF MARES IN THE JHELM CANAL COLONIES.

***Sardar Sant Singh :** (a) Is it a fact that mares, both with J. C. and G. I.|J. brands can be covered by Army Remount Department stallions ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state why spare mares are branded as J. C. instead of G. I.|J. ?

Mr. G. M. Young : (a) Yes, but owners of GI|J mares have to pay a covering fee of Rs. 5.

(b) The Honourable Member is referred to the answer which I have just given to the two previous questions.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

193. ***Sardar Sant Singh :** (a) Will Government be pleased to lay a statement on the table showing an average annual result of coverage in the Jhelum Canal horse-breeding colonies during the last two decades ?

(b) How many fillies have been purchased by the Army Remount Department during this period ?

(c) What is the number of fillies made over to Ghoripals for breeding purposes ?

(d) What is the number of Army thorough-blood mares branded by the Remount Officer and purchased by the Ghoripals during the last 5 years ? What are their ages ? What is the total price paid by the Ghoripals for the same ? In case, the answer to this question be in the negative, is it a fact that Army Remount Department interferes with the free purchase and sale of Ghoripal mares ?

Mr. G. M. Young : I am afraid that I cannot furnish information for the last two decades. I lay on the table, however, a statement which covers the last five years in respect of parts (a), (b) and (d) of the question and the last 25 years in respect of part (c).

The answer to the last part of question (d), in so far as I have been able to understand it, is in the negative.

(a) 1926-27	..	..	..	..	..	3,787
1927-28	..	..	..	..	..	3,976
1928-29	..	..	..	..	..	4,066
1929-30	..	..	..	..	..	3,885
1930-31	..	..	..	..	..	3,736

(b) 238, during the last five years.

(c) 10,925 since 1905-06.

(d) 97 thorough bred English mares. The total price paid by Ghoripals was Rs. 80,349. The ages of these mares were :

2	..	..	..	..	..	4 year old.
11	..	..	..	..	..	5 year old.
12	..	..	..	..	..	6 year old.
14	..	..	..	..	..	7 year old.
18	..	..	..	..	..	8 year old.
10	..	..	..	..	..	9 year old.
15	..	..	..	..	..	10 year old.
8	..	..	..	..	..	11 year old.
3	..	..	..	..	..	12 year old.
4	..	..	..	..	..	13 year old.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

194. *Sardar Sant Singh : (a) Is it a fact that during the last 18 months there have been cases where the Army Remount Officer declined to purchase a foal in the first instance and soon after either purchased it or permitted its sale for breeding purposes ? If so, why ?

(b) Do Government know that such instances have led to corruption in the office of the said Army Remount ?

Mr. G. M. Young : (a) It frequently happens that stock are presented for purchase in poor condition, and are subsequently bought after the owner has conditioned them.

(b) Government are not aware of any corruption in this connexion. If the Honourable Member will quote a specific case I will inquire into it.

COMPLAINTS OF HORSE-BREEDING GRANTEES OF LAND AGAINST THE ARMY REMOUNT OFFICER, SARGODHA.

195 *Sardar Sant Singh : (a) Are Government aware that the present Remount Officer has been in the Army Remount Office, Sargodha, for the last nine years ?

(b) Is it a fact that grantees of land have been complaining against this officer ? If so, why has he not been transferred from this place ? Do Government intend to transfer him ? If not, why not ?

(c) Are Government aware that this officer has been employing agents who have abused their position ? Have Government received any complaint that illegalities have been committed by this officer ?

(d) Is it a fact that on the 6th December, 1928, the Revenue Member of the Punjab held a *Durbar* at Sargodha in order to explain away the alleged illegalities committed by this official ?

(e) Is it a fact that the same Revenue Officer, prior to holding this *Durbar*, made enquiries into the conduct of this official and heard the complaints of the grantees ?

(f) Is it a fact that a committee of enquiry was formed in the same *Durbar* to go into the grievances of the grantees ?

(g) Is it also a fact that this very Remount Officer was included as a member of that Committee ?

(h) Is it also a fact that the grantees refused to do anything with this committee and so no committee sat ?

Mr. G. M. Young : (a) The officer has been at Sargodha for 7 out of the last 8 years.

(b) Some complaints have been made : but they proved to be without foundation. There was consequently no reason to transfer the officer before his tenure would otherwise have expired. He would normally be transferred on November 1st, 1931. Orders to that effect issued last February.

(c) The answer is in the negative.

(d) to (h). The matter concerns the Local Government, to whom a copy of this question will be sent.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : May I ask if it is the policy of Government to keep District Remount Officers at Sargodha for a pretty long time ?

Mr. G. M. Young : Yes, Sir. It is the policy of Government to keep Remount Officers in horse-breeding areas for a considerable time.

Sardar Sant Singh : May I know what is the longest period for which such an officer can remain in one station ?

Mr. G. M. Young : There is no fixed rule ; one officer was there for about 9 years so far as I remember.

Mr. B. R. Puri : May I know on what basis this period is fixed ? Why not 11 years or any other figure ? Where is the special virtue in 9 years ?

Mr. G. M. Young : There is no fixed rule, Sir.

Mr. K. Ahmed : Is there not a Committee at Sargodha where matters can be complained of with a view to the grievances being removed ?

Mr. G. M. Young : I think, Sir, the Honourable Member will receive an answer to the question that he is asking now, if he listens to the answers to be given to the next 20 or 25 questions.

Sardar Sant Singh : Can the Honourable Member quote any other instance where an officer was allowed to remain in one station for this period of 9 years ?

Mr. G. M. Young : I have already stated that one officer was in this particular station for 9 years.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

196. *Sardar Sant Singh : (a) Will Government be pleased to state the number of Army Remount Department stallions in the Sargodha Circle for each year during the last 20 years ? How many of them were thoroughbred ? How many Arab ? How many Nuggar Arab, Marwari, etc. ?

(b) Will Government be pleased to state the number of stallions sanctioned for the Jhelum Canal Colonies ?

(c) What is the percentage result of coverage for each variety of stallions during the last 20 years ? What is the percentage of the progeny of thoroughbred Arab ?

(d) Is it a fact that previously mares used to be covered twice in a single day ? If so, when was this practice stopped ?

(e) Will Government kindly give the reasons for stopping this practice ? Is it a fact that, for some time, stallions have not been allowed to cover daily but only after intervals of two to four days ? If so, do Government know that allottees on horse-breeding conditions suffer in consequence of these long delays in covering ?

(f) Is it a fact that if the mares are not covered in season the keepers of mares have to undergo a good deal of trouble in coming to the stables every day till the next season ?

Mr. G. M. Young : (a) The figures for the last 20 years are not readily available, but the average for one year would be approximately 90 stallions. The present percentage by classes are :

Thorough-bred English	..	..	40 per cent.
Arab	..	..	40 per cent.
Other breeds	..	..	20 per cent.

(b) 101 in April last since when it has been raised to 107.

(c) The full information desired by the Honourable Member is not available. The average percentage of foals to coverings for the past 3 years is 38.76.

The average foaling percentage of Arab stallions for the last 3 years is 44.39.

(d) Yes. The practice was discontinued in 1919.

(e) I do not suppose, Sir, that the House will wish me to enter deeply into biological details. The reforms to which the Honourable Member alludes were introduced as much in the interests of the owners of mares as of the stallions themselves. They cause no hardship so far as Government are aware, and they are common to all countries where high class stock is raised.

(f) I understand that a very few habitually defaulting tenants have been treated in this way.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

197. ***Sardar Sant Singh :** (a) Is it a fact that after covertures mares are required to be tested by rules four or five times during 6 weeks ?

(b) Is this rule observed ? If so, will Government kindly state the number of mares that have been so tested during the last 5 years ?

(c) Is it a fact that the Army Remount Department has given orders to Ghoripals to bring the mare for testing or for inspection by the Army Remount Officer in person ?

(d) Is it a fact that in some cases Ghoripals have to travel about 20 miles a day in the hottest months of the year for this purpose ?

(e) Do Government propose to cancel such orders if they exist ?

(f) Do Government propose to put a stop to the testing of the mares before and after the covertures and leave it to the Ghoripals themselves ?

(g) Is it a fact that in the statement of conditions on which the land was granted no such test is mentioned ?

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

(b) Yes. 17,963 mares have been tested during the last five years.

(c) Only in the case of very few grantees who have failed to get their mares in foal over a very long period.

(d) No, Sir.

(e) Does not arise.

(f) No, Sir.

(g) The test is not specifically mentioned, but is covered by the terms of the grant.

Sardar Sant Singh : What objection can the Government have to its being sent instead of being brought by the owner himself ?

Mr. G. M. Young : I do not know of any objection to that procedure.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

198. ***Sardar Sant Singh :** (a) What is the total area of land allowed to all the stallion stables in Sargodha Circle, including the land in the control of Army Remount Department, Sargodha Circle ?

(b) What has been the gross income from these lands during the last ten years ?

(c) What has been the annual expenditure of the Army Remount Department during the last ten years ?

(d) What has been the annual maintenance charges, excluding the income from the allotted land, for the last 20 years ? Does it include the price paid for purchasing the stallions or not ? If not, from what fund are stallions purchased ?

(e) What has been the cost of stallions purchased during the last 20 years ?

Mr. G. M. Young : I lay a statement on the table.

(a) 1,120 acres, 4 killas and 3 kanals of land are attached to the Stallion Stables of the Shahpur Area. In addition, the old 8th Cavalry run (approximately 1,500 acres) is administered by the District Remount Officer, Shahpur Area.

(b) The land attached to the Stallion Stables is for the supply of fodder to the stallions.

The 8th Cavalry run has been administered for 9 years only. During this period the gross income has been Rs. 4,86,171-14-7.

(c) The expenditure on the Shahpur Area has been as follows :

	Rs.
1921-22	1,50,804
1922-23	1,32,670
1923-24	1,17,988
1924-25	1,28,771
1925-26	1,18,571
1926-27	1,30,230
1927-28	1,32,547
1928-29	1,23,450
1929-30	1,51,008
1930-31	1,56,331

(d) The Hon'ble Member is referred to the statement laid on the table in reply to parts (a) and (b) of starred question No. 204. The figures given therein do not include the purchase price, as stallions are purchased from a separate fund on all-India basis.

(e) Figures for the Shahpur Area as a separate entity are not available.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

199. ***Sardar Sant Singh :** (a) Is it not a fact that the Revenue Officer does not give any reason when he discharges the mare for not fillying ?

(b) Is it a fact that the Remount Officer at the time of discharging the mare destroys the covering certificate containing the history of the mare?

(c) Is it not a fact that instances have happened where the mare thus discharged was found to be with a foal later on and was re-entered?

(d) Is it a fact that a copy of the record of the history of the mare is not given to the Ghoripal? If so, why?

Mr. G. M. Young : (a) I have not been able to understand this question.

(b) No, Sir.

(c) A very few instances have occurred.

(d) No, Sir.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that the Revenue Officer has nothing to do with the discharge of the mare?

Mr. G. M. Young : That is one of the reasons why I was unable to understand that part of the question.

Sardar Sant Singh : Part (a) of my question means this that the Revenue Officer strikes off the mare from the list of the branded mares if it does not filly for a particular period.

Mr. G. M. Young : Sir, I am afraid I do not understand the meaning of the verb to "filly".

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

200. ***Sardar Sant Singh :** (a) Will Government be pleased to state the annual expenditure on medicines given free for brood-mares to Ghoripals during the last 5 years?

(b) What is the number of mares and their youngsters that have been treated during this period?

(c) Is it a fact that such medicines are not given free to all the Ghoripals who come for treatment of their mares?

(d) Have Government received any complaint on this point? If so, do Government propose to remove this complaint?

Mr. G. M. Young : (a) and (b). The information is not available.

(c) Free medicines are distributed as far as resources permit.

(d) No, Sir.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

201. ***Sardar Sant Singh :** Is it a fact that Ghoripals have been compelled to grow oats as fodder for the bound mares? If so, under what law? Is it in the conditions on which land in the Jhelum Canal Colonies has been granted?

Mr. G. M. Young : No, Sir, they have been advised to do so in their own interests. It is not in the conditions on which the land was granted.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Does the Honourable Member know that only last year on the special representation of the present District Remount Officer the canal closure did not take place merely to allow the colonists to cultivate their oats?

Mr. K. Ahmed : I submit, Sir, that that question does not arise in this form.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : The question is relevant because it has been alleged that oats cultivation is forced upon the colonists. My question shows that the colonists approached the District Remount Officer and he represented the matter to the Irrigation Department and got the closure stopped for oats cultivation.

Mr. G. M. Young : I am prepared to take the information from the Honourable Member.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

202. ***Sardar Sant Singh :** Is it a fact that Ghoripals are compelled to take their mares to the horse races and cattle fares by the Remount Officer? If so, will Government please state under what conditions has this order been passed?

Mr. G. M. Young : No, Sir, mares are not raced. Fillies maturing in the breeding area are inspected from time to time. These inspections are arranged to coincide with race meetings at Headquarters. After inspection, owners of selected fillies are advised to race them, as this is considered beneficial to their development. There is no question of compulsion.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

203. ***Sardar Sant Singh :** Will Government kindly define the duties of the Indian Officer, Army Remount Department, Sargodha, so far as these duties concern the Ghoripals?

Mr. G. M. Young : The Indian officer comes directly under the orders of the District Remount Officer. His duties generally are to assist in the administration of the horse-breeding Area and also to bring to notice all matters affecting its efficiency.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

204. ***Sardar Sant Singh :** (a) Will Government kindly state the average annual expense of a stallion?

(b) What has been the average expense of a stallion per year during the last 10 years?

(c) Will Government be pleased to state the average expense which the Ghoripals incur on one mare and one foal?

Mr. G. M. Young : (a) and (b). A statement giving the information is laid on the table.

(c) Government have no information.

						Rs.	A.	P.
1921-22	..	..	..	..	..	641	0	0
1922-23	..	..	..	..	..	411	10	0
1923-24	..	..	..	..	..	319	7	2
1924-25	..	..	..	..	..	321	8	5
1925-26	..	..	..	..	..	321	6	5
1926-27	..	..	..	..	..	322	1	3
1927-28	..	..	..	..	..	323	7	7
1928-29	..	..	..	..	..	389	3	0
1929-30	..	..	..	..	..	422	0	5
1930-31	..	..	..	..	..	413	14	3

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

205. *Sardar Sant Singh : (a) Will Government kindly give the total number of youngsters supplied in a year by all the Ghoripals of Sargodha Circle during the last 20 years ?

(b) What has been standard price of a youngster on an average during the last 5 years ?

(c) What was the standard price of the youngster during 10 years prior to the last 5 years ?

(d) By what standard is the price of a youngster fixed ?

Mr. G. M. Young : A statement is laid on the table.

(a) 1911	411
1912	376
1913	400
1914	417
1915	292
1916	238
1917	399
1918	404
1919	374
1920	432
1921	305
1922	526
1923	487
1924	518
1925	500
1926	509
1927	351
1928	414
1929	526
1930	438

(b) Rs. 224.

(c) The average price of a colt during the four years before the last five years was Rs. 225. Information prior to this is not available.

(d) Age, measurements, condition and general merit.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : May I know, Sir, what is the meaning of "youngsters" ?

Mr. G. M. Young : I am myself unfamiliar with the term as applied to horses. I assumed that the Honourable Member was referring to colts.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

206. *Sardar Sant Singh : (a) Is it a fact that some Army Remount areas for the purchase of remounts have been abolished after the Great War ?

(b) If so, how many, and for what reasons ?

(c) Will Government be pleased to state the reasons for retaining the Army Remount Depot at Mona ?

Mr. G. M. Young : (a) and (b). I presume that the Honourable Member refers to breeding areas. The Amritsar and Baluchistan breeding

areas have been abolished since the war, as it did not pay Government to retain them.

(c) The Depot is retained for maturing young stock horses and mules bred in India, and acclimatizing mules from overseas.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

207. *Sardar Sant Singh : (a) Do Government intend to sell proprietary rights of the lands granted on horse-breeding conditions ?

(b) If so, what price per acre has been fixed ?

(c) Do Government intend to sell proprietary rights to the non-Ghoripals as well ? If so, at what price ?

(d) Will Government kindly give the estimated price the Government will realise from the Ghoripals by selling proprietary rights to them and to non-Ghoripals as well ?

(e) What amount are Government likely to get by selling lands under Mona and Sargodha Depots ?

Mr. G. M. Young : (a) No, Sir.

(b) Does not arise.

(c) and (d). The matter concerns the Local Government.

(e) Government have no intention of selling the sites of these depots.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

208. *Sardar Sant Singh : What is the average price per mare paid by the Army Remount Department, when purchasing mares from the Ghoripals ?

Mr. G. M. Young : Government do not purchase mares.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

209. *Sardar Sant Singh : (a) Is it a fact that the Remount Officer, Sargodha Circle, inflicts fines on the Ghoripals ? If so, under what law has such power been conferred upon him and by what authority ? If not, did the Remount Officer exercise these powers during the last five years ?

(b) From what date have these powers been withdrawn ?

(c) How much fine has so far been inflicted by the Army Remount Department during the last 15 years ?

Mr. G. M. Young : The matter concerns the Local Government, to whom a copy of this question is being sent.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

210. *Sardar Sant Singh : (a) Is it a fact that there is a Horse-Breeding Society in Sargodha Circle ? If so, is it a body of non-officials or a body created by Government ?

(b) Is it a fact that subscriptions for this Society are realised by the Zilledars of the Army Remount Department and the Zaildars and Naib-Tehsildars of the Revenue Department?

(c) Is it a fact that a Government official is the President of this society?

(d) What amount of subscriptions has annually been collected from 1925 to 1930?

(e) Has the Society effected any improvements in horse-breeding?

Mr. G. M. Young : (a) Yes. It is a private Society.

(b) Subscriptions are not realised through the medium of the Zilladars of the Army Remount Department. The Government of India are not concerned with the latter portion of the question.

(c) Yes. The Deputy Commissioner, Shahpur District.

(d) Government have no information.

(e) The Society is a new one, but I am informed that it has already done much useful work in the interests of the breeders and breeding generally in the Shahpur Area.

Mr. Gaya Prasad Singh : Is it not a fact that there is a horse-breeding society in the Punjab to which the Government of India make an annual contribution?

Mr. G. M. Young : I must ask for notice of that question.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

211. ***Sardar Sant Singh :** (a) Is it a fact that some rules for the punishment of Ghoripals have been framed? If so, by whom and under what authority?

(b) Will Government be pleased to lay a copy of the rules, as framed, on the table?

(c) Who were the members of the sub-committee which framed these rules?

(d) Was the Punjab Legislative Council or Legislative Assembly consulted?

(e) Were the Ghoripals given any chance of sending their representative before the framing of the rules? If so, what is the name of that representative? If not, why not?

Mr. G. M. Young : Rules have been framed by the Local Government, to whom a copy of this question is being sent.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

212. ***Sardar Sant Singh :** (a) How much area, originally allowed to the Ghoripals, has been temporarily resumed by Government?

(b) How much area has been permanently resumed?

(c) How much money has been realised by Government on account of the lease of these temporary resumptions?

(d) Has the attention of Government been drawn to the ruling of the Financial Commissioner in the case of Dhian Singh of Chack No. 90 N.B. vs. Crown; case No. 33 of 1919-20—Revenue?

(e) If the reply to part (d) be in the affirmative, is it a fact that the principles laid down in the above ruling have not been applied to the cases of the Ghoripals so far? If not, why not?

(f) Has this ruling been over-ruled? If so, by what authority and when?

(g) Is it a fact that the lease money of the lands belonging to the minors has not been paid to them on their attaining majority? If not, why not?

Mr. G. M. Young : A copy of this question is being sent to the Local Government.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

213. ***Sardar Sant Singh :** (a) Is it a fact that the Deputy Commissioner of Sargodha inflicts fines on the Ghoripals on the complaint of the Remount Officer?

(b) How many cases were sent up by the Remount Officer to the Deputy Commissioner for punishment during the last 10 years?

(c) In how many cases was punishment inflicted and in how many cases were the Ghoripals let off?

(d) Is it a fact that Ghoripals have produced defence in these cases?

(e) In how many cases these defences were accepted?

(f) What is the total amount of fine thus realised annually during the last 10 years?

(g) Are Government prepared to consider the question of appointing a committee to go into the questions of complaints of the Army Remount Department in order to check the arbitrary use of power by the executive in such cases?

Mr. G. M. Young : A copy of this question is being sent to the Local Government.

Sardar Sant Singh : May I know, Sir, if the Remount Officers are not governed by the Army Remount Department of the Government of India? Do not the Government of India in the Army Department control the actions of their officers and the conditions on which the loan has been granted and the breaches of those conditions?

Mr. G. M. Young : The Remount Officers are under the Army Department of the Government of India, but it is not their action that is complained of but the action of the Deputy Commissioner, Sargodha.

Sardar Sant Singh : Are the Government of India aware of the rules framed by the Local Government? If so, under what authority have they framed those rules?

Mr. G. M. Young : The Government of India are aware that there are rules framed by the Local Government.

Mian Muhammad Shah Nawaz : Why cannot the Government of India lay a copy of the rules on the table of the House?

Mr. G. M. Young : I think they probably could do so.

Sardar Sant Singh : Have ever the Government looked into the legality of these rules framed by the Local Government in this respect ?

Mr. G. M. Young : I do not know whether the legality of the rules has ever been challenged.

Mian Muhammad Shah Nawaz : Will the Honourable Member kindly lay a copy of these rules on the table of the House ?

Mr. G. M. Young : I will consider that.

Mian Muhammad Shah Nawaz : There is no question of consideration.

Mr. G. M. Young : I have not yet studied the rules.

Mian Muhammad Shah Nawaz : Is the Honourable Member going to consider whether he should place the rules on the table or not ? If the Honourable Member would kindly see question No. 211 (b), it asks : " Will Government be pleased to lay a copy of the rules as framed on the table " ? Surely the Honourable Member must have considered that long ago.

Mr. Gaya Prasad Singh : Caught napping this time. (Laughter.)

Mr. K. Ahmed : Will the Army Secretary, in view of the fact that there are so many complaints, kindly forward these questions to the local authorities so that they may take proper steps to remove the grievances and in that case the Honourable Member may probably withdraw his question ?

Mr. G. M. Young : I have already said that I will forward these questions to the Local Government.

Mr. K. Ahmed : My suggestion under the circumstances to the Honourable Member who put this question is that he should withdraw his interpellations, so that more useful work may be done. Will he kindly withdraw his question ? In view of the fact that the Army Secretary has assured him that the question will be forwarded to the Local Government and that steps will be taken to remedy the grievances ?

Sardar Sant Singh : I am not withdrawing my question.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

214. ***Sardar Sant Singh :** (a) Will Government be pleased to state the amount of takavi loan granted to the Ghoripals for the purchase of brood-mares during the last four years ?

(b) Is it a fact that the price of mares is fixed by the Remount Officer ?

(c) Has the Ghoripal any voice in fixing such prices ?

(d) What provision is made for arbitration or otherwise in the case of difference of opinion between the owner of the mare and the Army Remount Officer ?

Mr. G. M. Young : (a) Rs. 4,91,035.

(b) Only when the seller and purchaser cannot agree and ask the Remount Officer to act as medium.

(c) Yes, and he is encouraged to do so.

(d) The Honourable Member is referred to the reply given to part (b) of the question. An Arbitration Committee is provided for under the orders of the Local Government.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

215. ***Sardar Sant Singh :** What expense do Government incur on a youngster which enters the Depot at the age of 10½ months and what is their expense till it attains the age of 5 years ?

Mr. G. M. Young : Young stock are usually purchased as yearlings and not at 10½ months. Young stock horses are issued at 4½ years. The total cost including purchase price is about Rs. 1,000.

NON-TRANSFERENCE OF THE INDIAN OFFICER OF THE ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

216. ***Sardar Sant Singh :** (a) Is it a fact that the Indian officer of the Army Remount Department, Sargodha, is a native of the district ?

(b) To what family does he belong ?

(c) How long has he been in Sargodha Circle ?

(d) Will Government kindly state the rules prescribing the period after which the Indian officer of the Army Remount Department should be transferred from one place to another ?

(e) Why has not that rule been applied to him ?

(f) Is it a fact that he belongs to the well-known Tiwana family and he is kept there on that account ?

(g) Is it a fact that he interferes at the time of elections to the Local Council and the Assembly ?

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

(b) Tiwana.

(c) Since March 1924.

(d) No rules are laid down. The interests of the State govern the length of tour of duty in one place.

(e) Does not arise.

(f) I have already answered the first part of the question. The answer to the second part is in the negative.

(g) So far as Government are aware there is no truth in the suggestion.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it a fact that K. B. Gul Sher Khan, the Indian officer was in this colony from 1903, that is, the date of his appointment till 1912, that is the date of his death.

Mr. G. M. Young : Yes, Sir. I believe so.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that there had been several Indian officers in this colony who do not belong to this district before the present incumbent ?

Mr. G. M. Young : I should have to verify that, but I see no reason to doubt the statement.

Sardar Sant Singh : Is it not in the interests of discipline in the Department that no officer belonging to the district should be posted there ?

Mr. G. M. Young : No, Sir.

EMPLOYEES OF THE ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

217. *Sardar Sant Singh : (a) Will Government kindly lay on the table the number of persons employed in the Army Remount Department, Sargodha, during the last five years ?

(b) How many employees belong to the Shahpur District ?

Mr. G. M. Young : (a) The authorised establishment is 244 : there has been little variation during the last five years.

(b) The information is not available.

RELEASE OF POLITICAL PRISONERS IN THE PUNJAB.

218. *Sardar Sant Singh : (a) Will Government be pleased to state whether all the political prisoners, not convicted of violence have been released under the agreement between His Excellency Lord Irwin and Mahatma Gandhi ?

(b) How many such prisoners have not been released in the Punjab and for what reasons ?

The Honourable Sir James Crerar : (a) Yes.

(b) The total number of prisoners undergoing sentence in the Punjab for offences in connection with the Civil Disobedience Movement on the 5th March last was 1,858. Of these, 85 were still undergoing imprisonment on the 15th August 1931. They were not released because their cases did not come within the terms of the Settlement.

EMPLOYMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

219. *Sardar Sant Singh : (a) Will Government kindly state which community out of Hindus, Muhammadans and Sikhs is the minority community in the Punjab ?

(b) Is it a fact that the Sikhs are a distinct minority community in the province ?

(c) Is it a fact that the Sikhs are not adequately represented in the services of the North Western Railway ?

Mr. A. A. L. Parsons : (a) and (b). According to the latest figures available, the Sikhs are numerically the smallest of the three communities mentioned by the Honourable Member in the Punjab.

(c) I do not think the suggestion in the Honourable Member's question could be substantiated. According to an estimate based on the census figures of 1921, the percentage of Sikhs in the area served by the North Western Railway was 7.80. In the subordinate service of that Railway the percentage of Sikhs is 8.39. It is not possible to make a similar comparison with regard to Sikhs in the superior services, since officers in those services are liable to transfer to any of the State-managed Railways. But taking the superior services of those Railways together,

out of 363 Indian officers, 13, or 3.6 per cent. are Sikhs. If all these Sikh officers were posted to the North Western Railway, they would represent 10.4 per cent. of the Indian officers on that Railway.

SAFEGUARDING THE INTERESTS OF SIKHS IN RETRENCHMENTS ON THE NORTH WESTERN RAILWAY.

220. *Sardar Sant Singh : (a) Has the principle of safeguarding the interest of minority communities been followed in the case of recent retrenchment on the North Western Railway ?

(b) Is it a fact that the Agent of the North Western Railway has issued instructions to safeguard the interest of the Sikhs when deciding to reduce or retrench posts on the North Western Railway ?

(c) If so, has that principle been actually put into practice ?

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

SAFEGUARDING THE INTERESTS OF SIKHS IN RETRENCHMENTS ON THE NORTH WESTERN RAILWAY.

221. *Sardar Sant Singh : (a) Is it a fact that the percentage of Sikh officers on the North Western Railway comes to 3.32 and in the Engineering Department it is only 4.62 ?

(b) Is it a fact that after the retrenchments that have been carried out the percentage of Sikh officers on the North Western Railway has been reduced to 2.69 on the whole and to 3.98 in the Engineering Department only ?

Mr. A. A. L. Parsons : (a) and (b). The percentage of Sikh officers on the North-Western Railway, after the retrenchment so far carried out, is 2.58 as against 2.54 on the 1st March 1931. The corresponding figures for the Engineering Department are 4.09 and 4 per cent., respectively.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

222. *Sardar Sant Singh : (a) Will Government be pleased to state from what date retrenchment began on the North Western Railway and what departments have been affected thereby ?

(b) What is the number of persons that have come under retrenchment and what is the saving effected thereby ?

(c) Will Government kindly place the figures in a tabular form showing the number of Hindus, Muhammadans, Sikhs, Anglo-Indians and Europeans brought under reduction in various departments of the North Western Railway together with their pay and allowances ?

(d) What was the total strength of each community in these departments before retrenchment ?

Mr. A. A. L. Parsons : (a) From March 1931—All departments have been affected.

(b), (c) and (d). A statement giving all the information that is available is being sent to the Honourable Member. The total saving in a full year is estimated at about Rs. 32 lakhs.

ABOLITION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

223. *Sardar Sant Singh : (a) Is it a fact that Travelling Ticket Examiners of the North Western Railway form a separate cadre in the Traffic Department on the Audit List ?

(b) If so, what salaries are paid to the members of this cadre and what are the rates of allowances paid to them ?

(c) Is it a fact that the Travelling Ticket Examiners' cadre of the North Western Railway has been abolished altogether ?

(d) If so, how many of them have been brought under reduction and how many of them have been forced to accept posts of Special Ticket Examiners ?

(e) Will Government be pleased to state the number of Europeans, Anglo-Indians, and Indians employed in the above cadre ?

Mr. A. A. L. Parsons : (a) No.

(b) Does not arise.

(c) Yes.

(d) All have been brought under reduction. None of them have been forced to accept posts of Special Ticket Examiners, but some have accepted such posts.

(e) Government have no information.

NON-RETRENCHMENT IN THE SALARIES OF GUARDS AND DRIVERS ON THE NORTH WESTERN RAILWAY.

224. *Sardar Sant Singh : (a) Will Government be pleased to state the number of Europeans employed in A, B, C, or special class as guards and drivers on the North Western Railway ?

(b) Will Government be pleased to give the number of Indians employed as such on the North Western Railway ?

(c) Has the retrenchment touched this department of the North Western Railway ? If so, to what extent ?

(d) Are Government aware that an impression is abroad that on account of the majority of the Europeans being in this cadre, retrenchment has not been effected in this department ?

(e) Will Government kindly state the reasons why retrenchment in the salaries and allowances of guards and drivers has not so far been carried out ?

Mr. A. A. L. Parsons : (a) and (b). A statement giving the required information is laid on the table.

(c) Yes. 115 guards and 121 drivers have been brought under reduction.

(d) No.

(e) Staff retrenchment has hitherto been in the direction of cutting out surplus posts, but actually the allowances earned by guards and drivers have decreased as a result of the reduction in train mileage.

Statement showing the number of European and Indian guards and drivers in the various grades on the North Western Railway.

	Grade IV.	Grade III.	Grade II.	Grade I.	Total.
European Guards ..	65	22	3	..	90
Indian Guards ..	107	321	673	76	1,177
European Drivers ..	113	16	..	..	129
Indian Drivers ..	30	40	59	491	620

SPECIAL AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

225. *Sardar Sant Singh : (a) Is it a fact that Travelling Ticket Examiners have been an earning department of the Railway, whereas the Special Ticket Examiners have been a burden to the Railway Administration ?

(b) Will Government be pleased to lay on the table letter No. 501-P.S.T.-31-Comm., dated the 16th May 1931, from the Agent, North Western Railway, to all Divisional Superintendents, inquiring as to the earnings of each Special Ticket Examiner and the replies received from each Divisional Superintendent ?

(c) Is it a fact that the Divisional Superintendent, Lahore, has abolished Special Ticket Examiners' posts on account of their being unprofitable ?

(d) Will Government kindly state the reason why the Special Ticket Examiners' posts which form a temporary cadre, have not been abolished in place of the Travelling Ticket Examiner's cadre which is a permanent cadre ?

(e) What is the total cost of the Special Ticket Examiner's cadre and what will be the savings effected by abolishing it ?

Mr. A. A. L. Parsons : (a) No.

(b) Government do not propose to lay the correspondence on the table.

(c) No.

(d) The posts of Travelling Ticket Examiners were abolished as they were considered superfluous.

(e) The total average cost including Travelling Allowance of Special Ticket Examiners prior to the abolition of the cadre of Travelling Ticket Examiners was approximately Rs. 8,000 per mensem.

CONVERSION OF TRAVELLING TICKET EXAMINERS INTO SPECIAL TICKET EXAMINERS.

226. *Sardar Sant Singh : (a) Is it a fact that by conversion of Travelling Ticket Examiners into Special Ticket Examiners there is a loss

of 50 to 70 per cent. in emoluments and privileges to each member of the cadre ?

(b) Is it a fact that strong representations have been made by influential gentlemen and bodies against this action of the Railway authorities ?

(c) If so, what steps have Government taken so far in removing these grievances ?

Mr. A. A. L. Parsons : (a) The emoluments of Special Ticket Examiners are undoubtedly lower than those of Travelling Ticket Examiners, but the difference is not as large as the Honourable Member suggests.

(b) Yes.

(c) The representation is under consideration.

REDUCTION OF ALLOWANCE OF TRAIN RUNNING STAFF TO PRE-WAR RATES.

227. *Sardar Sant Singh : (a) Will Government kindly state the savings that would be effected on the North Western Railway by bringing the allowances of all the members of the train running staff to the pre-war rates ?

(b) Are Government prepared to take the above step ? If not, why not ?

Mr. A. A. L. Parsons : (a) and (b). The question of revising the allowances of the Running Staff is under investigation. In the meantime Government do not think it would serve any useful purpose to collect the information required.

PAY OF TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

228. *Sardar Sant Singh : (a) Is it a fact that according to Fundamental Rules, no combination of duties of Government employees can be effected which adversely affect the emoluments of employees until and unless they are guaranteed at least the same salaries and allowances which were enjoyed by them before the combination ?

(b) If so, is it not a fact that Travelling Ticket Examiners on the North Western Railway have been forced to perform the combined duties of Travelling Ticket Examiners and Special Ticket Examiners with the same rates of pay and allowances as are paid to the Special Ticket Examiners ? If so, does it not contravene the above Fundamental Rule ?

(c) If so, do Government propose to remove such breach of rule ?

Mr. A. A. L. Parsons : (a) No.

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

REDUCTION OF FREIGHT ON WHEAT FROM THE PUNJAB TO CALCUTTA.

229. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether they are aware of any agitation in the Punjab, or any application made for reduction in freight on wheat from Punjab to Calcutta ?

(b). If the reply to part (a) be in the affirmative, did the Railway Board give any consideration to those and reduce the freight ?

(c) If the reply to part (b) be in the negative, was it not in consequence of this that Calcutta was compelled to get Punjab wheat through Karachi by sea, rather than from the Punjab direct by railway ?

(d) Are Government prepared to direct that the Railway Board should reduce the freight on wheat from the Punjab to Calcutta ?

Mr. A. A. L. Parsons : (a) Representations for a reduction in railway freight rates on wheat from the Punjab to Calcutta were received by the Railway Board.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) and (d). Railway freight rates on wheat from the Punjab to Karachi were reduced from the 15th May 1931, and a further reduction was made from the 20th June 1931, in both cases to stimulate exports out of India. Large stocks of wheat have been railed to Karachi at these reduced rates, for which no markets outside India could apparently be found. Selling pressure to reduce stocks at Karachi and a lowering of the sea freight from Karachi to Calcutta have enabled wheat importers at Calcutta to obtain supplies from Karachi, and as the reduced rates on wheat from the Punjab to Karachi operate only up to the 14th September, 1931, it is not considered that a reduction in railway freight rates from the Punjab to Calcutta would arrest the movement of wheat from Karachi to Calcutta.

Mr. K. Ahmed : Will Government be pleased to state the difference in price per maund of wheat sold in the market of Lahore and the Australian wheat sold in the town of Calcutta ?

Mr. A. A. L. Parsons : I am afraid I must ask for notice. I have not got the figures with me.

Mr. K. Ahmed : In view of the fact that the Honourable Member representing the Railway Department did not enter into the question and has not got the figures as is admitted by him, will Government be pleased to take up the matter seriously and give relief to the people of India and see that Punjab wheat is sold cheaper in Calcutta than Australian wheat by reducing the freight if possible, and thereby making a profit for the Indian exchequer ?

Mr. A. A. L. Parsons : I can assure the Honourable Member that the Department I am representing does take the question very seriously and the possibility of stimulating both our traffic and the sale of wheat is constantly under our examination.

Mr. G. Morgan : Will the Honourable Member kindly state whether Calcutta is buying wheat from Karachi by sea as against railway import ?

Mr. A. A. L. Parsons : That is what I said in answer to the main question.

Seth Haji Abdoola Haroon : Will the Honourable Member kindly repeat his answer to clause (d) ?

Mr. A. A. L. Parsons : I said, it is not considered that a reduction in railway freights from the Punjab to Calcutta would arrest the movement of wheat from Karachi to Calcutta.

We left it to the Agent of the East Indian Railway in consultation with the Agent of the North Western Railway, to decide whether any reductions which we could make would have the result of getting more wheat moved over the East Indian Railway from the Punjab to Calcutta. After consultation, the Agents came to the conclusion that no feasible reduction would actually effect that result.

ACCOUNTANTS APPOINTED TO THE STATE RAILWAY ACCOUNTS DEPARTMENT.

230. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the total number of accountants grades I and II (permanent, temporary and officiating) appointed to the State Railway Accounts Department to date ? (The number should include men appointed in the East Indian Railway Accounts Branch and in the Railway Clearing Accounts Office from the time these offices came under the control of Financial Commissioner of Railways and should exclude passed accountants taken from the Railway and other Audit Departments.)

(b) How many of these men appointed by the Accounts Department were passed accountants at the time of their appointment ?

(c) How many of those not qualified have, since their appointment, passed Part II of the Railway Audit Examination or Appendix D examination of the Accounts Department ?

(d) What was the total number on the 1st April 1931 of accountants grade I and II (permanent, temporary and officiating) in all offices under the Financial Commissioner, Railways, who had not passed either the Appendix D examination or Part II of the Audit Department examination ?

(e) Will Government please state if it is a fact that in Civil Audit and Accounts Offices under the control of the Auditor General and in Military Accounts Offices, the appointment as accountant of a person who has not passed the Subordinate Accounts Service examination is a very rare occurrence ?

(f) Will Government please state if the appointment of a large number of unpassed accountants in the Railway Accounts Department and the continued retention of these unpassed men has in any way impaired the efficiency of the Department ?

Mr. A. A. L. Parsons : (a) 164.

(b) 60.

(c) and (d). 93 have been exempted from passing the examination either because they have been working as Accountants under the rules in force on the Great Indian Peninsula, East Indian and Burma Railways during the days of Company-management or because they were actually holding posts of accountants before the separation was adopted as a permanent measure. Of the remainder, one has passed Appendix D examination of the accounts department and 10 have not passed yet.

(e) Yes.

(f) No.

APPOINTMENT OF MUSLIMS AS ACCOUNTANTS IN THE STATE RAILWAY ACCOUNTS DEPARTMENT.

231. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if it is a fact that there are some Muslims who have passed the highest departmental examination, namely, Appendix D examination of the State Railway Accounts Department, but that they have not been made grade I accountants, while there are a large number of Hindu accountants who have not passed the examination ?

(b) Do Government propose to appoint passed Muslims to the posts of accountants in preference to unpassed Hindus ?

(c) Is it a fact that in the Railway Accounts Department a large number of unpassed men have been appointed as accountants grade I and II ? Are Government prepared to follow that precedent and to relax the condition about the examination in favour of Muslims and appoint them as accountants ?

Mr. A. A. L. Parsons : (a) Some Muslims who have passed the Appendix D examination have not yet been promoted to grade I of accountant. This is also true of Hindus. The position is that there are other classes of men eligible for such appointment besides those who have passed the Appendix D examination, viz., employees of the old companies of the Great Indian Peninsula, East Indian and Burma Railways, who have risen to the position of Accountants under the rules formerly in force on those railways ; men recruited as temporary accountants in the separated accounts offices during the experimental period of the separation scheme ; probationary accountant recruited from outside ; and men who have passed from the Calcutta Training School.

(b) and (c). As I have explained, the passing of the examination is not the sole avenue for appointment as accountant. Government are not prepared to alter the existing arrangements.

APPOINTMENT OF MUSLIMS AS ACCOUNTANTS AND AUDITORS IN AUDIT AND ACCOUNTS DEPARTMENTS.

232. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if it is a fact that Muslim clerks are available in Railway, Civil, Posts and Telegraphs and Military Accounts Offices who have passed the examination qualifying for promotion to the rank of accountant ?

(b) Are Government prepared to consider the question of appointment of passed Muslims to the posts of accountants and auditors in the Audit and Accounts Departments in preference to passed Hindus and thus remove the existing preponderance of the majority community in these services ?

(c) Are Government prepared to order that in all Audit and Accounts Departments a reasonable percentage of the posts of accountants shall be reserved for qualified Muslims ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). Promotion to the accountants' grade of clerks who have passed the prescribed examination is governed by seniority and merit, and not by communal considerations. It is not consistent with this policy to accord preferential treatment in the matter to any particular community.

EMPLOYMENT OF MUHAMMADAN CLERKS IN THE ENGINEERING BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.

233. *Honorary Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) With reference to the information supplied to me by Government in reply to my starred question No. 923, on the 13th March 1931, will Government be pleased to state how many Muhammadan clerks have been employed in the Engineering Branch of the Posts and Telegraphs Department since 1924 up to the end of 1930 ?

(b) Is it a fact that out of the total number of 300 clerks, there is a very small number of Muhammadans ?

(c) Are Government prepared to pay due consideration to the case of the Muhammadan clerks in the said Department, in the coming retrenchment ?

Sir Hubert Sams : (a) and (b). The recruitment in the period 1924—1930 was, as previously intimated to the Honourable Member, 42 Muhammadans and 300 others.

(c) Yes.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

234. *Rai Sahib Harbilas Sarda : (a) Will Government be pleased to state if the Inchcape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India ?

(b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its higher emoluments ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Inchcape Committee recommended the amalgamation of the post of Public Health Commissioner with that of the Director-General, Indian Medical Service.

(b) The recommendation was not accepted, in view of the very great importance of the duties of the post of Public Health Commissioner, which were considered to necessitate its continuance as a separate post. It is not a fact that the post has been raised from the grade of Colonel to that of Major General with higher emoluments. It carries a rate of pay which was fixed in March, 1921, and has not been altered since, though the present incumbent was promoted in 1929 to the supernumerary rank of Major-General, with consequent title to higher pension, as it would otherwise have been necessary to make him available for the post of Surgeon General, Bombay, which carries with it Major General's rank.

Rai Sahib Harbilas Sarda : Does the present gentleman, who is a Major General, draw the same pay as a Colonel would have been entitled to draw ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I must ask for notice. I do not very well know the pay of these officers.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

235. *Rai Sahib Harbilas Sarda : Will Government be pleased to state :

(a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof ;

(b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country ; and

(c) whether this officer's frequent absence out of India extends to in all over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Inchcape Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A statement giving the information is laid on the table.

(b) The Public Health Commissioner's attendance at certain international conferences is a necessary part of his duties. During his absence his duties in India are attended to by an Assistant Director-General, Indian Medical Service, who is a senior officer with special sanitary qualifications, in consultation with the Director-General, Indian Medical Service.

(c) The Honourable Member is referred to the answer to part (a) above and also to the reply given to his question No. 234. Government do not consider it feasible to retrench the post.

Statement showing the deputations of the Public Health Commissioner out of India during the years 1929 and 1930.

Year.	No. of deputations.	Period of absence on each occasion.	Place of deputation.	Reasons for absence.
1929	2	(1) 28 days ..	America ..	To arrange (in America) on behalf of the Secretary of State for India for the Rockefeller gift of 17 lakhs towards the Public Health Institute, Calcutta.
		(2) 20 days from 8th February, 1929 to 27th February, 1929.	Singapore ..	To attend a meeting of the Advisory Council of the Eastern Bureau, Singapore (as Chairman).

Year.	No. of deputations.	Period of absence on each occasion.	Place of deputation.	Reasons for absence.
1930	3	(1) One month and 8 days from 6th February, 1930 to 13th March, 1930.	Java	To attend, as Chairman, a meeting of the Advisory Council of the Eastern Bureau, Singapore, which took place in Java at the invitation of the Dutch East Indies Government.
		(2) 2 months and 25 days from 17th April, 1930 to 11th July, 1930.	Paris, Geneva and Algiers.	Deputation to the Office International d'Hygiene Publique in Paris, and Health Committee, Geneva, and to the International Malaria Conference at Algiers.
		(3) One month and 4 days from 28th November, 1930 to 31st December, 1930.	Bangkok and Singapore.	Deputation to Far Eastern Association of Tropical Medicine Congress, the Leprosy Commission of the League of Nations at Bangkok and to the Advisory Council, Singapore.

Note.—1930 was exceptional in that two annual meetings of the Singapore Advisory Council were held in one calendar year (January and December); the International Malaria Conference and the two meetings at Bangkok were all extraordinary meetings. These were timed to follow each other so as to allow of attendance within as short a period as possible.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

236. *Rai Sahib Harbilas Sarda : Will Government be pleased to state :

- if it is absolutely necessary for the Public Health Commissioner personally to attend various International Conferences outside India, which he has been doing at present ;
- whether it is not possible to depute officers either under Central or Local Governments, or local bodies, or members of the independent medical profession, to attend such Conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva ; and
- whether Government propose to consider the advisability of not deputing the same officers to the International Conferences and of deputing members of the independent medical

profession to attend the international conferences on health matters ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Public Health Commissioner's presence at certain International Public Health Conference is very desirable in the interests of the continuity of India's representation, and is from time to time essential in the case of Committees of which he is personally a member.

(b) Officers other than the Public Health Commissioner already from time to time attend these Conferences.

(c) The Honourable Member is referred to the reply which I have already given to (a) and (b). I would add that at meetings at which local Governments are represented, the representatives chosen are not always the same. There is nothing to prevent any accredited organisation of the Indian Medical profession from sending members to such conferences, when the invitations which have been issued regarding them admit of such a step.

Rai Sahib Harbilas Sarda : Will Government consider the advisability of sending along with the Health Commissioner members of the independent medical profession also to these conferences ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Does the Honourable Member ask that question on the assumption that private institutions will be prepared to pay their own expenses ?

Mr. K. Ahmed : In view of the fact that non-official medical practitioners with all-India experience are not available for the purpose, and in view of the fact that the answer has already been given by the questioner himself in this question, do Government consider that his question No. 235 is superfluous for the purposes of the questioner ?

(No answer was given.)

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

237. *Rai Sahib Harbilas Sarda : (a) Will Government be pleased to state (i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association, and (ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the independent medical profession and of non-medical scientists on that body as recommended at that Conference ?

(b) Will Government be further pleased to state when they intend to bring the matter up for the consideration of this House ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) (i). Government have not yet reached final decision on the recommendation made by the Conference held at Simla in July, 1930, with regard to the constitution of the Governing Body of the Indian Research Fund Association.

(ii) Very considerable weight is bound to be attached to the recommendations made by the Conference on this subject.

(b) The question of principle being settled, it seems hardly necessary to have the details of constitution of the Governing Body of the Indian Research Fund Association discussed by the House.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

238. *Sardar Sant Singh : Are Government prepared to appoint a non-official committee to inquire into the grievances of the grantees of land of Sargodha Circle ?

Mr. G. M. Young : The answer is in the negative. The matter was fully enquired into by the Punjab Government in 1929 through a Committee consisting of three officials and of one non-official member of the Legislative Council representing the Shahpur district. As a result of this enquiry, rules were framed by the Local Government in 1930, for the guidance of officers in dealing with breaches of the conditions on which the horse breeding tenancies were held. Government are not aware of any grievance among the horse breeding grantees in the Shahpur area, since these rules were framed.

Sardar Sant Singh : If I supply the Honourable Member with affidavits of the persons who have suffered at the hands of this Remount Officer, will he agree to hold an inquiry into these grievances ?

Mr. G. M. Young : If the Honourable Member supplies me with such documents, I will give them the fullest consideration.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

239. *Sardar Sant Singh : (a) Is it a fact that some grants of Ghoripals have been temporarily resumed by Government in Sargodha Circle ?

(b) If so, were any arrangements made for the maintenance of the Ghoripals ?

(c) Was any punishment, other than resumption, inflicted to the defaulters previous to resumption of grants ?

(d) Is there any case where the whole grant of land was temporarily resumed at the instance of the District Remount Officer ? Who passed the final orders ? If so, under what rule ?

Mr. G. M. Young : (a) A few partial resumptions have been effected by the Local Government.

(b) Yes. In cases of partial resumption half the grant is retained by the grantee.

(c) Yes. It is the practice to issue many warnings and, generally, to inflict fines, before resorting to partial resumption.

(d) There is no record of any such case in the Shahpur Area.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

240. *Sardar Sant Singh : (a) Are the Ghoripals of Sargodha Circle entitled to get a copy of the report and the final orders of the Deputy Commissioner on the same ? If not, why not ?

(b) Is it a fact that Ghoripals are not given copies of remarks made by the District Remount Officer about their mares, when on inspection ?

Mr. G. M. Young : (a) Yes, on payment of the prescribed fees.

(b) Copies are not ordinarily given, as many of the breeders are illiterate ; but the remarks are always communicated to them.

Sardar Sant Singh : May I know why copies are not supplied to the person who suffers from that order ?

Mr. G. M. Young : I think that if he applied for a copy, probably he would get a copy ; as I say many of them are illiterates and there is no use providing them with copies.

Mian Muhammad Shah Nawaz : And if they apply for copies through their legal practitioner or any authorised person who is literate ?

Mr. G. M. Young : As I say, I think if he wishes for a copy he would probably get it.

Mian Muhammad Shah Nawaz : So far we have not got it, I know.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

241. *Sardar Sant Singh : (a) Is it a fact that from one Chak on the Upper Jhelum Canal Colony, the District Remount Officer purchased all the mares from the Ghoripals at a nominal price ranging between Rs. 200 and Rs. 300, and sold the same at prices varying from Rs. 700 to Rs. 1,000 to other Ghoripals ?

(b) If so, who pocketed the profits on the sale of these mares ?

(c) Are there any rules authorising the District Remount Officer to purchase the mares of the Ghoripals and then sell them at profit ?

Mr. G. M. Young : (a) No, Sir, the Honourable Member has been misinformed. Certain horse-breeders had lost their standing crops through a hail storm and applied to the District Remount Officer for assistance. The only assistance that could be given was to allow them, as a special concession, to sell their branded mares to other breeders in the Shahpur area and to replace them by purchasing under-age fillies. This concession was much appreciated by the breeders. The average price realized for the mares was Rs. 460. The District Remount Officer had no concern whatever in the actual sales.

(b) The Ghoripals receive the proceeds.

(c) No, Sir. Nor does the District Remount Officer ever do so.

Sardar Sant Singh : Will the Honourable Member be pleased to consider the cases if I were to submit to him the affidavits of the parties who have suffered on this account ?

Mr. G. M. Young : Certainly.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

242. *Sardar Sant Singh : (a) Is it a fact that the District Remount Officer of Sargodha Circle purchased a mare from one Quazi, a resident

of Chak No. 40-N. B. for Rs. 250 and sold the same 20 days later for Rs. 700 to Lal Khan of Chak No. 88-S. B. ?

(b) If so, what power had the Army Remount Officer to purchase and sell the mare ?

Mr. G. M. Young : (a) No, Sir.

(b) Does not arise.

Sardar Sant Singh : May I know the source of information of the Honourable Member when he says "No" to this question ? Did he get his information from the Remount Officer himself or from the person mentioned in the question ?

Mr. G. M. Young : From the District Remount Officer.

Sardar Sant Singh : When the grievance is against that gentleman, how can he be supposed to say "Yes" ?

Mr. G. M. Young : He is the only person from whom I have the means of inquiring. If the Honourable Member gives me further information on the subject, I will make further inquiry.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

243. ***Sardar Sant Singh :** (a) Is it a fact that the Army Remount Department temporarily resumed the lands of Kartar Singh, minor of Chak No. 48-N. B. and Raja Mohd. Niwaz Khan of Chak No. 156-N. B., Sargodha Circle, and leased them while the cost of mare-breeding was borne by the above two gentlemen ?

(b) Who got the lease money in these two cases ?

(c) Is not the cost of breeding the mare a burden on the land ?

(d) If reply to part (c) be in the affirmative, why is not the lease money paid to the above two gentlemen ?

Mr. G. M. Young : (a) No, Sir. The Army Remount Department does not resume horse-breeding grants. In cases of temporary resumption, the cost of maintaining the brood mares is borne by the lessees and not by the persons whose grants have been partially resumed.

(b), (c) and (d). The case concerns the Local Government, to whom a copy of this question and answer is being sent.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

244. ***Sardar Sant Singh :** (a) Is it a fact that the fillies of ages between 10 and 18 months are either purchased by the Army Remount Department or are permitted to be sold ?

(b) If so, why the fillies of mares belonging to Rahim Bux and Nur Din of Chak No. 40-S. B., Kehar Singh of Chak No. 34-S. B. and several others have neither been purchased by the Department nor have they been permitted to dispose of their fillies ?

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

(b) The Honourable Member has been misinformed. The owners mentioned were given permission to sell their fillies on the 5th October, 1928.

Sardar Sant Singh : May I know again if the answer given in reply to part (b) of this question is based on information received from the Remount Officer himself or from the persons aggrieved ?

Mr. G. M. Young : It is taken from the records of the Circle.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

245. ***Sardar Sant Singh :** (a) Will Government kindly state the number of mares sold by Dhira Singh of Chak No. 45-N. B., Aga Vosat Ali Khan, M. Alam Sher, Indian Officer and Assistant Superintendent of the Army Remount Department, Imam Din of Chak No. 98, Abdullah Khan of Chak No. 96 during the last five years ?

(b) Wherefrom did these persons get all these mares ?

(c) Is it a fact that these persons are acting as agents of the District Remount Officer for purchasing and selling mares and making profits out of them ?

Mr. G. M. Young : (a) No such person as Dhira Singh of Chak No. 45 N. B. is traceable.

Risaldar-Major Malik Alam Sher is not a horse-breeder.

Khan Sahib Agha Woosat Ali Khan sold 30 mares, Imam Din 2 mares and Abdulla Khan none.

(b) 31 out of these 32 mares were bred in the horse-breeding grants of their owners.

(c) No, Sir.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

246. ***Sardar Sant Singh :** (a) Is it a fact that instances have occurred where fines were inflicted on the Ghoripals without giving them a notice of the breach of conditions for which the fines were inflicted and without giving them an opportunity of being heard in defence ?

(b) If so, will Government kindly state the rules or conditions on which such orders are based ?

Mr. G. M. Young : (a) The matter concerns the Local Government, but the Government of India have no reason to suppose that the facts are as stated.

(b) Does not arise.

APPOINTMENT OF MOSLEMS AS INCOME-TAX OFFICERS.

247. ***Mr. M. Maswood Ahmad** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Are Government aware that out of eighteen Income-tax Officers and three Assistant Income-tax Officers in the Province of Bihar and Orissa there are only two Moslem officers in the Province ?

(b) Will Government be pleased to state the number of Income-tax Inspectors in the Province, and out of them how many are Moslems ?

(c) Will Government also be pleased to state if there are any Moslem Assistant Commissioners of Income-tax in the Province of Bihar and Orissa ?

(d) Are Government prepared to enhance the Moslem element?

The Honourable Sir George Schuster : (a) Yes.

(b) There are eleven Inspector-Accountants, of whom two are Muhammadans.

(c) There are no Muhammadan Assistant Commissioners of Income-tax in the province.

(d) All heads of Departments are aware that the Government attach importance to the observance of their instructions regarding the necessity of securing that members of no community should have an undue preponderance in the services.

MUSLIM REPRESENTATION IN GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

248. ***Mr. S. C. Mitra** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Will Government please state whether there are any orders to the effect that a minimum figure of 60 per cent. Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they constitute over 95 per cent. of the whole population?

(b) If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province?

(c) Will Government please lay on the table a statement of figures, according to Departments, showing in detail the total strength of Muslims, non-Muslims, superior and inferior, prior to these orders and after they had been in force in the North-West Frontier Province?

Mr. E. B. Howell : (a) No such orders have been issued, but full consideration is being given to the claims of the increasing number of educated Muslim residents of the province.

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

MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

249. ***Mr. S. C. Mitra** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices, North-West Frontier Province, is 43 per cent.?

(b) If so, what measures are being adopted to raise this percentage to 60?

(c) Is it a fact that the scheme of re-amalgamation of Audit and Accounts will be operative in the North-West Frontier Province also?

(d) If so, will Government please state whether any orders have been issued to revert, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. Muslim representation? If not, why not?

(e) Will Government please state what steps have been or will be taken to safeguard the rights of Frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North-West Frontier Province?

The Honourable Sir George Schuster : (a) The Muslim representation in the Pay and Accounts and Audit Offices is 45 per cent.

(b) When vacancies arise, larger recruitment is made from the Muslim community than from other communities.

(c) A combined audit and accounts office will shortly be instituted in the North-West Frontier Province.

(d) and (e). The question is under careful consideration, but no final action has yet been taken.

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 Monday, September 14th. The time for Monday's sitting will be appointed by you, Sir. The first item will be the resumption of the debate on the motion to refer the Press Bill to a Select Committee if it is not disposed of to-day. Thereafter motions will be made to take into consideration, and if those motions are accepted, to pass the following Bills :—

- (1) A Bill further to amend the Indian Mines Act, 1923, for a certain purpose.
- (2) A Bill further to amend the Indian Succession Act, 1925, for a certain purpose.
- (3) A Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody.
- (4) A Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes.
- (5) A Bill to amend the Land Customs Act, 1924, for a certain purpose.
- (6) A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States.
- (7) A Bill to provide for the protection of the heavy chemical industry.
- (8) A Bill to amend the Provisional Collection of Taxes Act, and
- (9) A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

On Wednesday, the 16th, the House will proceed to elect members to serve on the Standing Committee for the Department of Industries and Labour. Thereafter any business left over from Monday's list

[Sir George Rainy.]

will be taken, and this will be followed by the resumption of the discussion on the motion to refer to Select Committee the Indian Income-tax (Amendment) Bill, in connection with which the Honourable the Finance Member asks me to say that if that motion is accepted, he does not propose to proceed further with the Bill this session. If time permits certain supplementary demands in connection with the resumption of the Round Table Conference will be placed before the House. Honourable Members are aware that Tuesday, the 15th, is a non-official day for Bills and Thursday, the 17th, a non-official day for Resolutions.

I am not yet in a position to say what day Government will ask the Governor General to allot for the non-official business which was on the agenda paper of Tuesday of this week. The decision will depend on the progress made by the House with Government business.

THE INDIAN PRESS BILL.

The Honourable Sir James Oserar (Home Member) : Sir, I move that the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Sir Abdur Rahim and the Mover, with instructions to report on or before the 18th September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, it is with a very deep sense of the gravity of the occasion and of the issues which it is my duty to lay before the House that I move this motion. I am confident that that will also be fully appreciated in every part of the House, that the proposals which I have to make will be carefully, calmly and impartially considered, and that the principles which I will ask the House to affirm will receive the greatest possible measure of support. There was no desire on the part of Government, so far as it could be avoided, to introduce any proposals which might involve serious controversy, and I hope that so far at any rate as the principles and the main purposes of this Bill are concerned they will not be regarded as controversial. The situation is one of great and increasing gravity. Public opinion has been deeply and justly shocked by the unhappy prevalence and the serious extension of terrorist crime. Public opinion is insistent in its demand for a remedy. That public opinion I hope and I am confident, will be fully reflected in the attitude and the decisions of this House. However that may be, Sir, the situation with which the country and the Government are confronted left Government no option. It was impossible for them to sit idle and inactive when they were confronted not only with this just and proper movement of public opinion, but what is even more important, with the essential facts of the situation themselves. It is on these grounds, Sir, that I found it my duty to move this motion, and I should like to remind the House that in times past when questions relating to the public security have come under its consideration, it has been our frequent experience on this side of the House to hear assurances from Honourable Members opposite that this House when approached by

Government will never fail to provide Government with powers adequate to the requirements of any emergency that may arise. To-day, Sir, and in the course of the discussion on this Bill I expect with confidence that Honourable Members opposite will give us a fulfilment of those assurances.

There are, Sir, two points which I wish to make perfectly clear at the outset, though I should have hoped there was not any very great possibility of misapprehension. And the first point which I wish to make is this, that this Bill does not constitute, is not intended in any way, as an indictment of the Press as a whole, or as any reflection upon a great and honourable profession. We have, Sir, several eminent journalists in this House. We have recently had occasion to deplore the death of one of them, and I desire to take this occasion to associate myself with the expressions of regret which recently found utterance in this House, and my particular regret is that the wisdom and experience of the late Mr. K. C. Roy will not be available for our discussions on this measure. Nevertheless, Sir, we have, as I said, the good fortune to have more than one member of that distinguished profession in our midst, and I desire, if any assurance is necessary, to give them my most sincere assurance, which I trust will be accepted by them with equal sincerity, that this Bill is in no way intended as any reflection upon their profession. (Applause.) The Press, Sir, discharges a function in the State which cannot be dispensed with. Whether it be the instruction of the public, the formulation of public opinion or the reasoned criticism of public activities or the policy of the Government, they perform an inestimable part in public life. At the present moment, more particularly, when great constitutional issues are under consideration we must look to the Press to discharge its function as the fourth estate in the realm. I trust, Sir, that I need say nothing further on that point. But I do desire to acknowledge the fact that many organs of the Press have taken reasoned and public spirited view of the issue which is really at the basis of my Bill to-day, have thrown their weight with justice, wisdom and sobriety upon the right side, and so far as the species of activity against which this Bill is directed are concerned, they have not only dissociated themselves from them but severely condemned them. I wish to make that acknowledgment here and now, because I frankly recognise that it is only certain sections of the Press which are likely to come within the danger of this measure. Nevertheless, it is an important illustration of the great power of the Press that even so small and in other respects so insignificant a section can constitute so great a public danger.

The second point which I wish to emphasise is that this Bill is very narrow and restricted in its range. The Government have not sought to go one inch beyond the actual necessities of the case. Though the emergency is grave, we have deliberately sought to restrict ourselves to the minimum requirements of the case. We have kept in view the immediate objective. We have not sought under colour of that objective to extend in any other way the scope of executive action, to restrain the liberty of the subject, or to endanger the freedom of speech or of writing. The Bill is restricted to incitements to and encouragement of murder and crimes involving violence, and nothing else.

[Sir James Crerar.]

I understand that some misapprehension has been caused by the common form of the Preamble of the Bill. That apprehension I hope I have now removed, but if it still remains, I should certainly be very glad to consider, indeed myself propose any necessary amendments in that part of the Bill which may be required to clear away that misapprehension.

Now, Sir, it is not my purpose now, nor have I the time to embark upon any elaborate survey of or disquisition upon the psychology of terrorist crime. I suppose that whenever there is any great movement of public opinion there are bound to be extremists on both sides. In the majority of cases it is perhaps not an unhealthy thing that there should be extremists on both sides, and their views may contribute to the resultant decision. There may be something constructive in extreme opinions of that kind. But the great misfortune of the kind of extremism which finds its expression in terrorism is that there is nothing constructive about it; it cannot possibly be constructive. It is solely destructive, it is entirely sterile. It is a form of destruction which is self-destructive. It is an impediment to progress, and it is a reflection upon the good name of any country in which it occurs. I think these are grounds on which we shall all agree.

Nor is it my intention to inflict upon the House any history of terrorist crime in India. I only want to recite a few somewhat essential facts.

There was hardly anything in the nature of terrorist crime proper in India till towards the end of the last century. It assumed very serious dimensions between 1900 and 1912. During the War, as Honourable Members are aware, action was taken, to a large extent under the special legislation then in force, which succeeded in reducing its limits, and after the termination of the War, that continued to be the case for two or three years. But Honourable Members will remember that in 1928 there was a recrudescence of this kind of crime. I will not recite the various measures which were taken and which have been taken since to combat it. I will ask the Honourable Members to consider the sequence of a few facts which I shall place before them.

During the course of the last three years there has been an alarming increase. In the year 1929 the number of crimes of a terrorist nature amounted to 19.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What is the page please ?

The Honourable Sir James Crerar : Page 7. In the year 1930 it amounted to 74, and up to 31st August of this year, it is no less than 118. I need not remind Honourable Members of occurrences that have taken place only in the course of the last few weeks,—the attack on the life of the Governor of Bombay, the assassination of a young military officer on the 23rd July.

Sir Hari Singh Gour : I am very sorry to interrupt the Honourable Member. There is no page 7 in the copy supplied to us.

The Honourable Sir James Crerar : I am not aware of what the Honourable Member is referring to.

Sir Hari Singh Gour : It is a copy of the statement of terrorist crime compiled from January 1929.

The Honourable Sir James Crerar : The figures are as I have stated.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : What page please ?

The Honourable Sir James Crerar : Page 7.

Mr. Gaya Prasad Singh : There is no page 7 here.

The Honourable Sir James Crerar : But I assure Honourable Members that they are the correct figures. Then, there are the murder of the late Mr. Garlick, District Judge, the attempt on the life of Mr. Cassells, the Commissioner of the Dacca Division on the 21st August, and the murder on the 30th August of Khan Bahadur Asanullah at Chittagong.

Now, Sir, that is a situation, as I say, of great and manifestly increasing gravity, and it cannot be doubted that a very important contributory cause, a factor of tremendous importance in these developments consists of incitements to murder and violent crime contained in the Press. That is a feature of the case by no means new. So long ago as 1921, the late Mr. Eardley Norton,—he was a former Member of this Assembly, and we must all deplore his death,—who had had great experience of conspiracy trials, referred in a debate in this House to the influence of the Press in securing recruits for the terrorist movement. He said :

“ I remember, when I was prosecuting for the Government of Bengal in the Alipur case, in which the pick and flower of the young, impassioned and misled Bengal youth were convicted—and justly convicted—for crimes into which they had been misled by their own Bengali Press—I well remember how youth after youth had eventually to confess that he had been practically debauched by the printed vernacular press of his own countrymen. And it was a pitiful spectacle to see those young men, who, if they were guilty, as they unquestionably were guilty, were at any rate actuated by honest motives of mistaken patriotism and succumbed to the teaching of Barindra Kumar Ghose, himself a victim to the misplaced energies of his own vernacular press.”

That aspect of the question has also found ample illustration in recent cases.

Now, I shall probably be told that Government ought to have resort to the ordinary law in the matter. It is because the ordinary law has proved entirely inadequate to deal with these forms of manifestation of crime that I am compelled to bring this measure forward before the House. I think the reasons of the inadequacy of the law have frequently been explained to Honourable Members and I do not need to recapitulate them. One point which I desire to make is this, that the ordinary law is almost entirely penal and punitive in its effect; it is not preventive and therefore if we rely solely upon the application of the ordinary law, the mischief would be done before we apply the remedy.

There are one or two remarks which I wish to make upon the Bill itself. I do not propose at this stage to examine in detail its various provisions, because I hope that that important part of the discussion of this measure will take place most appropriately in the Select Committee.

[Sir James Crerar.]

to which I have asked the House to refer the Bill, but I wish to make clear our point, and that is that the somewhat elaborate provisions of the Bill are due to two main causes. The first is that the Government were very anxious to avoid too drastic provisions. They were anxious to provide for a course of action which should attain the ultimate purposes of the Bill without too much hardship or too much inconvenience. Secondly the elaboration of the detailed provisions regarding the machinery of the Bill is to a considerable extent due to the provision of safeguards for those who might come within the operation of the Bill. What I should like to impress most strongly upon the House is that this is not a measure of repression, which it might conceivably be represented to be, but it is in essence a measure of protection. It is designed in the first instance to protect the public, to protect the officers of Government who are discharging their duties faithfully and courageously in constant peril of their lives. It is also to protect those young men themselves who are liable to be misled by the species of Press writings with which the Bill deals. It is a measure of protection to them and it is, I think, also a measure of protection to keepers of presses and editors because several times it has been urged upon my attention that in cases where objectionable matter is published, it is frequently published under duress and under intimidation. The existence on the Statute-book of this measure will at any rate afford to editors of newspapers and keepers of presses who do not desire to print such matter a good answer to those who desire to bring pressure to bear upon them. I should like to impress upon the House with all the emphasis that I can command that we are not seeking any invasion of the liberty of the subject or freedom of speech. I do not think that licence to preach or encourage murder can really come within any possible definition of liberty of the subject or freedom of speech. In truth, the activities against which the Bill is directed seem to me to be alien and repugnant alike to Indian and British tradition, to Indian and British civilisation, to the whole basis on which our joint and common conceptions of civic conduct and of the social order are profoundly based. It is sometimes said that,

“East is East and West is West and never the twain shall meet”.

I was never, Sir, a convinced advocate of that doctrine. There is much more common ground between us and will be in the future than the advocates of that doctrine are prepared to admit.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : East plus West is much the best.

The Honourable Sir James Crerar : I am indebted to the Honourable gentleman for a confirmation of the view which I was endeavouring much less aptly, to express. What I desire to say is that whatever divergences there may be, there is really far more common ground and in the present context I think the ground is entirely common. We have a common enemy to meet and I think that we ought to meet him together. I have already referred to the many signs which, I think, are evident of a growing feeling of indignation and condemnation of the activities against which this Bill is directed and I invite Honourable Members opposite to place themselves at the head of that feeling and,

in their capacity as representatives of the public, to give it expression and to take their part in translating it into action. Secondly, this is not a responsibility which can either be fairly thrown upon or fully discharged by any public authority alone and unaided. I should be the last to deny or question or in any way to derogate from the primary responsibility of Government, but I maintain that the Government are entitled to the amplest measure of support in other quarters. We are entitled to support from the public. That we shall get it I have no doubt. We are entitled to support from the Press. We have received a great deal in the past and I am confident that we shall receive a great deal more. But above all, we are entitled to support and co-operation from the Legislature. After all, political progress means a progressive transfer of responsibility, and it can only be expected to flourish in an atmosphere and under conditions where there is a genuine will and desire to accept and shoulder that responsibility. Political progress is not merely a transfer or enlargement of rights, powers and privileges, but it also means duties and responsibilities and burdens. I think there will be perfect agreement in this House when I say that in proportion to the desire to shoulder burdens and responsibilities as well as to acquire rights and privileges, to the extent to which that spirit is prevalent in India, the extent to which it finds expression, the extent to which it is interpreted into forms of action, it is in proportion to these things that the best prospects of India's future progress and political development now, in the immediate future and in the remoter future, must inevitably depend. I appeal, Sir, to the House to show their responsibility in that sense of the word and I take this occasion of reminding them once more of those assurances which we on these Benches have in the past so frequently received that if there is a good case for granting special powers to Government and if they approach the Legislature in the normal course of legislation to receive those powers, then those powers will not be withheld. The fulfilment of that assurance, Mr. President, was never more immediately required than on this occasion.

Mr. President : Before I allow the discussion to proceed, I should like to invite the attention of Honourable Members to the fact that to-day is Friday and, following the usual practice, I adjourn the House now to a quarter past two.

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

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

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I would like to add the names of Sir Hari Singh Gour and Mian Muhammad Shah Nawaz to the list of the names for the Select Committee that have already been proposed by you.

The Honourable Sir James Crerar : I have no objection to the inclusion of these names.

Mr. President : The names of Sir Hari Singh Gour and Mian Muhammad Shah Nawaz have been, by consent, added to the names of the Select Committee.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the motion standing in my name, namely, that the Bill be circulated for the purpose of eliciting opinion thereon. I did not fix the time-limit and I would now fix it "by the 2nd January 1932".

Sir, when I heard the Honourable the Home Member this morning, I felt that he does not stand on solid ground and therefore he seeks the assistance of the Assembly so half-heartedly and haltingly. But the Honourable the Home Member has thrown out a bait that we on this side of the House very often have assured the Government that we like to help them, to examine their measures and to assist them wherever possible. It is with that object in view that I gave notice of this motion. We want to assist the Government in the examination of the serious charges that they are laying against the Indian Press in India. Sir, first of all, I will oppose the fundamental idea which the Honourable the Home Member said was underlying the principle of this Bill. He said the underlying principle of the Bill is to suppress the terrorist movement. That might be one of the objects of the Bill, but the main object underlying the Bill is to suppress the Indian Press. Sir, this is not a new move on the part of the Government of India. It is a very old move and dates back from the days of the Montagu-Chelmsford Report. When the whole of India cried for reforms and when the reforms were going to be introduced, the Government of India constituted a Sedition Committee known as the Rowlatt Committee whereby they wanted to suppress the Indian Press. Sir, we are now on the eve of great constitutional changes and the Indian Press has helped the country to formulate their national demands for these great constitutional changes and naturally the Anglo-Indian Press is in a turmoil. The Anglo-Indian Press has solidly opposed the Indian aspiration to get Dominion Status and they have been goading the Government of India to that effect. Therefore, they want the Government to enact fresh press laws whereby the Indian Press will be suppressed. Sir, last January, when the Honourable the Home Member introduced the other Press Bill that he withdrew the other day with the consent of the House, he did not expect there would be a Gandhi-Irwin pact. So he wanted to introduce the Press Bill with the instigation of the Anglo-Indian Press whereby the activities of the Indian Press could be suppressed. If the Ordinance would have continued when the Gandhi-Irwin peace terms were concluded, the Press Ordinance would have lapsed. But the Government were wise and their Anglo-Indian advisers were wiser still. The Anglo-Indian Press always instigate the Government to take such measures; they are business men and possess astute heads; they not only interpret the views of the Europeans in India but also of the die-hards such as the Churchills and the *Daily Mail* of London. They instigated the Government to keep in their hands a measure which would completely bring the Indian Press under their control as the Ordinance was doing in the days of Civil Disobedience movement.

Sir, my Honourable friend, the Home Member, has paid a compliment to Indian journalists. He said some of them are very good men; some of them have done very good work. He also paid his tribute to our late departed friend, Mr. K. C. Roy, and I also take this opportunity to mourn the loss of that great journalist and that great personal friend of mine by whose death the Indian nation has lost a great man and a great patriot. Sir, as a member of the Upper India Journalist Association, of

which my Deputy Leader, Mr. Ranga Iyer, is the President, I accept that tribute from the Honourable the Home Member that some of the journalists in India are good men, and I pay him back the compliment that as a private gentleman I have the highest respect for him and look upon him as my friend. But as a Member of the Government I have no respect for the repressive and oppressive policy and the system of administration to which he is a party. Sir, my friend the Home Member and the Governor General in Council have made a fundamental mistake in their diagnosis of the terrorist movement in India. They want to kill two birds with one stone. They think they will be able to suppress the terrorist movement, but they know they cannot do so. But that is a different consideration. They are out to suppress the Indian Press because in their heart of hearts they do not believe and they do not expect that the Round Table Conference will be a success. They do not expect that next year at this time there will be the transfer of power from the other side to this side. They expect that the present system will continue and they expect what my friend Sir Arthur Moore.....

Honourable Members : He has not yet been knighted.

Mr. B. Das : I hope he will soon be knighted and I will be the first man to congratulate him. Mr. Arthur Moore's paper instigated the Government to rule India with mailed fist and iron hand, to rule India as if was ruled even before the Morley-Minto Reforms. Sir, my friends on the Government Benches are so unwise that they do not, as was remarked by my friend Mr. Amar Nath Dutt yesterday, read the letters written on the wall. It is their sad mistake and they will rue it.

Sir, I said that they have applied the wrong diagnosis. It has always been their mistake to apply wrong diagnosis. They are out for the blood of the Indian Press. In 1924, they went after the Press, saying that the Indian Press was backing the communist movement in India. It is always the Indian Press, the poor Indian Press that is guilty of everything. They do not see the signs of the times, they do not see how the world thoughts have advanced. As Members of a civilised nation they must be aware that new ideas spring up every day and we are all heirs to them. How can the Government suppress spread of thought of the Bolshevik movement and the Communist movement in India? Every day vast masses of literature emanate from the communists and India must have access to this literature and these papers. How can the Government suppress by mailed fist and bayonets the Indian Press; how can they suppress great thoughts that Karl Marx and Lenin enunciated? In 1924 and in subsequent years the Government said that it was the communist ideas that were causing the terrorist movement in India and to-day, at the instigation of the Anglo-Indian Press, they say it is the Indian Press that is at the back of the terrorist movement. Can you suppress the terrorist movement by suppressing all the Indian Presses? You can never do that. I throw you a challenge. Those who are today carrying on terrorist propaganda have laughed at this House. They laugh at the non-officials who are here calling themselves moderates and who are trying to co-operate with the Government. They even laugh at Mahatma Gandhi and the great Congress. I repeat the words of Lord Irwin when he said the "great Congress". Everybody knows what happened when Mahatma Gandhi sailed from Bombay. What happened? Those who advocate terrorism, those who are members of the communist party have decried Mahatma Gandhi and they said that Gandhi was going with banded

[Mr. B. Das.]

comes to beg for peace and mercy from England. My Honourable friends on the Government Benches are reinforced in their ranks by a great public man like Sir C. P. Ramaswami Ayyar, who is also a Member of the Round Table Conference and who will go to London two months hence to put forward India's case in a proper manner. If in the Round Table Conference the Government are going to say that the Indian Press is behind the terrorist movement, I say that Government are going to be sadly disillusioned. Their diagnosis is very wrong. As I referred to the Round Table Conference, I take this opportunity to quote the views of a great Indian journalist, who is not here, and who was not originally a member of the Round Table Conference but who has gone there recently on the advice of the present Members of the Government of India. I refer to my old friend and colleague Mr. A. Rangaswami Iyengar, the Editor of the *Hindu* and who presided recently over the Indian Journalist Association. His message from London reads thus :

"Provisious Press Bill so far available impose securities on all Press and newspapers old and new alike whenever fresh declarations are even formally necessary. Bill is punitive measure against liberty, Press and freedom of opinion."

Sir, Mr. Rangaswami Iyengar was not a satyagrahi leader ; he was never an extremist, he was a Member of the Swaraj Party, and today if I know his views, they are nationalist views, and I hope if Government want us to co-operate with them and to help them, they will respect the views of a sober and sedate leader like Mr. Rangaswami Iyengar. I hope my Honourable friend Sir C. P. Rangaswami Ayyar, when he goes to the Round Table Conference—I am sorry he will not be at the Federal Structure Committee—will justify the actions of his Government and as to how he advised his Government to introduce such a measure on the floor of this House.

An Honourable Member : His predecessors advised Government.

Mr. B. Das : His predecessors do not count with me. I hope Government have taken note of the incidents in the country during the last two months. The Honourable the Home Member himself said that public opinion is behind him in the matter of the suppression of the terrorist movement. I am behind him in the matter of suppression of the terrorist movement provided he proceeds in the right line and provided he follows justice and does not ask us to give him power that will take him back to the days of bureaucratic rule. What happened on the morrow of the assassination of Judge Garlick in Bengal ? Everybody deplored the event and Government began to lay charges against the Indian Press and said that, "It is the Indian Press which went on praising Bhagat Singh's bravery that has made the youth of India so violent as to strike such that beautiful article in the *Young India* by Mahatma Gandhi where he condemned such terrorist movements. I felt that Mahatma Gandhi where he come to the succour of the Home Member, and the Government of India. What happened ? What was the situation in the country thereafter ? All sober minded members of the public have condemned such terrorist actions. In the Calcutta Corporation the Mayor withdrew a certain Resolution that was passed in the case of Bhagat Singh.

Honourable Members : No, no.

Mr. B. Das : Honourable Members will have their say when it is their turn to speak. I want my friends on the Government Benches not to lend their ears to the European Bench. I want the Government to do justice to the Indian Press. I ask a simple question of the Government. Have not the Indian Press come to the rescue of Government and the country to control the temper of the country ? Nobody can deny that. Can my Honourable friends in the European Group say, or can anybody say that the Indian Press has not tried its best to control the temper of the country for the last two months ? I see my friends of the European Group are silent. "Silence" means they agree to what I say. If the Indian Press have helped the Government in this movement, then what is the motive behind the back of the Government in bringing forward this Bill ? It is the same motive that was behind the mind of Government in January last. They never expected the Gandhi-Irwin settlement. Today also they do not expect any settlement in London. They want to force matters at present so that die-hards like Churchill can rule India with their guidance.

Sir, I have spoken on the principle. The principle of the Bill is not suppression of terrorism but the suppression of the Indian Press. And I may remind the Honourable the Home Member that if he consults his friends in the Criminal Intelligence Department, he will probably find out the truth of what I say, that the actions of those who commit crimes and violence today are the results of the acts of oppression and repression during the days of the Ordinances that prevailed during the Civil Disobedience movement. I do not defend the criminal action of any young man who has committed a crime, but I say that the crime committed is the result of the serious high-handedness of the police and the district officials. If Gogate aimed a pistol at the Governor of Bombay, it was the result of the Sholapur crime and the Sholapur repression. My Honourable friend the Home Member knew that the Assembly was going to sit and he advised His Excellency the Viceroy to pass sentences of death on those four people ; and I can say—the Anglo-Indian Press may not believe it, but the Indian Press believe—that these six men who went to the gallows from Sholapur were all innocent men. The Assembly was going to sit. The Home Member went and advised the Viceroy to sign their death sentence. That is not good will, that is not creating a peaceful atmosphere in the country. Sir, I was going to prove that terrorist actions are not at all inspired by the public leaders of India, by public men in India, by the Congress in India or by the Indian Press. During 1926 and 1927 those of us who were in the Assembly knew that Government had a pet theory of foisting it on leaders like Subhash Bose as leaders of the terrorist movement and the movement of crime in Bengal. I must give Government the credit of having learnt since then. They tried to foist it on the millhands of Bombay and they said that communism was spreading and causing the terrorist movement in India. The Meerut trial still continues ; so far nobody has been found guilty and the terrorist movement by young men still continues and they know that it was Mahatma Gandhi's influence and Mahatma Gandhi's hope that this Government would see eye to eye with the popular leaders and call a round table conference by suppressing the Simon Commission that checked these wild youths. It was Mahatma Gandhi's influence that made these young men hold their hands back, but you have gone on hammering them ; you have insulted their mothers and sisters, you have ill-treated their women.....

The Honourable Sir James Orerar : I object very strongly to that statement and I protest against it.

Mr. B. Das : I am not saying you did it but the Government did it. By these Ordinances and these repressive measures they tried to drive out these young men from their homes and these young men had no guidance from the Indian Press, from the so-called public leaders like ourselves, or even from the greatest leaders of India like Mahatma Gandhi. Today these young men are beyond our reach, beyond the reach of the Indian Press, beyond the reach of the advice of great leaders like Sardar Vallabhbhai Patel and Mahatma Gandhi. And no newspaper and no sane advice reaches them who work in darkness. You have to go and diagnose the reason why these young men run into the wildernesses and hills and commit these acts of violence. But as Government have to maintain law and order, let them devise means of suppressing and punishing these wrong-doers. But if in the guise of suppressing the terrorist movement they want to suppress the Indian Press, the whole of conscious India will rise and oppose the action of Government.

Sir, as I was going to prove, this is not a new movement on the part of the Government of India. It started in 1918 when the Rowlatt Committee sat. It went on from 1918, and today in the year 1931 when we are on the eve of great changes, Government still think they can suppress the national consciousness of the people of India by suppressing the Indian Press. Sir, I quoted a great journalist, Mr. Rangaswami-Ayengar. I will quote a telegram which is from Mr. Brelvi, the Editor of the *Bombay Chronicle* and the Secretary of the Indian Journalist Association.

"The Executive Committee of the Journalist Association of India views with grave concern and apprehension the introduction of the new Press Bill.

One of the terms of the Delhi Pact was the withdrawal of all the ordinances and but for the fact that Press Ordinance expired only a few months earlier it would have been one of the ordinances just withdrawn.

The new Bill is, therefore, virtually a violation of the pact. The Committee is not satisfied that the reason given, namely, the prevalence of terrorist propaganda in the Press is in accord with the facts. With insignificant exceptions the Indian press as a whole is pledged to non-violence and has condemned strongly the political murders and attempts. From past experience the Committee is certain that the Bill though intended to deal with murder propaganda will indiscriminately be applied to curtail the legitimate freedom of the press."

Sir, this is the opinion of the Executive Committee of the Indian Journalist Association. If Government respect the public opinion of Indians, I hope they will pay due deference to the opinion of these men. The underlying idea of this telegram is, what I was trying to intimate, that the introduction of the Bill is a breach of the Delhi pact. Sir, the Congress is not today represented on the floor of this House, but those of us who are still Congressmen and are friends of the Congress must as public men see that Government carry out the Delhi pact. I maintain the introduction of this Bill is a distinct breach of the pact on the side of the Government. ("Hear, hear" from the *Nationalist Benches*.) What is the opinion of the Indian Press? I hope the Honourable the Home Member is asking his Director of Information to give him from hour to hour and from day to day the opinions of the Indian Press. I am not

concerned with the Anglo-Indian Press, because I have already maintained that it is at the instigation of the Anglo-Indian Press that the Government have come to enact this measure. Here is the editorial of the *Daily Herald*—not of London, but of Lahore—edited by that great journalist who is a European—Mr. B. G. Horniman. The editorial is headed "Another Breach". Everybody knows that the Congress and the country have pointed out to the Government and to His Excellency the Viceroy the various breaches that have taken place in the Delhi pact. The *Daily Herald* calls this another breach and it says that it is nothing short of legislative hooliganism. It says :

"The first objection to this Bill is, of course, that it provides the Executive with power to penalise newspapers and presses on this mere fiat of local officials—and power too of the most drastic. But it is when we come to the wording of the provisions of the Bill for the Better Control of the Press dealing with the 'offences' which will bring newspapers and presses within its gaping jaws that the mind of any one who is not hardened by bureaucratic indulgence in repression or" (I want my friend, Mr. Arthur Moore, to note this particularly) "unbalanced by racial panic, stands aghast at the rapacity of those who have concocted this specimen of legislative hooliganism."

That is the opinion of a journalist who once belonged to the *Statesman*, as my friend, Mr. Arthur Moore, may recollect.

That is the view of a Lahore paper. I will give the view of one other paper—the *Hindustan Times* of Delhi. It characterises the intention of the Government as dishonest. It says :

"It is because the Government's intentions are not honest and because the executive have grossly abused such extensive powers in the past that we think the Bill should be rejected by the Assembly."

That is advice which we on this side strongly reciprocate, and I hope that advice will be taken by every non-official Member of this House.

This House is not constituted as it was before 1926. During the days of the great Pundit Motilal Nehru, the Government would not have dared to bring such a measure on the floor of this House. My friend Mr. Rangaswami reminds me that the Public Safety Bill was brought forward and was swallowed up, as my friend Mr. S. C. Mitra says.

It has been given out in the Press that some Members of this House present in Simla have been carrying on negotiations with the Government and they have consented that the Bill should be referred to Select Committee. (Cries of "No, no.") I do not think—constituted as this House and the Opposition now is, composed of mostly moderates and liberals, because the Congress leaders and Nationalists are absent today from the floor of this House, because the Government at every turn made it impossible for those men to remain and render necessary assistance for the good government of this country—I say, Sir, if any moderate or any liberal who is a Member of this House has gone behind his party or behind his country to assure the Honourable the Home Member or the Government of India that the country is with the Government for the reference of such a Bill to Select Committee, I think that gentleman must have been suffering under some hallucination at the time when he gave such a promise. I refer to this only because it was commented on in the Press. I do not care—I never will care—and I do not mind what Honourable Members go and talk in the lobby or outside with Honourable Members opposite; that is not my look out. I am here to interpret the spirit of the country, and to voice public opinion, and public opinion does not want to see today that the Indian Press should be suppressed. I want to refresh the mind of the Honourable the Home Member about the recent deliberations of the

[Mr. B. Das.]

Congress working Committee at Ahmedabad. Of course, my friend the Home Member's arm of secret service is very long and he may have got all the details that passed in Ahmedabad; but the Press reports say that those great leaders of India that gathered at Ahmedabad are still doubtful of the success or utility of Mahatma Gandhi's going to London, and therefore they postponed consideration of certain important matters till November.

That brings me to my suspicion that the Government, who have been perhaps cheered by the appearance of Sir Samuel Hoare, Mr. Churchill and others, do not want the success of the Round Table Conference. They want from this day scenes of repression and oppression, so that if the Congress once again decides to revive the Satyagraha movement, they will start repression of the Indian Press and terrorism of the Indian Press—not by ordinances or special enactments—but by legislative measures presumably with the sanction of the non-officials on this side. Sir, I cannot be a party to that.

I want to draw the attention of the Home Member to one other point. What was the object, the underlying principle and the main principle of the Bill that he introduced in January last? The object was to suppress the laudation of the Civil Disobedience movement. Government are very wise; their advisers—I do not include my Honourable friend, Sir C. P. Ramaswami Iyer—he is too new to their game....

An Honourable Member: He is too good.

Mr. B. Das: Today the Bill has come in another form and what is the main object? To suppress laudation of the terrorist movement. The object of the Government is the same. They were afraid of the Civil Disobedience movement in January; the Home Member of the Government ought to know more than non-officials on this side. We non-officials were expecting a truce and peace between the Government and Mahatma Gandhi; but the Honourable Member did not; he wanted to stop this Civil Disobedience movement by the suppression of the Indian Press. Today, the same Bill has come up in another disguise. It is apparently the suppression of the terrorist movement, but in fact it is the suppression of the Indian Press, so that, in case the Congress decide not to accept the results of the Round Table Conference, where my friends like Sir Cowasji Jehangir and Sir C. P. Ramaswami Iyer and others will deliberate and will try to bring something to India, then the Indian Press can be thrown out of action and the Government could go on in their art of repression on the lines formulated and enunciated by my friend, Mr. Arthur Moore, in the editorials of the *Statesman*.

Sir, my Honourable friend says that the Indian Press is inciting to violence, is inciting individuals to murder and terrorism, but what is the Anglo-Indian Press doing? The other day I referred to incidents of the delicate negotiations that were going on between Mahatma Gandhi and His Excellency Lord Willingdon, and what was the Calcutta *Statesman* advising at the time? It was inciting race hatred. Every Indian that read the *Statesman* felt no love for the British Government and British people, because the articles in that paper incited such race hatred. My Honourable friend wants to suppress, wants to catch hold of one single mad

young man who is running after a particular official to whom he bore a grudge, but what about this race hatred which the Anglo-Indian Press is rousing in the country, when the Anglo-Indian Press held that the Labour Party in England were failing and the Conservatives were coming and they saw glorious light, when they held that the Churchills would win and would rule India, would exploit India, as they have exploited the country for the last 150 years? Sir, we are willing to help you, but can the Government say that in their life history they have ever prosecuted a single Anglo-Indian paper that has roused race hatred, that has worked for racial discrimination? As an old Member of this House, I know how many pieces of legislation were undertaken by Government to see that no race hatred was roused, but I say, Sir, it is this Anglo-Indian Press, no doubt inspired by the Conservatives in England, by the die-hards and the Imperialists and the exploiters in England, by newspapers like the *Daily Mail* and by men like Lord Rothermere and others, that want to rouse the Indian nation to such a state of frenzied helplessness that they should revolt against the Government. As I said the other day, the agriculturists will soon revolt in their deep gnawing hungers. They want to rouse the Indian nation to such a state of revolt, so that the Imperialists can say that there is no other alternative for the Indian administration but to rule the country, as it was ruled before the introduction of the Montagu-Chelmsford Reforms.

Sir, I lay the serious charge against the Government that they are abetting, they are parties to the secret conspiracies of the Imperialists in England and the Imperialists in India, that India should not receive Dominion Status, that India should not become an equal member of the British Empire. I do not want to bring the other charge which many of us have occasionally mentioned that my friends are afraid because they would lose their powers, their little Governorships and Executive Councilorships—those little things do not weigh with me now. I do not impute those little motives to the Government, but I impute to them the motive that they have sided with the Conservatives, with the die-hards and the Imperialists in England and in India to make the situation worse and worse, so that somehow they can carry on their policy of ruling the country with an iron hand for a few years more. Sir, study the signs of the times, and what do you find? There are other forces working, and repressive measures calculated ostensibly to maintain law and order cannot suppress the world-wide consciousness for the freedom of a great nation like the Indian nation.

Sir, my Honourable friend the Home Member argued that the ordinary law is insufficient to deal with terrorists. I am no lawyer, but I have consulted many great lawyers in this House, and the leader of my party is one of the greatest lawyers in this country, and I am assured that the law gives ample power to punish the editors of those newspapers who incite people to violence or even to suppress or to punish those who are terrorists in their mind or in their intention. I want to judge the Government by their intentions and motives. Their intentions may be to arrest the terrorist movement, but their motive is to crush the Indian Press, the freedom of the Press, and it is on account of that that I want to oppose this measure. Sir, my own inclination is to oppose it, but as I said, I want the Bill to be circulated so that I may know whether any conscientious section of the Indian public is with the Government, is with the Honourable the Home Member and supports him in the view that such a measure as this is necessary for the country to help the Government at this juncture.

[Mr. B. Das.]

Sir, I warn the Government not to spoil the good atmosphere of the Round Table Conference. I warn the Government not to dream of dreams that they dreamt centuries ago that they will continue to exploit the whole of the Asiatic countries, not to dream what the business-men, what the Imperialists still think that India must be exploited for another century. I assure my Honourable friend that India would like to help England, to remain as an equal partner, when both England and India are on the verge of bankruptcy, and if India is on the verge of bankruptcy, it is not due to the fault of the Indians; it is due to the fault of the Treasury Benches opposite who have squandered India's millions by their gambling policy. Sir, on behalf of India, I assure my friends opposite that we are willing to remain in the Empire and help the Government, but it is they who want to side with the Imperialists in England and India and forge measures of repression so that, after the failure of the Round Table Conference, they can go on ruling the country with an iron hand. If that is the idea of the Government, then I may tell them that they are entirely mistaken. Those of us, who are here and who did not go with Mahatma Gandhi and others in the Satyagraha movement at the famous Lahore Congress, those of us who remain on the floor of this House to give help to this Government to arrive at an amicable settlement, will be driven mad; the Government by their mad policy will drive us to a camp where we will go and seek a solution whereby we will not only obtain the freedom of the Press of India, but we will obtain the freedom of India as a whole. (Hear, hear.)

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I rise to support the motion that this Bill be referred to a Select Committee, subject to the observations that I desire to make.

Mr. President, no one will deny that there is functioning in India a revolutionary party whose insane objective is to promote the overthrow of established Government and to create a state of terrorism and violence in this country. That this party has been responsible for the most dastardly and diabolical murders of public servants and attempts on the lives of the Governors of two of the provinces is a patent fact. This party, despite the denunciation of acts of violence by the Congress under the leadership of Gandhiji and despite the resolve of political India to bring about an everlasting settlement between Great Britain and India, is still carrying on their campaign of assassination. Therefore, it is the urgent and paramount duty of every right-minded Indian to remove what Lord Irwin described as "This malignant cancer in the life of India".

Sir, I do believe that this House will co-operate with the Government if a reasonable and appropriate measure of legislation is enacted with a view to stem the tide of terrorism without interfering with the right of honest criticism and the independence of the Press. Honourable Members are aware that last winter Lord Irwin promulgated an ordinance which was worded very broadly and which I must say in some respects was abused by the executive. His Excellency delivered a memorable speech in this House on that occasion and added:

"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 class of mind."

His Excellency then promised that the Bill which has now been withdrawn by the Honourable the Home Member would be introduced in the Legislature. The Bill was introduced on the 15th January, but then came the remarkable achievements of the Round Table Conference and the historic announcement of the British Premier promising to India Dominion Status subject to necessary safeguards for the period of transition. The Bill was therefore postponed. Now, a new Bill has been put forward by the Honourable the Home Member, and anybody, who looks at this Bill and compares clause 4 thereof with that of the old Bill, will find that there is a vast difference between the two Bills. The present Bill has undoubtedly a limited scope, but I will presently point out that even so the wording is very wide.

Sir, this Bill is intended to arm the Government with powers against newspapers, which contain incitements to or encouragement of murders or other offences involving violence, or expressions of approval or admiration of any such offences. As Gandhiji has put it, these murderers are now in high favour owing to a mad worship of the murderers by a comparatively small section of the community and by a certain section of the Press. But I still maintain that the wording of clause 4 of this Bill is very wide and it can be made a weapon of repression in the hands of the executive as was the case with the old notorious Press Act of 1910. Clause 4 runs thus:

"Whenever it appears to the Local Government that any printing press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing (mark these words) any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise, to incite to or to encourage the commission of any offence of murder or any offence involving violence, or to express approval or admiration of any such offence (again mark these words), or of any person, real or fictitious, who has committed or is alleged or supposed to have committed any such offence."

Honourable Members will at once see that, although this clause materially differs from the corresponding clause of the withdrawn Bill, it is still very wide in its scope, because it says, "any words, signs, visible representations, metaphors, allusions", and so on and so forth, and even as regards the person, the murderer may not exist, it may be fictitious. Obviously the wording is very comprehensive and all embracing and requires considerable modification. As I have the privilege of going on the Select Committee, I will then put forward my own amendments.

Again, I maintain that there should be a right of appeal under clause 3. You will see, Sir, that a Magistrate can call upon any person who makes a declaration, or the Local Government may call upon any person who has already made a declaration to deposit security, but on what grounds, the clause does not say. I am of opinion that no arbitrary power should be given either to the Magistrate or to the Local Government, and that the Magistrate and the Local Government should distinctly record their own reasons why they come to the conclusion that the deposit of security under the circumstances of the case is absolutely necessary. If that Magistrate or Local Government do come to the conclusion that the deposit of security is necessary, then, in my opinion there ought to be a right of appeal to the High Court to see whether a proper case was made out for the deposit of the security. Moreover, the amount of security is very excessive. In the first instance it ranges from Rs. 500 to Rs. 2,000. At the second offence it is double, and at the third offence it is treble, and the printing press is

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also forfeited and the newspaper can file a new declaration only with the previous consent of the Local Government. These provisions are undoubtedly very wide and I have already said that they can be abused.

Now, Sir, there is no doubt that there exists in this country a small section of the Press which does in fact strive to glorify the names of those who resort to crimes of violence. There is also another section of the Press, comparatively small, which gives such a mixture of denunciation and praise to the murderers that ill-balanced youths are driven to a point where they come under the influence of those who make the organization of assassination their business. It is a matter of the deepest regret to everybody concerned that the Government are compelled to bring forward this measure of legislation under conditions of great emergency. I must say at once that responsible newspapers in this country and responsible persons among the vast majority of the Indian people have distinctly and clearly and emphatically denounced the murderers who have done harm to the fair name of India. The anarchical movement, I am happy to say, is limited to a small section of the people and India's heart is still very sound. India is willing to co-operate with Great Britain, provided that Great Britain also treats the Indian people with justice and fairness. In my opinion this Bill will eradicate to some extent the cult of murder, and it is the duty of every sane Indian to support it provided the Bill is modified appropriately and reasonably in the Select Committee. However I wish to make it clear that if it is not so modified, we will reserve the right of rejecting this Bill at the third reading if we so desire, but I do hope that the Select Committee will modify it so that it will be acceptable to the House. With these words I support the motion of the Honourable the Home Member. (Applause.)

Mr. Arthur Moore (Bengal : European) : I am glad to hear the declaration of my Honourable friend Mr. Shah Nawaz that he is in favour of the principle of the Bill. At the same time there is one observation I should like to make, and that is that as I understand it the debate to-day on the motion to refer the Bill to a Select Committee is confined to a discussion of the principle of the Bill. Therefore it seems to me to be an unfortunate precedent that a Member who is going to serve on the Select Committee should, as it were, before he has even had an opportunity of knowing the reasons why certain things are put in the Bill and what their exact meaning is, tie his own hands by going into the details, on his own reading of them.

Now, Sir, as I listened to the honeyed tones and the soft non-violent accents in which Mr. B. Das attacked what is known as the Anglo-Indian Press, and even permitted himself to go so far as to bring a monstrous accusation of outrages on women against the Government, I realised what prejudice the cause of law and order and the defence of the fabric of society has to encounter in certain quarters. With regard to Mr. Das's unfortunate observation, I will only say this, that after the Resolution of certain of his political associates eulogising the man who hacked to death Mrs. Curtis and who would, if he could, have hacked her children to death, the less he says upon the subject the better. With regard to his attack on the Anglo-Indian Press, I was particularly struck by the fact that in the past, and if my Honourable friend will search his memory he will know that I am speaking the truth, I have heard him in this House refer more

than once to a paper with which I am personally connected and to its sympathy with Indian aspirations. He is well aware of the support that it has given to the Round Table Conference, and to the effort to find an agreed and real self-governing constitution.

Mr. C. S. Ranga Iyer : What about the telegram that you sent to London about not permitting Mahatma Gandhi to go to London ?

Mr. Arthur Moore : I have no knowledge of such telegram.

Mr. C. S. Ranga Iyer : On behalf of the European Association, did not you send a telegram to London ?

Mr. Arthur Moore : Certainly not. No such telegram exists.

Mr. C. S. Ranga Iyer : Your telegram to Messrs. Baldwin, MacDonald and Lloyd George was published in the papers.

Mr. Arthur Moore : It may have been in some papers.

Mr. C. S. Ranga Iyer : In your own newspaper and in the *Madras Mail*.

Mr. President : Order, order.

Mr. C. S. Ranga Iyer : You sent a telegram to Mr. Baldwin.....

Mr. S. N. Roy (Government of India : Nominated Official) : Order, order.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is an Honourable Member entitled to call another Honourable Member to order in that tone, as if a District Magistrate ordering a *chaprasi* ?

Mr. President : It is only the President who has the right to call Honourable Members to order.

Mr. Arthur Moore : My Honourable friend was perfectly well aware of these facts. But just because there has been a tremendous outbreak of violence in which innocent men have been shot down, and because the paper supports this Bill, which is only intended to deal with terrorists—my Honourable friend forgets what he knows to be true. Turning round simply on the point of violence, he now says that we are reactionaries and that we stand for the policy of Mr. Churchill. He knows all that in his heart to be entirely contrary to the facts.

Now, Sir, I do not propose to waste much time over this preposterous charge that the Anglo-Indian Press has sponsored this Bill through some sinister motive. As I understand it, the argument which was brought forward the other day in a preliminary canter was that the Anglo-Indian Press has itself some privileged position, and has nothing to fear, and is therefore quite indifferent to the fate of its contemporaries. With regard to that, Sir, in the first place, there is no privilege ; not only that, but I will say this that no section of the Press has been so vexatiously harassed by those who have tried to use the intricacies and ambiguities of the law against it as has the Anglo-Indian Press in India. But the short answer to that charge is that it totally ignores the provisions of the Bill. This Bill suppresses no newspaper ; not even the most unutterable rag in the country is suppressed by it, or is even asked to pay an anna ; all that the Bill calls upon it in the first instance to do is to mend its manners and

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change its tone. (Ironical cheers from some of the non-official Benches.) If it still goes on with incitements to murder and violence, it is then called upon to deposit security, and if it repeats the offence, it forfeits the security. Now, Sir, what has any responsible paper to fear from that? Can anyone suggest that Indian dailies of great repute, like the *Hindu* of Madras or the *Leader* of Allahabad or the *Tribune* of Lahore, none of which I am quite sure have ever at any period incited to violence, or have believed in any way in violence, can any one suggest that such papers have anything to fear from this Bill?

Mr. Gaya Prasad Singh: But they have all condemned it.

Mr. Arthur Moore: As far as they themselves are concerned, Sir, they can view it with complete indifference. As far as their profession is concerned, I think that every decent journalist can only view with horror and disgust the state of things which exists in the country at the present moment, and must regretfully confess that not only is some such measure as the Government have introduced justified, but that it is long overdue. Sir, liberty and licence cannot long exist together. In the end, certainly, licence will drive out liberty, and that is what is happening. Where is the boasted liberty of the Press in India to-day? There is very little of it. I say, and I know, that the right wing of the Congress, the people who sincerely wish to observe Mr. Gandhi's teaching of non-violence, without reservation, and without eulogy of murderers,—I say that those men are intimidated by the left wing of the Congress, and they are terrorised by the political terrorists and by the revolutionary communists.

Mr. B. Das: On behalf of the Congress I protest.

Mr. Arthur Moore: I will give some proof.

Mr. B. Das: All right. Come forward.

Mr. Arthur Moore: I will read, Sir, from a Calcutta paper. It goes further than what I have said; for even those who are willing to preach revolution are intimidated unless they are willing to go to all lengths. (An Honourable Member: "Which is that Calcutta paper?") I said, a Calcutta paper, called *Sramik*. This paper wrote a few months ago (*vide* page 11 of the Collection issued by the Government):

"Again does that cannon roar,
A secret letter from revolutionaries."

The Editor was compelled to publish this:

"To the Editor, *Sramik*,
COMRADE,

We could not help laughing as we realised the helplessness of your condition in publishing the 'Red pamphlet' last week. We exist and will certainly do so. You are afraid, but death is the companion of our youth. We will not be content with destroying the white-skinned English only, we want the destruction of the native black-skinned Englishmen too. (Laughter.) Further, we want the downfall of Gandhi who is religious-minded, a traitor to the nation and a patron of capitalists.

We send you only those portions of the 'red pamphlet' which you did not receive. We want the victory of the *Sramik*. 'Inqilab Zindabad'."

Now, Sir, after that it goes on to omit some extracts, for the next paragraph evidently referred to the necessity of armed dacoities; and was too much for the Editor. But it resumes:

"Then, if there is money in the hand, no difficulty is ever experienced in collecting arms and ammunition in sufficient quantities. Hence, money is needed first. If the

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people of the country do not give money of their own accord, what alternative is there to snatching away money from the rich?"

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Shame, shame!

Mr. Arthur Moore: It goes on further:

"We should of course bear in mind that the fight for freedom in our case will not be an open fight. We shall take to guerilla warfare, for, following this method of fighting, a handful of men may weaken even a strong antagonist with the help of a small number of weapons. In an open fight, the English may very quickly put down the revolutionaries by means of their well-trained soldiers, cannon, aeroplanes, etc., but if war is waged according to the above-mentioned method, on whom shall the English exercise their military skill, and on whom will they have the best opportunity of ruthlessly raining their cannon-balls and bullets?"

It goes on further, Sir:

"Many perhaps will ask whether it will be possible for us to bring freedom into the country by practising terrorism in the manner in which it is being practised now, that is, by the explosion of bombs and the firing of bullets anywhere and everywhere. This sort of sporadic terrorism is of course not of much use. What will have to be done is to start a lasting and country-wide terroristic movement; here we shall have to consider why revolutionaries practise terrorism. If exactly at the time when 'goonda rule' is introduced into the country by some particular person or at the secret hint of somebody, i.e., at the time when the people of the country, thoroughly put out by his behaviour, desire his death, somebody relieves the oppressor of the burden of life, it is but quite natural that the sympathy of the people of the country will be attracted to him and his ideal. It is exactly for this reason, i.e., with a view to winning the sympathy of the countrymen that revolutionaries practise terrorism. Again, it may also so happen that, on the murder of the above-mentioned man, the successor to his post may, out of revenge, try to repress the people of the country more severely."

They want more repression:

"But if somebody kills him and his successor too, and thus at least eight or ten persons are done to death, then....."

The editor had to leave something out here.

"Those days are no more; the emancipation of India will not be achieved by prayer to God. Draw out the sword. These demons are not of that type."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Will the Honourable Member be pleased to say if any action was taken against this paper?

Mr. Arthur Moore: Is the Honourable Member defending this paper?

Mr. Lalchand Navalrai: I am not defending it at all; but will he say if any action was taken against this paper?

Mr. Gaya Prasad Singh: Why was it not prosecuted?

Mr. Arthur Moore: I have given you an extract to show what an editor was compelled to do. Sir, we are told that this Bill is a danger to the respectable Press; I say that it is not a danger to the respectable Press, but it is a fact that the other Press is a very serious reality. A great deal that is published is apparently published not under pressure but because that is what the paper stands for. Let me read out to you some more extracts. The same paper in April (page 18) publishes a poem entitled "Ramkrishna and Dinesh" in which the following lines occur:

"I made an end of the family of the Czar at the point of the sword of Lenin. As long as there is oppression, my scimitar will be again and again dyed red with the warm blood of man."

[Mr. Arthur Moore.]

Another Calcutta paper contains the following poem :

" Yes, ' Rebellion ', ' hot ', ' fiery ' and ' terrible ' is my name.
In whose possession is death, in whose wake follow a general massacre,
Murder, brutality, roar, storm, ruin and warfare.
With one gesture of my hands the entire world is overthrown.
Like death I spread over the head of life.
First of all I destroy the betrayers.
Then with a graceful gait I advance towards the Rulers
Spurning with contumely law and imprisonment.
Seeing the havoc done by my bloody feet,
The crown of the Ruler trembles.
By yelling thus I infuse enthusiasm among the people."

That, Sir, is the intention of that Press—to yell thus and infuse enthusiasm among the people. Here is another extract.

Mr President : Order, order : I should like to draw the attention of the Honourable Member to the fact that this publication has been circulated to all the Members. That being the case, I should like to ask whether the object of the Honourable Member would not be equally served if he made short quotations instead of reading the whole of the extracts and thus taking the time of the House ? I do not object to the Honourable Member reading only such parts as go to support his case. But I do not think it is proper that he should take up the time of the House by reading long extracts from document which is in the hands of every Honourable Member.

Mr. Arthur Moore : I will endeavour, Sir, to keep down my quotations as much as possible. I may point out that there are 66 pages and I have no intention of giving profuse quotations. But it seems to me quite evident from the speech of the Honourable Member who moved the circulation of the Bill that he appeared to me that he had possibly at least not read this book.

Mr. B. Das : I have read the whole past history.

Mr. Arthur Moore : May I just read an extract from the *Sramik* of the 1st May :

" O, brother workers, see there the god of equality is coming overcome by the intoxication for blood. The Red Flag is fluttering in the sky and the god of destruction is coming, his sword quivers thirsty for the blood of the oppressor. O, brother workers, your sufferings will come to an end. May Day has come back again at your doors to remind you of the bloody, pleasant day. Strike the capitalists ; smash their houses of festivity and raze them to the dust. Let those satanic exploiters quake, difficulties are solved through blows—so wield the rod, not even that is the end. Piercing through the ribs of cowardly oppressor wield your scimitar recklessly to-day making the bubbling blood flow. Make them swim to-day in a current of blood four times as much as the quantity of blood they have sucked out from your breasts. Let that carnival of blood commence from to-day with blows of the hammer, crowbar and the plough on the path slippery with blood. Let this memorable day sound the triumphant flute of fire on behalf of the workers in the world."

There are other passages on the same page but I do not wish to read them.

The *Sarbahara* (Calcutta) of the 13th June writes :

" Your blood is mingled with that machinery, that palace, that conveyance, and yet why are you deprived of each of those things ? Who will answer, why ? The men who sitting in the palaces built by you are smiling a sardonic smile, who drive in motor cars and put lakhs of money in their pockets it is those men who have left you

destitute. Listen, there is in the atmosphere a call that you are to destroy those robbers ; the universe has to be awakened and you also are to awake. You should get what is your due. Come, let us swear under the open sky to carry the Red Flag, whether we fall down or die on the way. We do not fear the dark prison or death by execution, we do not fear anybody ; we fly the Red Flag."

A Dacca paper justifies political murders :

" If a number of English officials and traitorous Indians are murdered, India might not forthwith become free, but it can be easily stated that she advances far thereby on the path to freedom. Remaining in a disarmed condition Indians have come to feel that they are incapable of using arms. They have forgotten even that they have the capacity to fight, that they have the power to take the lives of their enemies. We find that there is very great need of this kind of political murders, etc., to rouse in the minds of this self-forgetful nation a belief in their own real capacity and to rouse in their minds a desire for vengeance."

Well, Sir, I will refer Honourable Members.....

Mr. President : Order, order : I should like to invite the Honourable Member's attention once again. He has quoted half a dozen extracts to show what has appeared in certain papers. It is not necessary that the Honourable Member should go over the whole document in supporting his argument. He has shown already by the extracts which he has read what his contention is and I now want him to continue his observations based on the extracts he has already read.

Mr. Arthur Moore : I am very glad indeed to have your confirmation of the fact that I have established the point.

Mr. President : The Honourable Member seems not to have understood what I said (Laughter). I want to make the position clear. I cannot allow elaborate extracts to be read in the course of the debate. I have no objection to his reading a few extracts to support the point of view which he holds. The Honourable Member has done that and I now want him to proceed with the arguments which he wishes to base on the extracts which he has read. (Hear, hear.)

Mr. Arthur Moore : I bow entirely to your ruling, Sir. I should like to make no further quotation. I should merely refer Honourable Members to page 33 where they will find an invitation to make a river of blood flow. I cannot help feeling that even those few quotations should be enough to convince any reasonable man that there is terrible violence in this country. Ten years ago, I was in Central Asia and I well remember the pan-Oriental Congress summoned by the Third International at Baku in 1920, and the subsequent decisions taken in Moscow by the Third International. In plain language it amounted to this : that while they had the very greatest contempt for Indian nationalism, Chinese nationalism and every nationalism throughout the East and for Mr. Gandhi's movement, and although they announced that ultimately they meant to crush all nationalism, and replace it by the dictatorship of the proletariat, nevertheless they decided that the enthusiasm for nationalism in the East should be deliberately exploited by them in the interests of revolutionary violence, and for the destruction of the existing order of society. Now that programme has been systematically followed ever since, and that is what is happening to-day. The Left wing of the Congress and the political terrorists in India are thus being used by the revolutionary communists to break down society. A whole generation of young men, many of them generous spirited young men, full of ideals, the very men who should be the material for making a new India, are being perverted and are being consecrated to destruction. Are we to sit idly by ? From every quarter

[Mr. Arthur Moore.]

of the land in papers like these the cry goes up about repression from the very men who are themselves clamouring for more bloodshed. In no Indian State, in no other civilised country in the world would such a thing be tolerated. In Russia itself, the answer to the merest hint of public criticism of the dictatorship of the proletariat would be death. I believe that the people of India and the people of Britain can still, by mutual trust and the spirit of good will which animates the Round Table Conference, save the country from the real enemies of Indian freedom, namely, the terrorists. We have to go forward without faltering in the pursuit of a true nationalism, the creation of a great, self-respecting nation at peace with all the world. But it is quite evident that the poison has gone very deep, and I fear that many politicians who are not themselves prepared to resort to violence must bear their share of responsibility for the spirit of violence which reigns throughout the country. An Honourable Member yesterday referring to these Benches asked us, "Can we not read the writing on the wall?" He was good enough to tell us that we had no business to be here. I may be wrong, but I believe that I can read the writing on the wall. The British people desire that India should attain self-government, a large measure of self-government (Hear, hear) and that is definitely on the way. It is coming for India (Hear, hear). I fear that that may be the signal for an outbreak from these apostles of destruction, of violence in this country of such an extent as Honourable Members opposite have never had the misfortune to see. I would ask the Honourable Member, if those evil days come, on what is he relying for protection? He hates the English, he hates his own countrymen in the police. The terrorists will hate him, and will merely regard him as a coward. In a time of revolution and violence on all hands, when other men may wish to take his life and property, how is he to defend himself? I would say, let him begin to-day. If there is any sincerity and any loyalty to the teachings of Mahatma Gandhi, of non-violence, if there is, as I believe there is, a genuine response in the Indian heart to the noble and stirring appeal which Dr. Rabindranath Tagore issued in Bengal a few days ago, then, Sir, let us get on with this Bill as quickly as possible, and discuss it in the Select Committee. (Applause.)

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I think this Bill which is before us now was long overdue. My Honourable friend, Mr. Moore, has attached a good deal of importance to the speech which my Honourable friend, Mr. B. Das, made to-day. My Honourable friend, Mr. Moore, perhaps did not know that Mr. B. Das was speaking to the gallery, because the next Congress, which is going to assemble in December, will be in his own district of Puri. Sir, one is amazed to find that some Honourable Members consider this Bill as gagging the liberty of the Press. The question is, is that so? From the speech that we listened to this morning of the Honourable the Home Member and from the Statement of Objects and Reasons, the answer completely is that it is not so. The only object of this Bill is to prevent the irresponsible Press, the irresponsible newspapers or news agencies, which constantly incite crimes of violence, and which day in and day out encourage terrorist outrages by their writings and by their eulogies showered on those guilty of such crimes, from doing so. We condemn the misguided youths, the perpetrators of these horrible crimes, but, Sir, the time has come when we should strongly condemn and take action against those who by

their action, by their speeches and by their writings extol these deeds of violence and eulogise assassins as saints, martyrs, heroes and patriots. Sir, these misguided youths read these eulogies of the heroism of the perpetrators of anarchical crimes and discuss them with their companions and are apt to pause and think whether or not they too should offer their lives at the altar of their motherland and earn immortal fame. If one studies the history of the anarchical movement and anarchical crimes, it will be found that it was Bengal in particular where anarchical crime was first started—which, so to say, was its birthplace. It will be seen that it originated with the agitation over the partition of Bengal in 1905; and in this connection, Sir, may I, with your permission, read a passage from a book entitled "Causes of the decline of the British Empire in India"?

"Lords Hardinge and Irwin have sapped the British Empire in India. The wonderful fabric of the administration of British India was perfected by so many Europeans, chiefly members of the I. C. S. But it is two English Viceroys who have sapped its strongest foundation—I mean that crooked politician of British diplomatic service, Lord Hardinge and that too gentle and panicky Lord Irwin. The short-sighted temporary expediency of those two gentlemen together with the misguided general policy of the British towards the Indian Muslims from whom they had taken the country is the root cause of the decline of the British Empire in India. The dishonest annulment of the partition of Bengal has been the beginning of the end of British rule in India."

Sir, after the annulment of the partition of Bengal in 1912, the cult of bombs and pistols gradually disappeared. It must be said to the credit of the Press at that time that no Press was inciting impressionable young minds to violence or anarchical crimes to such an extent as is now being done. These anarchical crimes reappeared with the Jallianwalla Bagh incident and Mr. Gandhi's activities, and this time the Punjab caught the contagion from Bengal. Nevertheless, Sir, it did not extend with such alarming rapidity till the open declaration of independence at the Lahore Congress in 1929. Since then, Sir, the Press, and the Congress Press in particular, have been extolling the courage and the spirit of self-sacrifice of these assassins in season and out of season. It naturally leads the youths to think that these are noble deeds and that they would become heroes and martyrs should they choose to take this path. Sir, the Press Act, which was in force till 1924, stifled these violent outbursts of the nationalist and the Congress Press and considerably arrested the dissemination of this poison. But since the Press Act was repealed, the incitement to violence and eulogising these assassins have continued unchecked, to the loss of innocent lives and the lasting shame of India. Sir, the perpetrators of these crimes are usually youths below the age of 20. These youths who were born on or about 1912, when they come of the age of 14 or 15, interest themselves in politics, read and hear of this heroism of throwing bombs or firing pistols and killing officials indiscriminately, whether European or Indian, and thus they imbibe the poison. But since the Lahore Congress with the adoption of the Independence resolution, according to the same author,

"The spineless Sir Crerar",

— I do not at all agree with this description of Sir James Crerar who is not at all spineless,—

"did not take any action against the Press and the Press freely poured its venom, and terrorist activities increased with rapid strides."

[Mr. A. H. Ghuznavi.]

With your permission, Sir, I will again read a few passages from that very book.....

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : What is the name of that book ?

Mr. A. H. Ghuznavi : " Causes of the decline of the British Empire in India."

Mr. B. N. Misra : Written by whom ?

Mr. A. H. Ghuznavi : Written by an author who will be at the moment nameless. It says :

" Lord Irwin's Unwise Acts."

" Firstly, Lord Irwin, like a child, was terrified by a so-called Youth Movement and by his open utterances hither and thither in which he gave too much importance to the almost harmless movement of school and college boys made the clever Hindu leaders detect his weak point and they began to play on it.

His 2nd unwise act was the disgraceful muddle and surrender in the Bardoli affairs. The firm attitude of the Bombay Government outwitted the agitators who were thus compelled to cry a halt and proposed a sort of compromise. The Indian Government with Lord Irwin as the Viceroy and spineless Sir Crerar as Home Member and Mr. Patel as adviser jumped at the proposal and compelled the Bombay Government to accept the compromise, accept the lower rate and even to induce the loyal supporters who had purchased at those sales to return purchased properties which no law court could do.

Thirdly, Irwin Government has all along played into the hands of the clever Hindu politicians. The enactment of the Sarda Act at the time of turmoil interfering in the matter of marriage regarded as a sacred institution by the Hindus and Moslems was most unwise.

The fourth and greatest crime of the Bann-Irwin Government was not to arrest Mr. Gandhi and some of his co-workers, even after he openly declared for breaking the laws, even when he started on his 'pilgrimage' of breaking laws or even when he actually broke the law.

Fifthly, Lord Irwin and his Government have all along wasted their energy in an attempt to win over the Hindus, specially the so-called Liberals and in pursuit of that task have made their own position ridiculous. The President of the Assembly, Mr. Patel, on several occasions brought about deadlocks by his most arbitrary rulings ; he would insult the Viceroy's Cabinet Ministers ; would treat the leader of the House—the Home Member, like a child ; would turn out the visitors from the galleries, including those of the Viceroy's gallery, which contained a member of the Parliament, and also kept it vacant, days after days, and even at the time of the Viceroy's address and the opposition members would treat the members of the Government with slight ; yet the simple Viceroy and his spineless cabinet would keep absolute silence and would not take any steps because some opposition leaders advised against such steps and threatened non-co-operation."

Sir, the Government of India at last have risen to the occasion and have this time come forward in a business-like manner. They have compiled and circulated to us three volumes. I will not refer to all the instances which I wanted to, as my Honourable friend, Mr. Arthur Moore, has already quoted them : It will serve my purpose if I refer only to one particular instance to which my Honourable friend did not refer....

Mr. President : Will not the Honourable Member proceed with his own observations ?

Mr. A. H. Ghuznavi : The *Pagam* (a Muslim name, but run by the Congress) wrote :

" Bhagat Singh, Raj Guru and Suk Deb have been hanged ! The lives of only three persons have been taken, but these were the lives which were dear to 32 crores of

souls of India. By murdering them the English Government have thrown out a challenge to the manhood of entire India. Will India accept this challenge or will she stop after lamenting like cowards ? The whole world is awaiting to hear a reply to this question. On this reply alone depends the fate of both England and India. If India accepts the challenge, the future of England will be dark ; but, if she refuses to do so, then she must be disappointed about her own future."

That is not all. One is amazed to find that a civic body like the Corporation of Calcutta, a Corporation of the second city of the British Empire, passes a resolution, openly and publicly recording their sense of grief at the hanging of assassins after a judicial trial ; and let me tell the House here that in spite of the best efforts of the law-abiding citizens in Calcutta, that resolution has not been expunged from the Minute Book of the Corporation.

Mr. Gaya Prasad Singh : How will this Bill help ?

Mr. A. H. Ghuznavi : I am coming to that : and the gentlemen who prevented it from being expunged from the Minute Book of the Calcutta Corporation is a hot favourite of the Honourable the Finance Member. The Honourable the Finance Member has a very great admiration for enemies of Government. He perhaps swears by them.

This takes me to another serious matter about which this spineless Government remain unconcerned and look on like mere spectators. The Calcutta Corporation has got a number of free primary schools and they have about 29,600 children and 1,000 teachers to teach them. If the history of these teachers is ascertained, it will be found that they are recruited from the ranks of political suspects. The House will be interested to know what the first lesson is which these children are given morning and evening. This is the lesson which these teachers impart to these 20,000 pupils : it is a song which they are taught to sing every morning and evening.

" Ek, dooi, tin

Bharat haibey swadhin."

One, two, three

India will be free.

" Char, panch, chhai

Mahatma Gandhi ki Jai."

Four, five, six

Mahatma Gandhi ki Jai.

(**Mr. Gaya Prasad Singh** : " What is wrong with it ?")

" Sat, at, nai

picketing karitey hai."

Seven, eight, nine

Picketing is incumbent (on us).

So far I do not mind, but see what follows :

" Das, egaro, baro

Engrejkey dharo ar maro."

Ten, eleven, twelve

Seize the English and beat them.

That is the lesson that the Calcutta Corporation in their free primary schools give to their 20,000 pupils, and yet this spineless Government do not do anything.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : On a point of order, Sir.....

Mr. President (addressing Mr. A. H. Ghuznavi) : Order, order. The Honourable Member should resume his seat when a point of order is raised.

Mr. S. C. Mitra : How is the statement that something is taught in the primary schools of the Calcutta Corporation relevant ? How does it come under the purview of this Bill ?

Mr. President : Order, order. The Honourable Member would be relevant if his contention is that the Bill does not go far enough. (Laughter.)

Mr. A. H. Ghuznavi : That is exactly, Sir, what was in my mind, and I maintain that the Bill does not go far enough to meet the requirements of the situation ; it is absolutely a very mild Bill ; it will not be able to cope with what the Government wish to cope with. That is exactly the point I was trying to make out.

Sir, the lesson of British hatred is being imparted from day to day, and yet one is surprised that Government take no action. Is it a matter for surprise then that misguided youths take to bombs and pistols ? Sir, the life of peaceful citizens—thanks to the Nationalist Press and the Congress Press—has become intolerable.....

Mr. Gaya Prasad Singh : As if we are not peaceful citizens.

Mr. A. H. Ghuznavi : In order to prejudice their opponents or those who would not agree with their views, they would malign them at all times, and no wonder they get the terrorists' warnings that they now must be ready for a terrorist's pistol or bomb. Their opponents of the Congress are painted black and prejudiced by the Congress Press because they do not fall in with their views. Their lives are threatened by anarchists and notices served on them for the crime of giving expression to their independent views. If one would say anything which is not in accord with the views of the terrorists or their organ, he gets a notice that the time has come that he must pay the extreme penalty at the hands of the anarchist for expressing his independent opinion. I can give the House, Sir, many instances, but one or two letters will be sufficient. "You bloody scoundrel", Calcutta 29th July, 1931..... (Laughter). (*An Honourable Member* : "Unparliamentary language".) It is not my language, it is the language used in a letter of the anarchists.

"You bloody scoundrel, be careful. You must know that we are powerless before the Congress otherwise you would have seen your ancestral home before long. It is not the Congress but the hired ruffians of the Government like you who provoke us to do such murderous acts by your ugly speeches and utterings. So be careful you damn swine pig." (Loud laughter.)

The next letter is dated Calcutta, 25th August, 1931—

"Now the time is come to warn you that you will be shot or bombed down soon. You are going to have this punishment, for you are going against your native country with the co-operation of your English friends. You delivered a lecture in the Dalhousie Institute attacking the Congress, Corporation and the Revolutionaries and condemned violence and non-violence also. Moreover, you and your white friends sent a deputation to the Governor to control the power of the Corporation, to revive the Press Ordinance and to chain the youths of Bengal. You said that India will not be independent by such coward attacks upon British officers. Will you please tell how India will be free ?".....

(*An Honourable Member* : "Let us hear it").

"By flattering and kicking the feet of Englishmen like you ? You fool : do you know what is the punishment for betrayers of their own countries—a righteous retribution, death. Now the time is come to send all betrayers like you in hell, none will be able to protect you in this world, because one will kill you even at the sacrifice of his life for motherland to remove the sin like you of this country."

An Honourable Member : Was that letter addressed to you ? - It did not appear in any of the newspapers.

Mr. A. H. Ghuznavi : And, Sir, one is surprised how any Member of this House can refuse giving the protection which in the interest of good Government they are expected to give. I really wonder how any Member of this House, after reading all the literature which has been in their possession for the last 3 or 4 days, can still think that this Bill is not wanted. I quite realise that no newspaper with a light heart can support a Bill which restricts the liberty of the Press, but it does not restrict the liberty of the Press. I am sure all newspapers which will take the Bill in its true spirit will support this very salutary measure. If you will only permit me, Sir, I will quote one passage from the *Statesman* and conclude, because that passage clears the whole position.

"Freedom of expression on all ordinary matters of political controversy is rightly regarded as one of the most precious privileges of His Majesty's subjects throughout the Empire. But in India, it is precisely this freedom that is in danger, not because of any attack upon it by Government but because of the intolerance and violence of a section of the public. The Government Bill is really a measure for the protection of Indian editors who at present live under a terrorist régime. Some editors there are who are themselves believers in violence, and the Government in support of its case, has issued a selection of writings which unfortunately leaves no doubt upon this point."

Sir, with these few words, I support the motion of my Honourable friend, the Home Member, and congratulate him for bringing forward this Bill, which every law-abiding citizen would consider as a just and proper measure. (Prolonged cheers.)

Mr. C. S. Ranga Iyer : Sir, in the course of the very interesting discussion we have been having on the Press Bill, the House seems to have forgotten the introductory speech of the Honourable the Home Member. Sir, charged as he was with such a heavy responsibility, he observed that great restraint, which is so very difficult to observe under such circumstances, especially in the light of the revelations that we have had from the Honourable the Leader of the European Group. If the country was surrounded by terrorists on all sides, if terrorist propaganda was being carried on without any check and without any restraint, if little children, as the last speaker was pleased to inform us, were associating the name of Mahatmaji and the terrorist in the same breath, if, indeed, the situation was so very dreadful, I should have imagined the Honourable Member responsible for the administration of law and order in this country talking a little more vigorously than he did. (Laughter.) I do not believe, Sir, that on this particular occasion he spoke even with the warmth with which he introduced the Public Safety Bill. At that time he thought that the heavens would fall if the Bill was not passed. The Bill was not passed and the heavens have not fallen. He has told us that this is an emergency measure. He has told us that a great urgency exists in the country to-day to pass a measure of this kind, and the Honourable the Leader of the European Group, with the responsibility attaching to his position alike as the leader of the European Press out in this country, said that we must pass it very quickly. When he said that we must pass it very quickly he was fully aware of the fact that a measure of this kind leaves alone the papers with which he is connected and of which he is in charge, papers which breathe the language that he uses are not at all affected by a Bill of this kind. Leave alone a Bill of this kind, a Bill that was introduced in the Morley-Minto times by Sir Herbert Risley, the old Press Bill, left the Anglo-Indian papers unaffected. Sir, I do not deny

[Mr.-C. S. Ranga Iyer.]

my Honourable friend the little praise he indulged in of his own section of the Press or of his own Press. Nor do I deny him the indignation, the almost righteous indignation, with which he faced the rather feeble accusations of my Honourable friend, Mr. B. Das, the Whip of my party.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President).

Sir, he seemed to imagine that the charges that Mr. Das levelled were unjustified. He seemed to think that his paper, and his party, and his politics were being unnecessarily dragged in, but we know that the real inspirer of this Bill is not the Home Department, but the campaign that has been carried on in the Anglo-Indian Press. (Hear, hear.) A sort of professional jealousy, a sort of professional rivalry does exist between the *Statesman* of Calcutta and the other Calcutta newspapers, some of which are quoted in the compilations that we have been supplied with by the Home Department. And, Sir, a professional rival ought to be a little more careful when he begins to talk on a Press measure of this kind. A man who belongs to the Press and who knows that his Press is going to be unaffected, judging from the history of the Press Act in the past,—that man ought to have observed at least the restraint that the Honourable the Home Member was pleased to observe. But the curse of this country, the curse of political journalism in this country has been that the Anglo-Indian newspapers have got a charter as wide as the wind to blow on whom they like. They are the “unchartered libertines” of Indian journalism, or for that matter, of universal journalism. In no other part of the world have the journalists such liberty to blow on whom they like. Do we not remember the manner in which the Calcutta *Statesman* came down upon the Viceroy of India when the Capital was changed? Do we not recall the manner in which the *Englishman* of Calcutta instigated the deportation of a Viceroy, I mean Lord Ripon? Facts recorded in Lord Curzon's volumes on “The Government of India” reveal as to how the Anglo-Indians of Calcutta conspired to capture and to deport Lord Ripon because he was trying to abolish racial discrimination. They wanted to deport Lord Ripon, *via* the Cape of Good Hope because the Suez Canal had not been pierced at that time. In these days, if a Viceroy happened to offend them, they would have him deported by the air mail. (Laughter.) So uncontrolled is the irresponsibility of the Anglo-Indian newspapers....

Mr. F. B. Leach (Burma : Nominated Official) : May I ask the Honourable Member if these newspapers ever recommended the murder of Lord Ripon?

Mr. B. Das : They did worse.

Mr. C. S. Ranga Iyer : An Honourable gentleman sitting on the other side has put a most interesting question, “Did these Anglo-Indian newspapers ask for the murder of Lord Ripon?” I shall presently answer that question. But before answering that question I propose to put another question to him. Has any Congress newspaper ever since the beginning of the Congress asked for the murder of a Viceroy? Have any Congress newspapers in this country conducted by responsible, or for the matter of that, by irresponsible people, made such a monstrous suggestion? As for the events connected with the Viceroyalty of Lord Ripon,

perhaps my Honourable friend is not aware of how they shaped the subsequent course of Indian history and the evolution of Indian nationalism. When the Anglo-Indian newspapers cried for the head of Lord Ripon, the Indian people stood by him as one man. And it was the paper of Sir Surendranath Bannerjee, then “a Bengali agitator” as the Anglo-Indians considered him, that stood by the Viceroy. Lord Ripon's is an honoured name in Bengal and India. Anglo-Indians did not want his murder, but they wanted to murder his reputation. Can you imagine the Anglo-Indian newspapers asking for the deportation of the Viceroy,—asking for his being arrested in the Government House and being deported? That is worse than murder—murdering the Viceregal reputation, murdering the prestige. (Applause.) When I say worse than murder, I do not talk of murder in cold blood, because I have already said that nobody talked of murder, but I do say that the Indian papers were loyal to Lord Ripon when most disloyal were the Anglo-Indians. The need for a decent platform was then felt by the Indian leaders who immediately organized themselves and founded the Congress because they had to combat the Anglo-Indian Press and Anglo-Indian agitators and Anglo-Indian conspirators. The revolutionaries, we know, believe in murder and murderous conspiracies and when they talk of murder we do not pretend to be, so shocked as we naturally are when we find Anglo-Indian newspapers hatching a conspiracy for the deportation of a Viceroy....

Mr. Arthur Moore : I do not wish to interrupt the Honourable Member, but here there is direct incitement to the murder of the Viceroy.

Mr. C. S. Ranga Iyer : What is the newspaper which says that?

Mr. Arthur Moore : *Sramik* of Calcutta.

Mr. C. S. Ranga Iyer : I have not heard the name of that newspaper, and I do not know whether the Honourable gentleman knows what its circulation is, coming as he does from Calcutta.

Mr. Arthur Moore : You do not live in Bengal.

Mr. C. S. Ranga Iyer : As the Honourable Member lives in Bengal, I should like him to tell me what is the circulation of that paper which he mentions.

Mr. Arthur Moore : I have no idea of what its circulation is, but it is in the vernacular and is read out to many people who themselves cannot read.

Mr. C. S. Ranga Iyer : The Honourable gentleman admits he does not know what is the circulation of that paper. A well circulated paper I do not think has made that suggestion and a paper which makes that suggestion ought to have been long ago proceeded against by a responsible Government. Obviously, that paper has not been proceeded against, because they wanted to provide material for giving a bad name to the Indian Press and hanging the whole lot of it. (Hear, hear.)

Sir, the Honourable the Leader of the European Group denied having sent a telegram to Mr. Lloyd George, to Mr. Baldwin, and the Prime Minister. He told us that he sent no telegram at all....

Mr. Arthur Moore : On a point of personal explanation, I said nothing of the kind.

Mr. C. S. Ranga Iyer : When I said that a telegram was sent by the Honourable Leader of the European Group to the Prime Minister, to Mr. Lloyd George, and to Mr. Baldwin, I thought he denied the fact of having sent a telegram like that. I am glad I misunderstood him! My Honourable friend rated my friend, Mr. B. Das, with Congress leanings. The Honourable gentleman, according to the *Statesman* of Calcutta of 12th August 1931—and here I must thank the Honourable the Publicity Officer, Mr. Ramashankar Bajpai, for having supplied me the papers containing this information the moment I asked for them with the admirable promptitude with which he always supplies information to Honourable Members opposite, even as he supplies information to Members on this side of the House who seek it. I thank him for the papers. And the *Statesman* of Calcutta says that a telegram was sent. I am sure my Honourable friend, Mr. Moore, will not deny the fact of having sent a telegram. In one respect I must congratulate the Honourable the Leader of the European Group on the fact that he was something of a prophet so far as asking the British parties to form a National Government was concerned. I never thought that the Anglo-Indian community in Calcutta was trying to lead the British parties in England! In that particular respect he has proved an unexpected prophet. In their telegram to the leaders of all three political parties in England, the Leaders of the European Groups in the Assembly and in the Bengal Council called attention to “the Congress policy of secession under threat of terrorism.” (*Cries of “Shame.”*) This telegram was sent at a time when the Gandhi negotiations were supposed to have broken down and it was imagined by a community which is bankrupt of statesmanship that statesmanship in India and statesmanship in England was bankrupt, a community which was described by Lord Morley in his remarkable “Recollections” as that “unsympathetic tribe, the Anglo-Indians of Calcutta.” The late Mr. Montagu, the father of Indian reforms, whose name will live in history and in the generous recollections of generations yet unborn, (Cheers), has described with much pathos and some humour in his latest book, “the Indian Diary” what obstructions were placed in his way by the Anglo-Indian community, and he named the *Statesman* of Calcutta and one of the predecessors of Mr. Arthur Moore. He made mention of a good deal of “murmuring, muttering, and.....handkerchief”. We have got the evidence to-day of the persistence of the same mentality in the Honourable the Leader of the European Group, who had the audacity to take my friend, Mr. Das, to task. While reactionaries on both sides of the ocean were working for the breakdown of the Gandhi-Irwin settlement, he sends a rattling telegram to the leaders of the English parties not to have anything to do with the Congress because it threatened secession! The days of the old saying “East is East and West is West and never the twain shall meet” as aptly quoted by the Home Member are gone by, but the Anglo-Indians want to bring back those days, and that was why this telegram was sent to Great Britain. It was sent at a time when statesmen both in India and Britain were anxious to cement Indo-British relationship and unite India and England with the golden link of love and loyalty. It is because the leaders of the Anglo-Indian group discovered a rift in the lute that they decided to send this telegram. Representing the European Groups in the Central Legislature and the Bengal Council, Mr. Arthur Moore and Sir Lancelot

Travers addressed the following telegram to the Prime Minister, Mr. Stanley Baldwin and Mr. Lloyd George: “Representing the European Groups in the Indian Central Legislature and Bengal, we desire to call your attention to India where the declared policy of certain Congress leaders is to force the Round Table Conference to agree to secession from the Empire under threat of terrorism,”—a “disgraceful” telegram to borrow the language of Mr. Arthur Moore himself on a less important occasion. I say less important occasion, because my observations made in this House at that time, however, inconvenient and however unpleasant, have fortunately moved the U. P. Government under the Governorship of that great man, Sir Malcolm Hailey, the ablest politician in the Indian Civil Service, to take action on the matter which I discussed in this House in the manner which I expected he would and he did to the satisfaction of the U. P. people—I refer to the Cawnpore episode. This is a disgraceful telegram, more disgraceful anyway than my speech was accordingly to Mr. Moore on that occasion, calling upon the Government to set up a commission of inquiry. I was in possession of the facts relating to the tragedy that took place there. I was dealing with a matter relating to Cawnpore in the neighbourhood of which I have lived for the last 17 years. My opinion was challenged at the time and the Honourable gentleman was pleased to call it disgraceful when I exposed awful happenings and insisted that a commission ought to be appointed to enquire into them. I am glad that my opinion was acceptable, and the U. P. Government appointed a commission. I am glad that the Resolution of the U. P. Government proves that there was some grace and sincerity in my suggestion. But here is a telegram, a disgraceful telegram, which calls upon the Government in England, to bang, bar and bolt the door against the Congress by misleading them, when we are all anxious to unite and come to an understanding. Mr. Moore knew that the sole delegate of the Congress was none other than Gandhi.

Mr. Arthur Moore : On a point of personal explanation, Sir.

Mr. C. S. Ranga Iyer : I am willing to give way, if you will speak up.

Mr. Arthur Moore : My Honourable friend says that what I did was unstatesmanlike. Might I refer him to a much earlier statement in the *Liberty* of 28th March :

“In the telling language of Pandit Jawaharlal Nehru—this is during the period of the negotiations about the Round Table Conference—when England speaks to us about the settlement, there would be the corpse of Bhagat Singh between us.”

Mr. Deputy President : I thought the Honourable Member was going to make a personal explanation. It is certainly not a personal explanation if the Honourable Member is quoting an extract in refutation of another Honourable Member's argument.

Mr. Arthur Moore : I was endeavouring to make one. The explanation is with reference to the telegram which the Honourable Member read out, which he assumed was an attempt to wreck the Round Table Conference. Certainly it was not in any sense suggested that Mr. Gandhi should not be present at the Conference; nor is it true that these efforts were coming from the Anglo-Indian side and not from the other. It is for that reason that I referred to that statement.

Mr. C. S. Ranga Iyer : I could not distinctly hear the Honourable gentleman (*A voice :* “I could not also hear”) and my leader, Sir Hari

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Singh Gour, says that he has not heard him either, but I believe he stated that his object was not to wreck the Round Table Conference, whereas that of Pandit Jawaharlal was to wreck it. The Pandit spoke so *before* the Gandhi-Irwin pact was signed whereas the telegram was sent *after*. Mr. Moore's object was to keep out Gandhi and to stage the Round Table Conference with Gandhi left out. I think he wanted to stage "Hamlet" without Hamlet.

Mr. Arthur Moore : No.

Mr. C. S. Ranga Iyer : Yes, I could tell you how. I am in possession of an interview which Mr. Arthur Moore granted to a representative of an Anglo-Indian paper in Madras, the *Madras Mail*, on the 12th August, 1931. The *Madras Mail* published the following statement under the following head lines :

" MYTHICAL TRUCE."

" DELHI PACT AND AFTER."

" LABOUR PARTY'S FAILURE."

" Following receipt of the information that Mr. Arthur Moore, the Leader of the European Group in the Legislative Assembly, and Sir Lancelot Travers, the Leader of the European Group of the Bengal Legislative Council, had cabled to Mr. MacDonald, Mr. Baldwin and Mr. Lloyd George suggesting the formation of a National Government in Britain to control Indian affairs as published in this paper on Saturday, the *Madras Mail* arranged for a special correspondent to interview Mr. Arthur Moore. The following message was received this (Tuesday) morning. Mr. Arthur Moore pointed out in an interview that the present Labour Government since the outbreak of terrorism had shown themselves incapable of discharging satisfactorily their ultimate responsibility to Parliament and were evidently completely paralysed by the failure of their policy. And then he said that 'a change of heart had been anticipated from the Delhi Settlement, but the only outcome had been that the Congress had given a further display of their hatred and contempt for Britain. Labour's policy has been to put their trust in the Congress, but they have been let down'."

Well, the fact is that the sole delegate of the Congress, in spite of Mr. Arthur Moore's telegram, is on his way to England, and the fact is that every Congress organization in India has adopted the message of Mahatma Gandhi, has congratulated Mahatma Gandhi on his decision to take part in the Round Table Conference and has asked him to bring back the olive branch of peace to this country,—not "truce" but peace as was said by our great Viceroy speaking at the Chelmsford Club.

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

Sir, I am only pointing out that the Anglo-Indian community has shown itself to-day in this House in as bad a light as Mr. Morley described it in his "Recollections" and as bad as Mr. Montagu described it in his "Indian Diary" and as bad as Mr. Arthur Moore has shown himself to be in his speech to-day (Laughter). So much for the duel of Mr. Arthur Moore with Mr. B. Das and for his denial of a telegram which I asserted on the floor of this House he had sent and which fortunately he has now accepted as true on my production of documentary proof (Laughter).

Now, Sir, let me deal with the more respectable, with the more responsible, and with the more restrained speech of the Honourable the Home Member. I was almost going to say "the Honourable the Leader of the House", and there is absolutely no difference in this debate between the Honourable the Leader of the House and the Honourable the Home Member because the Home Member leads the debate. Sir, my

objection is fundamental so far as this Bill is concerned, though on one principle, the suppression of terrorism, I have complete sympathy with the Honourable the Home Member. Sir, we do not want terrorism in this country; and I do not believe that terrorism can do much in this country when the feeling of the people is either constitutional or in favour of the principle of the Mahatma, *viz.*, "non-violence", and therefore I do not think that, between the constitutionalists on the one side and the followers of non-violence on the other, the terrorists will have much chance. As for the newspaper quotations indulged in by Mr. Arthur Moore, all I can say is that these newspapers were before this never known to us—not until the Government discovered them! But when they discovered them, I wish they had also suppressed them,—because there is sufficient power in the armoury of the Government, there is a sufficient number of sections in the penal law of India for the Government to proceed against these newspapers, one of which, if Mr. Arthur Moore's quotation is correct, wanted the destruction of the highest authority in this land for whom every man in India entertains the highest regard. If such a statement had been made, and such a paper still continued in existence, I should only say that the Government do not know how to carry on their job. I can only say that they have buried all their penal laws because they want something stronger than penal laws to deal with these things.

Coming to the section to which my friend, Mr. Shah Nawaz referred, our fundamental objection so far as this Bill is concerned is to sub-clause (i) of clause 4, in which the Government have borrowed the very sections, almost the very identical language which was condemned by no less an authority than a very great Judge of a great High Court, none other than Chief Justice Jenkins. Sir, sub-clause (i) of clause 4 reads :

"(1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book, or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise, to incite to or to encourage the commission of any offence of murder or any offence involving violence, or to express approval or admiration of any such offence, or of any person, real or fictitious,"

and so on and so forth.

This, Sir, is clearly dangerous in Chief Justice Jenkins' view, and I know the biggest attack will be made against it on the floor of this House and outside this House. Sir, Chief Justice Jenkins condemned this operative clause, in the famous Mahomed Ali case in unforgettable words. In that particular case it was a pamphlet that was considered by the High Court and in future it will not be pamphlets alone but newspapers containing words of the nature described in sub-section (1) of section 4, I do not know whom I should congratulate for sticking, with that eminent consistency for which bureaucrats are so well known, to almost the identical clause. I do not know whether I should congratulate my friend, Sir Lancelot Graham (Laughter). Consistency is certainly one of his virtues, and one of the virtues of this particular Bill,—very ably drafted, very carefully drafted, very ambitiously drafted, and most comprehensively drafted! It does not want to leave a single loophole for any offending newspaper, offending, mind you, not according to a court

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of law, but offending according to the Magistrate, the executive officer. I shall come to that presently; but let me pronounce the condemnation of Chief Justice Jenkins of the Calcutta High Court; and after pronouncing that condemnation, I shall see what effect the condemnation has had on the draftsman of this Bill and on the Government which has introduced this Bill. Sir, according to Chief Justice Jenkins:

"The provisions of section 4 are very comprehensive, and its language is as wide as human ingenuity could make it." (Laughter.)

Yes. It is as wide in this Bill as human ingenuity can make it.

"Indeed, it appears to me to embrace the whole range of varying degrees of assurance, from certainty on the one side to the very limits of impossibility on the other." (Laughter.)

"It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind. They would certainly extend to writings that may even command approval."

"An attack on that degraded section of the public which lives on the misery and shame of others would come within this widespread net: the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught."

And, Sir, that section is being retained in spite of that pronouncement.

Mr. K. Ahmed: What is the reference?

Mr. C. S. Ranga Iyer: I must inform my Barrister friend, the Honourable Mr. K. Ahmed, the reference is: Indian Law Reports, Calcutta Series, 1914, the Mahomed Ali case (The late Mr. Mahomed Ali of Comrade fame).

Mr. K. Ahmed: All right, thank you, Sir.

Mr. C. S. Ranga Iyer: I am delighted that the Honourable gentleman also considers that it is all right. (Laughter.)

Mr. K. Ahmed: My learned friend is taking advantage of the situation. I merely asked for a reference and he is taking advantage of it and making out a point which does not arise. I am sure no amount of books of logic will support his case, nor an inference of the kind can rightly be drawn.

Mr. C. S. Ranga Iyer: Then the Honourable gentleman differs from the Chief Justice of Calcutta. (Laughter.)

Mr. K. Ahmed: I never said anything of the kind either this way or the other. He is talking of something which is quite an irrelevant conclusion of his.

Mr. C. S. Ranga Iyer: If a Barrister of the Calcutta High Court were to consider the pronouncement of the Chief Justice Jenkins on sub-clause (1) of clause 4 of this Bill as irrelevant, then I am sorry to say that the Barrister is living in a paradise of his own laughter.

Mr. K. Ahmed: My Honourable friend is talking without any sense or logic, and without any reference to the question under discussion and I have yet to see how he has got a leg to stand upon. (Laughter.)

Mr. President: Order, order: The speech should now be resumed.

Mr. C. S. Ranga Iyer: I thank you, Sir.

Sir, the most important point that we on this side make is against sub-clause (1) of clause 4 of this Bill. That is the crux of the whole Bill. If the operative clause had been put in the preamble itself, I would have welcomed it, because it would then have shown as by a flash of light the intention of the Government. Read in the light of this operative clause, the most objectionable sentence that follows is "any offence involving violence". So far as murder is concerned, I can understand it. So far as the glorification of an assassin is concerned, perhaps I might make a few observations, I have no sympathy with him, constitutionalist as I am. But I know from the experience of various Indian newspapers and my own, that this one little sentence, this one little phrase—"any offence involving violence"—puts in the hands of the Government a weapon to proceed against any newspaper which is not friendly with the Government and any newspaper which is not in the good books of the district officer. Sir, when Mr. Lambert was the Secretary to the Government of the United Provinces (Mr. as he then was) I was the recipient along with Pandit Jawahirlal Nehru as the Editor of the *Independent* of a *locus poenitentiae* contained in a letter which has since become public property. I rejected that bureaucratic benevolence. I was proceeded against by the United Provinces Government and given one year's rigorous imprisonment in His

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Majesty's hotels, vulgarly called the jails, because I received the very best attention anybody could receive. I had also a special train to proceed from Allahabad to Agra which few politicians or, for the matter of that, officials have. (Interruption by Mr. Amar Nath Dutt.) My friend, Mr. Amar Nath Dutt, says that even the Executive Councillors must have looked at it with an amount of pardonable envy. And the charge that was levelled at me at the time—and the intention of the Government was obviously to proceed against me under section 124-A—was the preaching of violence, while I was associated with Mahatmaji at the time and the late Pandit Motilal Nehru and my paper was preaching at the time not violence but non-violence. It was condemning the violence of the Government, and in every article that we had published we had said that the policy that the Government was adopting in Rai Bareilly, where some Talukdars had taken rather drastic action or something of that nature, when innocent *kisans* had been shot,—would strain the nerves of the people. We called upon the people, in spite of the drastic action of the Government, to remain non-violent and we said in that article that if there were violence in our movement, let it be the violence that is inflicted upon us. I replied to the letter of the United Provinces Government that I had not preached violence but condemned official violence and would continue to condemn it. And then what happened? They did not proceed against me under section 124-A but they proceeded under section 108, otherwise I would not have been a Member of this Legislature, because it was a security section under which there could be no conviction, speaking legally. Now, Sir, if a newspaper in Bengal,—wherefrom Mr. Arthur Moore carries on his controversial campaign against his professional rivals who are likely to come under this Press Act though he might incidentally increase the circulation of his own paper by getting them suppressed,—were to say: "If the Government were to behave so disgracefully as they did behave in Bombay to which Congress hospital was a witness, when on a peaceful procession they let loose men armed with *lathis* to play on their backs, to wound them, to kill them or to send them

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to a hospital wherefrom they never returned without losing a limb". If such an event takes place, a newspaper in Bengal is bound to say that "These things will stir the blood of the people". If it says so, there is an insinuation because there is the phrase—"bound to stir the blood of the people". The paper does not say: "Go and retaliate violently": it says: "Adhere to Gandhi: do not lose your heads, though these are the occasions when we are bound to lose our heads. It strains our feelings: it makes us behave as they do in Europe and as they did in Ireland and America. On occasions like this violence is met with violence: but that will be a most foolish thing to do, a most dangerous thing to do, because it would defeat our non-violent movement". If a paper were to write like that, then what would happen? This operative clause of section 4 comes into operation and punishes the Press. The Press cannot escape punishment because the section says "are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise". (Laughter).

Mr. K. Ahmed: Why don't you let the Bill come from the Committee?

Mr. C. S. Ranga Iyer: I propose to ignore the Honourable gentleman.

And, Sir, it is this "otherwise" which was commented upon by Justice Jenkins in the following words. He said:

"Nor is that all, for we find that the Legislature has added to this, the all-embracing phrase 'or otherwise'."

I do hope that this Legislature, after the warning of Chief Justice Jenkins of Calcutta, will not repeat that blunder.

Then, we may be told by the Honourable the Home Member that when a forfeiture of security is made, there is an appeal to the High Court. Here is another fundamental objection. It is bad enough in all conscience that the District Magistrate or the Deputy Commissioner is to set up the criterion of journalistic goodness, but it is much worse, I say, that there should be no right of appeal to the High Court before the security is deposited. We are invited to deposit a security not as under the old Press Act of a maximum of Rs. 2,000, but if it pleases the Magistrate and if the paper is supposed to have offended in the past—mark not in the present or in the future—if it is supposed to have offended in the past, we are invited to deposit a security of Rs. 5,000. I think it is not necessary to read that clause because I believe the Honourable the Home Member agrees with my statement.

Mr. K. Ahmed: That will be considered in the Select Committee.

Mr. C. S. Ranga Iyer: We have got to consider it now. What we say here is not only being heard in the galleries, but it is being overheard by a good many millions out in the country. It is being heard in this House also. In the open day light let us have a little bit of plain speaking as to what we consider this Bill to be before we think of going to the Select Committee.

Mr. K. Ahmed: Sir, I think.....

Mr. President: I have called the Honourable Member to order several times.

Mr. C. S. Ranga Iyer: That is a very important matter. Before a security is deposited.....

Mr. K. Ahmed: I rise to a point of order, Sir. Is there a time limit for speeches?

Mr. President: Will the Honourable Member tell me what his point of order is?

Mr. K. Ahmed: Is there no time limit for a speaker?

Mr. President: The Honourable Member is referred to Rules and Standing Orders. (Laughter.) There is no time limit when legislation is being discussed.

Mr. Gaya Prasad Singh: And yet the Honourable Member has been one of the oldest Members of the House.

Mr. C. S. Ranga Iyer: That is a matter which has to be regulated in the Select Committee. This is what the sub-clause says:

"(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made before the commencement of this Act under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India."

Sir, this is another unusual feature of the Press Bill. According to the old Press Act, you were asked to deposit security up to a maximum of Rs. 2,000, but according to the new Press Bill, apart from this Rs. 2,000, there is another Rs. 5,000. Under the old Press Act, the keeper of the press alone was expected to deposit security, but under this Bill not only the keeper of the press is called upon to deposit security, but also the publisher of the paper is called upon to deposit security. That is trying to wring out in these impecunious times more money, and for an impecunious Government perhaps this is an attractive way of making money. (Laughter.) They are trying to wring out of these newspapers and presses, Rs. 20,000, whereas in better times they wanted only Rs. 10,000 maximum.

Then, Sir, the other ugly features of the old Press Act are retained in this and as the subject is important I must go into it fully.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

When the security is forfeited, the burden lies upon the offending keeper of the press; he has to prove the negative of the Act. On this I will invite the attention of the House to the judgment of Chief Justice Jenkins on the impropriety, I would not call it impropriety, because it would not be correctly representing the opinion of that esteemed Judge, I would just invite your attention to the serious nature of a procedure like that, that is inviting the applicant to prove the

[Mr. C. S. Ranga Iyer.]

negative of the Act as interpreted in the operative sub-clause (1) of clause 4. He says :

“ The Advocate General has admitted and I think very properly that the pamphlet is not seditious and does not offend against any provision of the criminal law of India.”

This measure is meant not for newspapers which offend against the criminal law of India nor for suppressing sedition, but for suppressing the Press.

The Chief Justice goes on :

“ But he has contended and rightly in my opinion is that the provisions of the Press Act extend far beyond the Criminal law and he has argued ”,

and that argument applies to this particular Bill which we are considering to-day,

“ he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be, still if the applicant cannot establish the negative, the Act requires, his application must fail, what is the negative. It is not enough for the applicant to show that the words of the pamphlet are not likely to bring into hatred or contempt any class or section of His Majesty's subjects in British India or that they have not a tendency in fact to bring about that result, but he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion, metaphor or implication. Nor is that all, for we find that the Legislature has added to this the all-embracing phrase ‘ or otherwise ’.”

Sir, this is an objection which must go from this Bill, an objection which has been pointed out by as great an authority as the Chief Justice of the biggest High Court in India.

Then, we come to the powers of the High Court. There is a sort of shadowy provision in this Bill about the powers of the High Court :

“ Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).”

That is narrowing the jurisdiction of the High Court with a vengeance. In the words of Chief Justice Jenkins :

“ The High Court's power of intervention is the narrowest : Its power to pronounce on the legality of the forfeiture by reason of failure to observe the mandatory condition of the Act is barred : The ability to pronounce on the wisdom of the executive order is withheld : and its functions are limited to considering whether the applicant to it has discharged the almost hopeless task of establishing that his pamphlet ”,

in the present case, any and every writing,

“ does not contain words which fall within the all-comprehensive provision of the Act.”

(Interruption by Mr. K. Ahmed.)

You may think so but Chief Justice Jenkins of Calcutta does not think so and people in this House believe his to be the better opinion than your own whatever you may think of it.

“ I describe it ”

says Chief Justice Jenkins :

“ as an almost hopeless task because the terms of section 4 are so wide that it is scarcely conceivable that any publication would attract the notice of the Government in this connection to which some provision of that section might not ‘ directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise ’, apply. I have said that the ability to pronounce on the wisdom or unwisdom of executive action has been withheld.”

So is it being withheld in this Press Bill. I wonder why Government, after the guidance that they have received from such a high quarter, have withheld it. Sir, this is also a matter which will have to be considered very carefully and this House cannot accept this Bill with these reactionary clauses in it. Under it future Judges will be as helpless as Justice Jenkins.

Sir, I must now only compare the urgency that Government have felt on this occasion to a similar urgency that the Government in the nineteenth century appear to have felt. Lord Lytton as the author of the Vernacular Press Act, the first Press Act that disgraced the Statute-book, sent the following telegram to the Secretary of State in 1878 when he said :

“ We have accordingly prepared a Bill and I propose to pass it at a single sitting on the plea of urgency, which is not fictitious, afterwards reporting to you our proceedings in detail. If the measure becomes an accomplished fact and declared by us as urgently necessary in the interests of public safety it will probably be accepted with far less objection than if it had formed the subject of previous discussion.”

Therefore, when Mr. Moore says that we must pass it quickly, I can only say that he is living in the spacious days,—were those days so spacious as these ?—of Lord Lytton. Sir, the liberties of the Press are being assailed by this Bill. What are the liberties of the Press ?

“ The liberty of the press ”

says Lord Mansfield,

“ consists in printing without any previous license subject to the consequences of law.”

“ The law of England ”

says Lord Ellenborough, another great Judge,

“ is a law of liberty, and consistently with this liberty we have not what is called an imprimatur. There is no such preliminary license necessary but if a man publishes a paper he is exposed to the penal consequences as he is in every other act, if it be illegal.”

Why should not the Government, if they found the ordinary law of the land not competent to deal with the situation, continue their policy of making Ordinances and taking all the odium on themselves ? Behind them there will not be the responsibility of the House. An Ordinance is an act of State. It is an act of the Governor General under the constitution, but it will not be an act of the Legislature....

Mr. Deputy President : May I ask the Honourable Member how long he will take to finish his speech ?

Mr. C. S. Ranga Iyer : I may take another hour.
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Mr. Deputy President : In that case I would suggest that the Honourable Member should resume his speech on the next discussion.

I should like to remind Honourable Members that His Excellency the Viceroy will address Members of the Indian Legislature at Eleven o'clock on Monday. The House will now adjourn till a quarter past twelve on Monday.

The Assembly then adjourned till a Quarter Past Twelve of the Clock on Monday, the 14th September, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1931.

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

H. E. the Viceroy : Gentlemen of the Indian Legislature, as a preliminary to my general remarks this morning, I wish at once to make reference to the tragic death of Sir Steuart Pears, the Chief Commissioner of the North-West Frontier Province, which occurred at Nathia Gali on the 9th of this month. In him the Government of India have lost an officer of wide experience, sound judgment and immense knowledge of the Frontier, whose services could ill be spared at the present juncture. I wish to pay this brief tribute to his memory and to tender to Lady Pears an expression of my deep and sincere sympathy, with which, I am sure, you will all desire to be associated.

I consider it a great privilege and pleasure, as Viceroy of India, to meet to-day and to welcome Honourable Members of both our Legislative Chambers, who are gathered here to assist and advise my Government on the important matters which will be laid before them during this Session for their consideration. I should like to extend a special word of greeting to you, Sir Henry Moncrieff Smith, who, as President of the Council of State, have upheld the dignity and usefulness of our second Chamber during the period of your tenure of that high office. And I am delighted to extend an equally sincere greeting to my old friend, the President of the Legislative Assembly, for I feel that it is to me a particularly happy augury that in his person I am renewing an association full of pleasant memories of the days when Sir Ibrahim Rahimtoolah gave me such valuable assistance in guiding the destinies of the Presidency of Bombay.

We are met at a time when the future development and progress of India are engaging the attention of our delegates in London, and we all trust that their discussions with their British fellow-delegates, which have just recommenced, may produce the best possible results, at a time too when both the political, the financial and economic conditions of the country are causing us all the greatest anxiety and concern. It is surely a time when, more than ever before, all races, classes and communities in India should cultivate the spirit of co-operation, of mutual confidence and trust, for is it not true to say that we all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs, with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire ? Let me now give you some information as to such important happenings that have taken place, such fresh problems that will have to be faced, since last Honourable Members met for their administrative duties.

I am glad to be able to inform you that, in the field of external affairs, our foreign relations are of a perfectly satisfactory character, and that our relations with the Foreign States whose boundaries adjoin India continue most cordial in every way.

Let me turn your attention for a few moments to inter-Imperial relations.

[H. E. the Viceroy.]

As Honourable Members are aware, the Government of India deputed the Right Honourable V. S. Srinivasa Sastri to represent them before the Joint Select Committee of the two Houses of Parliament in London on the question of East Africa. Mr. Sastri gave evidence before the Committee towards the middle of June, and widespread satisfaction will be felt at the fact that, on the question of Closer Union, the views, which the Government of India finally authorised him to express on their behalf, were in complete accord with those of non-official Indian opinion, both in this country and in East Africa. My Government now await the report of the Committee with great interest.

The depression in the rubber and, latterly, in the tea industry has seriously affected the Indian labourer in Malaya and Ceylon. The Governments of these two territories have shown a commendable spirit of co-operation with us in ensuring that the measure of sacrifice imposed by the economic crisis on the Indian labourer is not proportionately greater than what he can legitimately be expected to bear along with the other elements engaged in the industry, and that the labourer, who is not prepared to bear his share of the sacrifice, is repatriated to this country free of cost. My Government are watching the economic situation, in so far as it affects the Indian labourer, with constant and sympathetic vigilance and will do all that lies in their power to safeguard his interests.

When the Order in Council on the subject of the franchise in Ceylon was first promulgated, there was considerable misgiving as to its effect on the Indian aspirant to the vote. It was feared that the requirement of a certificate of permanent settlement would have the effect of debarring a great many Indians from claiming the franchise. Honourable Members will be glad to hear that the great majority of Indians, who have sought admission to the electoral roll, have done so on the strength of domicile which can be established by a proof of five years' continuous residence in the Island. The total number of Indian electors is over 100,000 and it is hoped that, as the Indian population of Ceylon learns to appreciate the value of the vote and of organisation, their numbers will increase. Meanwhile, my Government have learnt with great satisfaction that one of the Indian elected Members of the State Council has secured a seat in the Ministry.

Early in the new year representatives of the Government of India will meet the representatives of the Government of the Union of South Africa to consider matters arising out of the working of the Cape Town Agreement which was concluded in 1927. As Honourable Members are aware, the Union Government, in deference to our representations, have agreed to postpone consideration of the Bill to regulate the tenure and ownership of immovable properties by Indians in the Transvaal until after this Conference which will also consider this projected measure of legislation. My Government are deeply appreciative of the spirit of friendliness of which this decision of the Union Government is a sign, and earnestly hope that it will help to ensure for the Conference an issue satisfactory and honourable both to India and to South Africa. Non-official Indian opinion, both in South Africa and in this country, has been greatly alarmed by this Bill, as also by certain other legislation, of which the recent amendment of the Immigration Act of the Union in respect of the value of Transvaal Registration certificates is the most important. The Government of India are of opinion that there is justifi-

fication for this feeling, but do not despair of a satisfactory settlement of all these questions, provided that the representatives of both Governments approach them with earnest resolution to maintain and, indeed, improve upon the friendly relations which the Conference of 1927 did so much to establish. I feel confident that the interests of India will be fully maintained by her representatives under the wise and able Chairmanship of Sir Fazl-i-Husain.

In his speech at the opening of the Legislative Assembly in January last, my predecessor made reference to the collapse in world prices of agricultural products, and the distress which was thereby being caused. Except in a few cases, there has, I am afraid, been no improvement in the trend of prices since then, and the situation for a country which is as dependent as India on the prices she realises for the products of her fields is one of great anxiety. My Government have been watching the situation with concern. I am glad to be able to say that the reports which we have received show that Local Governments have been adopting vigorous measures to grapple with it. Substantial remissions and suspensions of land revenue have been granted wherever the situation rendered such a course necessary and similar measures have been adopted in respect of local rates and irrigation dues in several Provinces. Agricultural loans have been given on a liberal scale and concessions made in the matter of the repayment of outstanding loans, and when necessary measures have also been taken to open test relief works and to distribute gratuitous relief. In Madras and the United Provinces committees were appointed by the Local Governments to enquire into the existing situation and suggest measures of relief, and the recommendations made by these committees are being given effect to as far as possible. Harvest prospects in themselves, I am happy to be able to say, are promising. The reports which we have received show that except in Sind, Upper Burma and, in particular, parts of Bengal which have recently been visited by the most disastrous floods, the condition of the crops and agricultural prospects are, generally speaking, satisfactory.

What then is wanted to bring about a general improvement in the situation is a rise in prices. For that we must, I am afraid, wait for the revival, which we all hope will not be much further delayed, in general economic conditions throughout the world.

India, as one of the original signatories of the Covenant of the League of Nations, has always taken a prominent part in the deliberations of the Assembly; and, in accordance with the desire expressed on many occasions by the Indian Legislature, our Delegation is, for the third time, being led by a distinguished Indian. The League, as is well-known, concerns itself not only with its primary objects of disarmament and peace, but also with other beneficent and humanitarian activities; and in these as well as in the matter of co-operation in the economic and social spheres which form a considerable part of the League's functions, India is largely concerned and her Delegates have always evinced therein a lively interest. I am sure I shall be voicing the sentiments of all of you when I wish Sir B. L. Mitter and his colleagues on the Delegation every success in the work of the Session which commenced last Monday.

In addressing you last January at Delhi, my predecessor referred to the Royal Commission on Labour presided over by my Right Honourable friend, Mr. Whitley, which was then engaged in the concluding stages of its work. The Report of the Commission has since been published, and

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their recommendations are receiving the careful consideration of the Government of India. After consultation with the Provincial Governments, proposals for legislation will in due course be placed before the Legislature. The thanks of the Government and people of India are due to Mr. Whitley and his colleagues for their valuable report based on a very thorough investigation of the conditions of labour in this country.

I should also like to acknowledge the invaluable services rendered on behalf of India at the International Labour Conferences by Sir Atul Chatterjee who has recently relinquished charge of his duties as High Commissioner for India. Sir Atul was associated with the International Labour Organisation from its inception in 1919. Out of the 15 Sessions of the Conference held so far, Sir Atul has attended no less than 11, and from 1926 he has been in addition the permanent representative of the Government of India on the Governing Body of the International Labour Organisation. His election as President of the International Labour Conference in 1927 was a signal honour to India.

I now come to the matter which is that of most immediate practical importance—the financial situation.

At the outset I must express my appreciation of the great services rendered by those chosen by the Legislature to represent them on the various Retrenchment Committees. This is an occasion on which my Government, in a desire to act in a manner responsive to public opinion as represented in the Legislature, have invited the unofficial representatives to join with them, and lend them their support, in performing a very difficult, a very unpleasant, but yet a very necessary task. It is with great appreciation that I have been able to note how whole-hearted has been the response to this invitation. During the past months a great number of your Members have been devoting themselves in different places to an exhaustive examination of the various fields of public expenditure. Their work has been given ungrudgingly, often at great inconvenience and personal sacrifice. One Member, the late Mr. K. C. Roy, whose untimely and tragic loss I, and all of you, so deeply deplore, continued his labours on one of the most arduous Sub-Committees almost to the very moment when he was struck down.

I am glad to have this opportunity to express the appreciation and thanks of myself and of my Government for the public services thus rendered by all members of these Committees.

Their interim reports will receive the most urgent consideration by my Government, for the introduction of practical measures brooks no delay. Let me now say a few words about our financial plans.

In present circumstances, India, like practically every other country, must regard it as her foremost duty to devise means to weather the unprecedented economic storm which is now disturbing the whole world. It is essential in the interests of the country's credit that special action in this matter should not be delayed, and you will be informed shortly of my Government's proposals for dealing with the situation. For the present it suffices for me to announce clearly and decisively that we are determined to meet the situation adequately, and to maintain those principles of sound finance which India has always followed. This time of constitutional change is not one for making dangerous experiments with untried methods. On the contrary, we shall work on the proved

principles which in the long run always reward those who have the courage and tenacity to hold fast to them. I would add that rumours that my Government propose to meet the difficulties by such methods as lowering the value of the country's currency are entirely unfounded.

The plans necessary to restore financial equilibrium will inevitably demand sacrifices from all classes from the highest downwards, and I am confident not only that these sacrifices will be willingly made, but that India will emerge successfully from her present troubles. The intrinsic position of India is thoroughly sound. She has not pledged her credit to finance extravagant or unproductive expenditure; her trade is based on commodities which are necessities for the world, and she can produce them on terms which can compete with any other country. Such difficulties as we must now encounter are caused, not by any internal defects, but by an economic cyclone which has come equally upon all the world, and which no single country by its own isolated action can alleviate. Our task in these circumstances is to preserve the situation until the force of the tempest is past. And, in order that we may succeed in this task, the one great need is that all classes and communities in India, officials and businessmen, Indians and Europeans, town and country, should pull together with a common effort. This is a time for all those who are serving India, or who owe to her their political or economic allegiance, to put the public interest above all thoughts of private gain or political advantage. This is the appeal which I wish to broadcast to the country. If it is heard, then I can safely prophesy that India will emerge strengthened from her trials, and that in years to come she will be able to look back upon the present purging process as an event which, though painful at the time, was a blessing in disguise. The public finances will have been thoroughly overhauled, and the new constitution will start with troubles of this kind behind it, and with a clear road for improvement in the future.

The eyes of India are now fixed on those statesmen who are sitting in London and carrying on the work of constitutional reform which received such an auspicious beginning last winter culminating in the announcement of His Majesty's Government on the 19th of January which went far ahead of any previous declaration of their policy and set the stage afresh for co-operation in the great task of Indian constitutional reform. The delegates attending the Conference will be confronted with many difficult details, but it is a matter of the greatest satisfaction to know that every party is now represented at the Round Table Conference, and it is my earnest hope that an agreed solution will be reached in regard to constitutional matters including an agreement on communal questions to the satisfaction of all communities, especially the minorities, the safeguarding of whose rights has been assured by His Majesty's Government. I would point out that in matters affecting the Reforms my Government has not been idle since the adjournment of the Round Table Conference last winter. Apart from material supplied to the Secretary of State, it has set up enquiries on the lines directed by the Conference. The experts' proposals on the financial consequences of the separation of Burma have been submitted for consideration to the Standing Finance Committee. Copies of the report of the North-West Frontier Province Subjects Committee have been supplied to all Members of the Legislature. The recommendations of the Committee have been conceived on generous lines and will, it is hoped, meet the aspirations of the Frontier Province to stand on a position of constitutional equality with the other Provinces. The Sind financial enquiry is now in progress and plans have already

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been made to set up the Orissa Committee during the cold weather. The Federal Structure Committee in London has already resumed its labours accompanied by the good wishes of all in India, and I must emphasise once again the supreme desirability of maintaining peaceful conditions in India during the discussions which are now taking place, and I appeal with all the emphasis at my command to those who have the interests of this great country at heart to preserve an atmosphere of peace and tranquillity.

We must all have been shocked and horrified at the brutal and senseless murders and attempts to murder which have taken place in this country during the last few months, and I am sure we should all wish to express our deepest sympathy with the families of Mr. Garlick and Khan Bahadur Ahsanullah and Lieutenant Hext who have all met their deaths at the hands of these assassins, and by whose deaths we have lost three officers who in their several ways were giving valuable service to this country and the British Empire. I think too that we should wish to express our feelings of grateful thanks for the Providential escape from death of His Excellency the Governor of Bombay and Mr. Cassells, the Commissioner of Dacca.

A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who, at the most emotional and susceptible time of their lives, are being, literally, exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs. While Local Governments are primarily concerned in the arduous and dangerous task of combating this movement, I feel that they are entitled to receive all assistance within reason that we are able to give. I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities which are destroying the fair name of India in the eyes of the world.

I am glad to be able to inform Honourable Members that the situation in Burma, which has for months past been causing us much anxiety and concern, has within the last few weeks been showing signs of marked improvement. It is a matter of particular gratification that there has been a cessation, which I hope will be maintained, of racial and communal strife. I profoundly trust that before long peaceful conditions will once again be the happy lot of that Province.

I am sure you would wish me to express our thanks to officers and men both of the Army and the Police for the admirable way in which they have carried out their duties under the most difficult and trying conditions, and, while we must all sympathise with His Excellency the Governor of Burma and his Government on the difficulties they have had to surmount, I can confidently assure you that their one desire is to get back to normal conditions as soon as possible, to pursue a policy of clemency as far as circumstances will allow, and to take all practicable measures for the relief of economic distress.

In leaving you to carry on your duties, I trust that a great Providence may guide you in your labours and that the results of your deliberations may prove of lasting benefit to our country and to all classes of its people. (Applause.)

The Assembly met in the Assembly Chamber at a Quarter Past Twelve of the Clock, Mr. President in the Chair.

THE INDIAN PRESS BILL—*contd.*

Mr. President : The House will now resume further consideration of the Press Bill.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, at the very outset I think it is but very proper that I should express the feelings on this side of the House in regard to the great and memorable speech that we have been given by His Excellency the Viceroy ; and I may say on behalf of the Opposition that the Opposition wholly endorses the following passage in His Excellency's speech when he referred to a disquieting feature of these tragic happenings as lying in the fact, " that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs ". Sir, we fully agree with His Excellency that so far as these immature youths are concerned, they are being diabolically misled by revolutionary teachings. His Excellency went on to say :

" I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities."

I assure His Excellency on behalf of the Opposition that His Excellency's Government may count upon Honourable Members to give their help in all necessary and reasonable steps to stamp out these terrorist and revolutionary activities. We are at one with the Government and His Excellency the Viceroy in thinking that these revolutionary activities and terrorist preachings are hampering the healthy and legitimate growth of Indian nationalism.

Now, if I may examine the Bill before us in the light of this observation, I may say straightaway that there are certain things in this Bill which are unnecessary and there are certain things which are unreasonable, and what is unnecessary and what is unreasonable will not receive the support of this House, whereas if the Government were to deal straight with the terrorist movement, instead of trying to rope in the Indian Press, I am sure the opposition on this side of the House would give the Government every encouragement and every support. I shall presently show how this Bill will not and cannot stop the activities of the revolutionaries, and how this Bill will not and cannot put an end to the terrorist movement in India. Was there not a terrorist movement during the days when the Press Act was in existence ? Was there not a terrorist movement during the days when the Press Ordinance was issued, an Ordinance which was issued behind the back of this House and without the authority of this House—an Ordinance or rather a series of Ordinances which the Government ventured to issue soon after the adjournment of the Legislative Assembly ? I shall prove to you how this Press Bill cannot stop terrorist activities. Every one who has some knowledge of the terrorist activities in this country knows the sources from which they draw their inspiration ; every one who has read the

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Rowlatt Report is aware that the terrorist draws his inspiration more from mammoth processions and meetings, more from the platform than from the Press. I shall not follow the example of the Honourable the Leader of the European Group in trying to read out—because we would respectfully bow to your ruling—chunks of extracts from the volumes that the Home Department has so generously supplied us with. But if you read the extracts, you will find in them two or three pages from the *Bombay Chronicle*—two or three pages of what?—two or three pages reporting the proceedings partly of a meeting in Bombay and partly of a procession in Bombay—a mammoth procession consisting of people ten times larger than the circulation of that newspaper could ever be; and what was said on that platform and at that meeting every one in this House knows, as I believe every one in this House has read the volumes of extracts that have been so generously supplied to us by our very good and very ardent Home Member. This Press Bill cannot prevent mammoth processions; this Press Bill cannot stop the repetition of the speeches that were delivered; but, if some little report of a meeting appears in that paper or of the procession, then that paper can be prosecuted, persecuted and destroyed. The men who make the speech and the men who organise the procession will go scot free. It is from these big huge processions that young immature minds derive their inspiration: from black flags they march on to black deeds.

My protest on behalf of the entire newspaper Press in India in my capacity as President of the Upper India Journalists' Association, and my protest against this Bill from my place in the Opposition here, is that the Press is being treated in a manner unworthy of any Government, unworthy of this Government, especially after the good certificate that the Honourable the Home Member in his extremely temperate and closely reasoned speech was pleased to give. Why should there be one law for the ordinary citizen in India and why should there be another law for the Press? Why should there be one law for the platform—and the platform in India to-day is more powerful than the Press—and another law for the Press? The platform to-day in England is quite as powerful as the Press, even though the English Press is known as the Fourth Estate. The mere fact that the Labour Government was His Majesty's Government, even though they had only a little rag of a newspaper in England, shows that the Press is not so powerful in England as the platform. The entire Tory Press and Liberal Press right through all the elections were fighting them; nevertheless they were His Majesty's Government not very long ago. That shows that the platform is powerful in England and that the Press is not so powerful. In India on the other hand the platform is extremely powerful, and the Press is extremely feeble and this feeble thing is going to be destroyed by this Press Act—for it is its destruction and no less that is aimed at by this Press Bill. So long as sub-clause (1) of clause 4 remains unaltered, so long all the evils mentioned by that great Justice of the Calcutta High Court, that famous Englishman, Sir Lawrence Jenkins, remain unmitigated, all the evils which he said accrued from it will continue to accrue from it. Sir, therefore, I do not think that the Government are dealing with us fairly. I do not think that it is proper for the Government, that it is necessary for the Government, that it is reasonable on the part of the Government to expect us to support this Bill.

Sir, a speech was made, after, I believe, the interesting speech of the Leader of the European Group, by an Honourable gentleman from Calcutta, Mr. Ghuznavi. He made certain statements in his speech. He said that in some Calcutta Corporation schools certain teachings were being taught, that little urchins were made to say things which as I now find existed only in the imagination of the Honourable Member. I wish an Honourable gentleman like him had stayed a little while before running away to London, he had stayed a little while to face the music. I do not think he is in this House.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): He is here.

Mr. C. S. Ranga Iyer: My friend Mr. Mitra says he is here. Any way, coming as he does from Bengal, he knows better—he may be here in Simla, but he does not seem to be here in this House. I wish he were here to hear a telegram which I have just received from the Mayor of Calcutta. The Mayor wires to me:

“Just seen complete statement by Ghuznavi regarding lessons in Corporation schools. Thorough inquiry shows report absolutely false unfounded, kindly contradict. Mayor, Calcutta.” (Applause.)

Sir, but for this telegram, I would not have taken notice of that Honourable gentleman's speech, because there are speeches and speeches delivered in this House.

A jackal of the Anglo-Indian Press which persists in a serious misrepresentation of facts and which tries to belittle not only the Congress but the Opposition in this House, was responsible the other day for urging an argument in favour of the principles of the Bill. It said that if responsible Government were to be introduced in this country, one party would try to dominate over another party and there might be the necessity under the same circumstances for a Bill of this kind. Sir, I do not anticipate the same circumstances under a responsible Government. The circumstances that exist to-day exist because responsible government is wanted by this country, and there does not seem to be any extremely clear prospect of responsible Government as Indians want it, as the Colonies enjoy it, immediately coming. But let us suppose that responsible government is going to be granted immediately. Indications do not seem to be favourable in regard to the grant of complete Dominion Status, nothing less than which will satisfy Indian aspirations, for India, Sir—as H. E. the Viceroy truly said in his memorable speech at the Chelmsford Club, in his first political utterance, which will go down to history even as the name of Simon de Montfort in the history of England,—India wants that position which the Colonies enjoy, when the power of the Viceroy and the Governor General will be like that of the Governor General in the self-governing Colonies. As agitation goes on, one kind of circumstance we witness. When the agitation achieves its object, another kind of circumstance comes into existence, and therefore I do not believe that there would be the same circumstance about which despairing Anglo-Indian newspapers in their self-advertised friendship for India are never tired of cautioning us. Supposing the same circumstance, let us concede for argument's sake, will exist, and supposing the powers that be introduce a Bill of this kind, the circumstance then would not be the same circumstance as prevails to-day. The Honourable gentlemen opposite will have a wider constituency then

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than the Viceregal Lodge. They will have a public opinion to face; they may even have to risk, if they feel strongly, a dissolution of the Cabinet on that issue. They will have to consult public opinion. Under such circumstances a Government will be responsible to the people and removeable by the Legislature. Such a Government will be perfectly entitled to do what it thinks proper under those circumstances. But, Sir, so long as the Government are not responsible to the people of this country, so long I would appeal to the Honourable the Home Member not to proceed with a Bill of this kind in the manner we see it to-day, for, as I have already said, there is in it that phrase "offences involving violence", and we have our experience of the interpretations of that phrase.

Sir, there is another aspect, and, in my opinion, a sadder aspect. This Press Bill could easily have waited for another six months for its introduction, and that is all that my friend Mr. Das wants, instead of its being rushed through like this behind the back of the delegate, the sole delegate of the Congress, Mahatma Gandhi. (Applause.) In the absence of Gandhi, whose happy terms of agreement with Lord Irwin, you, Sir, with your usual foresight, placed on the record of the proceedings of this House, with those proceedings on record, I think I may just as well place on record what men who speak for Gandhi, what organizations who can speak for Gandhi, think of the introduction of the Bill in the light of the Gandhi-Irwin Pact, in the light of the letter and the spirit of the Pact. The Working Committee of the Congress, which met at Ahmedabad in September, unanimously with one mind passed the following Resolution:

"While the Working Committee has all along opposed and condemned violence, it considers the Press Bill now before the Assembly to be too drastic and a wholly unwarranted measure in that it constitutes an extension of the penal law and an attack upon the property and liberty of the press. The Committee declares that the provisions of the Bill are so wide and vague that violence may be made to comprise any act or activity on the part of the public and has good reasons for its apprehensions in view of the interpretation put upon the word by the Government in the matter of truce prisoners still in jail.

"Further, the Working Committee looks upon the proposed measure as a re-enactment of the proposed Ordinance of last year in a much more expanded form, and therefore considers it a measure sought to be re-enacted during truce time and accordingly a distinct breach of the Delhi Settlement."

I do not want to comment upon the Working Committee's observations

Mr. B. Das (Orissa Division : Non-Muhammadan) : No comment is necessary.

Mr. C. S. Ranga Iyer : My Honourable friend, Mr. B. Das, says, no comment is necessary. Whether comment is necessary or whether comment is unnecessary, I leave it to those who will follow me if they deem fit to comment upon it. But all I can say is this. We were no parties to the truce; we were mere spectators; and sometimes spectators see more of the game than the actual participants. I am afraid that the Government do not, in the opinion of the other party to the truce, appear to have played the game. That does not look like statesmanship. That looks like the policy of the panicky ostrich which puts its head into the sand, a policy which does not reflect much credit when you have to take into consideration the big issues that are at stake. Sir, would the heavens have fallen if they

had waited for another six months? Less than six months will show whether the Government of India and the Government of Great Britain propose to stand between Mahatma Gandhi and the light of the world. Meantime, if things are smoothened down and a happy era dawns, the necessity for the Press law will disappear, because Gandhiji's followers will be the soldiers of Government, carrying on a tearing, raging campaign in the country more powerful than any Press Bill, to bring about non-violence in this land and eliminate that "noxious growth of the West transplanted to the East", as the late Sir Surendra Nath Banerjea used to say about terrorism in Bengal. Mahatma Gandhi on landing in Marseilles said, "I go to England to realise the dream of my life, the freedom of my country." At such a time it does not look like much political prudence for the Government of India to raise their high hand to strike at the freedom of the Indian Press. It seems to me very bad tactics. In a time of peace they should not prepare for war, as the Congress people are pointing to them with their accusing finger. They say, and in my opinion, most rightly say, that this Press Bill can be directed as it stands at present to crush the civil disobedience movement should it be revived, and not necessarily the terrorist movement, for if by inference, if by implication, allusion, metaphor and so on, a newspaper were to say, "Go on with the civil disobedience movement", and if Government think that violence is the byproduct of civil disobedience, then they can get at that newspaper publisher, and they can get at the newspaper press. Sir, I wish, if the Government really wanted to introduce a measure of this kind, that they had not repeated all those ugly features to which I have already referred the other day and which I do not want to repeat.

Lastly, my time is up. I do not want to fulfil my ambition of an hour's speech, as I believe there will be many more speakers on this side of the House as well as on the other, and more especially because I want to listen to my Honourable friend who was my leader fifteen years ago. Fifteen years ago, on the Lucknow platform, Sir C. P. Ramaswami Aiyar—he was then young and a mere "Mr." and only 37 years old, fifteen years ago he was appointed by the Subjects Committee at the suggestion of Sir Surendra Nath Banerjea and Lokmanya Tilak to move the repeal of the Press Act of 1910. (Cheers.) That was a memorable Congress, the greatest of Congress Sessions ever held, because after the sad Surat split, like the Ganges and the Jumna meeting together, the extremists and moderates met together on that platform and the young Mr. Ramaswami Aiyar, the popular hero of the Home Rule days, was the centre of attraction. The same Subjects Committee, at the suggestion of the same esteemed leaders, peace be on them, invited me to second that resolution. (Applause.) What wondrous turns in the wheels of politics! Sir, speaking to the audience, the great Congress audience, Sir C. P. Ramaswami Aiyar, in his usually attractive and inspiring style, reminded them of some of the wonderful ideas of Milton's *Areopagitica*. I am glad to say that at least one of his prophecies has turned true. In the words of Milton, he felt:

"Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam."

I should not stand between Sir C. P. Ramaswami Aiyar and ourselves, especially when that dream of his, that pleasant dream of his is becoming the visible reality of the morrow. (Applause.)

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Mr. President, let me at the outset follow my old friend, Mr. Ranga Iyer, in paying a tribute to His Excellency the Viceroy for the great lead that he has given to the country. It is not my object nor is this the occasion to refer to the details of that memorable speech. His words directed attention to the grave issues pending before this country, but with an optimism which is characteristic of the statesman who is presiding over the destinies of this country, the speech also looked forward with hope and confidence to the immediate future.

Having said that, let me turn my attention now to those extremely flattering and seemingly embarrassing statements which emanated from the fertile memory and the agile brain of the Deputy Leader of the Opposition. Let me assure him that I do not consider that the occasion is one for any embarrassment on my part, nor have I departed from those ideals and aims for which I stood fifteen years ago at Lucknow. If I had done so, I should not have gone to the Round Table Conference, and I also assert that I should not have stood here to-day to discharge a duty which I do not discharge merely as a formal one but which I hope to discharge as one which is due to this country of ours and its ordered progress. Mr. President, a great deal has been said in journals and by public men about the breach of faith which is involved in bringing forward this measure, a breach, as it is called, of the Irwin-Gandhi pact. Let me first deal with that aspect of the matter. In the first place, let me remind you, that there has been no person who has been more deliberately antagonistic to the misguided activities of the Press which lays itself out either to praise or to sympathise with the terrorist crime than Mahatma Gandhi. Gandhiji spoke in unmeasured terms of sorrow and anger against those who prostitute one of the greatest of professions for the purpose, of forwarding, either weakly or wickedly, this particular cause directly or indirectly. Let it be remembered also, Mr. President, that the Irwin-Gandhi pact was an agreement between a great political organisation, the Congress, and the Government of India. Let it not be ignored that the Congress has stood for non-violence. Let it not be forgotten that Gandhiji is not an advocate of terrorism, and therefore in trying to hit at terrorism, there can be no breach of faith or of the pact.

My friend, Mr. Ranga Iyer, in the course of his speech did himself much less than justice. He is the President, he has told us more than once, and I know it myself, of the Upper India Journalists' Association. He represents a very powerful limb of the Fourth Estate in this country and yet he told us that the Press does not count for much today and that in contrast with the Press, the platform and private propaganda exercise an influence and wield an authority beside which the authority of the Press sinks to nothing. Mr. President, is he just to himself in that ? Does he not know that in this country, and indeed everywhere the Press, English and vernacular alike, exercises an influence out of all proportion to numerical circulation ? Does he not know that every day in obscure and remote villages some journal is read and commented upon and borrowed and read again, so that back numbers of newspapers are not back numbers in fact but are live things and can evoke lasting feelings and rouse poignant emotions ? Is it not therefore our duty to realise

and not to depreciate the dignity and the influence of the Press ? If the President of the Upper India Journalists' Association will not do that, let me undertake that task on behalf of journalism in this country. Mr. President, the influence of the Press is great and mainly it is wholesome and inspiring. I have had some experience of journalism myself. As my friend very well knows, I have been in temporary conduct of a paper myself and therefore let me not be accused of opposition to journalism. This Bill is not intended to aim at the liberties of the Press. It is essentially and intrinsically, an one-clause Bill and an one-topic Bill and in addition, a temporary Bill, and if legitimate suspicions are felt in any quarter that it purports to be more than an one-clause Bill and an one-topic Bill, there is the opportunity in the Select Committee for those ideas to have the fullest possible play. Why in confronting the House and the country with a Bill which extends to 32 clauses, did I say that it is an one-clause Bill and an one-topic Bill ? I say that because the object and the purpose of this Bill as indicated in clause 4 is to strike at incitements to terrorism and at crimes of violence. All other clauses are ancillary, auxiliary and processual, and the idea of the Bill is to enunciate the fundamental doctrine that is essential at this moment to fight terrorism in all possible ways and thereafter to produce conditions in this country, political and economic, enabling that fight to be continued and carried on. I desire to lay emphasis on this aspect of the matter most prominently, Mr. President, that departing, and conspicuously departing, from the old Ordinance and the old Press Bill, the present Bill is limited in scope. Clause 4 of this Bill is directly concerned with terrorism and acts of violence. Turn now to the old Bill and to the Ordinances and go through clauses (a) to (h). You will realise, Mr. President, what a limitation, what a restriction of the old Bill has here been attempted. Not long ago, in England, an observation was made by the very talented Editor of the *Hindu*, whom we all rejoice to see in England to-day, about the scope of the Bill. I am afraid Mr. Rangaswami Iyengar was mistaken as to his idea regarding what he termed the very wide scope of the Bill, which he said he was going to fight. Let me assure Honourable Members here and the country outside that it is not the object of the Bill to throw the Indian Press out of gear, because after all no Government can be efficiently carried on with a muzzled Press. No Government can be carried on without a live, active and reasonable Press, and it is because we realise that this Bill will, if enacted, still maintain the Press in full vigour and only curtail the excesses, that we are here to promote this Bill in this House.

Mr. B. Das : Is it not the purpose of the present Bill to strike at the civil disobedience movement ?

The Honourable Sir C. P. Ramaswami Aiyar : I am very glad that I have been reminded of that matter. If my friend opposite will turn to the Statement of Objects and Reasons of the old Bill, he will realise that the object of the old Bill was thus enunciated. One of the sentences there was this :

“ Experience has shown that propaganda in furtherance of subversive movements and of crimes of violence is also carried on by means of leaflets, pamphlets, bulletins and the like..... It was the policy of many newspapers consistently to encourage the civil disobedience movement and thus to foster conditions of disorder.”

The old Bill set itself out to combat the civil disobedience movement because it was felt at that time that it was necessary to hit at that movement. Contrast that statement with the Statement of Objects and Reasons

[Sir C. P. Ramaswami Aiyar.]

of the present Bill. It has been apprehended in some quarters that the present Bill might possibly be used to hit the civil disobedience movement. Mr. President, we hope that that movement will have no recrudescence, especially after the memorable statements which Gandhiji has been making both in India and England, but it is not the object of the present Bill to deal with that at all. Its scope is not so comprehensive. It is limited. It is only to deal with a narrow and special subject, namely, terrorism. Having said that, Mr. President, let me analyse the position thus. First of all, is there an evil? That is the first question to be decided. If there is such an evil, how best is it to be combated? Now the point that I wish to make very strongly is that this terrorism, this cult of assassination, of violence, is by no means confined to India. It will not, I am afraid, human nature being what it is, cease on that day on which complete self-government and Dominion Status are attained by this country, I hope very, very soon. (Applause.) Let me now place before this House a quotation from a very recent speech made by Dr. O'Higgins of Ireland. Ireland, after an epoch-making struggle, has attained the rank of a Dominion and is enjoying the fullest possible rights of self-government. Ireland, Sir, is confronted with similar problems to us: Ireland also is confronted with the advocacy of violence and of terrorism. And listen, Mr. President, to what Dr. O'Higgins has said recently about this matter:

"The Free State Government had held its hand in the hope that the trouble would subside or disappear. It was evident that certain organizations are at work engaged in a very ugly task. The Government would soon have to adopt stern measures for the protection of the people against that ugly work and the enforcement of law and order and must assuredly wipe out any combination that menaces the peace and stability of the country."

Those words were spoken by the Irish statesman with reference to acts of violence, of terrorism, of clandestine assassination which have unfortunately disfigured Ireland even after the establishment of self-government. My desire, Sir, is to point out that there is no wish to check any movement, any legitimate political movement but to check those effervescences which are a distortion and denial of all political and social life. Mr. President, I do not propose to deal with the question as to what exactly the extent of the evil is. Nor do I propose to follow the example of those who have made extensive quotations. But I have been at some pains to select a few passages for the purpose of showing what is the evil that we are confronted with. I trust, Mr. President, you will allow me to place some of those passages before this House.

"The battle is bound to go on until a socialistic and communistic republic is established."

"We shall not be content with destroying the white-skinned English only, we want the destruction of the native black-skinned Englishmen too. Further, we want the downfall of Gandhi, who is religiously-minded, a traitor to the nation and a patron of capitalists."

Mr. Das spoke of the writing on the wall. The real writing on the wall is the result of misguided youth against normal political activity and even against Gandhiji.

"The fight for freedom cannot be an open fight; we shall have to take to guerilla warfare. What will have to be done is a country-wide and a lasting terroristic movement."

"The Congress has reprobated such murders. Their deeds"—(that is, the deeds of the young men)—"indicate that these do not care for the Congress or the Leaders, and they will and must go their own way. On seeing Bhagat Singh it appears as if

Lord Krishna's philosophy of action and the Sivaji and Pratap war-creeds had again manifested itself in this era for the welfare of this subject country. In the Legislative Assembly, there was a bomb explosion. Its fumes, like the lightning wave, spoke in every corner of India, and let it speak. May revolution live long! Without destruction the work of construction cannot go on."

Are these extracts, Sir, indicative of the better mind of this country? Are these passages a manifestation of the genius and the culture of this age-long land? I venture to say emphatically, "No, Sir." (Applause.) And if you feel that these passages do not indicate what is the better mind of India but its perversion, then let us so work that the mood, the mental attitude which is behind these passages is eradicated and suppressed: and the object of this Bill is to do that. (Applause.)

Mr. President, I shall now deal with one or two criticisms that have been made with regard to this Bill. There was an article, which I read

in which it is stated, that it does not differ very materially from the Press Act of 1910, and Mr.

Ranga Iyer, in that persuasively emphatic way, of which he is a master, has commented upon Sir Lawrence Jenkins' judgment. Sir Lawrence Jenkins' judgment, Sir, dealt with the *Comrade* passages under the Press law of 1910. No one who compares the Press law of 1910 with the project of law which is now before this House can fail to realize the fundamental difference in scope, ambit and object between the two. If then Mr. Ranga Iyer will go into the Select Committee and improve upon the language of clause 4, so as to make its object even more obvious and to make it well proportioned and apt for the purpose he has in view, no one can object. (Applause.) Then, Sir, there was another argument. It was stated by a very reputed organ of the public Press:

"We have not had the benefit of seeing this wonderful brochure. But we have no doubt that a large number of the quotations objected to will be such as would to a fair-minded individual appear to be perfectly innocent."

Is that a fact, Sir? Then it was stated,

"Why, if these papers have been functioning so mischievously, have the Government kept still, why have they not pounced upon these various newspapers and proceeded against their editors?"

Mr. B. Das: Yes, quite so!

The Honourable Sir C. P. Ramaswami Aiyar: I am glad to see that the question which I have propounded is a question which is exercising the minds of those who are vigorously nodding their heads on the other side of the House. The answer is obvious, Mr. President. Some of these papers unfortunately are conducted on such precarious lines by such obscure individuals that to proceed against them would be not to serve any real object (Laughter); and, speaking with some experience of this branch of the administration, because for 5½ years I was connected with a similar branch of administration in another part of this land, I may say that the consistent policy of the Government has been not to proceed except against people against whom it is worth while to proceed.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Is the Editor of the *Statesman* of that type?

The Honourable Sir C. P. Ramaswami Aiyar: If the Editor of the *Statesman* should lose himself and all sense of perspectives in such manner as to bring himself within the ambit of the Bill, then, speaking for myself I should certainly proceed against him.

Mr. Amar Nath Dutt : But he has brought himself within several sections of the Indian Penal Code, but the Government never took action ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member's interruption shows that the Editor of the *Statesman* is not obscure ; but if the Editor of the *Statesman* indulged in those attacks and those reflections which are the subject of this Bill, no Government which is worth its salt can refrain from proceeding against it.

Now, having said that, let me continue with what I was endeavouring to point out. The consistent object of Government has been not to proceed against these obscure individuals and give them an unnecessary notoriety ; but the case is different when it is not an isolated and remote and obscure individual who is doing this, but there is an evidently concerted endeavour on the part of many obscure men to do the same thing in many parts of the country. (Applause.) Then, although each one may be obscure, the sum-total of the efforts becomes dangerous, and it is because there is an apprehension, a legitimate apprehension, on the part of Government and of many responsible people that the present occasion is one which has regimented and co-ordinated the mischievous activities of many isolated presses, that we appear before the House bringing forward this Bill.

Mr. President, another statement I have heard made is this, that the Bill may not be so comprehensive, as the two Ordinances issued by Lord Irwin, but, if passed into law, it will not be the less dangerous or less menacing to the members of the Indian Press. Now, the whole of the gravamen of that charge is in what is called the comprehensiveness or the ambiguity or the vagueness of clause 4. I have already stated that with regard to clause 4, if Honourable Members co-operate for the purpose of making it serve its real and ultimate object better, no one could be gladder than the Government.

Mr. President, I have really very little more to add. If I were not convinced that this Bill is necessary for the purpose of releasing the fair name of India from the aspersions which may be cast upon it, I would not have stood up at this moment. If I did not feel that the activities of the revolutionary Press would militate against our common ideals and aspirations I would not have been so emphatic. Let me conclude by saying that : I would advocate that this Bill be criticised from every point of view and that sufficient safeguards to ensure that those papers only are proceeded against that are mischievous and dangerous should be introduced. But to oppose the committing of this Bill to the Select Committee would mean an assertion and a belief that there is no evil to be met. I have endeavoured to point out that the evil is there, that the evil is real, that the evil is such that it is obnoxious to our ideals of self-government and that it is opposed to the culture, the traditions and the fundamental instincts of every race in India, Hindu, Muhammadan and English alike. Feeling like that, I do feel at the same time that it may be possible to improve this Bill in many aspects. I do not say that any Bill can be perfect, nor do I say that this is perfect. I now stand before you, Mr. President, merely for pleading that there is a poison in the body politic. Let us remove it and purge ourselves of it. Let all reasonable men put their heads together for the purpose of ensuring that the Bill which has only this one aim fulfils it adequately and reasonably.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock.

Mr. John Tait (Burma : European) : Coming as I do from a province where the fellow countrymen of those Honourable Members, who have spoken with such vehemence in opposition to this Bill, have been denouncing the Local Government, in season and out of season, for what they declared to be the Local Government's wilful neglect to put an end to the anti-Indian campaign which has characterised a section of the vernacular Press for the past six months and more, I confess to no little surprise, and indeed to a fair measure of disappointment, at the tone of the speeches we have listened to from Honourable Members on the other side. Sir, I find it difficult to acquire any clear understanding as to what really is the true honest conviction of Honourable Members, especially those from Madras, Bengal and Bombay, provinces which supply Burma with her merchants and her labour in their hundreds of thousands, on this question of Press control, and my mystification is not lessened when I read the solicitous enquiry as to the protection and the care by Government of Indian residents and Indian commercial interests in Burma, which is included in the list of questions against the names of Honourable Members, who are so strongly opposed to any form or degree of Press control in India. What, Sir, am I to understand from this glaring inconsistency ? I am almost constrained to call it this Dr. Jekyll and Mr. Hyde policy in so far as the interests of Indians in Burma are concerned. If Honourable Members are to be perfectly honest as to their standpoint as regards the Press both in India and in Burma, then I submit they must come out frankly to declare that for the provinces on this side of the Bay of Bengal they demand one set of conditions, namely, complete freedom of the Press, and for that other Province of the Indian Empire which lies on the other side of the Bay of Bengal, they demand another set of conditions diametrically opposite, namely, full control by Government of the anti-Indian Press in Burma. The Honourable Member, Mr. Ranga Iyer, it will be remembered this morning said, " Why should there be one law for one section of the community and another law for another section ? "

But, Sir, if there is still another inference which I might be justified in drawing from the attitude of Honourable Members in opposition to the Bill, I think it can only be that Honourable Members from those provinces I have mentioned are perfectly prepared to sacrifice the interests of their own countrymen in Burma, if by so doing they acquire complete control of all matters relating to the Press and to other things, and, Sir, what is more important and more disappointing is the apparent fact that the pious solicitation expressed for Indians and Indian interests in Burma can be put down merely as so much lip-service and so much eye-wash.

Sir, I am a European representing a European constituency, but I feel at this moment that I am standing here fighting the cause of Indians in Burma against their own fellow countrymen sitting on the Benches opposite (Hear, hear).

It is quite true that within the last few weeks the Burma Government have acquired powers under an Ordinance by which they can effect some control over the Press and to that extent the clamour of Indian residents in Burma has been met. But, Sir, Ordinances are never liked, least of all with Honourable Members in this House, but apparently there was no other legal course open to the Burma Government if on the pleadings, the

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representations and the clamour of Indians in Burma protection was to be provided.

It may be that this aspect of the question has been overlooked by Honourable Members; it may be that Honourable Members have not been aware that their own kith and kin in Burma have been clamouring for Press control; it may be that they have not been aware that their own fellow countrymen in Burma have been pleading to the Government for protection against what they declared to be an unbridled, irresponsible anti-Indian Burmese vernacular Press—pleadings which took the form not only of representations from individuals to Government, but of resolutions and communications from the Burma Indian Chamber of Commerce and, as I understand, were included in the reasons for a deputation being sent to plead the cause of Indians in Burma before His Excellency the Viceroy here in Simla. Sir, I trust that it may be so—I trust also that with this information now placed before Honourable Members, those, who have been in opposition to the Bill but who lay some claim to consistency in their politics, will now be constrained to withdraw that opposition.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, the Honourable the Law Member in his maiden speech in this House has justified the Bill on the ground that the Press in India, and he has referred to one quotation from the vernacular Press, have gone beyond the legitimate sphere of fair criticism.

The Honourable Sir C. P. Ramaswami Aiyar : There are about twelve quotations.

Sir Hari Singh Gour : I was only dealing with the quotation he read out to the House.

The Honourable Sir C. P. Ramaswami Aiyar : I read out about twelve quotations.

Sir Hari Singh Gour : If he read out twelve quotations, they were precious small, and they came up to one quotation in substance.

The Honourable Sir C. P. Ramaswami Aiyar : Not my fault.

Sir Hari Singh Gour : If you say that so far as the virulent section of the Indian Press, which counsels terrorism and murder and unrest is concerned, unless the Executive Government is given power to control the Press, we shall not be able to cope with this mischief, it is a different matter. My Honourable friend Mr. Ranga Iyer in his excellent speech has pointed out that, so far as the communist tendency in this country is concerned, the terrorist and revolutionary organisation is not confined to the keepers of the Press, but that large meetings are held in which revolutionary doctrines are preached. If you were to muzzle the Press, you would not in any way prevent the holding of these large meetings which preach doctrines subversive of law and order. It is for the purpose of suppressing the widespread mischief that my Honourable friend the Home Member introduced in the last Assembly a Bill called the Public Safety Bill, in which he intended to control the communistic and revolutionary movements in this country.

The Honourable Sir James Crerar (Home Member) : Sir, I may remind my Honourable and learned friend that the Bill to which he refers referred solely to persons who are not natives of India.

Sir Hari Singh Gour : Quite so. In its inception and origin it was intended to deal with persons who were not natives of India. But the object of that Bill was to prevent the dissemination of revolutionary and terrorist doctrines in this country. The Honourable the Home Member will remember that, in spite of strenuous opposition from the Opposition Benches, I was the single Member from this side who supported him and pointed out that that Bill, if properly amended, would deal with the mischief. That Bill has gone. The Honourable the Home Member now wishes to deal with the Press and he wishes to point out, and his colleague has pointed out, telling us that he has given twelve quotations from the Press illustrative of the revolutionary doctrines preached in this country. But have the Honourable the Home Member and the Law Member given a moment's attention to the fact that all these quotations are from obscure prints, the names of which are not even known outside the very small circle—if there is a small circle—in which these prints receive their publication? As the Honourable Member has in fact pointed out himself, in answer to an interjection by an Honourable Member on this side as to why he did not take any action against any of these papers, he said that these papers are obscure papers and did not wish to give them wider publicity by taking any action. Now, Sir, leaving out these small prints, about which I shall have something to say presently, I find from the extracts in this book that the extracts from the English papers and the vernacular papers form two distinct classes; and you will find that, so far as the English papers are concerned, papers like the *Bombay Chronicle*, *Liberty*, *Advocate*, and other papers of that kind, there is absolutely nothing in them anywhere, either directly or by insinuation, countenancing revolutionary or terrorist doctrines. If you read the extracts which are given in this book, you will find that all the quotations may be sub-divided under three heads; one is objection taken to the trial of persons by special tribunals instead of a regular High Court; secondly, publication of the proceedings of public meetings held in Calcutta and outside for the purpose either of performing a *sradh* or for the purpose of denouncing the action of Government in not acceding to the largely subscribed prayer for the commutation of the sentence passed upon Bhagat Singh; and thirdly, certain letters which Dinesh Gupta wrote from the Alipore Jail to his relatives. These are the three classes which the English papers from which extracts are given in this book fall into. Then you have on the other side a very large number of translations and extracts from the vernacular papers. Even among the vernacular papers I find that the more responsible papers like the *Kesari* of Calcutta or the *Swatantra* referred to in pages 38 and 51 denounce revolutionary and terrorist activities. Let me by way of illustration read to the Honourable Members only two sentences. At page 38 this is what is said by the *Kesari* of Calcutta, a vernacular paper :

"The execution of Dinesh Gupta has wounded our hearts. It is a matter of pain that the life of a youth in whose heart there was patriotism should thus be put an end to. We do not like to suppress the feelings of our heart only because we are not at one with his methods. We admit that his action has retarded the progress of the country."

This is the statement made by a vernacular paper. Then you have another paper called the *Swatantra*. At page 51 of this compilation I find the following statement :

"The Congress policy of non-violence is so explicit that none of its followers should in any manner incite a violent act."

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I therefore submit, Sir, that in making a conglomeration of all cases and extracts from all papers, English and vernacular, the author of this book has omitted to consider that, so far as the English papers are concerned, they have not counselled terrorism or revolutionary doctrines. They have published in extenso the proceedings of public meetings, and I ask the Honourable the Home Member whether he regards the publication of news by these papers as conducive to the perpetration of crime and as calling for the policy which underlies the present Bill. The second question I wish to ask him is why they did not make any distinction between English papers and vernacular papers. We know, Sir, that as far back as 1878, an Act was passed called the Vernacular Press Act (Act IX of 1878) dealing with the vernacular Press alone, and after a few years that Act was repealed. I wish therefore to ask that, if you find from these extracts that the vernacular papers, obscure or otherwise, are mainly responsible for the dissemination of terrorist and revolutionary views, why not confine your Bill to the vernacular papers?

The Honourable Sir James Crerar : Sir, I should like to make sure what the Honourable Member's question is. Is it the Honourable Member's point that Government ought to discriminate unfavourably against newspapers which are published in the vernacular?

Sir Hari Singh Gour : The point I was trying to make was that, in order to cope with the mischief created by the vernacular Press and which is illustrated by the extracts printed in this book, why should not the Bill be confined only to the vernacular Press?

The Honourable Sir James Crerar : That is precisely the discrimination which I wanted to bring out clearly.

Sir Hari Singh Gour : The second point I want to bring out is this. The Honourable Member is perfectly aware of the fact, and he has in his opening speech pointed it out, that these newspapers from which these extracts have been published enjoy a limited circulation and that also is the statement made by the Law Member himself. My second point in connection with that therefore is that if these small and obscure prints having a very limited circulation are to be dealt with, why are they not dealt with under the ordinary law and why do you not deal with them under the ordinary law? It is not necessary for me to remind the Honourable the Home Member that we have added to the Criminal Procedure Code only recently sections 99A to 99G. I admit that section 99A of the Criminal Procedure Code deals only with sedition and does not deal with murder and acts involving violence. But if that is the difficulty, under section 99B has the Honourable the Home Member considered the advisability of amending that section, which would have dealt with this mischief in a much more satisfactory manner by making an amendment of an existing Act rather than resuscitation of the Act of 1910 which was dead and buried in 1922?

The Honourable Sir James Crerar : Do I understand that the Honourable and learned gentleman's principle is that this legislation should be permanent and not, as the Government propose, temporary?

Sir Hari Singh Gour : The Criminal Procedure Code is the procedural Act and under the Criminal Procedure Code the High Court has got plenary jurisdiction, power of appeal and revision at all stages ("Hear, hear" from the Nationalist Benches), and that is what you have refused

under the Press Act; and my Honourable friend cannot get away from that by saying that this is only a temporary measure and that I am counselling the introduction under section 99A of a clause which would be permanent rather than temporary.

My third point is this: it is perfectly true that some papers in this country are openly revolutionary and preach revolutionary doctrines. It is equally true that this House must deal with this mischief. But the question is, how are you going to do it? If our remedy can be confined to coping with that limited mischief which these revolutionary papers preach, then I have not the slightest doubt that every right-minded Member in this House will support the Government, but on two conditions; the first condition is that it will not arm the executive with unlimited and unfettered jurisdiction. We on the Opposition Benches feel that, while the executive should have the power of initiation, there must be ample judicial control all along the line, and if you can give us that judicial control, then you would have done a great deal to make this Bill acceptable to various Members of this House.

There is another point upon which I should like to dwell at some little length. It is this: Honourable Members are aware of the existence of the old section 3 and old section 4 of the Press Act of 1910. That Press Act of 1910 was, as my friend, Mr. Ranga Iyer pointed out, subjected to serious criticism at the hands of the Calcutta High Court; and they pointed out that those two sections of the Press Act of 1910 are so largely worded, that their meshes are so fine, that no person can escape through them. When after more than twenty years you wish to revive that Act of 1910, and you read section 3 of the Act of 1910 and clause 3 of the present draft Bill, you will find that both are exactly identical. I have compared the two, and if you compare them you will find them to be the same. Have you profited by the criticisms of the High Court and of the public? You have not, and let me tell you why not. If Honourable Members will turn to clause, they will find that that clause deals with two classes of presses—new presses and old presses. So far as new presses are concerned, the procedure is this: as soon as a man goes before the Magistrate for making a declaration under the Press and Registration of Books Act of 1867, he is called upon by the statute to give security, unless for special reasons he is exempted from giving security. Security is the rule; exemption is the exception. I wish to ask any legally-minded man in this House "Have you given any directions to the Magistrate as to what constitutes special reasons for exempting a person from giving security?" You have made it a general rule that as soon as a new man comes up and says, "I wish to establish a Press," you immediately call upon him to give security. I ask the Honourable the Home Member, is this not curbing—not the liberty of the Press—but curbing the development of the printing industry in this country, by asking every printer to give security before he establishes a Press? We have been told that every dog is entitled to one bite; you do not give this new unfortunate printer even a single bite; on the other hand you bite him first and take no chance with him. (Laughter.) Is this fair? Let him establish the press, and if afterwards you find that he misbehaves, call upon him to give security. But do not start by asking every printer, every new man, as soon as he comes before you to make a declaration that he wishes to establish a printing press, to give a security.

Again, look at the amount of security that you have laid down. It shall not be less than Rs. 500. Why not less than Rs. 500? Supposing

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a man wants to have a small hand press which costs him perhaps Rs. 500 ; is he to deposit Rs. 500 ? Mark further. The security must be at your discretion either in cash or in Government promissory notes. Do you distrust the value of your own promissory notes to make sure that the security should be cash down ? What is the object ? These are the galling provisions of section 3 which have been reintroduced without any change and without any amendment in this new Bill of 1931.

I pass on to the next point. Honourable Members will find, as I have said, that the whole of clause 3, except one paragraph, is copied from the Act of 1910. The paragraph that has been added now for the first time is sub-clause (2). By this addition, you have made the old provisions even more drastic. You say "The Magistrate may at any time cancel an order dispensing with security and require security to be deposited, and he may at any time vary any order fixing the amount of security under this sub-section or under sub-section (1)". I ask you, when you drafted the Bill in the year of grace 1931, did you not pass your eye back to the history of this obnoxious legislation of 1910 and the amount of criticism to which it was subjected and which resulted in its repeal in 1922 ? You have done nothing of the kind.

I now turn to the next clause. The Honourable the Law Member said that this is a very limited Bill. Yes. Let us examine the point. Clause 4 of the present Bill is section 4 of the Press Act of 1910. Now, I admit that in the Press Act of 1910 there are various other clauses which have been left out in clause 4 of your Bill. What you have done is this. You have simply enlarged the provision of one single clause which occurred in the Act of 1910 in your present Bill. Let me explain it to Honourable Members. In the old Act of 1910, clause (a) ran thus : "to incite to murder or to any other offence under the Explosive Substances Act of 1910 or to any act of violence". What you have done here is "to encourage the commission of any offence of murder or any offence involving violence". Sir, I know of such words as "abetment of crime". I know of such words as "instigation of crime". But what I want to know is as to what you mean by the word "encouragement", which is not defined in the Indian Penal Code, and which is foreign to the criminal jurisprudence of this country. Certainly, I can well understand an act of violence, but I have still to learn—and I have no doubt the Honourable the Law Member or any other legal Knight on the Treasury Benches will enlighten me upon it—I have still to learn as to what is the meaning of the words "any offence involving violence". Now, if you turn to the General Clauses Act, you will find the word "offence" defined. If you turn to Chapter XII and Chapter XVII you have certain offences which are designated as offences involving a breach of peace or a commission of a crime ; but I want to know as to what is the meaning of the involved sentence "or offences involving violence". And who is to be the judge of it ? The Magistrate and the Local Government. The Local Government and the Magistrate are to be the sole judges of these obscure phrases which they are to interpret and apply to a particular case before them. I say why do you start with these nebulous definitions of crime ? Why don't you be plain and say this : "whoever directly or indirectly aids or abets or incites the commission of murder or any offence such as is described in Chapter XII or in Chapter XVII of the Indian Penal Code" ? If you say so much you will make the meaning absolutely clear, but you have not done so.

Now, Sir, there is another point to which I would like to draw the attention of the House. Both under clause 3 and under clause 4 the Magistrate demands a security. That security is the minimum of Rs. 500, and it may run up to Rs. 10,000. Now, I ask, Sir, supposing a Magistrate demands a security of Rs. 10,000 from an unfortunate man who wants to print labels for *bidies*, supposing he wants to print a picture of Mahatma Gandhi to make his *bidies* more acceptable to the public and popularise them. Well, the Magistrate says, "I demand from you a security of Rs. 5,000", and that is obviously excessive. Now, who is going to be the judge of it ? You have demanded a security and you have closed down his press before it is opened. You are giving him no right of appeal to the High Court whatever for obtaining redress from a judicial authority against your act, of which he may have good reason to complain. I submit, therefore, that if you want to make this Bill acceptable, the first thing you must do is to give the person against whom you issue an order demanding security the right of appeal to the High Court. Are you prepared to do that ? That of course is a question, the answer to which will determine the attitude we on this side of the House will take upon this Bill.

Now, Sir, there is another question. Honourable Members are aware that in this country the moment the Government come down upon a newspaper with a heavy hand, immediately its circulation goes down, it will become a security paper, and all its readers will say "Oh, these people cannot write with the same amount of independence and freedom because the Government have taken security from them, and they will probably be closing down the paper the moment you demand security from them". I therefore suggest that, in order that your Bill may not be exposed to that abuse, you must make some provision for the constitution of a Press Committee on your local Councils in all the provinces where the co-operation of non-officials might be invited, and in co-operation with them go to the newspapers and say, "Now, do you advise that action should be taken against a particular paper and what should be the amount of security that that paper should pay ?". In that way you will make your Bill not only more popular, but you will prevent its abuse in practice, and you will secure the co-operation from the public, which you must appreciate, and the existence of which is very necessary, for the good government of this country.

I therefore submit that, so far as this Bill is concerned, it has been drawn up in a great hurry. There is no doubt about it. It has been copied almost verbatim from the Act of 1910, overlooking the criticism to which that Bill was subjected from 1910 down to 1922. I would therefore suggest that the least the Honourable the Home Member can agree to is to accept the motion of my friend Mr. B. Das for circulation. What does circulation mean in this case ? Three months. He has put down that this Bill should come up again in January, 1932. We have only got three months before us. If you accept this motion, you will have served a double purpose ; you will have recast this Bill, if you so desire, with the help of the non-official Members of this House. You would have sounded public opinion, and you would have, I am quite sure, obtained the support of a large body of men in the provinces to the re-enactment of a measure which in 1910 excited widespread opposition from the platform and the Press. You would, therefore, I submit, have served a great purpose ; you would have made your measure more popular ; you would have obtained

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the co-operation of the Opposition in this House, and you would have obtained a large measure of support from responsible people outside the House. Sir, I would have been very reluctant to delay the passage of this Bill if the Honourable the Home Member had told us in his opening speech that any of the passages in the newspapers to which he has referred or any newspaper comments which he has not referred to have been directly responsible for the commission of those crimes which we all deplore. They are remotely connected, I do not deny that they have some remote connection with the writings, but is it not a case of *post hoc ergo propter hoc*. If you therefore wait for three months, there will be no danger that there would be.....

The Honourable Sir James Crerar : May I invite the Honourable Member's attention to the record of violent crimes committed and ask him to consider how many crimes of that character have been perpetrated within the last three months?

Sir Hari Singh Gour : That was exactly the point that I was making. The point I was making was this. You have not said, much less proved it, that the lamentable crimes committed during the last three months were directly caused by the newspaper agitation to which you have referred. You have not said.....

The Honourable Sir James Crerar : I extremely regret to interrupt the Honourable Member, but I am afraid he has not listened to what I said in my opening speech. I pointed out that in several instances, quite a considerable number of instances, young men accused of crime have stated that their first idea of committing it had entered their minds from reading newspapers.

Sir Hari Singh Gour : I am glad for the statement that the Honourable the Home Member has made, but he has not given to us the statements made by these unfortunate accused, in any of the printed papers circulated to the Opposition. That is the point I was making. It may be perfectly true that they made that confession. I have been at the Bar quite as long as if not longer than the Honourable the Law Member. (*The Honourable C. P. Ramaswami Aiyar :* "Much longer.") But I am quite sure of this, that he and I will agree that if you have a confession, you have to treat it with a great deal of caution. We do not know what that confession was and as to how far we must rely upon that confession. But at the same time I am quite prepared to concede that newspaper agitation, particularly newspapers tinged with communistic ideas (*An Honourable Member :* "Like the *Statesman*."), are responsible and may be held responsible for the commission of crimes, but they are not the direct cause of these crimes. That is the only point I am making, and if you delay the passage of this Bill for three months, there is no evidence on record, nor indeed can any statement be made with any degree of assurance, that further crimes would be committed on account of the newspapers being free to comment and to agitate during the next three months. That is the only point I am making. Within these three months you will have considered the *pros* and *cons* of it; in these three months you will have the opportunity of revising this Bill, ensuring the support of the Opposition, and getting a large measure of popular support for your

measure. You cannot forget that there is a great deal of odium attached to this Bill by reason of its past history. You know that from 1878 when the Vernacular Press Act was placed upon the Statute-book, the Indian newspapers and the Indian organisations had been decrying that Act and it had to be repealed. When the Act of 1910 was placed upon the Statute-book, the agitation grew in intensity and volume, till in 1922 you had to repeal it also. I therefore suggest that if you wish to re-enact substantially the measure of 1910, you would be doing a great service to yourself and to the country by taking the public into your confidence and hearing them as to what they have got to say regarding the measure you wish to place on the Statute-book.

Now, Sir, if you do not wish to do that, are you prepared to concede to the Opposition the following points? The first point is that the High Court must be the judge not only of the necessity but also of the measure of security, and that before you demand any security from the newspaper, the accused must be given the right of appeal to the High Court against your order. That is the first point. The second point is that when you demand security that security must be commensurate with the capacity and ability of the person to give it, and that you cannot demand from him security in cash because he wishes to give it in G. P. notes. My third point is this. You know I was a humble instrument in having the Indian Penal Code amended doing away with the penalty of forfeiture. You are once more re-introducing the penalty of forfeiture. I would ask you to consider whether any other penalty than that of forfeiture cannot be substituted against the offending person. Now, these are the questions that I would ask the Honourable the Home Member to think about, and if we find that the Honourable the Home Member is in a reasonable mood and is prepared to meet our reasonable objections, there would not be any opposition from these Benches. But I wish to point out to the Honourable Member that Honourable Members on this side of the House are seriously afraid that if the executive are given the final power of control over the newspapers, they are not likely to use it for the purpose which is the declared and primary object of the Honourable the Home Member, or of the Government and of this House. I wish further to point out that clauses 3 and 4 require to be completely recast. These are the operative clauses of the Bill and they have to be recast. So will be the other clauses which treat the printer and the publisher as two individuals, whereas in point of fact they are often the same. To demand separate securities in such a case would amount to a certain order to close down the business which appears to have been aimed at in several clauses of the Bill. Will the Honourable the Home Member raise any objection in Select Committee to our recasting those clauses on the ground that, by accepting the motion for a reference to Select Committee, we have accepted the principle of the Bill and we are derogating from the principle of the Bill in recasting those clauses? I want the Honourable the Home Member to make that point perfectly clear.

The Honourable Sir James Crerar : I will make it perfectly clear here and now if the Honourable Member desires. If the Bill goes to a Select Committee, I shall be prepared to consider any amendments

[Sir James Crerar.]

which are consistent with the effective achievement of the main object of the Bill. (*A few Honourable Members* : "This is not clear.")

Sir Hari Singh Gour : I am perfectly willing to understand what the Honourable Member means. But the point I am making is that the Honourable the Home Member, or any spokesman on behalf of the Government, should not raise the question that in making amendments or changes in the Bill we are destroying the principle of the Bill which the House stands committed to by accepting the motion for reference to a Select Committee. That is all I want to make clear, because it is the intention of this part of the House to assist the Government to its utmost capacity; but at the same time, this part of the House is anxious to see that the rights and liberties of the Press are not seriously jeopardised and that, as far as possible, such a judicial control is introduced in the operation of the Bill as would give the aggrieved party a right to appeal to an impartial tribunal. These are my points, and I think they are reasonable and I do not see why the Honourable the Home Member should object to them. If they are conceded, we are quite prepared to co-operate with the Honourable the Home Member (*Some Honourable Members on the Nationalist Benches* : "No, no"), but if they are not conceded, all that we want to do is to let this Bill go to the country for three months (Hear, hear). Within these three months you would have got evidence, the reports of your Local Governments, the public bodies, and the Press, and if there are any merits and demerits in the Bill, they will all be exposed and made clear, and after that in the January Session we can make further progress with this Bill. If the time were long, I would not have supported a motion of this character, but as it is only a matter of three or four months, I hope the Honourable the Home Member will accede to the suggestion I have made.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : There does not appear to be any Honourable Member in this House who is an advocate of violence and assassination, and I venture to suggest that our traditions and culture prevent the large majority of the people of our country sympathising with assassination, and all forms of violence which we have undoubtedly seen within the last year or so, but, Sir, when we come to enact a measure which is intended to prevent such violence and assassination, I think my Honourable friends opposite will admit that we are entitled to examine that measure with care and consideration. Firstly, we have to satisfy ourselves that the measure is going to have a beneficial effect, and secondly, that it is not going to effect prejudicially anybody in the whole country. In order to do that, I think, it may be useful to attempt to analyse the forms of violence which we have seen in India during the last few months. I would divide them into three categories. Firstly, there is the terrorist movement as opposed to the non-violent passive resistance movement. There is a school of thought, however, misguided it may be, which still believes that without a show of violence and actual perpetration of violence there is going to be no constitutional advance in this country. There is another school which has gone in for violence and assassination with a very different object. They desire to have no form of constitutional

government now or hereafter. They are unequivocal adherents of the Third International. They fear that any constitutional advance in this country will postpone their goal. Their goal has been made very clear to us not only now but for some years. Thirdly, there is violence and assassination committed by reckless, impetuous, sometimes perhaps, honest, but misguided young men who not belonging to either of the organised groups of violence I have just mentioned are tempted to go in for violence and assassination hoping to become patriots and martyrs by an hour's or even a minute's work. I understand that the principal object of the Bill before us is to save these young men from themselves. Let me candidly admit that I do not think any Press Act is going to prevent terrorism of the first kind I have explained. The only way to fight that terrorism is an earnest, equitable and honest endeavour to give this country the freedom it desires. The second kind of terrorism can only be fought by my own countrymen themselves by propaganda, and much more by an earnest endeavour now and in the future to give all working men, whether they be the agriculturist or the industrial labourer, their due share in the wealth they have helped to create. But, Mr. President, I am quite prepared to admit that the perpetrators of the third class of violence, which hurts more the perpetrator than those whom he attacks, deserve protection, and it is more than possible that these young men naturally desiring to serve their country, reading what has admittedly been written, are tempted to go in for these reckless misguided actions, unfortunately to find their efforts leading them and the country nowhere. It is easy to be a patriot if one has a revolver and desires to use it indiscriminately and if there is any one here or in the country who suggests on the platform and in the Press that the man who uses a revolver is a patriot and a martyr, that man deserves to go to prison; but, Mr. President, it is our duty to see that the measure introduced will really effect what Government desire, viz., that these young men should not have provided for them literature which sends them to the gallows.

Mr. K. Ahmed (Rajshahi Division : Muhammad Rural) : Where do they get those revolver and firearms from?

Sir Cowasji Jehangir : I refer you to the Honourable the Home Member. I am not the Home Member. Mr. President, it is our duty to examine the question whether this measure will not affect adversely a large number of men who are at present in the journalistic profession.

Mr. B. Das : Quite so, quite so.

Sir Cowasji Jehangir : Let me candidly admit that I have been considerably impressed by the speeches of some of our lawyer friends, and even the Honourable the Law Member has admitted that if this measure goes too far, it ought to be amended. It is not the object of this House to let this measure be an instrument of terror to the journalists in India (*Several Honourable Members* : "Hear, hear"). It has one object, and one object alone in view, as far as this side of the House is concerned, and that is to prevent any journalist from printing matter that may encourage young men to resort to assassination; it is not intended to enable this Government or any Local Government to pounce upon any favourite press or any journalist or anyone controlling a press by means of this Act. That is the fear that has been at the back of the mind of every Honourable Member who has

[Sir Cowasji Jehangir.]

spoken up till now; and I am again ready to admit that Government ought to have seen to it that no such suspicion would lie at their doors when they moved for consideration of this Bill. I do not think Honourable Members opposite are in a position to deny that the clause, as drafted or copied from the last Press Act, is extraordinarily wide and goes far beyond what Honourable Members themselves want. I will repeat what has been said by several Honourable Members here, namely, that if only the Government had taken into consideration the criticisms not only of the public but of High Court Judges—and there sits in our midst to-day my Honourable friend, Sir Abdur Rahim, a retired High Court Judge—if the Government had taken the criticisms of such High Court Judges into consideration before they drafted this Bill, I venture to suggest that they would not have met with the opposition that they are faced with to-day. Therefore, Sir, it now depends not upon this side of the House but upon my Honourable friends opposite whether they are going to place on the Statute-book a measure which is intended to guard and protect young men whom we so desire to protect and a measure that will in no way go an inch further (Applause).

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, this piece of legislation has been subjected to much scrutiny from various sides of the House. I regret to say that, in spite of the tempting promises of the Leader of my Party, the Honourable the Home Member has not given him the assurance that he wants. Sir, when this Bill was introduced by the Honourable the Home Member in a speech marked by great restraint and moderation, I felt that something was troubling his mind; and if I may venture to guess, I think he felt that this Bill was one of those odious pieces of legislation that were running counter to the whole current of English legislation and practice. Let me point out to you, Sir, what I mean by this. The principle underlying this Bill is in short this, that every keeper of a printing press, the moment he goes to make a declaration as he must under the law, is straightaway put upon probation. In order to carry on a certain trade, that of keeping a press for printing books, pamphlets or newspapers, he is put on probation, and he is required to deposit a security. That, Sir, it will be noticed, is worse than censorship. A man, without any offence being attributed to him, without any inquiry or without any trial, is looked upon as a suspect. We go further. Having labelled him as a suspect and having got him to deposit some security, the moment the Local Government or its representative the Magistrate, performing strictly speaking not a judicial function, thinks the man has transgressed the law, the fiat goes forth that his security is forfeited. That, I submit, namely, the forfeiting of the security without any judicial inquiry, without any trial, without giving the man any chance to justify his action, or without giving anybody any opportunity to go into the case, is the basic principle of this Bill, and that is the odious part of the Bill. Sir, the old Press Act was worked in a manner that caused consternation among journalists, and all kinds of journalists united in opposition to it. It had to be repealed in 1922, but it left a bad taste behind, and it was revived in the Ordinances, and they still were modelled on the same lines as those of the Press Bill. Sir, why is it that the Government of India have all along stuck to that principle of the Bill, and why is it that the journalistic world has so far stoutly objected to the provisions of this Bill? I submit, Sir,

the point is that, of all professions in the world, the journalistic profession or the profession of keeping printing presses is singularly marked out for this exceptional treatment. He alone is put upon probation; and when the security is liable to arbitrary forfeiture, he is practically helpless and gone.

Now I submit to you, Sir, that the fundamental principle which underlies the liberty of the Press is not this, that any statute has guaranteed or that any law has made it clear that the Press shall enjoy any measure of liberty. The fundamental principle underlying the liberty of the Press, which the Honourable the Home Member assured us was safeguarded, is seriously endangered by this Bill, for the reason that a newspaper man is treated in a different manner from any other man. Now, Sir, the fundamental principle of the liberty of the Press, the liberty of the Press which has been made so much of in the English constitution, that fundamental principle we are transgressing here. Let me explain the position in a few words in a layman's language. Suppose a newspaper man extols a murder, we all detest it. Now in the case of this man, you pounce upon him and forfeit his security. But suppose another man got upon the platform and did precisely the same thing, is there any law under which you can take hold of him and get Rs. 5,000 out of him without any trial? Why, then, are you treating the newspaper man or the keeper of a press differently? Is there any law which will enable a Magistrate or a police officer to go to their houses and take from their pockets Rs. 2,000 worth of security. That I submit, Sir, is the underlying mischief of this Bill to which we all object. (*Cries of "Hear, hear"*.) We have had recited to us a list of violent crimes committed, a list of objectionable literature extolling murders. We are only too happy to assist the Government in all reasonable ways and certainly in an emergency, but we must insist that you should put the newspaper man and every other man on the same level, and give the newspaper man the right of being tried in a court of law. We are prepared to go with you as far as is reasonable, but not to do away with the traditional safeguards and to rely solely on the whims of executive action. Sir, the more you feed this appetite for arbitrary action, the more it grows. Sir, for all manner of things, people have been taken to task under the Press law. I remember a case in which merely for printing a programme of the Congress, or printing news of the holding of a certain meeting, a paper was taken to task.

Mr. B. Das: Shame, shame.

Mr. Jagan Nath Aggarwal: However much you may try to have recourse to a High Court, you cannot get that remedy which is your due. Therefore, I say, in answer to the appeal of the Honourable the Home Member, that when we find that there is a crop of this kind of literature, and this kind of crime flourishes, then let us face the thing in the right way, not in this tinkering way, not in this way which is contrary to all the principles of constitutional progress at a time when we are trying experiments in constitutional progress, by substituting the executive function for the judicial function. If your Magistrate thinks that the man has violated the law, let this man have a fair trial. Let him be tried by this very Magistrate and let his judgment be a judgment of the court. That is a fundamental point underlying the Bill, and I do not think that point can be remedied in any other way. We must have him a right of trial. Why are these newspaper men looked upon as being so vile and

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vulgar that they should be dealt with so sternly by the executive and not by the courts of the land? In vain I looked in the speech of the Honourable the Law Member, much as I admired it, for any indication as to why these journalists are being treated in this extraordinary fashion? Are they the vagabonds of the land? He paid a great compliment to my friend, Mr. Ranga Iyer, who had denied journalists great influence in the land, but that is not all. He said the influence of a newspaper ought not to be judged only by the circulation it enjoys. But I appeal to him, is it fair to treat the journalist as an outcast? The moment he is treated as a suspect, he is treated singularly in a manner not justified by the canons of civilised administration. That is the fundamental principle underlying the Bill, and I respectfully submit that neither the Home Member nor the Law Member has justified this extraordinary Bill. It may be said we have given you a beautiful provision in the shape of an appeal to the High Court. Unfortunately, I had a taste of it. I had on one or two occasions to knock my head against these provisions. These provisions of clause 4 consisting of 7 or 8 sub-clauses were read by me over and over again. It was impossible to escape through the meshes of it. Whether a man escapes through them or not, a man finds himself in an impossible situation when an appeal is made to the High Court. The position is that the Magistrate has pronounced that his security is forfeit and an appeal is made by the keeper of the press. How is the appeal to be argued? Where is the material? The material is the Magistrate's fiat saying that so-and-so's security is forfeit because in such and such publication there were offensive words. What is to be done? Where is the material on which you can go up to the High Court? There is only one document from which you can prove your innocence. Where is the material to prove the guilt? The person who is the appellant—and this is the most important point and I would like the Honourable the Law Member to justify it—has got to prove to the High Court that it is impossible for that document to come within the scope of that clause? Is there any such provision in the laws of the land or in any other land in which a person is called upon to prove the negative? We are always required to prove the affirmative. We are required to prove that this document is seditious, whereas in this law it is laid down that you shall be required to prove that this document is not seditious.

Sir, I have not troubled the House with quotations from the decision of Sir Lawrence Jenkins in the *Comrade* case, but if I remember aright Mr. Justice Stephens pointed out that his task was a stupendous task, more difficult than that of any other Judge in the British Empire, that he had to find from one document the intention of a person and to see whether a person had succeeded in proving the negative. No Judge in the British Empire has been called upon to do that. Therefore, I submit that this right of appeal which is superimposed on the executive action, the basis of which is not a judicial trial, is absolutely ludicrous. You cannot get that sense of security which you are entitled to get in the case of a person who is proceeded against. Therefore, he goes without any trial and inquiry and this provision of the Bill is absolutely of no avail to him.

Now, Sir, the other day when this matter was gone into, the Leader of the European Party, was pleased to observe that papers like the *Tribune*, the *Hindu* or the *Leader* need have no fear from it, like his own. But I took the trouble to look into the files of these papers to see what these

papers have got to say about it. I have got all these papers with me, and almost all of them have expressed their indignation on its introduction and on the possibility of its passing through this House. Let me give you a couple of lines from each of these papers. I do not wish to weary the House. The *Tribune* in its issue of September, 11, has said :

"It (namely, the Assembly) will be committing a capital blunder if it does not oppose tooth and nail the proposal for referring the Bill to a Select Committee. That proposal should be met both directly by opposing the motion and indirectly by a motion for circulation of the Bill. Let all those Members who were so profuse in paying their tribute to the memory of Mr. K. C. Roy prove the sincerity of their profession. Let them remember both that Mr. Roy was a life-long fighter for the liberty of the Press and that his very last act in life was to attend the Assembly, though he was in extremely bad health, with the deliberate object of opposing this particular measure."

Similarly, the *Leader* and the *Hindu* have also given their unalloyed opposition to this Bill. That being the case, my submission to the House is that in this measure you are giving a kind of treatment to the keeper of the newspaper press which is inconsistent with the whole principle of jurisprudence, and therefore it is no wonder that everybody outside has objected to it. The other day, it was pointed out that this Bill is confined to cases where there is an attempt at incitement to murder and therefore its operation will be limited to a certain section of the Press and no decent paper has any reason to fear from it. One would be surprised to read words like this :

"If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice."

An Honourable Member : What is the name of the paper ?

Mr. Jagan Nath Aggarwal : I am just going to give you the name. You will bear with me, Sir, that this is only in answer to the huge volume of extracts. You will remember, Sir, that it was admitted by the Law Member and by the various speakers that these papers had very little circulation and hardly any reading public. In fact, they maintained that most of them were so obscure that the names of a good many of them were not known. But the paper that I am reading from is not at all an obscure paper. It is one of the foremost papers coming from Bombay. It is the *Times of India, Illustrated Weekly*, dated the 13th September, 1931. I will not quote it verbatim, but will give you the gist of it. Dealing with the Chittagong murder, it says that here is a situation in which a Muhammadan officer was shot dead by a terrorist. The Muhammadan community straightaway retaliated by a reprisal and this is a lesson for the bureaucracy. I just give the very words and not paraphrase :

"The fact however, that on this occasion the official selected for assassination was a Muhammadan led to complication. Unlike the British community, which has limited itself,

Honourable Members will mark the words "British community",

"on similar occasion to passing resolutions urging Government to punish the real instigators, the co-religionists of the murdered police official in Chittagong took the law into their own hands and wreaked their revenge indiscriminately on the community from which the assassin was recruited."

Well, Sir, one might say this is a neutral passage, nothing of laudation or praise of the murderer. But it proceeds :

"With almost comical indignation the Congress papers in Calcutta protest that the deceased Police Inspector was assassinated not because he was a Moslem, but because he was a policeman! The Moslem community are not impressed by these superfine distinctions."

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This is laudation of what happened there.

"They have watched with growing amazement the impunity with which a succession of British officials have been murdered, as also increasing boldness of the real instigators of these crimes as they have realised that their activities do not involve any risk to their own skins or even restrictions of their liberties. The Muhammadan community have taken the earliest opportunity to indicate that they do not mean to adopt an equally quiescent attitude. If Muhammadan officials are murdered there will be immediate reprisals. . . . Although mob outrages are always deplorable, the lesson to be drawn from the Chittagong affair is that, if a policy of terrorism is to be pursued, it will not long remain one-sided."

I do not know if there can be greater incitement to murder or violence :

"If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice. I cannot of course imagine any development of that sort actually accruing but if it did, some of the Hindu leaders might begin to realise the iron self-restraint under which the British community—forced to look on impotently as one after another of its members is foully murdered—is now labouring. As testified in the roughest fashion, at Chittagong, the Muhammadan community, when subjected to similar outrages, refuses to subordinate itself to the same inhibitions, but hits back quick and hard. As a result the Murder Club will probably think many times before it decrees the death of another Muhammadan, even though he may chance to be a police officer."

If this is the cult and if this is the trouble, by all means meet it. Do not make any distinction, whether it is a small paper or a large paper, whether its editor is white, brown or black, but rope in everybody and deal with them sternly in a proper manner. I am at one with Government in taking action for proper maintenance of law and order. But any attempt to whittle down the above principles cannot be countenanced ; the principles underlying the Bill are vicious and should be done away with. Legislation should be taken up in the proper manner to punish such offenders, but no tinkering here and there will serve the purpose in view.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : I confess that when I came to this House I did not come with an open mind. I was biased against the Bill when I read clause 4 in which I scented danger to the liberty of the Press. But after the admirable speeches that have been made by Members on all sides of the House, especially after the convincing speech by the Law Member, I find it impossible to withhold my support to this measure so long as it is confined to one class and it is specifically limited to the terrorist movement. It is impossible to withhold our support to the suppression of terrorist activities, but it is difficult to support clause 4 as it is worded. It is more elastic and less definite as it stands now. It should be made more definite and less elastic and it should be made as clear as possible that it is confined to the terrorist movement alone. Otherwise, as my Honourable friends, Mr. Ranga Iyer and Sir Hari Singh Gour, pointed out, this will forge a fetter round the neck of journalists which every one with the love of liberty of the Press must strongly oppose. Sometimes these apparently innocent-looking measures unless well-defined prove to be most obnoxious and dangerous to the liberty of the Press. We all deplore the cult of anarchy which has made its ugly appearance in the country, but Government are not to be absolved from blame for the appearance of the ugly cult of anarchy. Government have failed to take notice of the signs of the time ; they have failed to take notice of the political grievances of the people ; they have failed to take

notice of the economic grievances of the people ; and they have failed to take prompt measures against those who indulge in incitement to violence. Government for a long time abdicated its functions and that in itself has proved a danger to society. The Government excuse that they do not take any notice of those writings simply because the Press is obscure does not absolve them from their responsibility to protect society (Hear, hear). If they had not neglected that duty, they would not have found it necessary to bring forward this measure. Unless clause 4, which is the operative clause is amended in the light of criticisms of the late Chief Justice Jenkins, one of the ablest Judges, the Government will find opposition not only from this House but from outside, all over the country.

We must make it clear in the Select Committee that this Bill will be confined only to the terrorist movement, and for other crimes of violence, they must resort to the Penal Code.

I want to say a word about the penalty. In the original Press Act, the penalty was Rs. 10,000 maximum, now it is Rs. 20,000, if you put it upon the keeper of the Press as well as on the publisher, and printer. This provision is much more harsh than the previous one. I think Government must reduce the liability of the printer and publisher to Rs. 5,000 and the keeper of the press to Rs. 5,000, so as to make the total penalty Rs. 10,000 as in the old Press Act. Then I am of opinion that this Bill will not serve the purpose for which it is made as the agitators will find other means of demonstrations in favour of murderers in the shape of processions and hartals. That is a feature which you should not fail to take into account. The only remedy for bringing about the cessation of this violence is to take the people more and more into confidence and grant them a machinery so that they may be enabled to remove their own grievances. I am sure if we achieve what the Round Table Conference seeks to achieve, I do not think we will hear of any cult of violence in this country.

Sir, whether the cult of violence is to continue or whether it is to stop, rests in the hands of Government.

Then, Sir, the appeal to the High Court must be before the demand for deposit is complied with and not after the forfeiture of the deposit. Government must allow all judicial safeguards. We are living in the 20th century, when the school master is abroad and we have learnt the lessons of freedom. We have imbibed the lessons of freedom from the history of England itself. I think it is impossible to curb the liberty of the Press and the more you curb the liberty of the Press, the more will other means of expressing the people's grievances be found. I am still of the opinion that this Bill will not serve the purpose for which it is intended unless Government conciliate the people. Sir, as an Anglo-Indian paper has pointed out, it is morally foul and politically disastrous to encourage or praise the detestable cult of assassination. I am glad to find that there is not a single Member in this House who favours the cult of assassination, nor is there anybody in the country who would favour it. But, Sir, as you know, communist principles are abroad and socialist principles are embraced readily, and the people know what is happening in other countries, and if they imitate the example of other countries, the blame must be placed on the education which they have received.

Sir, I have said that I am ready to give my qualified support to the Bill, provided the obnoxious features of this Bill are done away with. We reserve to ourselves the right of rejecting this measure when it emerges

[Mr. N. M. Dumasia.]

from the Select Committee if we find that it is not to our satisfaction. Sir, nobody will accept any principle which forges a new fetter around the Indian Press. As one of the oldest journalists, I say that Government ought not to have placed this responsibility upon the House unless Government themselves were prepared to shoulder their own responsibilities. Government ask for our co-operation when they want to forge new fetters around the Press, but when we ask Government for their co-operation what do we get from them? Only defiance and defiance alone. Sir, Government must also be amenable to reason and amend clause 4 as suggested by the Leader of the Opposition. If they do so, I am sure there will be no opposition to this measure. I hope there will be no necessity to make use of this measure, which is only for one year, and that after a year with peace and tranquillity prevailing in the country it will be removed from the Statute-book.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I rise to support the motion that this Bill be referred to a Select Committee. When a Member of this Honourable House, who is jealous of the liberties of his country and proud of its traditions, is asked by his vote to support a measure which imposes some restriction upon the Press of this country, it must cause him grave searchings of the heart before he supports such a measure. The Honourable the Home Member, who introduced the Bill in a speech characterised by the greatest moderation, enunciated two propositions. The first is that the experience of the last few years has proved the existence of a strong revolutionary party the object of which is to overthrow the established Government, to destroy the established order of society and thus create a reign of terrorism. The second is that the activities of this party are very largely strengthened by some sections of the Press, who either directly incite to murder and crimes of violence, or without going to the extent of direct and overt incitement, covertly by damning with faint denunciation the murder and investing the murderer with the halo of a saint, martyr and patriot, encourage the commission of these crimes. The Honourable the Home Member said that if these two propositions are proved, the conclusion necessarily follows that some action must be taken to stop the activities of these people. Sir, it is unnecessary for me, after the speeches that have been made by Honourable Members opposite, who have practically admitted the principle of the Bill, to analyse at any great length the evidence which the Honourable the Home Member has placed before this House. The existence of this conspiracy cannot be disputed for one moment. Looking at the list of the terrible crimes, we find that during the year 1929 there were as many as 13 crimes of violence, during the year 1930 as many as 74, and during the year 1931 up to the 31st August, as many as 128. Only within the last few weeks, the tale becomes gruesome. On the 22nd July, last, an attempt on the life of the Governor of Bombay; on the 23rd July the murder of Lieutenant Hext on the train; on the 27th July the murder of Mr. Garlick, the District Judge of Alipore; on the 21st August an attempt on the life of Mr. Cassells, the Commissioner of Dacca, and on the 30th August the murder of Khan Bahadur Ashanulla, Inspector of Police at Chittagong. Can it for one moment be argued that this series of crimes, perpetrated in different parts of the country are isolated and sporadic? Is it not clear that they are the work of a revolutionary active party working secretly throughout the length and breadth of this land?

The obvious result of the commission of violent crimes like these is not only to impair the morale of the officials of Government, whether European or Indian, but they have thrown the citizens of this country into a state of nervous tension. An Honourable Member of this Legislature belonging to the Upper House told me the other day that, much as he would have liked to avail himself of the privilege of travelling by reserved compartment to which he is entitled from Madras, he feared to do so, for during these days of terrorism he was afraid that he might be attacked by an assassin if he were alone.....

Mr. B. Das : Was he a non-official Member?

Dr. F. X. DeSouza : Yes.

Mr. B. Das : Then he is a coward. (Laughter.)

Dr. F. X. DeSouza : Turning now to the second point, that the activities of the revolutionary party are strengthened by the teachings of certain sections of the Press, I have read carefully the sixty-six pages of extracts from about seventy journals which have been supplied to us by the Home Department. These extracts range from all sorts of incitements to violence, murder and red ruin down to a glorification of the murderer, while professing to condemn his crime. I shall not read any of these extracts, but I shall only comment on one or two criticisms made by Honourable Members on the other side. They said, "What is the object of making so much fuss of these insignificant sheets whose names even are unknown to us and whose circulation is limited? They really form the gutter Press of this country: why should we take notice of them at all and give them unnecessary importance?".....

Mr. N. M. Dumasia : There you fail to do your duty to protect society?

Dr. F. X. DeSouza : I think when Honourable Members on the other side said that these papers have little or no circulation or influence on public opinion, they must have spoken with their tongues in their cheeks. They know as well as I know, perhaps even better than I do, that it is this class of journalism which has the greatest attraction and which is swallowed with the greatest avidity by young men of immature minds.....

Mr. N. M. Dumasia : And yet you take no action!

Dr. F. X. DeSouza :by young men who indulge in political discussion, which after all they have every right to do: and feeling as we all do that there is something wrong in the state of Denmark, they fall back upon this section of the Press to find a true solution of the trouble. I am not speaking merely upon conjecture. I speak from the records of the courts. Honourable Members are aware of the case of the young man who has just been convicted of the attempted murder of the Governor of Bombay: he was a young man belonging to a good family, a man of education, who in the ordinary course would have obtained distinction in his profession, but who fell under the evil influences of papers like these and allowed himself to commit the crime of which he has been found guilty.....

Mr. B. R. Puri (West Punjab: Non-Muhammadan) : On a point of order. Is my Honourable friend entitled to discuss a case which is still *sub judice*? It may have been decided by the first court: but I understand an appeal has yet to be filed in the case.

Mr. President : Has the case been decided ?

Mr. B. R. Puri : No ; not finally : my submission is only this, that if the conviction has taken place in the trial court, an appeal has yet to be heard. I think it may amount to prejudicing the case of the appellant if the merits of his case are discussed in this House.

Mr. President : On a question of fact : is the Honourable Member quite sure that an appeal has been lodged ?

An Honourable Member : It is bound to be.

Mr. President : The point of order can only be dealt with if there is some evidence to show that the case is still *sub judice*. If an appeal has been preferred, it would be *sub judice* and the Honourable Member would not be allowed to comment on it. The question is one of fact. Unless I am assured that the case is really *sub judice*, I cannot interfere with the Honourable Member's observations. Will any Honourable Member tell me as a matter of fact whether an appeal has been preferred ?

Mr. Amar Nath Dutt : The time for filing an appeal has not expired as yet. And so long as there is time to file an appeal I think the case should be considered as *sub judice*.

Mr. President : Has the Honourable Member any definite information on the subject ?

Dr. F. X. DeSouza : I shall not press the matter further. All that I wish to say is this : I might have referred to other cases in which the accused persons, belonging to very good families and coming from very good homes, who in the ordinary course would have been an ornament to their professions and in time might have become ornaments even of this House, have been found guilty of offences like political assassination, and this sort of thing gives one furiously to think. Any Member of this Assembly, may have some one dear and near to him undergoing education in colleges and other educational institutions : it is not unlikely—if we are to judge by the cases that have already been decided—that the class of young men who will be affected by propaganda of this character will be young men of generous instincts, of noble ideals, perhaps perverted ideals, who are prepared to sacrifice their lives and their liberty in pursuance of what they consider to be a heroic act. Are we prepared to allow these young men, these immature youths, at this the most emotional part of their career, to be debauched in the pregnant phrase of the late Mr. Eardley Norton, or to allow this deadly poison to be injected into them, in the words of His Excellency Lord Irwin in his inaugural speech opening (3) Volume V, No. 6, dated 14th September, 1931, page 376, line 11 from the bottom, for criticism of “justifiable” read “justifiable” — “... theory to the wind” — “... that the public safety after all is the ultimate law, pass a measure of this kind ? To me it seems that we shall be closing our eyes to the realities of the situation if we discuss theoretical limits of public criticism and allow this sort of propaganda to be carried on by the Press.

One pertinent observation was made by Honourable Members on the other side, and it is, why is it that the ordinary law is not adequate for dealing with this evil ? But everybody is aware that the ordinary law is absolutely inadequate for the simple reason that it allows of dissemi-

nation of the pernicious matter long before it can be suppressed. Even in countries which we consider to be the freest countries, even in England, the Executive Government possess powers of confiscation and forfeiture without resorting to the remedy of an ordinary trial. Last year we heard of a London Magistrate confiscating the issues of a novel written by a well known writer on the ground that, in his opinion, it had an immoral tendency. The Society of Journalists in London and the Society of Authors raised their powerful voices against a confiscation of this nature. They said it was scandalous that a decision as to whether a particular book was or was not of an immoral tendency should be left to the unfettered discretion of a single London Magistrate ; but their protests were of no avail and the decision was upheld. It is absolutely necessary in a case of this kind, where there is danger of public dissemination of pernicious matter, that the executive should possess summary powers.

Sir, a few words more and I have done. Strong objection was raised by some Honourable Members on the ground that clause 4 of the Bill was too comprehensive, so that any paper against whom the executive had a grudge could be easily dragged in. But, I think, Sir, that Government have made the position perfectly clear, that it is only direct or indirect incitement to violence in the ways mentioned in the Bill that will come within the purview of the clause, and if Honourable Members consider that the wording is too wide, it is certainly open to them in the Select Committee to suggest other wording to carry out the intention of Government. To me, Sir, it seems strange that anybody who is a follower of the doctrines of Mahatma Gandhi could for one moment have any hesitation in supporting this Bill. I believe that the prevalence of violent writings in certain sections of the Press was brought to the notice of Mahatma Gandhi himself a few months ago, and the Mahatmaji said in his issue of *Young India*, dated the 28th May, 1931, as follows :

“ I have before me extracts from journals containing some gruesome things. There is communal incitement and gross misrepresentation to political violence bordering on murder. It is of course easy enough for the Government to launch out prosecutions or pass repressive ordinances.”

But, says the Mahatmaji :

“ It will serve the purpose only temporarily and in no case will it convert the writer. The real remedy lies with the journalists associations. Why should we not create a department whose business it would be to study the various journals and bring them to the notice of the people ? ”

That precisely, Sir, is the policy that Government are pursuing. By bringing forward this measure, the Government have attempted to stop temporarily the spread of the dangerous poison that is now infecting the youth of this country. But they say it is only for a short period, say for a year or two or three at the outside. Meanwhile the presidents and secretaries of the various journalists associations throughout India should exercise their influence, and by persuasion and co-operation create a sort of public opinion among the journalists themselves so as to prevent the appearance of articles of this nature in the Press. That is all I wish to say, Sir, and with these few words, I support the motion that the Bill be referred to a Select Committee.

U Tun Aung (Burma : Non-European) : Sir, I must congratulate my Honourable friend from Burma, Mr. Tait, on his able maiden speech,

[U Tun Aung.]

but I regret I am unable to follow in his footsteps in supporting the motion.

Mr. B. Das : He wants to separate you from India.

U Tun Aung : Sir, I feel very sorry that my Honourable friend dragged in the question of anti-Indian feelings which are alleged to prevail in Burma. After hearing the speech of His Excellency the Viceroy this morning, I thought the Honourable Members in this House understood that things in Burma had been restored to their normal conditions and all the alleged anti-Indian feelings or anti-anybody's feelings had died away. I cannot therefore see why the Press, whose function has been praised so highly should be muzzled at this moment. The Honourable Members are aware, I believe, that at the present moment we have in Burma the unfortunate Burma Ordinance, applicable to that country alone, (*an Honourable Member* : "Shame"), and in that Ordinance special provisions have been embodied for the control of the Press. I cannot therefore appreciate the necessity for another Press Act further to control the Press in Burma. If the Honourable Members will pursue the extracts which have been made available to us by the official Benches in justification of this measure, they will see that not a single passage was taken from any of the newspapers in Burma ; and this fact shows that the Press in Burma has been behaving quite well, and I fail to understand why under such circumstances the Press in Burma should be placed under any control whatsoever as is proposed to be done by this Bill. You know, Sir, that Burma has until recently been unfortunately placed in a miserable plight, but it is fast getting out of the wood. No doubt during those disturbed days there might be some unfortunate cases of Indians being victimised wilfully or otherwise but that alone should not in fairness to Burma be construed as sufficient justification to prove that the Burmans as a nation are against Indians. No doubt in 100 cases of Burmese deaths there may be a few cases of Indians being assaulted or killed, but the House must remember that in times of trouble and difficult discrimination of race or colour could not be expected as necessity knew no law, and all those people who were particularly hard hit by the depressed economic conditions could not but yield to the irresistible methods of force and lawlessness. Unfortunately such hard hit people attacked the rich people, and unfortunately among those rich people there happened to be some Indians. Sir, these unfortunate incidents that took place during the disturbed days should be treated as past history. It is therefore most unfortunate that my Honourable friend from Burma should have dragged in that question here. The relationship between the Burmese and the Indians, I may say, has again begun to resume the previous cordial nature, and I need hardly say that Burmans as a very hospitable race love their neighbours and fellow beings. As I said before there is now an Ordinance in Burma to deal with the situation which has very much eased now, and this fact will be testified to by the Chief Secretary who is now the official Member from Burma, and I do not see why India along with Burma should be saddled with another piece of legislation which, although on the face of it, it may not appear to be repressive, but when placed in the hands of

the Executive, we cannot safely say that it will not be abused. In this connection, Sir, I would like to bring to your notice unfortunate fact that in Burma a member of the Legislative Council representing the disturbed area, Tharrawaddy, addressed a letter to the Secretary of State for India in which he set out all the facts relevant and necessary for the purpose of showing why the rebellion had taken place. Without showing any reason, without showing any justifiable cause, that letter addressed by a member of the Legislative Council to the highest authority for India in the British Parliament has been withheld, and that letter, which has been printed, has been proscribed by the Burma Government. When a responsible member of the Legislative Council makes an attempt to represent matters to the higher authorities for necessary redress or rectification, even in such a case the Government come in and interfere. In fact, if that letter had been placed before the British Parliament, it would have shown the actual conduct of the Government in dealing with the situation in Burma. It would also be seen that the rebellion could be very well ascribed to the outrageous activities and deeds committed by those very people responsible for the maintenance of law and order. Their lawless activities had led to lawless conditions, and these facts were embodied in that letter, but that letter had been withheld. Now, Sir, if even in such a legitimate effort of a responsible person to get affairs righted the Government thought it fit to interfere how much worse abuses, would Government commit if this Bill were passed into law ? It is only paying a much too hollow compliment to say that the papers in the country are functioning side by side with the Government and that they are affording great assistance to the Government, and yet the Government contemplate gagging them in an undue manner by this Bill. It must be remembered that the terrorist activities, these incitements, contained in these extracts from papers most of which are unknown—these took place when the whole country was in a great stir and upheaval asking for the realization of the political aspirations. Now that great disturbance has, I hope and trust, been considerably allayed firstly by the world famous agreement known as the Gandhi-Irwin pact, and latterly by the agreement of Mr. Gandhi to go to England. When we are now gradually getting out of the thick atmosphere of distrust and discontent and when all the attentions of the country are being fixed upon the possible achievements in the Round Table Conference in England, it will be most unfortunate—nay it is sadly inopportune that a Bill of this nature should be ushered in by the Government. Sir, you know too well the temper of the country. When Government by such an Act show distrust for the people, how can you expect their co-operation and co-ordination ? A Bill of this nature will tend to invite people—shall I say incite people—to honour it more by breaches than by observance, and this being so the Bill, if passed into law, will fail most deplorably in its aims and objects. I think that it will be well advised if the motion for circulation be accepted by the Government, so that the necessary circle of public opinion may be available for consideration when the Bill is brought forward in the Delhi Session, and the House will then be in a better situation to come to a proper decision. The House will then be in a happier position to decide whether the necessity for controlling the Press was really desirable. At the present time we are simply asked to take a leap in the dark simply on the frail materials such as the extracts of newspapers which are admittedly insignificant

[U Tun Aung.]

and unknown in the country and in respect of which no proceedings whatever have been taken. Are we justified in at once agreeing to have this measure referred to a Select Committee, thereby agreeing in principle that such a measure is desirable at this juncture? I feel that the materials on which this Bill has been founded are still insufficient and the time is most inopportune for this Bill to be introduced now. So far as Burma is concerned, the Burma Ordinance No. 5 is already there, much undesirable though it is, and on the top of it, if this Bill were passed into law, I for one would not be surprised if there is a renewed and unnecessary stir in the country, resulting in activities which this measure is intended to prevent. I would therefore say that tolerance for the present moment would enable the readjustment of the disturbed state of the public mind and I fully trust that there will be more peace than would be otherwise if this Bill were passed into law.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not propose, Sir, to speak at any length on this Bill, but there are a few points which occurred to me during the course of the discussion to which I have listened, and I think that it might be worth while to place them before the House.

One obvious feature of the debate has been that, while a number of speakers have made it clear that they see difficulties and objections, and that they will require to be satisfied about these, there has been very little whole-hearted opposition to the Bill, very little root and branch opposition, though my Honourable friend, Mr. Das, got very near it, though his phrase was tooth and nail and not root and branch. So frankly indeed did he disclose his attitude, that when he spoke of assisting the Government, I felt somewhat apprehensive.

"Timeo Danaos et dona ferentes."

"I fear the Greeks when they come with gifts in their hands."

I confess I had some doubt in my mind whether the offer of help was whole-hearted. My Honourable friend also claimed in his speech to speak on behalf of India. Mr. President, when I think of India, I think of something grand, awful and mysterious, but when I think of Mr. Das, I think of a very worthy colleague with an abnormally suspicious mind. (Laughter.) Therefore, I am not prepared to accept him altogether as the mouthpiece of India. Another speaker, Mr. Aggarwal, I think, raised objections of principle which, in his view, if he carried them to their logical conclusion, would prevent him accepting the Bill in any shape or form, but I believe it is true of most of the other speakers that while, as I say, they had objections and difficulties which they would like to see removed, they were not altogether opposed to the consideration of the Bill.

Another feature of the debate which struck me was that more than once one speaker answered another, not designedly but by implication, and some of the arguments adduced against the Bill seemed to be quite admirable arguments in support of it. On the last day, my Honourable friend, Mr. Ranga Iyer, devoted some time in the opening part of his speech to an attack upon the Anglo-Indian Press. I think I ought on behalf of Government to express our indebtedness to him for establishing the necessity of controlling at least one section of the Press. Again, to-day Mr. Aggarwal read an extract from a Bombay newspaper and it seemed to me that the

natural inference from his argument was that there was great need for control, and more than that—for there was a further inference to be drawn from the quotation—that unless we take care in our Bill to stop loopholes and to insert words such as "by inference or implication", we shall be unable to exercise that control which is needed. I am indebted to the Honourable Member for an admirable example of why we have to be careful about the drafting of the clauses in this Bill. You all of you remember the old story of the pick pocket. He was caught and was about to be ducked at the pump when the aggrieved party said, "Whatever you do, don't nail his ears to the pump". That was an encouragement to violence but in form it was the reverse, for the opening words were "Whatever you do, don't". Therefore I say, if you wish the Bill to be effective for its purpose, it is necessary to prevent obvious evasions. Another example of what I have in mind is to be found in the speech of the Honourable the Leader of the Opposition. He wanted to know if the publication as news in a newspaper of speeches of the kind objected to would be considered incitement to violence. My answer is "why not?", but if a further answer is needed I would refer him to my Honourable friend, Mr. Ranga Iyer. Mr. Iyer told us how much mightier the platform was than the Press—and when I listened to my Honourable friend and reflected how formidable he would be on the platform, and how dangerous if his talents were misdirected, I was very nearly convinced—but if the speeches to which my Honourable friend referred were open to the strong objection which he told us they were, then surely their publication for the purpose of broadcasting must be open to the same objection as an article originating in the newspaper itself. What we are after is prevention; our object is not punishment as such but to prevent, if we can, certain mischief from being done. Again my friend, Mr. Ranga Iyer, said it was altogether unfair that the public speaker should get off scot free and that the journalist should incur heavy penalties. Now, I take it that the speeches he referred to did not fall within the mischief of the ordinary law. At present Local Governments of course take action under the ordinary law against speeches in which they are advised that the speaker has transgressed the law. As I have said, my Honourable friend told us that what was really doing the mischief was the platform and not the Press. Well, I will put him a straight question. If we introduce a Bill punishing speeches of the kind he condemned, can we rely upon him for his support? Because, if not, then I submit that his argument is entirely worthless and is intended to mislead the House in order to secure the rejection of the Government proposals.

Once again my Honourable friend, the Leader of the Opposition, said that the newspapers printed in the vernacular were doing the harm and argued that the provisions of the Bill should be confined to the vernacular Press. I am not a lawyer, Mr. President, but it would seem to me a somewhat curious proceeding to enact that a certain statement was a crime in Hindustani, Bengali, Guzerati and Mahratti, but was not a crime if made in English. This discrimination according to language would be a novelty in our system of jurisprudence which I think this House should be very slow to accept.

Now, Sir, as regards the main motion, I think that the natural termination of the discussion to which we have listened would be the reference of the Bill to a Select Committee. Whatever difficulties Honourable Members opposite may have, I believe that the great majority of them desire to

[Sir George Rainy.]

do what is right in order to discourage the terrorist movement which they know, as well as we do, is doing untold harm. The Honourable the Leader of the Opposition, however, raised certain difficulties. In the first place, I think this is clear that the speakers on the other side have made their attitude perfectly plain, and that it would be impossible for any one on this side to charge them with inconsistency, if, having allowed the Bill to go to a Select Committee, they were subsequently to say "The amendments made do not satisfy us and we must vote against the Bill". They protected the Opposition quite definitely and clearly. They have safeguarded their position effectually on this point. But my Honourable friend, the Leader of the Opposition, wanted something more. He will get a reply from my colleague, the Home Member, in due course, but there is one thing I want to say at once and it is this. If we invite the House to go into Select Committee, we do not do so with the intention of raising pettifogging objections and points of order. We do not desire to raise technical objections as regards amendments on the ground that they are contrary to the spirit of the Bill. That is not the spirit with which we shall enter the discussion and it is, really the spirit that matters in a case of this kind. Whether or not a particular amendment is contrary to the principle of a Bill is always a matter for the decision of the Chair, but certainly it is not the intention of Government, as I say, to go into Select Committee with the idea of tripping up Honourable Members on the other side. I do, therefore urge as strongly as I can that the important points which have been raised in this debate—and I do not deny that they are important—can with most advantage be discussed in Select Committee. When we take into account the measure of underlying agreement there is on all sides, any other termination to the debate would be a wrong termination. But some of my Honourable friends opposite will say, "Why not agree to circulation, why not wait for another three months? Of course it would not be three months, for the Assembly does not usually sit in December, and I am afraid it would be the end of February before the Bill become law. This is not a matter which has been taken up hastily, at short notice. The evil which we seek to remedy has been working havoc in our midst during the past months. If there are, as I claim that there are, good reasons for legislating at all, then there are good reasons for legislating at once. (Cries of "Hear, hear.") I know that Honourable Members opposite do appreciate the difficulties under which Government officers are carrying on their work all over India; but I wonder whether they quite realize how great the strain must be, not at the headquarters station, but in the districts, and especially in the Province of Bengal, I believe it would make a very great difference not only to the feelings of these officers but to the zeal and the earnestness which they put into their work and the manner in which they carry out their duties if they could feel that they had the support not only of the Government behind them—for, after all, it is the business of Government to support their officers—but had also the support of the Central Indian Legislature. Sir, it is for this that I would appeal, I believe that the passage of the Bill would do more to hearten and encourage our very deserving officers in the plains than almost anything else (Loud applause).

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 15th September, 1931.

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

QUESTIONS AND ANSWERS.

SAFEGUARDING OF MUSLIM INTERESTS IN ACCOUNTS AND AUDIT OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

250. *Mr. S. C. Mitra (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931, regarding reduction of about 24 Peshawari clerks as a result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices?

(b) Are Government aware that this news has created an alarm in the educated circles of the province, since the local Muslim employees in these offices are temporary?

(c) Is it a fact that :

(i) Muslims form only 43 per cent. of the present total strength of the Accounts Offices at Peshawar ;

(ii) out of it only 21 per cent. belong to that province ;

(iii) the share of this community in the supervising staff is about 22 per cent. ; and

(iv) the combined ratio of Muslims and non-Muslims of the Frontier in these offices is about 30 per cent. ?

(d) If reply to parts (b) and (c) above be in the affirmative, will Government be pleased to state what specific steps they propose to take to safeguard Muslim interests at the time of the proposed retrenchment?

The Honourable Sir George Schuster : (a) and (b). Government have seen the message mentioned, and have also received representations on the subject.

(c) (i). Muslims form 45 per cent. of the present total strength of the Accounts and Audit offices at Peshawar.

(ii) Of these 55 per cent. belong to the Frontier Province, i.e., about 25 per cent. of the total strength.

(iii) The percentage of Muslims in the supervising staff is 28.

(iv) The combined ratio of Muslims and non-Muslims of the Frontier Province is 34 per cent.

(d) I would refer the Honourable Member to my reply to question No. 249, on the 11th instant.

(383)

EXEMPTION FROM THE NEW CUSTOMS DUTY OF OUTSTANDING CONTRACTS FOR THE IMPORTATION OF WHEAT.

251 ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is a fact that when a customs duty of Rs. 2 per cwt. on imports of foreign wheat was newly imposed on the 1st April, 1931, the contracts which were then outstanding were exempted from payment of customs duty ?

(b) If the reply to part (a) above is in the affirmative, what was the quantity of such outstanding contracts as shown by each one of the importers, separately for each port, and the total quantity so shown ?

(c) Were the outstanding contracts, referred to above, all found to be for account of importers alone or some were also found to have been wholly or partially placed or sold to dealers ?

(d) Who were the officers that kept record of the then outstanding contracts and who verify those figures with imports which are now taking place ?

(e) What quantity out of the outstanding contracts, referred to above, has been imported up to 31st July, 1931.

(f) What quantity of the outstanding contracts referred to above still remained to be imported as on 1st August, 1931 ?

The Honourable Sir George Rainy : (a) I invite the Honourable Member's attention to the provisions of section 3 of the Wheat (Import Duty) Act, 1931. I would point out at the same time that the provisions of the Act had effect from the date of introduction of the Bill, namely the 20th March, and not from 1st April.

(b) The quantities of contracts outstanding on the 20th March, 1931, were :

Bombay	..	..	..	32,995 tons.
Rangoon	..	..	..	2,888 tons.
Calcutta	..	..	..	79,353 tons
				subject to a variation of 3,774 tons more or less.

Total about 115,236 tons subject to a variation of 3,774 tons more or less. The Government of India have not obtained details of the importers and the quantities of wheat imported by each of them.

(c) Partly for the account of the importers themselves and partly for the account of the dealers.

(d) The Collectors of Customs.

(e) 116,461 tons of wheat have been imported up to the 20th August, 1931.

(f) Assuming that the total quantity, mentioned as the variation figure in reply to part (b), will be imported into India, 2,549 tons of wheat were outstanding on the 20th August, 1931.

DISCHARGE OF MUSLIM WORKMEN FROM THE NORTH WESTERN RAILWAY.

252. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to an article under the heading "Muslims in North Western Railway, Electrical Branch", which was published in the *Muslim Outlook* of Lahore in its issue of the 24th July, 1931 ?

(b) Will Government be pleased to state whether the figures of reduction of daily workmen given in the above article are correct ? If so,

(i) what was the reason that 90 Mussalmans were discharged against 33 Hindus and 11 Sikhs ;

(ii) what was the total strength of employees of each community working as daily workmen, of whom 90 Mussalmans, 33 Hindus, and 11 Sikhs were reduced as referred to above ; and

(iii) what is the reason of such discrimination being shown towards Mussalmans ?

(c) Will Government be pleased to state whether the figures of salary as shown in the article above referred to against employees of each community of the clerical establishment are correct ?

(d) If so, will Government be pleased to state what were the causes that led the authorities to differentiate between Hindus and Mussalmans both as regards the strength of clerical establishment and the grades of pay ?

(e) Will Government be pleased to state what action they intend to take for redressing the injustice done to Mussalmans as shown in the article above referred to ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

REPRESENTATION OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

253. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to an article under the caption "The meeting of Muslim employees of Railway", which was published in the *Daily Inqilab* of Lahore in its issue of 22nd July, 1931 ?

(b) If so, will Government be pleased to state :

(i) whether it is a fact that Mr. K. M. Hassan was deputed on special duty only with a view to bring about adequate representation of Mussalmans in the Department concerned ;

(ii) if so, whether his recommendations to the Railway Board receive attention, and if so, will Government quote instances of acceptance and rejection by the Board of his recommendations ;

(iii) if it is a fact that Mr. K. M. Hassan has not been empowered to fill in posts directly if at any time any vacancy occurs ; and

(iv) if it is a fact that Mr. K. M. Hassan has not been given adequate power to hear the cases of Muslims in cases of their dis-

missal and when injustice has been done to them as referred to in the article quoted above ?

(c) If replies to part (b) (i), (iii) and (iv) above are in the affirmative, will Government be pleased to state what was the object of appointing Mr. K. M. Hassan on special duty ?

Mr. A. A. L. Parsons : (a) No.

(c) While the answer to part (a) is in the negative, the following information may serve the Honourable Member's purpose :

(i) Mr. K. M. Hassan has been placed on special duty to advise and assist Railway Administrations with a view to securing fullest compliance with the policy of Government regarding the adequate representation of Muslims and other minority communities in the various classes of non-gazetted establishments and to report on these matters to the Railway Board.

(ii) A preliminary report has just been received from Mr. Hassan and is under consideration.

(iii) Yes, but instructions have been issued to the Agents of State Railways to co-opt Mr. Hassan to act as a member of Selection Board when such a Board is convened in connection with recruitment and if it is not possible to appoint a Muslim officer of the railway to serve on it.

(iv) It is open to Mr. Hassan to report any cases in which injustice has been done to Muslims to the Agent and, if necessary, to the Railway Board.

(c) The object of placing Mr. Hassan on special duty is explained in the answer to part (b) (i).

APPOINTMENT OF MUSLIMS IN RAILWAY ACCOUNTS OFFICES.

254. ***Seth Haji Abdoola Haroon :** (a) Is it true that in the Management Branch of the Railway Accounts Office there is no chance for Muslim candidates to enter into service as referred to in the article under the heading "The meeting of Muslim employees of Railways" appearing in the *Daily Inqilab* of Lahore, dated 22nd July, 1931 ?

(b) If the reply to part (a) above is in the affirmative, what action do Government propose to take to increase the number of Muslim employees in the above branch ?

Mr. A. A. L. Parsons : (a) It is understood that the question relates to the employment of Muslims in a particular section of the Accounts Office. If so, the reply is that the proportion of the minority community in an office is applied to an office as a whole and not to any particular section of the office.

(b) Government are not prepared to fetter the discretion of heads of officers as to the manner in which they should distribute their staff amongst the various sections of the office.

PREPARATION OF THE MORAL AND MATERIAL PROGRESS REPORT OF INDIA.

255. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state :

(a) Why the task of preparing the Moral and Material Progress Report ("India in 1929 and 1930") was entrusted last year to "officers" of the Bureau of Information ;

(b) why the said Report does not appear over the name of the Director of Public Information as in the past ; and

(c) whether this innovation is only for 1929-30 or meant to be permanent ?

The Honourable Sir James Crerar : (a), (b) and (c). There was no change in procedure last year. The preparation of the Moral and Material Progress Report has always been entrusted to the officers of the Public Information Bureau, the work being done either by the Director or under his supervision, by the Deputy Director, or jointly by both. The prefatory note to the Report was modified at the request of the Director so as to remove the responsibility for the views expressed therein from any one individual officer.

REPORT OF THE ROYAL COMMISSION ON LABOUR.

256. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if any correspondence has passed between His Majesty's Government and the Government of India on the Report of the Royal Commission on Labour in India ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

(c) Is it a fact that His Majesty's Government expect the Government of India to bring in early legislation to give effect to the recommendations of the Whitley Commission ? Do Government propose to do so ? If so, when ?

Mr. J. A. Shillidy : (a) and (b). In view of the questions which have been asked in Parliament regarding the action which is proposed to be taken on the recommendations made by the Royal Commission on Labour, the Secretary of State has asked how the Government of India propose to deal with the Report. The matter is still under consideration and the Government of India regret that they are not in a position to place a copy of the letter on the table of the House.

(c) The Government of India have received no communication to this effect from His Majesty's Government. The Report of the Whitley Commission is receiving close attention but no conclusion has yet been reached on any of the recommendations.

Mr. C. S. Ranga Iyer : Will Government be pleased to state when they are likely to publish their recommendations or their conclusions ?

Mr. J. A. Shillidy : I think, I would like to remind the Honourable Member, as I have no doubt he is already aware, that the Report runs to something over 470 pages. There are over 300 recommendations, some of which will have to be dealt with by the Central Government, while a great many of them will have to be dealt with by the Provincial Governments. Other recommendations can only be dealt with by workers and employers in conference or in agreement. It will not be possible for the Government of India to undertake to state what their conclusions will be on all the recommendations within any specified time. It is a very big work before us.

RETRENCHMENT PROPOSALS OF THE JUKES REPORT.

257. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether it is a fact that the Jukes Committee was appointed with a view to find out possible avenues in the civil administration of the Government of India in which some sort of retrenchment could be effected ;
- (b) whether it is a fact that the committee came into being as the effect of some decision arrived at by the Government of India on a Resolution of the Legislative Assembly ;
- (c) whether it is a fact that after the session of the Assembly was over in July 1930 immediately steps were taken by the Government of India to include some more appointments under the Protected Services with the consent of the then Secretary of State for India ;
- (d) whether it is a fact that such a step to augment the cadre of Protected Services was taken without the knowledge of the Legislature ;
- (e) whether it is a fact that the list of such appointments was published in an issue of the *Gazette of India* in August 1930 ; and
- (f) how such a step by which expenses in the civil administration were sure to augment was to fit in with the retrenchment scheme that was then being sought to be worked out ?

The Honourable Sir George Schuster : (a) No Committee was appointed. Mr. Jukes was placed on special duty in the Finance Department to carry out in conjunction with that Department a detailed and technical review of the various causes operating to increase the administrative expenditure of the Central Government and to explore avenues of economy.

(b) The circumstances in which Mr. Jukes's appointment was made are briefly described in paragraphs 80—82 of my speech introducing the Budget for 1930-31 to which I would invite the Honourable Member's attention.

(c) to (f). It is not clear what particular appointments are referred to, but if the Honourable Member has in mind the case of the re-organisation of the cadre of the Indian Political Department which received the sanction of the Secretary of State in May 1930, I would point out that those portions of the scheme which would, if put into effect, involve extra expenditure, are being held in abeyance, for the present, on financial considerations.

REPATRIATION OF INDIAN SETTLERS FROM BRITISH COLONIES.

258. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the British colonies and possessions which have undertaken the repatriation of the Indian settlers from those places ;
- (b) the details by which such a scheme is worked in those places ;
- (c) whether the Government of India have had any knowledge or intimation of such a scheme before it came into operation in those places ; and

- (d) whether they have thought of any retaliatory measure in respect of the people of those places which have undertaken the repatriation of the Indian settlers ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). Indian labourers who emigrated to Fiji, British Guiana, etc., under a system of indenture were generally entitled to a free return passage in accordance with the terms of their agreement. Many of them avail themselves of this right. In South Africa an Assisted Emigration Scheme was brought into force as a result of the Cape Town agreement. Any Indian wishing to avail himself of this scheme is granted a bonus in addition to a free passage. In Ceylon and Malaya, economic depression, principally due to the fall in the price of rubber, has led to the discharge of a large number of Indian labourers who are being repatriated free of cost. The Government of India have remained in close touch with the situation in all its stages. The Honourable Member will observe that repatriation is not compulsory. The question of adopting retaliatory measures therefore does not arise.

Mr. Gaya Prasad Singh : Is it contemplated to instruct our delegates who will attend the Round Table Conference at Cape Town not to agree to a scheme of assisted emigration or repatriation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : For the present no instructions have been framed.

Mr. B. Das : Will the matter be kept in view by the Government of India ?

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

RETRENCHMENT IN ACCOUNTS AND AUDIT DEPARTMENTS OF STATE RAILWAYS.

259. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether in view of impending retrenchment schemes the Accounts and Audit Departments of the State Railways will be amalgamated and the Central Office cut down at Delhi ; and
- (b) whether operatives of machine-accounting employed in State Railways will remain partially suspended for the sake of economy ?

Mr. A. A. L. Parsons : (a) The question is being considered.

(b) Most of the experiments started by Mr. Scott with regard to mechanised accounting have been suspended, but there is no proposal at present to suspend such processes of machine accounting as have passed the experimental stage, like the Clearing Accounts Office.

RESTRICTION OF STORES PURCHASES.

260. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the projects that have been formulated for restricting the activities of the Stores Purchase Department with a view to economise expenses ;

(b) the particulars by which such projects are to be carried into effect ; and

(c) the total amount that is expected to be saved by the operation of such projects ?

Mr. A. A. L. Parsons : It is understood that the Honourable Member refers to the work of stores purchase undertaken by railways. This is not dealt with by a separate department, and forms a fairly small portion of the work performed by the Chief Controllers of Stores on the different railways. For some time past the agency of the Indian Stores Department has been utilised for the purchase of certain classes of stores, and at periodical meetings with the Chief Controller of the Indian Stores Department additions are made to the list of articles so purchased. But though to some extent the purchasing activities of the Chief Controllers of Stores on railways have been curtailed in this way, a charge is made by the Indian Stores Department for purchase, so that it is impossible to say that the cost to railways of their purchasing organisation as a whole has been reduced. In so far as the Chief Controllers of Stores on railways are concerned, any decrease in their purchasing work owing to the arrangements with the Indian Stores Department has been effected by an increase in the local purchase of stores under the new Stores Purchase Rules.

CONSTRUCTION OF A CENTRAL RAILWAY STATION IN CALCUTTA.

261. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether there will be a Central Station at Calcutta on the completion of the Bally bridge ;

(b) if so, the year by which such a project will be taken in hand ;

(c) whether in the event of the establishment of the Central Station at Calcutta all through mail and passenger trains from the East Indian Railway will run direct up to that place ;

(d) the time by which the Bally bridge is expected to be completed and trial trains will run up to Sealdah ; and

(e) the estimated cost for the construction of the Calcutta Central Station ?

Mr. A. A. L. Parsons : (a) No.

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

(d) The Bally Bridge is expected to be opened at the end of December, 1931.

DEFICITS INCURRED IN THE ADMINISTRATION OF BURMA AND THE BURMA RAILWAYS.

262. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether the administration in Burma has been carried on year by year with a regular deficit ;

(b) if so, the total amount of such deficits incurred during the last two decades ;

(c) whether the Burma railways have always been carried on with a loss ever since their introduction ; if so, the total amount of such loss ;

(d) whether it is a fact that the Government of India have had to make annually contributions towards the military expenditure of Burma ; if so, the total amount paid during the last two decades ; and

(e) the nature and particulars of contributions that the Government of Burma have to make to the Government of India year by year ?

The Honourable Sir George Schuster : (a), (b), (d) and (e). Precise replies to most of these questions are not possible. I, however, will send to the Honourable Member a printed note (copies of which have been supplied to Members of the Standing Finance Committee) which will give him same information on these points, and also some indication of the difficulties in furnishing exact answers.

(c) No. On the contrary from 1900 to 1930 there has been an annual profit.

RATE WAR CARRIED OUT AGAINST THE PIONEER MOTOR TRANSPORT STEAMER COMPANY IN EAST BENGAL.

263. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether they ever received any representation from an inland indigenous steamer company by the name of the Pioneer Motor Transport Company in East Bengal regarding rate-war carried against that company by two other inland British steamship companies by the names of I. G. N. S. and B. I. S. N. ;

(b) if the answer to part (a) is in the affirmative, the steps they were pleased to take in the matter ;

(c) the manner in which they moved in the matter ;

(d) the effect of the steps they have taken ;

(e) whether the steps are calculated to protect other indigenous companies in a similar predicament ; and

(f) whether similar complaints from other Indian steamer companies have also reached them from other places in India ?

The Honourable Sir George Rainy : (a), (b) and (c). The attention of the Honourable Member is invited to the Commerce Department Resolution and Notification both numbered 351-M. I. (2)30, and dated the 25th July, 1931, which were published in the Gazette of India of the same date.

(d) The Government of India have no information as to the effect of the steps taken by them, but have so far received no further complaints on the subject.

(e) The orders issued by the Government of India relate to a particular stretch of inland waterway, and apply to all inland steam-vessels plying on that run, but they do not affect inland steamer companies plying on other runs.

(f) One other complaint has been received and the complainant company has been asked to furnish the Government of India with a full statement of its case.

PROPOSALS BEFORE THE RETRENCHMENT COMMITTEES.

264. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether there were any proposals before the Retrenchment Committee concerned to circumscribe the activities of the Tariff Board for the sake of retrenchment ; if so, the decision since arrived at by Government ;
- (b) whether there were any proposals before the Retrenchment Committee concerned to limit the activities of the Imperial Agricultural Research Association for the same purpose ; if so, the decision arrived at by Government ;
- (c) whether there were any proposals before the Retrenchment Committee concerned to suspend the annual Simla move of the civil departments for the next three years by way of retrenchment ; if so, the decision arrived at by Government ; and
- (d) whether in effecting retrenchment the members of the Committees experienced any difficulty in getting over the effect of the Lee recommendations ?

The Honourable Sir George Schuster : I regret that I cannot make any statement regarding the proposals under consideration by the Retrenchment Committees until Government have received and considered their reports.

REGULATION OF MOTOR VEHICLES IN AJMER-MERWARA.

265. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that under rule 93 (b) of the rules for the regulation of motor vehicles in Ajmer-Merwara, framed by the Honourable the Chief Commissioner, Ajmer-Merwara, permission is granted to a limited number of proprietors of motor-buses to ply for hire in the district ?

(b) Is it a fact that the effect of the above rule has been that some particular proprietors of motor-buses have acquired from Government the monopoly of the use of certain public roads, whereas all motor-buses owned by other proprietors and plying for hire are forbidden to use the said public roads ? If so, will Government please state on what grounds the monopoly of public roads is given to a few persons and why others are denied the enjoyment of the right of using public roads ?

(c) Is the monopoly of the use of particular public roads given to the highest bidder at public auction ? If not, why not ?

(d) Do Government propose to abolish the grant of monopoly of the use of public roads in Ajmer-Merwara to particular proprietors of motor-buses plying for hire and to throw open the use of such public roads to all the proprietors of registered and licensed motor-buses ? If not, why not ?

Mr. E. B. Howell : (a) Rule 93 (b) of the Ajmer-Merwara Motor Vehicles Rules provides that :

“ The District Authority shall have the power to regulate the number of proprietors of motor buses and motor lorries plying for hire in the District or on any particular road, and the number of such vehicles that may be allowed on any particular road.”

In accordance with this rule a maximum number of public motor omnibuses allowable on each route, except the two routes on which for special reasons monopolies have been allowed, has been fixed by the District Authority which consists of the District Magistrate, the Superintendent of Police, the Executive Engineer and two non-official members.

(b) The monopolies were given more than three years before this rule came into force. There was, however, a similar rule in force at that time to the following effect :

“ The District Authority shall have the power to regulate the number of proprietors of motor buses and motor lorries plying for hire in the district.”

Only two monopolies have, as stated above, been allowed. One is on the Beawar-Todgarh Road. There is not much traffic on this road and, as it is a hilly road and dangerous in parts, a monopoly is considered advisable. The other is on the Nasirabad-Kekri-Deoli Road. The monopoly system was introduced because the competitive system had been tried and found to be most unsatisfactory. Many complaints were received from the public and it was decided that a regular, punctual and efficient service for the small and isolated towns of Kekri and Deoli could only be secured if a contract for the service carrying with it the mail contract were given to a single firm. There is very little traffic on this road and no scope for healthy competition. The contract only extends to public passenger omnibuses.

(c) No. There is no question of auction, as the right to ply omnibuses is not sold.

(d) The matter has been very carefully considered in all its aspects and on the recommendation of the District Authority the Local Administration has decided that when the present monopolies expire further monopolies shall be granted but not necessarily to the present contractors. Offers will be invited and when all applications have been received the contracts will be given to the applicants considered best qualified to provide the public with an efficient service at reasonable rates. The reasons have been explained in the answer to question (b).

ABOLITION OF THE POST OF EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

266. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Indian Retrenchment (Incheape) Committee recommended the abolition of the post of the Educational Commissioner with the Government of India after the inauguration of the reforms introduced by the Government of India Act, 1919 ?

(b) Is it a fact that instead of abolishing the post of the Educational Commissioner, the Government of India abolished the post of the Superintendent of Education of Delhi and Ajmer-Merwara and amalgamated the duties of the said post with the Educational Commissioner in 1923 ?

(c) Have Government received complaints that since 1927 the affairs of the Education Department in Delhi and Ajmer-Merwara have suffered from great mismanagement?

(d) Is it a fact that the post of Superintendent of Education, Delhi and Ajmer-Merwara, has been revived and the Educational Commissioner with the Government of India relieved of the duties of the Superintendent of Education of Delhi and Ajmer-Merwara? If so, why?

(e) Do Government propose to abolish the post of the Educational Commissioner with the Government of India as recommended by the Inchcape Committee in view of the present financial crisis?

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

(b) The post of Superintendent of Education for Delhi and Ajmer-Merwara was held in abeyance and the Educational Commissioner with the Government of India was put in collateral charge of the duties of that post in 1923 as an experimental measure.

(d) Yes. The combination of the two posts under a single officer proved to be most unsatisfactory and prevented the Educational Commissioner from doing justice to the duties of either appointment. The Chief Commissioners of Delhi and Ajmer-Merwara both protested against the continuance of the arrangement. A post of whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India has accordingly been created temporarily, as an experimental measure, up to the 31st March, 1932.

(e) Government consider it essential to have a post of educational expert at headquarters, but are considering whether in present circumstances there can be any temporary reduction in its status.

ABOLITION OF THE POST OF ASSISTANT SUPERINTENDENT OF EDUCATION IN AJMER-MERWARA.

267. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that on the amalgamation of the duties of the Superintendent of Education of Delhi and Ajmer-Merwara with those of the Educational Commissioner with the Government of India, a part-time Assistant Superintendent of Education for the Delhi Province and a whole-time Assistant Superintendent of Education for the Province of Ajmer-Merwara were appointed?

(b) Is it a fact that on the revival of the post of the Superintendent of Education of Delhi and Ajmer-Merwara in 1931 the post of the part-time Assistant Superintendent of Education, Delhi, has been abolished?

(c) Is it a fact that the post of the Assistant Superintendent of Education of Ajmer-Merwara has not been abolished, in spite of the appointment of the whole-time Superintendent of Education?

(d) If reply to part (c) above be in the affirmative, do Government propose to abolish the post of the Assistant Superintendent of Education of Ajmer-Merwara in view of the present strain on the public funds?

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

(d) No. Government consider that the retention of the post is necessary.

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

268. ***Khan Bahadur Haji Wajihuddin :** (a) With reference to Government's reply to starred questions Nos. 268 to 275, in the Legislative Assembly on the 16th July, 1930, regarding complaints against the Istimrardar of Pisangan, will Government please state whether they have received a report from the local authorities on all those questions? If so, will Government please place the said report on the table?

(b) Will Government please state what action they have taken in the matters mentioned in those questions as promised in Government reply under reference?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. A copy of the answers to the questions referred to by the Honourable Member was placed in the Library of the House in January last. The answers contain the information furnished by the local authorities.

(b) Government had only promised that on receipt of the report of the local authorities they would consider what further action, if any, should be taken. They came to the conclusion that the only action necessary was to revise the Ajmer Land and Revenue Regulation. The revision will be undertaken as soon as circumstances permit.

CONFERENCE ON THE INDIAN QUESTION IN SOUTH AFRICA.

269. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state what arrangements are being made for the conference between representatives of the Government of India and of the South African Government to be held early next year?

(b) Has the personnel of the Conference been decided; if so, what?

(c) What are the terms of reference to this Conference?

(d) Will Indians domiciled in South Africa be directly represented at the conference? If not, why not?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The Conference is arranged to be held in Cape Town between the 10th and 15th January, 1932. The personnel has not yet been settled. The agenda will be arranged as on the last occasion at the beginning of the Conference, when the representatives of both countries meet. Briefly, the subjects for consideration will be the Cape Town Agreement of 1927 in the light of experience gained since its inception, and the position in the Transvaal with which the Asiatic Tenure (Amendment) Bill was intended to deal.

(d) In a conference between the representatives of the two Governments, *prima facie* there is no scope for inclusion of direct representation of the resident Indian community. Every endeavour will, however, be made to ensure that the representatives of this community are given suitable facilities to place their views before the Indian Delegation to the Conference.

Mr. K. Ahmed : When are the representatives of the Government of India expected to start from India and when are they expected to return to Delhi?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Return as early as possible.

APPOINTMENT OF MR. BOVENSCHEN TO THE ARMY RETRENCHMENT SUB-COMMITTEE.

270. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state the terms on which Mr. Bovenschen was brought from the War Office as a member of the Army Retrenchment Sub-Committee ?

(b) What are the qualifications for which he was selected as a member ?

The Honourable Sir George Schuster : (a) I lay a statement on the table.

(b) Mr. Bovenschen has had wide financial experience at the War Office in which he has served for 23 years. He has held, among other posts, that of Private Secretary to Sir Charles Harris, then Assistant Financial Secretary to the War Office, Financial Adviser to the Master General of Ordnance, and Assistant Secretary in charge of the Estimate Branch.

Statement showing the terms of employment of Mr. Bovenschen.

1. Pay as Assistant Secretary, War Office—paid by the Secretary of State, in England—at the rate of about £1,360 a year.
2. Outfit allowance £50.
3. Voyage allowance at £66-13-4 a month from 21st May—date of departure from London—to 5th June, 1931, date of arrival in Bombay and for return journey.
4. Daily allowance at Rs. 15 when not in receipt of travelling allowance.
5. Compensatory allowance at Rs. 1,000 a month in India.
6. First class B. P. and O. return passage to England.
7. First class travelling allowance in India under the Fundamental Rules.

These terms give him practically the pay of a European member of the Indian Civil Service of 23 years' service.

The Honourable Sir George Schuster : It may interest Honourable Members to know in connection with this question that I have received a letter signed by all the four Members of the Legislature who are on this Sub-Committee and who were present when they saw this question expressing very great appreciation of the services of Mr. Bovenschen. The letter ends as follows :

“ As you know to many of us on the Committee, Army matters were a sealed book hitherto and we can say most confidently that Mr. Bovenschen was most helpful to us and we are looking forward to his invaluable assistance in finishing the labours entrusted to us and we hope it will be possible for you to secure his services again when we next meet which we hope to do in December.”

Mr. Gaya Prasad Singh : The names of Members who signed this ?

The Honourable Sir George Schuster : Diwan Bahadur T. Rangachariar, the Honourable Major Akbar Khan, Sir Muhammad Yakub and the Honourable Sardar Shiv Deo Singh Uberoi.

Mr. B. Das : Did the Honourable Member ask for the opinions of these Honourable Members or were they voluntary ?

The Honourable Sir George Schuster : It was an entirely voluntary testimonial.

THE MOVE TO AND FROM SIMLA.

271. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state the date for the official move of the Government of India Secretariat to Delhi for the forthcoming winter ?

(b) Will Government be pleased to state when the Government of India will be moving up to Simla from Delhi for next summer ?

(c) Is there any intention to curtail the period of stay in Simla in the next summer ?

(d) What are the offices of the Government of India Secretariat which will be moving up to Simla for the next summer in full strength and what offices will move up in reduced strength ?

(e) Which of the attached offices now moving up to Simla will be located in Delhi for the next summer ?

(f) Are the Government of India aware that officers and members of establishment have to renew their house leases for the next year long before they move down to Delhi ? If so, do Government propose to make an early announcement on the subject of the move to Delhi and the move up to Simla next year ?

The Honourable Sir James Crerar : (a) The offices of the Government of India will close in Simla on the 17th October and re-open in Delhi on the 19th October, 1931.

(b) No date has yet been fixed.

(c) The period of stay in Simla varies to a certain extent from year to year owing to exigencies of work. There is no intention at present to make any change in the existing practice.

(d) and (e). I am unable to give an answer to these questions at present. The question of reducing the staff which comes up to Simla has been raised by the Retrenchment Committee and will be examined by the Departments concerned.

(f) The dates of the forthcoming move to Delhi have already been published and those for the move to Simla next year will be announced as early as practicable.

Mr. Gaya Prasad Singh : May I know if the Report of the Retrenchment Committee will be placed on the table of the House and an opportunity given to Honourable Members to express an opinion before action is taken thereon ?

The Honourable Sir George Schuster : That, Sir, is a question to which Government cannot give any specific answer just at present. As announced by His Excellency the Viceroy in his speech yesterday, Government will take an early opportunity to inform the House of their plans as regards finance and the consideration of the Retrenchment Committee's report.

NAMES OF MEMBERS OF THE BOMBAY ADVISORY COMMITTEE OF THE GREAT INDIAN PENINSULA RAILWAY.

272. *Mr. Muhammad Azhar Ali (on behalf of Mr. Abdul Matin Chaudhury) : (a) Will Government be pleased to give a list of the names

of individuals, nominated by the Agent, Great Indian Peninsula Railway, to the Bombay Advisory Committees during the last six years ?

(b) How many of the nominees have been drawn from the staff of the *Times of India* ?

(c) Do the Great Indian Peninsula Railway and other railway officials place large printing and publishing orders with the *Times of India* ?

Mr. A. A. L. Parsons : (a) and (b). Under the constitution of the Bombay Advisory Committee of the Great Indian Peninsula Railway, the Agent is allowed to nominate one member to the Committee. His nominee has been Mr. Sheppard, Editor, *Times of India*, since June 1924, and during Mr. Sheppard's absence from India for about six months in each of the years 1925, 1926 and 1929, Messrs. Walker, Linklater and Low, respectively, who are on the staff of the *Times of India*, were nominated by the Agent.

(c) The Great Indian Peninsula Railway, the Central Publicity Bureau, Indian State Railways, and the Railway Board place some of their printing orders with the *Times of India* Press. Government have no information as to what other railway officials place orders for printing with this Press.

PAYMENTS BY THE GREAT INDIAN PENINSULA RAILWAY TO THE *Times of India* OFFICE FOR PRINTING AND STORES.

273. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) What is the sum total of bills passed through the Publicity Office, Great Indian Peninsula Railway, to pay the *Times of India* in respect of printing and stores during 1929 and 1930 ?

(b) What were the corresponding receipts of the *Times of India* in 1927 and 1928 ?

(c) Have Indian presses been patronised on a similar scale ?

(d) Are Government aware that printing concerns in Calcutta are relatively ignored in railway publicity ?

Mr. A. A. L. Parsons : (a), (b) and (c). I place on the table a statement showing the total amounts of the bills paid to the *Times of India* Press and other Indian Presses, during the four financial years ending 31st March, 1931.

(d) Printing concerns in Calcutta have been given orders for printing miscellaneous publicity material which the Eastern Bengal and East Indian Railways were unable to print in their own presses.

Statement.

	1927-28.	1928-29.	1929-30.	1930-31.
	Rs.	Rs.	Rs.	Rs.
<i>Times of India</i> Press ..	36,761	51,511	67,131	53,906
Other Indian Presses ..	38,439	35,814	60,782	37,618

Figures shown against the *Times of India* Press do not include the following payments made for the printing of the All-India Time Table for

which tenders were invited before the order was placed with the *Times Press* :

	1929-30.	1930-31.
	Rs.	Rs.
	73,978	54,985

Mr. B. Das : Is the Honourable Member aware that the Government printing presses are at times idle and may I know why the Railway Board do not invite quotations from the Government printing presses for publishing the activities of the Publicity Department ?

Mr. A. A. L. Parsons : We do place a good deal of our work with the Government printing presses, but if the Honourable Member's suggestion is that when, for example, the East Indian Railway or the Eastern Bengal Railway have surplus work which they cannot do, they should invite the Government presses in Calcutta to compete for that work, I will have that suggestion considered.

Mr. B. Das : That was my suggestion.

APPOINTMENT OF THE PUBLICITY OFFICER OF THE GREAT INDIAN PENINSULA RAILWAY AFTER CONSULTATION WITH THE *Times of India*.

274. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Is there anything on record to show that the Publicity Officer of the Great Indian Peninsula Railway was selected after consultation with the *Times of India* in order to ensure "harmonious co-operation" ?

(b) Are Government prepared to lay on the table the correspondence which led to the appointment of the Publicity Officer of the Great Indian Peninsula Railway ? Is he a close relative of the *Times of India*'s nominee on the Board ?

Mr. A. A. L. Parsons : (a) No. The officer in question was in the service of the Great Indian Peninsula Railway before his appointment as Publicity Officer and the *Times of India* had nothing whatever to do with the appointment.

(b) There was no correspondence. If the suggestion is that there is a nominee of the *Times of India* on the Railway Board, the Honourable Member must be aware that it is entirely without foundation.

EMPLOYEES OF THE *Times of India* NOMINATED TO THE BOMBAY RAILWAY ADVISORY COMMITTEE.

275. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Are Government prepared to caution the Agent of the Great Indian Peninsula Railway against the practice of restricting his nomination on the Advisory Board to the Directors and employees of the *Times of India* ?

(b) Is it a fact that there is no representation of Labour on the Committee ? If so, are Government prepared to advise the Agent on the desirability of transferring the *Times of India*'s seat to a representative from the Railwaymen's Federation ?

Mr. A. A. L. Parsons : (a) and (b). There is no representative of Labour on the Great Indian Peninsula Railway's Bombay Advisory Committee. As stated in my reply to the Honourable Member's question No. 272, under the constitution of this Committee, the Agent is allowed to nominate one member to the Committee, and Government do not propose to interfere with the Agent's discretion in making this nomination.

CLOSING DOWN OF THE OPERATIONS OF THE RAILWAY PUBLICITY DEPARTMENT.

276. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Have Government decided to close down the operations of the Railway Publicity Department ?

(b) How many officers have been discharged from railway publicity work since January 1st, 1931 ? How many of them are Indians ?

Mr. A. A. L. Parsons : (a) No.

(b) Two, one of whom is an Indian.

MESSRS. TATA AND COMPANY'S OFFERS FOR RUNNING THE AIR MAIL SERVICE IN INDIA.

277. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement giving in brief detail the offers made from time to time by Messrs. Tata's for running the air mail service in India, and the circumstances under which they were not accepted by Government ?

(b) What is the present position and future prospects of this air service, and how has it been affected by retrenchment ?

Mr. J. A. Shillidy : (a) Messrs. Tata Sons Limited have submitted three schemes for the operation of air services from Karachi to Bombay or South India.

First Scheme.—The scheme submitted in July, 1929, was shortly afterwards withdrawn and a revised scheme was submitted in November, 1929. This contained 3 alternatives :

- (1) An air mail service between Karachi and Bombay.
- (2) An air mail and passenger service between Karachi and Bombay.
- (3) A seaplane service between Karachi and Colombo.

The first alternative which was given serious consideration and formed the subject of several discussions between the Company and the Department concerned involved the payment by Government of an annual subsidy of Rs. 1,10,000 in return for which all mails would be carried.

After very careful consideration, it was concluded that it would not be possible to make financial provision for this service, particularly in view of the fact that the saving in time provided was practically negligible.

Second Scheme.—In April, 1930, unofficial negotiations were opened between Messrs. Tata Sons Limited and the Director of Civil Aviation

as a result of which the Company submitted, unofficially, proposals for an air mail service, operated with small aircraft, between Karachi, Bombay and Madras. The Government of India were asked to pay Rs. 4 per lb. for the carriage of mails and to guarantee the Company an income of Rs. 98,000 a year. These proposals were given very careful consideration, until the whole programme of civil aviation expenditure was referred to the Retrenchment Committee. While proposals to abandon any Government expenditure on the Indian State Air Service from Karachi to Calcutta were under consideration, it was impossible to justify the expenditure of even the small amount of subsidy involved for another air service. The Company were informed accordingly, but in response to suggestions made to them they have now submitted a third scheme.

Third Scheme.—In July, 1931, the Company submitted, unofficially, proposals for the establishment of an air mail service from Karachi to Bombay and Madras, with a contemplated ultimate extension to Colombo, on condition that they should be given a monopoly of air mail carriage on this route for a period of 10 years at certain rates proposed.

These proposals are now being considered from the point of view of their financial effect and the practicability of the rates proposed under the terms of the universal Postal Convention. The Company has been so informed.

(b) Further information with regard to the present position and future prospects of this air service cannot be given until Government have reached a decision on the recommendations of the Retrenchment Committee.

Mr. Gaya Prasad Singh : May I know whether, before arriving at any conclusion on this important point, an opportunity will be given to this House to express its opinion thereon ?

Mr. J. A. Shillidy : I will put that suggestion before Government for consideration.

ACTIVITIES OF BRITISH INDIAN MUSLIMS IN CONNECTION WITH THE KASHMIR STATE.

278. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the proceedings of the meeting recently held in Simla attended by several Muslims of the Punjab, wherein the internal affairs of the Indian State of Kashmir were discussed and certain recommendations made ?

(b) Has the attention of Government been drawn to the proposed Muslim *jathas* to march to the State of Kashmir ?

Mr. E. B. Howell : The reply to both parts of the questions is in the affirmative.

LEADING ARTICLES IN THE *Statesman* ON THE POLITICAL POSITION.

279. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to a series of leaders in the *Statesman* following the murder of Mr. Garlick ?

(b) Have Government taken legal opinion as to whether these articles offend against section 124-A and 153-A, I. P. C.? If not, do Government propose to take such legal opinion?

The Honourable Sir James Crerar : (a) I have seen the articles to which the Honourable Member apparently refers.

(b) The answer to both these questions is in the negative.

BRITISH AND INDIAN POLITICAL AGENTS AND DEPUTY COMMISSIONERS IN THE NORTH-WEST FRONTIER PROVINCE.

280. ***Mr. S. C. Mitra :** (a) How many Deputy Commissioners and Political Agents are there in the North-West Frontier Province?

(b) How many of them are Indians and how many Britishers?

(c) How many of the British officers acting as Deputy Commissioners and Political Agents are junior in service to the Indian officers who are borne on the Foreign and Political list?

Mr. E. B. Howell : (a) and (b). There are six Deputy Commissioners (including one Joint Deputy Commissioner) and five Political Agents in the North-West Frontier Province and all of them are Europeans.

(c) Four of the Deputy Commissioners and three of the Political Agents are junior to one Indian Officer of the Political Department serving in the North-West Frontier Province. But that Indian Officer, like all the eleven European Officers above mentioned, is holding a superior appointment, namely that of District and Sessions Judge.

GAZETTED OFFICERS IN THE NORTH-WEST FRONTIER PROVINCE.

281. ***Mr. S. C. Mitra :** (a) How many officers drawing a salary of over Rs. 500 are Indian in the North-West Frontier Province?

(b) How many of them are Hindus, Sikhs and Muslims?

(c) How many gazetted officers in the (i) Educational, (ii) Medical, (iii) Agricultural and (iv) Judicial Departments of the North-West Frontier Province are Hindus, Sikhs and Muslims respectively?

Mr. E. B. Howell : A statement furnishing the required information is laid on the table.

Statement showing number of officers drawing a salary of more than Rs. 500 per mensem serving in the North-West Frontier Province.

	Hindus.	Sikhs.	Muslims.	Total.
Number of Indian officers drawing more than Rs. 500 ..	11	1	48	63†
Number of Gazetted officers serving in the Educational Department ..	Nil.	Nil.	11	11
Number of Gazetted officers serving in the Medical Department ..	9	2	10	21
Number of Gazetted officers serving in the Agricultural Department ..	Nil.	Nil.	3	3
Number of Gazetted officers serving in the Judicial Department ..	1	1	12	14

† Includes 2 Parsees and 1 Christian.

APPOINTMENT OF AGRICULTURAL DEMONSTRATORS IN THE NORTH WEST FRONTIER PROVINCE.

282. ***Mr. S. C. Mitra :** (a) How many of the Agricultural Demonstrators in the North West Frontier Province are Hindus, Sikhs and Muslims?

(b) Is it a fact that there are at present four posts of Agricultural Demonstrators vacant? If so, why have they not been filled up? Are qualified candidates available?

(c) Is it a fact that instructions have gone from the Government of India to the departmental head concerned that these posts should be kept vacant till qualified Muslims are available?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). If the Honourable Member is referring to Agricultural Assistants, I would inform him that there are 14 such appointments in the North-West Frontier Province, one of which at present is held by a Hindu and four by Muhammadans. If he is referring to Kamdars, there are twelve such posts, all of which are vacant at present.

The vacant posts of Agricultural Assistants and the posts of Kamdar will not be filled up until the agricultural policy of the North-West Frontier Province has been reviewed next month in consultation with the Agricultural Expert of the Imperial Council of Agricultural Research.

(c) No.

CANDIDATES FROM THE NORTH WEST FRONTIER PROVINCE SENT TO THE AGRICULTURAL COLLEGE, LYALLPUR.

283. ***Mr. S. C. Mitra :** (a) How many Hindus, Sikhs and Muslims are sent to the Agricultural College, Lahore, at the instance or on the recommendation of the North West Frontier Province Government annually?

(b) Is it a fact that Government have declared that no Hindu or Sikh can be sent hereafter? If so, what are the reasons?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) As there is no Agricultural College at Lahore, the Honourable Member is presumably referring to the one at Lyallpur. The North-West Frontier Province does not send any fixed number of students to that College, but has prior claim to nine seats in it. Candidates are not selected by communities; nine Muhammadans and six Hindu students are there at present.

(b) No.

COMMITTEE ON FRONTIER DEFENCE.

284. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether there is a Committee recently appointed under the chairmanship of Mr. Howell to consider the question of the adequacy of the defence on the frontier?

(b) Do Government propose to place a copy of the report on the table of the House; if not, why not?

Mr. E. B. Howell : (a) Yes, Sir.

(b) The recommendations made in the report are still under the consideration of the Government of India, and it contains a good deal of information, the publication of which would not be in the public interest.

CASUALTIES IN THE PESHAWAR RIOTS OF 1930.

285. *Mr. S. C. Mitra : (a) Will Government be pleased to state how many people were killed and injured among the public and among the Government officials in the happenings at Peshawar on the 23rd April 1930 and in the happenings in the same city on the 31st May and 1st June 1930 ?

(b) Is it a fact that many of the killed were taken in Government lorries outside the city and buried ?

Mr. E. B. Howell : (a) So far as can be ascertained the following were the casualties :

Public.		Killed.	Injured.
23rd April, 1930		30	33
31st May, 1930		11	24
Government Officials.		Killed.	Injured.
23rd April, 1930		1	13
31st May, 1930		nil	nil

No one was killed or injured on 1st June, 1930.

(b) No ; relatives and friends were allowed to take away without hinderance the bodies of the dead for burial. The burial, however, of seven or eight of the killed whose relatives or friends could not be traced was arranged with the help of some of the citizens of Peshawar and was carried out with all due performance of the customary rites. As far as is known, no Government lorries were used.

APPOINTMENT OF A DEVELOPMENT COMMISSIONER FOR THE NORTH WEST FRONTIER PROVINCE.

286. *Mr. S. C. Mitra : (a) Will Government be pleased to state why it has been found necessary to appoint a Development Commissioner for the North West Frontier Province, and whether, in view of the financial position of that province, Government are prepared to cancel the proposed appointment ?

(b) What are the schemes for development, so far as Education, Medical relief and Agriculture are concerned, that are proposed to be taken up in the North West Frontier Province during the current year ?

(c) Have Government considered the advisability of stopping all these schemes in view of the present financial situation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) It was found necessary to appoint a Development Commissioner in the North-West Frontier Province, very largely in order that the administration might be better able to deal with economic development in the Province

and thus improve the financial position. Apart from this the Commissioner was required to help with the introduction of the elective principle in local bodies. It is not therefore wise to cancel the appointment of Development Commissioner.

(b) The schemes for the development of education, medical relief and agriculture, for which provision was made in the current year's Budget grants are briefly as follows :

(1) *Education*.—A sum of Rs. 66,000 has been provided to meet urgent needs in the expansion of vernacular education, mainly the training and employment of additional teachers.

(2) *Medical Relief*.—A sum of Rs. 1,26,400 has been provided to meet expenditure on schemes for the opening of 6 rural dispensaries, improvements to the Female Section of the Lady Reading Hospital, Peshawar, and the posting of women sub-assistant surgeons to three tehsil headquarters hospitals.

(3) *Agriculture*.—A sum of Rs. 13,000 has been provided to meet expenditure on the employment of additional agricultural staff.

(c) Yes. The question of holding some part in abeyance is under consideration.

COST OF THE BARA WAFAT-KHAJURI ROAD AND THE MILITARY OPERATIONS ENTAILLED IN ITS CONSTRUCTION.

287. *Mr. S. C. Mitra : (a) What is the cost of making the new road from Bara Wafat, called Khajuri Road, to which reference was made by the Prime Minister in Parliament recently ?

(4) Volume V, No. 7, dated 15th September, 1931—

(i) page 405, part (d) of reply to starred question No. 287, for the words "Pioneer battalion" read "one Pioneer battalion" led and (ii) wounded during the military operations :

Mr. G. M. Young : (a) Rs. 1,75,613.

(b) The road was built in connection with the operations undertaken to prevent Afridi incursions into the Peshawar District.

(c) The total cost of operations in the Peshawar and Kohat Districts including the movements of troops, but excluding Military Engineer Service charges and value of bombs, amounted to Rs. 33 lakhs. The total Military Engineer Services expenditure reported amounts to approximately Rs. 11½ lakhs.

(d) Initially 12 Infantry battalions and Pioneer battalion : now reduced to 2 Infantry battalions.

(e) Casualties are as follows :

Killed or died of wounds. 1 British Officer, 1 British Other Ranks, 5 Indian Other Ranks.

Wounded. 2 British Officers, 8 British Other Ranks, 1 Indian Officer and 25 Indian Other Ranks. The casualties sustained by the hostiles are not known.

COST AND EFFECT OF BOMBING OPERATIONS ON THE FRONTIER.

288. ***Mr. S. C. Mitra** : (a) What is the total cost of the bombs used in the bombing operations last year on the frontier ?

(b) What is the total number of casualties believed to have been effected by such bombing operations ?

Mr. G. M. Young : (a) Approximately Rs. 21 lakhs.

(b) No estimate is possible.

THE MOVE TO SIMLA.

289. ***Mr. S. C. Mitra** : Have Government come to any conclusion as to the need for the move to Simla ?

The Honourable Sir James Crerar : The attitude of the Government of India is explained in my reply to parts (e) and (f) of question No. 174 asked in the Assembly by Mr. T. N. Ramakrishna Reddi on the 11th February 1931, to which I would refer the Honourable Member. The question whether any reduction can be effected in the staffs of the different Secretariats who come up to Simla has been raised of the Retrenchment Committee and is still under the consideration of the Departments.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether he is aware that opinions of Members of both Houses of the Legislature have been called for out this point, and if so what are their opinions ?

The Honourable Sir James Crerar : I am not quite clear as to the occasion to which the Honourable Member refers.

Mr. Lalchand Navalrai : Opinions of the Members on this question of the move to Simla were called for : what I want to know is what are those opinions.

The Honourable Sir James Crerar : As I say, I am not quite aware to what the Honourable Member refers, and I would suggest that he should refer to the proceedings of this House.

Mr. Lalchand Navalrai : Very recently I got a letter from the Government of India—only a month back.

The Honourable Sir James Crerar : I am prepared to accept the Honourable Member's statement.

LACK OF DRINKING WATER AT MARWAT, BANNU DISTRICT.

290. ***Dr. Ziauddin Ahmad** : (a) What is the area of Marwat tract comprised in Tehsil (Lekki) District Bannu, North-West Frontier Province, excluding the area known as Elage Nar ? Is it not over 1,500 square miles ?

(b) What is the population inhabiting this area ?

(c) Is it a fact that soil in this tract produces wheat and barley in large quantities without irrigation ?

(d) Is it a fact that there are less than half a dozen wells to supply drinking water to this tract ?

(e) Are Government aware that men and women have to walk sometimes over 20 miles every day to fetch water for cooking and drinking ?

(f) Is it a fact that there are more cases of abduction of women in this tract than in any other area ?

(g) Are Government aware that people in this tract to avoid labour of walking sometimes take drinking water from ponds where rain water is temporarily gathered after rainy season ?

(h) Are Government aware that cattle pollute the pond water, and make the water insanitary ?

(i) Is it not a fact that a large number of persons suffer from guinea-worm disease on account of drinking impure water ? What is the number of persons now suffering from this disease ?

(j) What steps, if any, have Government taken to supply drinking water ?

(k) What report, if any, has the Development Commission appointed this year in the North West Frontier Province written on this subject ?

(l) Are Government aware that money sanctioned by the District Board, Bannu, for cleaning the few wells in this tract was not spent in cleaning the wells ?

(m) Do the Government of India propose to take any step to remove the genuine grievances of the people ?

Mr. E. B. Howell : (a) The area of the three unirrigated assessment circles of the Marwat Tahsil, viz., Pakka, Gadwad and Shigha to which the question presumably refers, measures approximately 440 square miles.

(b) 67,513.

(c) Yes, if there is rain.

(d) There are four wells maintained by the District Board, three by M. E. S. and a number of private wells.

(e) Water is undoubtedly scarce and the people of certain villages have to go long distances for water.

(f) No definite answer is possible as it is not known with what other tracts it is desired to make comparison.

(g) and (h). Yes.

(i) Guinea-worm is rife in Marwat and in other tracts also where stagnant water is drunk from ponds or tanks. No statistics as to the number of people suffering from this disease are available.

(j) and (m). The Government of India have undertaken to supply funds on receipt of a suitable scheme. Geological reports do not indicate the probability of satisfactory supplies, but the matter is being further investigated by the Irrigation Department at the moment.

(k) None.

(l) No.

SAFEGUARDING THE INTERESTS OF MUSLIMS IN REDUCTIONS OF CLERKS IN FRONTIER CIVIL ACCOUNTS AND AUDIT OFFICES.

291. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931 regarding reduction of about 24 Peshawari clerks as the result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province, since the local Muslim employees are temporary ?

(c) Is it a fact that :

- (i) Muslims form only 43 per cent. of the present total strength of the Accounts Office at Peshawar ;
- (ii) out of it only 21 per cent. belong to that province ;
- (iii) the share of this community in the supervising staff is about 22 per cent. ; and
- (iv) the combined ratio of Muslims and non-Muslims of the Frontier in those offices is about 30 per cent.

(d) If reply to above be in the affirmative, will Government be pleased to state what specific action do they propose to take to safeguard the Muslim interests ?

The Honourable Sir George Schuster : With your permission, Sir, I will reply to questions Nos. 291, 293 and 294 together.

The Honourable Member is referred to the replies given by me to Maulvi Muhammad Shafee Daoodi's questions Nos. 249 and 250.

REPRESENTATION OF MUSLIMS IN GOVERNMENT DEPARTMENTS IN THE NORTH WEST FRONTIER PROVINCE.

292. *Seth Haji Abdoola Haroon : (a) Will Government please state whether there are any orders to the effect that a minimum figure of 60 per cent. Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they form above 95 per cent. of the whole population ?

(b) If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(c) Will Government please lay on the table the figures Department-wise showing in detail the total strength of Muslims and non-Muslims, superior and inferior, prior to these orders and after they had been in force in the North West Frontier Province ?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 248, asked in this Assembly.

MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

†293. *Seth Haji Abdoola Haroon : (a) Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices, North West Frontier Province, is 43 per cent. ?

†For answer to this question, see answer to starred question No. 291.

(b) If so, what measures are being adopted to raise this percentage to 60 per cent. ?

SAFEGUARDING THE INTERESTS OF FRONTIER MUSLIMS IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

†294. *Seth Haji Abdoola Haroon : (a) Is it a fact that the scheme of re-amalgamation of Audit and Accounts will be operative in the North West Frontier Province also ?

(b) If so, have any orders been issued to prevent, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. of the Muslim representation ? If not, why not ?

(c) Will Government please state what steps have been or will be taken to safeguard the rights of Frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North West Frontier Province ?

LACK OF VACUUM BRAKES ON THE EASTERN BENGAL RAILWAY.

295. *Mr. A. H. Ghuznavi : (a) Has the attention of Government been drawn to the report that appeared in the *Statesman* of the 12th April, 1931, Calcutta edition, about the train dacoity committed on the night of the 10th April, in the Bhairab Bazar-Mymensingh line of the Eastern Bengal Railway, wherein it was stated that the passengers pulled the alarm cord but as the train was not fitted with vacuum brakes it did not stop ?

(b) Is it a fact that the train was not stopped at once although the alarm cords were pulled ?

(c) Is it a fact that the train was not fitted with vacuum brake ; if so, why ?

(d) Is it a fact that most of the Eastern Bengal Railway passenger trains are not fitted with vacuum brakes ?

(e) Is it a fact that except the Assam Mail and Surma Mail, all the trains of the Assam-Bengal Railway are "mixed" trains inasmuch as they are comprised of 80 per cent. goods wagons in the front and 20 per cent. passenger carriages in the rear, rendering vacuum brake arrangement impossible ?

(f) If replies to parts (d) and (e) are in the affirmative, do Government propose to consider the necessity of providing all passenger trains with vacuum brake communication for the safety of lives and properties of passengers ?

Mr. A. A. L. Parsons : (a) Yes, but the Mymensingh-Bhairab Bazar line is a part of the Assam Bengal Railway.

(b) Yes.

(c) The train was not vacuum-braked throughout, as there were some foreign railways' goods vehicles on the train, which were not fitted with vacuum-brakes or pipes.

(d) On the broad gauge all passenger trains are vacuum-braked ; on the metre gauge 74 mixed trains out of 134 trains carrying passengers

†For answer to this question, see answer to starred question No. 291.

are not vacuum-braked; on the narrow gauge no train is vacuum-braked.

(e) All trains carrying passengers on the Assam Bengal Railway are mixed, but if there is no foreign railway's goods vehicle on a train vacuum-brake arrangement throughout is possible.

(f) Does not arise.

INCONVENIENT ARRANGEMENTS AT CALCUTTA FOR THE RESERVATION OF BERTHS ON THE EAST INDIAN RAILWAY.

296. ***Mr. A. H. Ghuznavi** : (a) Will Government be pleased to state if before the 1st of December 1924 all reservation of berths in the East Indian Railway trains used to be made at Howrah Station only, and that since that date the system of reserving berths at the Head Office also has been introduced?

(b) Is it a fact that the time for reservation at the Head Office is between 10-30 A.M. and 4-30 P.M. and at Howrah Station from 5-30 A.M. to 9-30 A.M. and again from 5-30 P.M. to 10-30 P.M.?

(c) Is it a fact that from 9-30 A.M. to 10-30 A.M. and again from 4-30 P.M. to 5-30 P.M. on week days there is no arrangement for reservation at any of these places?

(d) Are Government aware that on Saturdays the Head Office closes at 1-30 P.M. and the Howrah reservation office does not get the charts back till 3-30 P.M. and that this causes great inconvenience to the travelling public?

(e) Is it a fact that for reservation of carriages on holidays and Sundays the Howrah Office has to refer to the Head Office while the Head Office remains closed, and the result is that no reservation becomes possible?

(f) Are Government aware that reservation can be made from the city offices, and that the city offices and Howrah Station do it over the phone with the Head Office and that such verbal communication is at times misunderstood and instances have occurred where the class of accommodation or the date of departure has been wrongly recorded?

(g) Is it a fact that statistics shew that big mercantile firms, the Government House, the Bengal Secretariat, the Remount Depot and Fort William prefer corresponding direct for reservation with Howrah, although the Head Office is situated within close proximity of them?

(h) If reply to part (g) is in the affirmative, are Government prepared to consider the advisability of effecting the centralization at Howrah?

Mr. A. A. L. Parsons : I have asked the Agent of the East Indian Railway for a report and will communicate with the Honourable Member as soon as it is received, but I would point out that these are exactly the sort of questions which could preferably be raised in the Local Advisory Committee.

Mr. B. Sitaramaraju : As question No. 297 has already been answered, Sir, I would like with your permission to ask No. 298.

RAISING OF LOANS FOR INDIA IN FOREIGN COUNTRIES.

298. ***Mr. B. Sitaramaraju** : Will Government be pleased to state :

(a) whether there is any constitutional objection to raise our loans from foreign Governments;

(b) if the answer to part (a) is in the negative, why efforts were not made to raise these loans in foreign countries; and

(c) whether the possibilities of raising the required loans at a cheaper rate of interest either in America or in any other foreign market has been considered?

The Honourable Sir George Schuster : (a) No.

(b) and (c). I would invite the attention of the Honourable Member to paragraph 2 of my speech on pages 2009 and 2010 of the Legislative Assembly Debates of the 13th March, 1931. Although it is, in a sense, a matter of opinion, I can inform the Honourable Member with the greatest assurance that it would not have been possible for India at present to raise loans in any foreign market on anything like such favourable terms as have been arranged in London.

THE RECENT INDIAN STERLING LOAN.

299. ***Mr. B. Sitaramaraju** : Will Government be pleased to state :

(a) the necessity to borrow at a high rate of interest the recent sterling loan;

(b) whether sufficient opportunities were given to capitalists in this country to subscribe to the loan; and

(c) why the loan was not fully subscribed?

The Honourable Sir George Schuster : (a) The rate of interest offered on sterling loans has to be fixed according to what the Government, acting on expert advice, consider to be necessary to attract investors. The fact that the last loan was not fully applied for by the public shows that Government did not err on the side of making the loan too favourable.

(b) Yes.

(c) This is a matter of opinion. If the Honourable Member will study the London financial papers, he will be able to form his own view as to the opinions which influence the London investment market in regard to Indian loans.

ALLEGED PROHIBITION OF THE EMPLOYMENT OF GRADUATES IN THE POSTAL DEPARTMENT.

300. ***Mr. B. Sitaramaraju** : (a) Are there any orders of Government prohibiting the employment of graduates in the Postal Department?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether such prohibition would apply even to candidates who, being graduates, are willing to be treated as Matriculates or

S. S. L. C. holders and be paid the same scale paid to the latter class of employees ?

(c) Will Government be pleased to state the reasons for the orders, if the answer to part (a) is in the affirmative ?

Sir Hubert Sams : (a) There were certain orders temporarily suspending recruitment of graduates which have been cancelled.

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

APPLICATION OF SECTION 144, CRIMINAL PROCEDURE CODE.

301. ***Sardar Sant Singh :** Will Government be pleased to state how many times section 144, Criminal Procedure Code, has been applied from 1st April to 1st September, 1931 ?

The Honourable Sir James Crerar : I regret that the information is not in the possession of the Government of India and I am afraid I cannot undertake to collect it, as the labour involved would not be commensurate with its value.

NATION-BUILDING SERVICES OF THE NORTH-WEST FRONTIER PROVINCE.

302. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to a declaration by the Chief Commissioner of the North-West Frontier Province, in or about June last year, that the Government of India had decided to bring up the administration on the nation-building services of that province to a level with the frontier districts of the Punjab ?

(b) On what authority was this announcement of the Chief Commissioner made ?

(c) If the Government of India had authorised the announcement, will Government be pleased to state whether, before such authorisation, the financial implications of this announcement had been worked out and approved by them ?

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

(b) The announcement was made by the Chief Commissioner with the concurrence of the Government of India.

(c) The financial implications could not be worked out in detail but it was made clear that the pace at which new measures could be introduced must be dependent on the financial situation.

FUNCTIONS OF NOTARIES PUBLIC IN THE MOFUSSIL.

303. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to a note in the *Daily Herald* newspaper, Lahore, dated July 25th, 1931, at page 6 relating to the anomalous functions of Notaries Public in the Presidency towns and in the Mofussil ?

(b) Is it a fact that the Notaries Public in the Presidency towns perform functions other than those under the Negotiable Instruments Act like attesting Powers of Attorney, administering oaths, and generally attesting all documents presented to them ?

(c) Is it a fact that in the mofussil (outside Presidency towns) such functions cannot be performed by Notaries Public appointed under the Negotiable Instruments Act and that if such functions are to be performed in the mofussil they must be done by a Notary Public in the Presidency towns ?

(d) Are Government aware that the rapid increase of trade and intercourse with foreign countries necessitates the attestation of different types of documents by Notaries Public only ?

(e) Are Government aware that absence of such powers from the Notaries Public in the mofussil causes great inconvenience to business men and others who may have frequent occasion to require documents to be attested by Notaries Public ?

(f) Do Government propose to take early steps to remove this anomaly and bring the law in the mofussil into line with that prevailing in the Presidency towns either by legislative enactment or by use of the rule making power ?

The Honourable Sir James Crerar : (a) Yes.

(b) to (f). A person appointed by the Local Government under section 138 of the Negotiable Instruments Act to be a Notary Public under that Act is not by virtue of such appointment a Notary Public in the general sense and the Honourable Member is mistaken in supposing that there is any distinction in this respect between persons so appointed in the Presidency towns and persons so appointed elsewhere. A person can only become a Notary Public in the general sense by obtaining a faculty from the Master of Faculties in England and it is for the person desiring to become a Notary Public and not for Government to move in the matter. The Honourable Member is, however, mistaken in supposing that there is in India no Notary Public in the general sense save in the Presidency towns.

COMPENSATION TO SARDAR GANGA SINGH AND MEMORIAL FOR HIS CHILDREN AT PESHAWAR.

304. ***Mr. S. C. Mitra :** (a) Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that Sardar Ganga Singh whose two children were killed and wife seriously wounded by the British Lance Corporal on the last day of May, 1930 at Peshawar was to be compensated and if so, was he offered anything in cash or kind ? If so, how much ? Did Sardar Ganga Singh accept or refuse the offer and what is the reason of his doing so ?

(b) Did the Honourable the Chief Commissioner sanction the amount of Rs. 15,000 to build a childrens' ward in memory of the children of Sardar Ganga Singh ? If the answer is in the affirmative, will Government please state when it will be built ?

(c) Has the attention of Government been drawn to the suggestion in regard to the said memorial as published in the *Daily Milap*, dated 30th August, 1930, and, if so, do Government propose to consider the suggestion ? If not, why not ?

(d) Has the attention of Government been drawn to the Public demand in regard to the said memorial as published in the *Tribune*, dated 14th January, 1931 and the *Hindu Herald* of the 15th January, 1931

suggesting that something should be done in memory of the shooting of peaceful processionists and carriers of the bier of the children of Sardar Ganga Singh? If so, what steps have Government taken in the matter?

Mr. E. B. Howell : (a) No. I would invite the attention of the Honourable Member to the reply given to part (b) of question No. 108 asked in this Assembly by Sardar Sant Singh.

(b) The Chief Commissioner, North-West Frontier Province, did not sanction a sum of Rs. 15,000 to build a children's ward in memory of the children of Sardar Ganga Singh.

(c) Does not arise.

(d) Government are not prepared to admit that peaceful processionists and carriers of the bier of the children of Sardar Ganga Singh were shot, and consequently do not intend to consider any proposal for a memorial.

THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

305. ***Mr. B. Sitaramaraju** (on behalf of Mr. A. Das) : (a) How much have the Government of India contributed to the funds of the Imperial Council of Agricultural Research since its constitution? How much has been allotted in grants to Provincial Governments for research schemes?

(b) What are the salaries of (i) administrative officers and (ii) expert officers? What is the cost of office establishment of the Imperial Council of Agricultural Research?

(c) What is the proportion of the total sum so far spent on administrative charges to the total amount allotted to Provincial Governments for research schemes?

(d) Is the Imperial Council of Agricultural Research dependent for funds on grants from the Government of India?

(e) Is it a fact that the Imperial Council of Agricultural Research has adopted the following principles in making grants to Local Governments for research schemes :

(i) that ordinarily land and buildings required under schemes should be provided by the Government or Governments concerned, the Council making a grant for equipment and staff alone ; and

(ii) that ordinarily the Government or Governments interested in a scheme should bear part of the recurring expenditure, the exact proportion to depend on negotiations between the Government or Governments concerned?

(f) Have these principles been strictly adhered to? If not, what schemes have been assisted by grants for land and buildings?

(g) Are Government aware that in the present financial crisis many Provincial Governments are not able to find money for land and buildings for important schemes and that assistance is urgently needed for capital expenditure?

(h) Are the Government of India prepared to consider the advisability of asking the Imperial Council of Agricultural Research to modify this condition relating to grants for land and buildings required

for approved schemes before proposing any further allotment of funds to the Council?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Rs. 35 lakhs and Rs. 28,80,253, respectively.

(b) The salaries paid are as follows :

(i) Vice-Chairman, Rs. 4,000 per month.

Secretary, Rs. 2,125 per month.

(ii) Agricultural Expert and Animal Husbandry Expert, Rs. 2,625 per month in the scale of Rs. 2,500—125—2,750, plus overseas pay of £13-6-8, each.

Cost of office establishment, Rs. 67,900 per annum.

(c) About 1 to 6.5.

(d) Mostly ; but under its rules and regulations the Council can also receive contributions from other sources, such as Indian States.

(e) Yes, among others.

(f) No ; exceptions are made where special reasons so require. The undermentioned schemes have so far been assisted by grants for land or buildings or both :

(1) Establishment of a sub-station of the Sugarcane Breeding Station, Coimbatore, at Karnal (for buildings) ;

(2) Establishment of a sugarcane research station in Bihar, and the appointment of a sugarcane specialist (for land and buildings) ;

(3) Research in mosaic and other sugarcane diseases, at Pusa (for laboratory buildings) ;

(4) Sugarcane Research Station in the Bombay, Deccan (for buildings) ;

(5) Co-ordinated rice research scheme in seven provinces of India (for buildings) ;

(6) Establishment of a sub-station of the Botanical Section of the Pusa Institute at Karnal (for buildings) ; and

(7) Sugarcane seedling testing station at Dacca (for buildings).

(g) Presumably, the position is as stated by the Honourable Member.

(h) I would refer the Honourable Member to the word ' ordinarily ' which is used in the conditions referred to in part (e) of his question. That the condition, referred to, is not absolute, is proved by the instances quoted in my reply to part (f) of this question. In the circumstances Government do not think it necessary to take any action.

Mr. B. Das : With reference to the reply to part (b) of this question, has the attention of the Honourable Member been drawn to the Press report that the Vice-President of the Imperial Agricultural Research Institute has written to the Government stating that he will give up 25 per cent. of his salary as a measure of retrenchment?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I have not seen that Press report.

Mr. B. Das : Does not the Honourable Member read the *Hindustan Times* and other newspapers in which that news was published ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I read the particular newspaper he has mentioned, the *Hindustan Times*, but not every word of it.

Mr. B. Das : Will the Honourable Member consult his friend, the Director of Public Information, and find out whether the question I ask is correct ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If the Honourable Member will kindly give me the date of the paper, I will see it myself.

Mr. B. Das : Has the Honourable Member any knowledge of the substance of the question that I just asked ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have, otherwise I could not have answered the question.

Mr. B. Das : Does the Honourable Member admit that the Vice-President of the Imperial Agricultural Research Institute has written to the Government stating that he is prepared to give up 25 per cent. of his salary as a measure of retrenchment and economy ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It has not yet reached me, Sir.

Mr. B. Das : All right, I will supply the Honourable Member with a copy of the report.

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

EXPENDITURE ON AGRICULTURAL RESEARCH.

306. ***Mr. B. Sitaramaraju** (on behalf of Mr. A. Das) : What is the total amount spent on administration, including the travelling allowance of members attending the Advisory Board and the Governing Body and Committees paid by Local Governments from the constitution of the Imperial Agricultural Research Council till July 1st, 1931 ? What is the total amount of money that has been paid to and spent by Local Governments and other bodies from grants made by the Council for the same period ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The total amount spent by the Imperial Council of Agricultural Research up till 1st July, 1931, on administration, including the travelling allowance of non-official members attending meetings of the Advisory Board, Governing Body, and the whole Council, is Rs. 4,24,394. This does not include the travelling allowance of official members, which is paid by their respective Governments, figures for which are not available. As regards the latter part of the question, the total amount actually paid to Local Governments and other bodies by the Council up to the same date is Rs. 5,52,672. Information regarding the amount actually spent by Local Governments and other bodies will not be available till the close of the current official year.

CONSTITUTION OF ELECTED CANTONMENT BOARDS IN THE NORTH-WEST FRONTIER PROVINCE.

307. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the All-India Cantonments Association represented to Government the

desirability of constituting elected Cantonment Boards in those of the cantonment of the North-West Frontier Province as have a civilian population of 2,500 or more ?

(b) Is it a fact that Government gave an assuring reply to the above representation and informed the Association that the matter was receiving Government's careful consideration ?

(c) Will Government be pleased to state what steps have been taken to give effect to this reform, if any scheme has been formulated for the same and, if so, at what stage it is ?

(d) Are Government aware that the elective element has been introduced in Municipal Boards and other like bodies of the North-West Frontier Province ? If so, how do Government account for delay in introducing the same element in Cantonment Boards ?

(e) If this measure of reform be still under consideration, will Government state when it is expected to adopt it and put it in practice ?

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

(b) Government replied that the matter was then under consideration.

(c) Government have carefully considered the matter in consultation with the Local Administration and the local military authorities. They have decided to take no steps for the present.

(d) An electric element already exists in the Peshawar Municipality. It has been recently decided to introduce it also in other municipal and district boards in the North-West Frontier Province. The case of cantonments in this province is, however, different from that of other local bodies, as the cantonments are almost exclusively occupied by troops, officials and the population dependent on them.

(e) Government do not propose to re-open the question at present.

EXAMINATION FOR POSTAL ACCOUNTANTS.

308. ***Rai Sahib Harbilas Sarda :** Will Government kindly state if the Director General of Posts and Telegraphs will hold any examination of postal accountants this year also ? If so, when ?

Sir Hubert Sams : The last examination was held in January, 1931. It has not yet been decided when to hold the next one.

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

309. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government of India been drawn to the discussion in the Madras Legislative Council on the 5th of August, 1931, on the "condition of the Madras residents, traders and labourers in Burma" ?

(b) Are Government aware that the Resolution on the conditions of Madras in Burma was unanimously adopted by the Madras Provincial Legislature ?

The Honourable Sir James O'Connell : With your permission, Sir, I will answer the questions Nos. 309 to 312 together. I have seen a Press report of the debate in the Madras Legislative Council. No correspondence

has passed between the Government of India and the Government of Madras in the matter, but we have received reports from time to time from the Government of Burma bearing upon the position of Indians generally in Burma and are in close consultation with them in the matter.

CORRESPONDENCE ON THE SUBJECT OF MADRASIS IN BURMA.

†310. ***Mr. C. S. Ranga Iyer :** (a) Has any correspondence passed between the Madras Government and the Government of India on the subject of Madrasis in Burma ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

†311. ***Mr. C. S. Ranga Iyer :** (a) Have the Government of India moved in the direction recommended by the Madras Provincial Legislature of obtaining a report on the condition of the Madras residents, traders and labourers in Burma ? If not, why not ?

(b) If the answer to part (a) be in the affirmative, has the said report been obtained and will it be published ? If so, when ? If not, why not ?

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

†312. ***Mr. C. S. Ranga Iyer :** Have the Government of India represented to the Burmese Government in accordance with the Madras Provincial Legislature's recommendation the urgent need for the taking of "all necessary steps to safeguard effectively their persons and property" of the Madrasis in Burma ? If so, what steps have been so far taken ?

ASSISTANCE FOR MADRASI CULTIVATORS IN BURMA.

313. ***Mr. C. S. Ranga Iyer :** (a) Have Government taken action on the recommendation of the Madras Provincial Council in regard to the helping of the Madras cultivators in Burma by liberal advances and the traders by affording adequate credit facilities through the Imperial Bank and otherwise ?

(b) If so, will Government be pleased to state to what extent such help has been rendered and what further steps Government propose to take ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state the reason why ?

The Honourable Sir George Schuster : No recommendation of the Madras Legislative Council on the lines referred to by the Honourable Member has yet been forwarded by the Government of Madras to the Government of India. The question would apparently be one for the Provincial Governments concerned.

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

DEPARTURE OF INDIANS FROM BURMA.

314. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to the statement of Dr. P. Subbaroyan in the Madras Legislative Council that "nearly 150,000 Indians had left Burma, because Burmans had made it impossible for them to live there" ?

(b) Will Government be pleased to state if the above facts and figures are correct ? If not, will Government be pleased to state the number of Indians who had left Burma since the rebellion and the cause of their leaving ?

(c) Do Government propose to give the Indians who have left Burma any compensation for losses sustained owing to inadequate police protection or safeguarding of property and person ?

The Honourable Sir James Crerar : (a) I have seen a Press report of the statement referred to.

(b) I assume the Honourable Member desires information to show how far emigration was affected by the recent disturbances in Burma. For this purpose we may take the year 1929 as a normal year and compare the figures of that year with the figures of the current year. For the period, 1st January to 31st July, the number of emigrants was approximately 184,000 in 1929 and 187,000 in 1931. Of these latter emigrations 133,000 occurred between the 7th March and the 20th June, against 126,000 during the same period in 1929. The main recurring cause of Indian emigration from Burma, as the Honourable Member is aware, is the seasonal return of labourers ; and this is largest between March and June, when the average is about 30,000 a month. The rebellion in Burma was no doubt responsible to some extent for the increase in emigration this year.

(c) The question of the payment of compensation by Government does not arise.

Mr. K. P. Thampan : Will the Government be pleased to enlighten us as to the number of Madrasis who have left Burma on account of the rebellion ?

The Honourable Sir James Crerar : I must ask for notice of that question.

SENTENCE OF WHIPPING GIVEN TO A BOY IN KENYA.

315. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that a boy named Amrit Lal, who is a student in a school, aged 13 years, son of one Hirji Monji, Nairobi, Kenya, was caught by the police on the 15th March last for riding an unlicensed motor cycle ; but he was subsequently released on his father signing a bond, but he was again arrested the next day, taken before the Town Magistrate, and sentenced to 12 stripes, which were administered to him, although his father informed the Magistrate that he was willing to pay any fine which the Court might impose on the boy (*vide Tanganyika Opinion*, dated the 3rd April, 1931, page 13) ?

(b) Is it a fact that no doctor was present at the time when the boy was caned ; but Dr. M. Mackinnon, who subsequently examined him, certified to "a considerable amount of energy having been applied in administering the 12 strokes", and that the boy was "in considerable degree of

pain, and is unable to sit down, or lie on his back", as the order "must have been vigorously administered"?

(c) Are Government aware that this sentence of whipping for a trivial first offence has given rise to a great degree of indignation among the Indian settlers in East Africa; and what steps, if any, do Government propose to take to avert the repetition of such incidents in future?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Government have not seen the particular article referred to by the Honourable Member but similar accounts appeared in some of the papers in Kenya. As soon as the incident came to the notice of Government in May last, they made telegraphic inquiry from the Kenya Government. The information supplied by the said Government showed :

- (i) that the father of the boy was twice asked by the Magistrate whether he was prepared to pay any fine which might be inflicted, but declined to do so ;
- (ii) that the Sub-Assistant Surgeon of the prison was present when the caning was administered ; and
- (iii) that a light cane was used and the punishment was not carried out with undue severity.

Mr. B. Das : Is it not high time that the Government of India should appoint an Agent in East Africa and Tanganyika to look after the interests of Indians?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If there is any general body of opinion in the House that in these days of retrenchment I should try for it, I shall have a try.

Mr. B. Das : I am quite game for it and I think this side of the House will always pass such a motion if the Honourable Member brings it forward.

IMPORT DUTIES IN TANGANYIKA ON INDIAN IMPORTS.

316. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the increased import duty in Tanganyika, on some of the exports from India, such as ghee and sugar and to the fact that the Indian members of the Legislative Council of Tanganyika opposed this increased duty? Have Government made any representation, or taken any steps in this connection?

The Honourable Sir George Rainy : Government have seen the Proclamation imposing increased duties on certain articles including ghee and sugar. They have no information regarding the attitude adopted by the Indian members of the Legislative Council of Tanganyika towards the imposition of these duties, which are applicable to imports from all countries.

Government have made no representation. I may, however, mention the fact that India's export trade in ghee and sugar with Tanganyika is insignificant, the total quantity exported to that territory during 1929-30, the latest year for which figures are available, being less than one ton in each case.

RACIAL DISCRIMINATION ON ITALIAN STEAMERS.

317. ***Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to a letter signed H. M. Nurbhai (Dar-es-Salaam) published in the *Tanganyika Opinion*, dated the 6th November, 1930, in which it is stated, on the strength of the writer's personal experience, that racial discrimination exists on the Italian steamers calling at Dar-es-Salaam, in regard to the use of gangways for Europeans and others and in the examination of passports? And do Government propose to take necessary steps to see that such galling discrimination is eliminated at least in the case of His Majesty's Indian subjects abroad?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Government have just seen the communication referred to by the Honourable Member. The question of the action to be taken is under consideration.

RESOLUTIONS OF THE TANGANYIKA INDIAN CONFERENCE.

318. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have taken necessary steps to place before the Joint Select Committee of Parliament, the Resolutions passed by the Tanganyika Indian Conference, which was held at Dar-es-Salaam on the 28th and 29th December, 1930; and if so, what are the Resolutions that were placed?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Indian Association, Dar-es-Salaam, sent a Memorandum to the Joint Select Committee of Parliament on East Africa and referred therein to the resolutions passed by the conference held on the 28th and 29th December, 1930. The Government of India also, in pursuance of the promise given in the reply to question No. 276 asked by the Honourable Member on the 2nd February, 1931, furnished their representative with copies of such of the resolutions as pertained to matters that came within the purview of the Committee.

REPORT ON CO-OPERATIVE SOCIETIES IN TANGANYIKA BY MR. STRICKLAND.

319. ***Mr. Gaya Prasad Singh :** Is it a fact that one Mr. Strickland, in charge of the Co-operative Societies, Punjab, has been deputed by Government, at the instance of the Tanganyika Government, to explore the possibilities of Co-operative Societies in Tanganyika? And if so, will Government make available to this House his report on the subject to see how it affects the interests of the Indians in that territory?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Mr. C. F. Strickland, I.C.S., retired from service in the Punjab in February, 1930. Government have no information regarding his deputation to Tanganyika.

GOVERNMENT HELP FOR THE BHARAT STEAM NAVIGATION COMPANY.

320. ***Mr. Gaya Prasad Singh :** Are Government aware that the Bharat Steam Navigation, Ltd., has been registered in Bombay, with the object, among others, to further the Indian shipping trade between India and abroad? And do Government propose to help in any way this shipping enterprise to Africa and elsewhere?

The Honourable Sir George Rainy : Government are aware that the Bharat Steam Navigation, Limited, was registered at Bombay as a public limited company in October, 1930. Government are not aware of any reasons why special help should be accorded to this company.

REFUSAL OF THE TANGANYIKA INDIAN DELEGATION TO ATTEND THE JOINT PARLIAMENTARY COMMITTEE.

321. ***Mr. Gaya Prasad Singh :** Is it a fact that the Tanganyika Indian delegation to the Joint Parliamentary Committee refused to proceed to London as a result of a certain misunderstanding? If so, will Government kindly explain the circumstances, and the steps taken in the matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Indian community in Tanganyika decided not to send any representative to London to give evidence before the Joint Select Committee of Parliament on East Africa as their request that a special representative of Indian commercial interests should be allowed to appear before the Committee was not granted. The Indian community seems to have corresponded direct with the Secretary of State for the Colonies in this matter.

ALLEGED PERSECUTION OF MUSLIMS IN TANGANYIKA.

322. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 3rd July, 1931 (page 5), under the heading "Alleged Persecution of the Muslim Wachaga", over the signature of the President, Jamiyyat-ul-Islam, Moshi, in which it is stated that a number of Christians are harrasing and persecuting the local Mussalmans there, and that once a mosque was also broken by them; and that as a result of a secret plot concocted by the Christians, the Governor of Tanganyika has deported a few Mussalmans?

(b) Do Government propose to inquire into the matter, and make a statement on the floor of this House, indicating the steps which they have taken, or propose to take to protect the Mussalmans and their religious rights in that locality?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The communication referred to by the Honourable Member relates to the alleged troubles of Mussalman natives in a place called Machame. There is nothing to indicate that there are any Indian residents in this place or that they are in any way concerned. Government do not, therefore, propose to take any action.

MEDICAL FACILITIES FOR EUROPEANS, INDIANS AND AFRICANS IN TANGANYIKA.

323. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that in the Sewa Hadji Hospital in Tanganyika, out of about 4,026 indoor patients every year, the Government of Tanganyika has provided only 12 beds for Indians and African natives, and spends only about £5,000 annually; whereas for about 510 European indoor patients annually in

the European Hospital, the Government has provided 18 beds, and spends about £8,090 yearly; and that the Sewa Hadji Hospital is not properly housed and maintained (*vide the Tanganyika Opinion*, dated the 17th July, 1931, page 4)?

(b) Is it a fact that about 50 per cent. of the revenues of the Tanganyika territory are obtained by taxing the African natives, 40 per cent. by the Indians, and only 10 per cent. by Europeans?

(c) Do Government propose to take necessary action to see that better medical facilities are afforded to the Indian nationals in Tanganyika?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Government have no information beyond what is contained in the article to which the Honourable Member has referred. They have received no representation on the subject and the local Indian community apparently realise that this is a matter in which they should present their grievances, if any, direct to the Government of the Tanganyika territory.

ARMS LICENSES FOR EUROPEANS AND INDIANS IN TANGANYIKA.

324. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the proceedings of the Tanganyika Legislative Council (published in the *Tanganyika Opinion*, dated the 16th January, 1931, page 4) from which it is seen that out of 1,926 European applicants for arms licenses in Tanganyika within the last 3 years, all of them were granted licenses; while in the case of Indians, out of 280 applicants during the same period, only 225 were given licenses?

(b) Are Government aware that in the Tanganyika Territory, there are about 20,000 Indians, and only 2,000 Europeans? And do Government propose to take steps to see that the grievance of the Indian community in Tanganyika in the matter of possessing arms, is removed?

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

(b) According to the Blue Book of the Tanganyika Territory for the year 1929, the figures are :

Europeans	6,631
Asiatics (including Arabs and Indians)	24,414

Separate figures for Indians are not available. In a Memorandum prepared by the East African Indian Deputation which visited India in 1929, the Indian population was said to be about 19,000.

As regards the second part of this question, no grievance has been brought to the notice of the Government of India.

APPOINTMENT OF A TRADE COMMISSIONER IN EAST AFRICA.

325. ***Mr. Gaya Prasad Singh :** Have Government appointed any Trade Commissioner in East Africa? If not, do they propose to appoint any?

The Honourable Sir George Rainy : No, Sir. The sanctioned scheme provides for an appointment of Indian Trade Commissioner in East Africa, but as progress with the scheme has been delayed by the existing

financial stringency, Government are not in a position to say when it will be possible for them to make the appointment.

SEDITION ORDINANCE IN FIJI.

326. *Mr. Gaya Prasad Singh : Is it a fact that a Sedition Ordinance has been promulgated by the Governor of Fiji, directed against the local Indian Press, and the Indian public ? If so, when ; and for how long ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : An Ordinance to provide for the punishment of seditious acts and seditious libel and to central seditious publications and newspapers containing seditious matter in Fiji was passed in June last. There is nothing to indicate that this enactment is of a temporary nature. Government have no reason to think that it is directed against any particular section of the press or of the people in Fiji.

ELECTORATES IN FIJI.

327. *Mr. Gaya Prasad Singh : Are Government aware that the mind of the Indian community in Fiji is greatly exercised over the question of electorates ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member's attention is invited to the reply given to his question No. 270 in this House on the 2nd February, 1931. The Indian community is still unrepresented on the Legislative Council.

EUROPEAN AND INDIAN LADIES WAITING ROOMS AT AJMER RAILWAY STATION.

328. *Mr. Gaya Prasad Singh : Are Government aware that at Ajmer Railway Station (Bombay, Baroda and Central India Railway) there are separate "1st Class Ladies Waiting Room", and "2nd Class Ladies Waiting Room"; but there is only one "Indian Ladies Waiting Room, 1st and 2nd Class", with differentiation in the number and quality of furniture also ? Why is this racial discrimination allowed to continue ?

Mr. A. A. L. Parsons : I have asked the Agent of the Bombay, Baroda and Central India Railway for a report, and will communicate with the Honourable Member as soon as it is received.

COST OF RETRENCHMENT SUB-COMMITTEES AND THE RETRENCHMENT EFFECTED BY THEM.

329. *Mr. Gaya Prasad Singh : (a) Will Government kindly state separately the expenditure incurred up to date on the different Retrenchment Sub-Committees, the expenditure incurred in the travelling and halting allowances, etc., paid to witnesses ; and the places where each Sub-Committee held its sittings, or were visited by it ?

(b) What is the amount of money which each Sub-Committee has been able to retrench up to date ; and in what time are they expected to finish their labours ?

The Honourable Sir George Schuster : (a) A statement is laid on the table.

(b) The Sub-Committees are to report to the main Advisory Committee, and until this has been done and their reports have been considered, I am unable to make any statement regarding their recommendations. I expect that *interim* reports on the work accomplished up to date will be ready for the main Committee very shortly. The Sub-Committee on Public Works, Accounts and Audit has already completed its report. The other Sub-Committees are submitting *interim* reports and the dates on which they will finally complete their enquiries are not yet known.

Name of Sub-Committee.	Pay and allowances up to 31st August, 1931.	Travelling and daily allowances of members and staff up to 31st August, 1931.	Travelling and daily allowances of witnesses up to 31st August, 1931.	Places visited or at which meetings were held.
	Rs.	Rs. A. P.	Rs.	
Army Sub-Committee ..	8,850	9,197 11 0	823	Simla, Calcutta, Ishapore, Cossipore, Cawnpore, Shahjahanpur, Dagshai, Kasauli.
General Purposes Sub-Committee.	7,800	8,742 1 0	40	Simla.
Railway Sub-Committee ..	..	2,318 8 0	..	Calcutta and Simla.
Posts and Telegraphs Sub-Committee.	..	4,502 7 0	901	Bombay and Simla.
Public Works, Accounts and Audit Sub-Committee.	..	1,465 8 0	..	Calcutta and Simla.
Stores, Printing and Stationery Sub-Committee.	..	2,411 0 0	..	Calcutta and Simla.

Sardar Sant Singh : Was this expenditure provided for in the last Budget ?

The Honourable Sir George Schuster : No, Sir.

Sardar Sant Singh : Will it come up to this House for sanction ?

The Honourable Sir George Schuster : It will.

Mr. Gaya Prasad Singh : This session ?

(No answer was given.)

ARREST AND DEPORTATION OF MISS GEISSLER.

330. *Mr. Gaya Prasad Singh : Will Government kindly state the circumstances leading to the arrest and deportation of Miss Geissler from India, her antecedents, and the offence for which she was deported ? Why a regular case was not instituted against her if she was suspected of any criminal offence ?

The Honourable Sir James Crerar : The information in the possession of Government showed that Miss Geissler, who is a foreigner, was in close association with persons of communist views and that her presence in India was in consequence undesirable. The Government of Bombay accordingly decided to deport her under section 3 of the Foreigners' Act (III of 1864). It is not necessary that a criminal offence should be committed before action is taken under that section.

Mr. Gaya Prasad Singh : What is the charge under which she was deported? What is the accusation against this particular individual?

The Honourable Sir James Crerar : As I have already said, the information in possession of Government was that she was in close association with persons of communist views.

TRANSFER OF THE SUPERINTENDENT OF POST OFFICES, MALABAR DIVISION.

331. ***Mr. K. P. Thampan :** Will Government be pleased to state whether it is a fact that the Superintendent of Post Offices, Malabar Division, was ordered to be transferred; and if so, why the order has not been given effect to by the Postmaster General, Madras?

Sir Hubert Sams : Government have no information. The matter is within the competence of the Postmaster-General.

Mr. K. P. Thampan : On a point of order, Sir. May I ask if it would not be better if such questions are answered after the necessary information has been obtained?

Mr. Deputy President : How is that a point of order?

Mr. K. P. Thampan : My point is that there is no useful purpose served by giving such an answer.

Mr. Deputy President : That is the answer that the Government are prepared to give for the present.

Mr. B. Das : Does that mean that the telegraphic system has gone wrong and they could not get the reply? May I repeat the question?

Sir Hubert Sams : I thought the Honourable Member was addressing his remarks to the Chair.

TRANSFER TO REMOTE STATIONS OF OFFICE BEARERS OF THE CALICUT BRANCH POSTAL UNION.

332. ***Mr. K. P. Thampan :** Is it a fact that the Superintendent of Post Offices, Malabar Division, has been transferring the office bearers of the Calicut Branch Postal Union to remote stations? If so, why? Was the fact brought to the notice of the Postmaster General, Madras, and was any action taken by him in the matter?

Sir Hubert Sams : Government have no information. If any official has a grievance, it is open to him to represent it through the proper official channel.

(Mr. Deputy President called on Mr. S. G. Jog to put the short notice question standing in his name, but, as he was absent another Honourable Member wished to put the question on his behalf.)

Mr. Deputy President : Mr. Jog has given notice of a short notice question, and having given that notice, it is the duty of the Honourable Member to be in his seat and I cannot allow any other Honourable Member to put that question.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM RAJPUTS IN THE BRITISH INDIAN ARMY.

29. **Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly what was the total number of Muslim Rajputs in the British Indian Army and in its different branches before the Great War, i.e., 1914, and what is the present number?

(b) In what proportion were the reductions made from different communities in the Army after the Great War?

Mr. G. M. Young :

	1st January, 1914.	1st January, 1931.
(a) Cavalry	2,249	1,264
Artillery	37	6
Sappers and Miners and Signals ..	12	15
Machine Gun platoons of British Infantry		191
Pioneers	298	496
Infantry	2,262	1,195
Indian Army Service Corps ..	130	96
Remount Department		8
Total	4,988	3,271

These figures do not include Punjabi Muslims of Rajput origin, for whom figures are not available.

(b) The figures below give the pre-war and present strengths of some of the principal classes recruited to the Indian Army.

	1st January, 1914.	1st January, 1931.	Difference.
Pathans	13,456	7,440	-6,016
Punjabi Musalmans	38,055	40,618	+2,563
Musalman Rajputs	4,988	3,271	-1,717
Deccani Musalmans	3,862	906	-2,956
Madras Musalmans	3,127	366	-2,761
Sikhs	32,645	22,506	-10,139
Dogras	8,888	11,348	+2,460
Garhwalis	1,723	4,156	+2,433
Hindu Rajputs (Punjab and U. P.) ..	14,577	6,786	-7,791
Hindu Jats (Punjab and U. P.) ..	9,728	9,677	-51
Mahrattas	6,321	4,589	-1,732
Madras Hindus	6,431	3,373	-3,058

NON-RECRUITMENT TO THE ARMY OF MUSLIM RAJPUTS FROM THE UNITED PROVINCES.

30. **Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that the Muslim Rajputs of the United Provinces are not admitted in the Army as they were admitted before ?

(b) If the reply to part (a) is in the affirmative, will Government kindly state the reasons ?

Mr. G. M. Young : (a) and (b). Muslim Rajputs of the United Provinces are not recruited to the same extent as before the war owing to the reduction in the strength of the Indian Army and an alteration in the class composition of units.

RECRUITMENT OF MUSLIM RAJPUTS TO THE AIR SERVICE AND THE ROYAL INDIAN MARINE.

31. **Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly state if any provision has been made as to recruiting Muslim Rajputs in any of the branches of the Air Service and the Royal Indian Marine ?

(b) What is the present number of honorary and paid Recruiting Officers and how many of them are Muslim Rajputs ?

Mr. G. M. Young : (a) No specific provision has been made for the recruitment of Muslim Rajputs, as recruitment in the Royal Indian Marine and the Air Service is open to all classes.

(b) Recruiting Officers 9

Assistant Recruiting Officers .. 13 (including 2 Muslims).

Honorary Assistant Recruiting Officers 26 (including 14 Muslims).

It is not known how many of these Muslim officers are Rajputs.

APPOINTMENT OF B. BHAWANI CHARAN AS ACCOUNTANT IN THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

32. **Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state what are the qualifications of B. Bhawani Charan, accountant in the Government of India Press, Aligarh ?

(b) Has he passed the accountancy examination ?

(c) Was the post of an accountant in Aligarh Press advertised on the retirement of the permanent accountant ? If not, do Government propose to advertise in future to give a chance to well qualified persons to apply for the post ?

(d) Is it a fact that the father of B. Bhawani Charan, accountant in Aligarh Press, was dismissed from the Aligarh Press (then Postal Press) ? If so, on what charges ?

(e) Is it a fact that B. Bhawani Charan owns a press known as the "Rose Press" in Aligarh ?

(f) To what extent is it true that some of the employees of Government Press are made to work on holidays in Rose Press without pay ?

(g) Will Government be pleased to state the number of clerks of different communities, respectively, in (a) the Government of India Press, Aligarh, and (b) the Workshop, Aligarh ?

(h) Is it a fact that the minimum qualification prescribed by the Manager, Government of India Press, Aligarh, for the appointments of clerks in the Aligarh Press is matriculate passed ?

(i) If the answer to the above is in the affirmative, will Government be pleased to state whether B. Bhawani Charan, accountant, has been offered post of accountant while the claims of seniors to him have been ignored ? If so, why ?

Mr. J. A. Shillidy : (a), (b), (c), (h) and (i). The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses, and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

(d) No information is available as the old records of the Press have been destroyed.

(e) No.

(f) Government have received no complaints and have no information regarding the employment of unpaid compulsory labour in the Rose Press, Aligarh.

(g) (a) 49, of whom 42 are Hindus and 7 Muslims.

(b) 15, of whom 13 are Hindus and 2 Muslims.

RETRENCHMENT IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

33. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that other Government Presses have curtailed their expenses from heads other than establishment to make up deficiency and have not retrenched posts ?

(b) Is it a fact that a representation suggesting some alternative proposals to avoid retrenchment of posts in the Aligarh Press have been submitted to the Controller and the Hon'ble Member in charge of Industries and Labour on behalf of the Aligarh Muslim Defence Associations ? If the answer to the above is in the affirmative, will Government be pleased to state what action have they taken ?

Mr. J. A. Shillidy : (a) If the Honourable Member refers to the reduction in expenditure proposed to be effected in the Government of India Presses other than the Aligarh Press, the answer is in the negative.

(b) The reply to the first part is in the affirmative. The whole question of retrenchment in the Stationery and Printing Department is still under the consideration of Government.

TENDERS FOR REPAIR WORK AT THE GOVERNMENT OF INDIA PRESS, ALIGARH.

34. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that tenders for repair work and articles locally purchased are not invited by the Manager, Government of India Press, Aligarh ?

(b) What amount of money was paid to contractor for repair work for the press in the last financial year ?

(c) Is it a fact that representations offering reduced rates for repairs and for articles locally purchased have been submitted to Government and, if so, what action have Government taken in the matter ?

(d) Have Government issued instructions to Manager to invite tenders for all works ?

Mr. J. A. Shillidy : (a) Heretofore tenders were not called for.

(b) Rs. 3,611.

(c) A representation on the subject was received by the Controller of Printing and Stationery, India, who has directed the Manager, Government of India Press, Aligarh, to call for tenders in future.

(d) Does not arise.

QUALIFICATIONS OF EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

35. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that Mohammad Ismail, a clerk in the Government of India Press, Aligarh whose services have been transferred from the Canal Department [which he had served for twenty (20) years] is not a matriculate ?

(b) Is it a fact that he has been given by the Controller or the Manager one year's time to pass the matriculation examination, or if he fails or does not care to pass examination, he will be reverted to the Canal Department ?

(c) If the answer to the above is in the affirmative, will Government be pleased to state the names of other clerks not holding that qualification and who are doing work in the Government of India Press, Aligarh ? Are Government prepared to consider the advisability to have the order withdrawn ? Why is not the same rule applied to all others in the department ?

Mr. J. A. Shillidy : I propose to deal with questions Nos. 35 and 36 together. The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for the information regarding these administrative details, which are matters for his discretion.

APPOINTMENT OF FOREMAN PRINTER, GOVERNMENT OF INDIA PRESS, ALIGARH.

†36. Khan Bahadur Haji Wajihuddin : (a) When did the post of a Foreman Printer fall vacant in the Government of India Press, Aligarh ?

(b) Was this post advertised ?

(c) If the answer to the above is in the affirmative, will Government be pleased to lay on the table a statement showing :—

- (i) the names of applicants, (ii) their technical qualifications,
- (iii) names of institutions which they are serving or have

†For answer to this question, see answer to unstarred question No. 35.

served, and (iv) length of service in case they have served or are serving any Government institutions ?

(d) Is it a fact that no permanent appointment has so far been made ? If so, why ?

FIREARM LICENSES CONFISCATED IN THE UNITED PROVINCES.

37. Kunwar Hajee Ismail Ali Khan : With reference to my starred question No. 973, answered on the 16th March, 1931, regarding firearm licences confiscated in the United Provinces, will Government kindly lay on the table the following information ?

1 Names of the Districts, United Province.	2 The number of licences confiscated.		3 The total number of licences.		4 The number of such Licences which issued again according to Irwin-Gandhi agreement.	
	Muslims.	Non-Muslims.	Muslims.	Non-Muslims.	Muslims.	Non-Muslims.

The Honourable Sir James Crerar : The information asked for is not in the possession of the Government of India and I consider that its collection would involve labour incommensurate with its value.

INCONVENIENTLY EARLY DEPARTURE OF THE POONA MAIL FROM BOMBAY.

38. Mr. N. R. Gunjal : (a) Are Government aware of the fact that much inconvenience is felt by the public of the Southern Maharashtra and Karnatak by the timing of the Poona Mail leaving Bombay at 4 P.M. ?

(b) Is it a fact that the Mail from the Southern Maratha country and Karnatak reaches Bombay just before noon and post is distributed to the public at about 2 P.M. ?

(c) If so, are Government aware that much inconvenience is felt by the public in replying on the same day the urgent correspondence received at that hour, owing to the early departure of Poona Mail ?

(d) Are Government prepared to direct the authorities concerned to start the Poona Mail at least not before 6 P.M. ?

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

(b) I understand that the mails in question reach Bombay at 11-35 hours and are included in the 13 hours delivery from the Bombay General Post Office.

(d) No. The preparation of time-tables is a matter for Railway Administrations and not for Government.

EMPLOYMENT OF MUSLIMS IN THE SURVEY OF INDIA.

39. Kunwar Hajee Ismail Ali Khan : (a) Will Government be pleased to state the total number of Muslims and non-Muslims in the following services of the Survey of India, (i) Class I, (ii) Class II, (iii) clerical establishment ?

(b) What is the total number of executive, semi-executive and other minor independent charges in the Department and how many of these are being held by Muslims ?

(c) How many additional charges or posts carrying greater emoluments and responsibility have been, created from time to time during the last 15 years, both in the Department and how many of these have been offered to Muslims ?

(d) What is the proportion of Muslims and non-Muslims now working as permanent Head Clerks and Accountants in the various field parties and Drawing and Headquarter Offices ?

(e) What is the proportion of Muslim and non-Muslim clerks drawing a salary of Rs. 100 per mensem and over ?

(f) What is the total number of Muslim and non-Muslim officers in Class II drawing a salary exceeding Rs. 350 per mensem ?

(g) How many Muslim and non-Muslim employees of the Department have been (i) discharged or served with a notice of discharge, and (ii) made to retire on pension owing to retrenchment, and what is the average number of years they (of each community) have served in the Department ?

(h) Is the present representation of Muslim community in Class I, and higher grades of Class II and clerical services in accordance with the declared policy of Government ? If not, how do Government propose to redress the communal inequalities in accordance with their declared policy, to ensure that the Muslims are not deprived of their due weightage in the administration, and that their interests are safeguarded ?

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

(a) (i) Muslims	..	..	Nil.
Non-Muslims	..	..	49
(ii) Muslims	..	..	12
Non-Muslims	..	..	70
(iii) Muslims	..	..	32 approximately.
Non-Muslims	..	..	225 approximately.
(b) Executive charges	..	..	33
Non-executive charges	..	..	5

None of these charges is held by Muslim at present.

Government have made enquiries as to the number of minor independent charges in the Survey of India Department and the number of such charges held by Muslim officers and will furnish this information to the Honourable Member in due course.

(c) The information asked for is not readily available. Government have made enquiries and when the requisite information is received, it will be furnished to the Honourable Member.

(d) Muslims	..	..	..	3
Non-Muslims	..	..	..	15
(e) Muslims	..	..	..	6
Non-Muslims	..	..	..	41
(f) Muslims	..	..	..	4
Non-Muslims	..	..	..	52

(g) Figures are being collected and will be supplied later.

(h) The comparative shortage of Muslims in the lower ranks of the Department is due to the fact that few Muslims have hitherto applied for admission to it. Class I is at present outside the scope of Indianisation as direct recruitment to it is made from among British officers of Army. The number of candidates of different communities to be admitted to class II is regulated by special rules which have been framed with due regard to the needs of the Department. As regards the clerical establishment, recruitment to it is being made in accordance with the declared policy of Government to secure the due representation of minority communities. Government hope that the number of Muslims in the Department will in due course show an increase.

†40.

ADMISSION TO THE PUBLIC SERVICE COMMISSION EXAMINATION OF UNQUALIFIED CLERKS.

41. Mr. S. C. Mitra : (a) Are Government aware that a few non-Matric and temporary clerks of the Army Headquarters and Headquarters, Royal Air Force, were allowed to sit at the last Public Service Commission examination ? If so, will Government be pleased to state the names, the period of service and the reasons for allowing them to appear at the examination in each case ?

(b) Is it a fact that a few clerks, who put in nearly two years' service and were willing to sit at the last Public Service Commission examination, were refused permission by Mr. E. A. Daniel, the late Establishment Officer of the Army Department ? If so, will Government be pleased to state the names, the period of service and the reasons for such refusal of permission to sit at the examination in each case ?

Mr. G. M. Young : (a) Two non-Matric temporary clerks only were declared by the Public Service Commission eligible to appear at the special qualifying examination held on the 30th March, 1931, in virtue of their services during the Great War. They had, on the 31st December,

†This question was withdrawn by the questioner.

1930, one year and 10 days and one year and 9 days service, respectively, in the Government of India Secretariat or its attached offices. Government do not propose to give prominence to their names.

(b) Five applicants, whose service in the Government of India Secretariat or its attached offices between the 1st April, 1928, and the 31st December, 1930, are given below, were refused permission to sit at the examination.

- A. Two years.
- B. Two years.
- C. Two years and seven months.
- D. One year and eleven months.
- E. Two years and three months.

The first three were educationally unqualified, and the remaining two were not in service at Army Headquarters on the 18th February, 1931.

TRAINING OF INDIANS IN THE MANUFACTURE OF ELECTRIC BULBS.

42. **Mr. S. C. Mitra :** (a) Will Government be pleased to state whether bulbs of British manufacture are purchased by the Indian Trade Commissioner, London, the Indian Stores Department and the Controller of Contracts for being supplied to the Government of India? If so, do Government propose to send Indian students to those British bulb manufacturing concerns for being trained in the art of manufacturing bulbs in India?

(b) Is it a fact that Indian students are not allowed to learn bulb manufacturing in foreign countries?

(c) Do Government propose to take steps for arranging to train Indian students in the art of manufacturing electric bulbs in the British bulb manufacturing concerns and do they propose to award Government scholarships to Indian students for such training? If not, why not?

Mr. J. A. Shillidy : (a) Electric lamps (bulbs) of British and Continental manufacture are purchased by the Chief Controller of Stores, Indian Stores Department and the Director of Contracts for various Departments of the Central and Provincial Governments. The Indian Trade Commissioner, London, is not a purchasing officer. The Government have not considered the question of sending Indian students for a course of training to the works of British or Continental electric lamp manufacturers as they have received no request to arrange for such facilities.

(b) The Government have no definite information but they are advised that the manufacture of electric lamps is a highly specialized trade in which there are many secret processes which manufacturers are reluctant to divulge.

(c) Government will carefully consider any application for facilities for training Indian students in the works of electric lamp manufacturers, and will endeavour to make suitable arrangements; but in view of the present need for strict economy and also the fact that the development of industries is a provincial transferred subject, they can hold out no hope of being able to grant scholarships to Indian students for such training.

TRANSFER OF CONTROL OF THE CATERING DEPARTMENT OF THE EASTERN BENGAL RAILWAY FROM HEADQUARTERS TO THE DISTRICTS.

43. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Catering Department of the Eastern Bengal Railway is under orders of transfer from the control of the Headquarters to that of the District?

(b) Are Government aware that previously this Department was under the control of the District but for better control and supervision it was transferred to the Headquarters?

(c) Is it a fact that since the transfer of the Department to the Headquarters, its income has risen to about 1½ lakhs a year without any complaints from the public?

(d) Is it a fact that the Department was first started by Colonel Cameron with the approval and sanction of the Railway Board? Has the approval of Railway Board been obtained to the above transfer? If not, are Government prepared to inquire what has led to this reversion to the old arrangement?

(e) Is it a fact that the contractors of the entire Railway have represented to the Agent the undesirability of such a transfer?

(f) What action has been taken on the representation? If it be still under consideration, are Government prepared to direct the stay of the transfer of control from the Headquarters to the Districts?

Mr. A. A. L. Parsons : I have asked the Agent, Eastern Bengal Railway, for a report and will communicate with the Honourable Member on receipt of his reply.

TERM OF OFFICE OF THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY.

44. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the present Traffic Manager of the Eastern Bengal Railway has been holding that post for more than five years?

(b) What is the ordinary term of an officer holding one post?

Mr. A. A. L. Parsons : (a) No.

(b) Five years, but re-appointments to the posts may be as often, and in each case for such period not exceeding five years, as the Railway Board may decide, provided that the term of re-appointment shall not extend beyond the date on which the Government servant attains the age of 55.

ABOLITION OF THE PUBLICITY DEPARTMENT ON THE EASTERN BENGAL RAILWAY.

45. **Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that the Publicity Department in the Eastern Bengal Railway was created by Colonel Cameron with the approval of the Railway Board?

(b) Is it a fact that it has since been abolished?

(c) What was the income and expenditure of this Department at the time of its abolition?

(d) Has the sanction of the Railway Board been obtained for that?

(e) Is it a fact that other Railways are strengthening and developing their Publicity Departments? What led to its abolition on the Eastern Bengal Railway?

(f) Are Government prepared to consider the desirability of reconstructing the Department, in the interest of the public?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

HEAVY WORK IN DISTRICTS OF THE EASTERN BENGAL RAILWAY.

46. Khan Bahadur Haji Wajihuddin : (a) Are Government aware that owing to considerable retrenchment in the staff attached to the Districts of the Eastern Bengal Railway, the work in the Districts is heavy and in the Headquarters light?

(b) Will Government be pleased to state how many officers have been affected by the retrenchment operation and of which grade?

(c) Is it a fact that no reduction has taken place in the strength of officers in the Headquarters, and the Districts are being burdened with further work by the transfer of the Catering Department from the Headquarters to the Districts?

(d) Are Government prepared to consider the desirability of either reducing the number of the officers in the Headquarters or stopping the transfer of work from these, to Districts?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

UNIFICATION OF THE KANARESE-SPEAKING DISTRICTS OF MADRAS AND BOMBAY PRESIDENCIES.

47. Rao Bahadur B. L. Patil : (a) Is it a fact :—

(i) that a resolution for unification of the Kanarese-speaking districts of Madras and Bombay Presidencies and Coorg into one province was moved in the Bombay Legislative Council in 1929;

(ii) that it was unanimously supported by all members from the Kanarese speaking districts; and

(iii) that it was opposed by Government members?

(b) Is it a fact that a similar resolution has been passed by the Coorg Legislative Council?

The Honourable Sir James Crerar : (a) (i) and (iii). Yes.

(ii) I have no official information.

(b) Yes.

POPULATIONS, REVENUE, ETC., OF CERTAIN KANARESE-SPEAKING DISTRICTS.

48. Rao Bahadur B. L. Patil : Will Government be pleased to state what are the population, area, revenues from Provincial and Central heads, and expenditures on Central and Provincial Heads regarding the

following districts :—(1) Dharwar, (2) Belgaum, (3) Bijapur, (4) Karwar, (5) Sholapur, (6) Bellary, (7) Nilgiris, and (8) Coorg Province?

The Honourable Sir James Crerar : As regards the area of Coorg and of the districts mentioned in the question, I would refer the Honourable Member to the Imperial Gazetteer of India. As regards the population, he may refer to Volumes VIII and XIII, part II, Provincial Table 1 of the Census Report of India, 1921. The figures of the recent census have not yet been published.

The revenue and expenditure in Coorg are given in the Finance and Revenue Accounts of the Government of India, copies of which will be found in the Library. Figures of revenue and expenditure of the districts referred to are not separately available.

FORMATION OF A "KARNATAK PROVINCE".

49. Rao Bahadur B. L. Patil : (a) Are Government aware that the Madras Legislative Council passed a Resolution in 1929 recommending to Government that urgent steps should be taken for the formation of "Karnatak Province", comprising the Kanarese speaking parts of the Madras and Bombay Presidencies and of Coorg?

(b) If so, have either the Madras Government or the Government of India taken any steps to carry out that resolution into effect?

(c) If so, what are they; and if not, why not?

The Honourable Sir James Crerar : (a) Yes.

(b) and (c). A copy of the proceedings of the Madras Legislative Council received from the Government of Madras was forwarded to the Secretary of State.

UNIFICATION OF THE KANARESE-SPEAKING DISTRICTS OF MADRAS AND BOMBAY PRESIDENCIES.

50. Rao Bahadur B. L. Patil : (a) Are Government aware that for the unification of the Kanarese-speaking districts of Bombay and Madras Presidencies and of Coorg two Associations (i) "The British Karnatak Association", and (ii) "The Karnatak Yekikarna Sabha", are formed in Bombay Karnatak?

(b) Is it a fact that the first named association submitted its memorandum before the Simon Commission and also before the Central Co-ordination Committee?

(c) Will Government be pleased to state whether this subject is receiving attention at the hands of the Reforms Secretary and, if so, is he prepared to accept information and receive deputations?

(d) Will Government be pleased to state whether the depth of public opinion in this behalf in the Kanarese-speaking districts of Bombay and Madras Presidencies has been ascertained and, if not, are Government prepared to ascertain the same from the Oriental Translators' Offices from Bombay, Madras and Coorg before the despatch of Government of India is prepared?

The Honourable Sir James Crerar : (a) Government have no information.

(b) to (d). Government have not seen the memorandum referred to by the Honourable Member nor is the question at present under their consideration.

SELECTION OF A REPRESENTATIVE FROM THE KARNATAK FOR THE ROUND TABLE CONFERENCE.

51. **Rao Bahadur B. L. Patil** : Will Government be pleased to state whether communications and resolutions have been received from various associations from the Karnatak requesting Government to select a representative from the Karnatak for the Round Table Conference ?

The Honourable Sir George Rainy : The answer is in the affirmative. In this connection a reference is invited to the reply which I gave to Mr. Bhuput Sing's unstarred question No. 18 on the 26th January last.

NEW RULE FOR PAYMENT OF TWO ANNAS ON V.P. PARCELS AND REGISTERED NEWSPAPERS.

52. **Rao Bahadur B. L. Patil** : (a) Will Government be pleased to state whether representations have been received protesting against the new rule compelling payment of 2 annas in the case of all V. P. parcels, including registered newspapers and periodicals ?

(b) If so, are Government prepared to exempt the registered newspapers and periodicals ?

Sir Hubert Sams : (a) No.

(b) Does not arise.

INCOME-TAX APPEALS.

53. **Rao Bahadur B. L. Patil** : Will Government be pleased to state whether they have or are prepared to consider the question of joining the Income-tax Department to the District Revenue establishments on the lines similar to the old system and to arrange for the hearing of Income-tax appeals by officers unconnected with the work of departmental assessment, e.g., the officers of the Judicial Department ? If so, is it their intention to issue orders or to introduce necessary legislation ?

The Honourable Sir George Schuster : The Government do not propose to restore the work of collecting taxes on income to the District Revenue staff or to provide for Income-tax appeals being heard by officers not connected with the Department.

ENHANCED COST OF ENVELOPES AND PARCEL POST RATES.

54. **Rao Bahadur B. L. Patil** : Are Government aware that representations were sent by a large number of associations and individuals, protesting against the enhanced rate of one pie in the cost of the envelope and the enhancement of postal parcel rates from the 15th June, 1931 ? If so, what steps have been taken in this matter ?

Mr. J. A. Shillidy : Yes. The senders of the representations were informed of the inability of Government to accede to their request.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, I beg to move that the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 144*), be referred to a Select Committee

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consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Mr. B. R. Puri, Mr. Lalchand Navalrai, Sir Muhammad Yakub, Maulvi Sayyid Murtuza Sahab Bahadur, Mr. C. B. Elliot, Mr. Muhammad Azhar Ali, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Honourable Members will remember that this subject was debated upon at considerable length in the last Delhi Session. My motion to refer this Bill to a Select Committee was lost by one vote. Since then the Bill went out to the country for the purpose of eliciting opinions thereon. With regard to the opinions that have been received since then, my first complaint is that the presentation of the opinion of the country leaves much to be desired. I find that most of the opinions are from local officials and Local Governments. In this connection I should like to ask my Honourable friend the Home Member if he has in his possession the names and number of non-officials who were consulted on this subject. It goes without saying that when the Bill was referred to public opinion, almost all the Local Governments and officials concerned would be hostile to my Bill. My apprehensions have been realised. I find, Sir, that most of the opinions emanating from official sources have been distinctly antagonistic to my Bill. That was a foregone conclusion. With regard to the opinions received, I must divide them into two parts, first those from official sources and the second from non-official. Non-official bodies and individuals have for the most part supported the general principles of my Bill. Before I proceed further, I should like to bring to the notice of this House that a question which was asked by my Honourable friend sitting behind me with regard to the number of cases in which this section was applied has not been answered by my Honourable friend the Home Member. His reply was that the trouble involved in getting the statistics would be out of all proportion to the results. That indicates, Sir, that there must have been innumerable cases in which this section must have been applied.

The Honourable Sir James Crerar : Will the Honourable Member allow me to interrupt him for a minute. That is not a fair inference from my reply. I must point out that, in order to provide accurate and ascertained statistics of the kind asked for by the Honourable Member, it would be necessary to refer to every District Magistrate, every Sub-Divisional Magistrate and every specially empowered Magistrate in India and that is a very great task.

Mr. Gaya Prasad Singh : I am not making a grievance of this fact.

The Honourable Sir James Crerar : I thought the Honourable Member was making a grievance of this.

Mr. Gaya Prasad Singh : I was only bringing to the notice of the House that it is not in a position to judge for itself in how many cases this section was applied by the officers of Government in all the provinces. Now, Sir, with regard to the opinions received, I should like to refer to the opinion of the Calcutta High Court, the

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premier High Court in India, and as befitting its position, it has declined to give any opinion on this question because it raises a controversial question of policy. This is exactly what other High Courts might with advantage have followed; but I find that some of the High Courts with perhaps an unconscious political prejudice have gone out of their way in criticising what is after all a question of policy. The High Courts, as I understand it, have only to administer the law as they find it. It is no part of their duty to advise the Government on questions of policy, and I should have been glad if the other High Courts had followed the salutary example of the Calcutta High Court. Now, Sir, one Honourable Judge of the United Provinces High Court has approved of my Bill. This Honourable Judge says:

"I am generally in sympathy with the object of the Bill, but I am not in a position to say whether the Bill, as drafted, would answer the object the learned introducer of the Bill has in view. Although an order passed under section 144 of the Code of Criminal Procedure is open to revision by the High Court usually there would not be any materials before the Court on which it can pronounce any opinion. It would, therefore, be desirable that there should be some material on the record to indicate why the Magistrate issuing an order under section 144 of the Code of Criminal Procedure has issued a particular order. In urgent cases this will not be possible; but when the urgency is over after the order has been passed, sufficient material may, in some cases, be put on the record in justification of an order passed."

Mr. Justice Boys of the same High Court says:

"The section as it stands is open to abuse and the instances quoted indicated that it has been sometimes improperly used."

For this limited support I am thankful to these two Honourable Judges of the High Court.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): That is no support. That is against you.

Mr. Gaya Prasad Singh: My Honourable friend should apply his mind and read what I have just read out.

Mr. K. Ahmed: I have done it.

Mr. Gaya Prasad Singh: In my own province of Bihar and Orissa, it is stated that almost all the Bar Associations and the non-official bodies are in favour of the Bill. The Bihar and Orissa Chamber of Commerce is also in favour of the main features of my Bill. Then, Sir, I pass on to the opinion of the Commissioner of the Irrawaddy Division in Burma. He has opposed my Bill, and I do not at all find fault with it. But what I want to say is this—that he has indulged in language of a kind which does not befit his position as a responsible officer of Government. I want to bring to the notice of this House the language in which he has indulged. He says:

"In India and Burma the Government is constantly engaged in putting down violent disorders. Murderous riots arise from the smallest causes. There is a section of politicians who hope to profit by those disorders under the present Government and thereby hope to attain power more rapidly than they otherwise might. This section is engaged in the constant effort to eliminate the powers of Government to deal with disorder. I look on the Bill merely as an expression of the political intrigue of that section."

Sir, this language is impertinent, it is stupid, if I may say so.

Mr. K. Ahmed: That is not Parliamentary language to use!

Mr. Gaya Prasad Singh: May I ask what is the point my Honourable friend wishes to make? Sir, instead of making these unintelligent

interruptions, it would be well for my Honourable friend to stand up and make such observations as he likes, and I am prepared to give way to him as many times as he likes to interrupt me.

Mr. K. Ahmed: You should follow my advice.

Mr. Gaya Prasad Singh: As I stated before, this is attributing a motive which no responsible officer of the Government should have done. Can I not retaliate that these officers of Government want to retain these powers in their own hands, so that in the event of the Round Table Conference failing and of the civil disobedience or any other movement springing up afresh in the country, they might have sufficient powers to curb the legitimate activities of the people and thereby to preserve powers for their own selves and for their own children and grandchildren who come from a distant country, and who in their own country can never hope to make as much money as they are privileged to make in this country.

Mr. K. Ahmed: Hear, hear.

Mr. Gaya Prasad Singh: Now, Sir, my Bill provides for an appeal to the Sessions Judge; and in favour of this proposal I find that among the officials there is a Judge of the United Provinces High Court, and a District Magistrate of Burma, whose opinion is given on page 27. This is what the latter says:

"It seems to me impossible to deny that there should be an appeal and that the appellate court should be accessible. The absurd orders that have been issued in some cases seem to justify the claim."

An Honourable Member: Where is this?

Mr. Gaya Prasad Singh: On page 27. He admits the desirability of an appeal to the Sessions Judge. I need not refer to other opinions in my support. The Commissioner of Arakan in Akyab is also in favour of my Bill. Then, Sir, I will read out to you just one sentence from the letter of the Chief Secretary to the Government of Assam, which is at page 35. In the course of that letter it is stated:

"Non-official opinion on the Bill generally discloses a resentment of the use of section 144 of the Criminal Procedure Code for preventing political processions, speeches and meetings."

Now, Sir, in the course of my speech which I delivered to the House when making my motion on the last occasion, I gave innumerable instances in which the provisions of this section have been misused. On two known occasions when the cases went up to the High Court, the absurd orders that were promulgated under section 144 had to be set right by the High Court. I referred to the two cases in which the District Magistrates issued orders prohibiting people from wearing what are known as Gandhi caps, and hoisting in their private houses national flags.

Mr. K. Ahmed: You mean only for these two cases there should be an appeal?

Mr. Gaya Prasad Singh: I shall give a few more instances. In April 1925 a garden party was given by the Mahant of Emir Math in Puri to the Governor of Bihar and Orissa. As a resentment against this action, a hartal was observed by the public and a protest meeting was held. Immediately, a notice under section 144 was issued on Pandit Gopa Bandhu Das and six others, prohibiting them from holding any meeting. Now, those who wanted to hold this protest meeting wanted to do so on

[Mr. Gaya Prasad Singh.]

the ground that the Math was a trust property, and no expenditure should have been incurred out of this trust property for the entertainment of Government officials. I ask, Sir, was that a proper justification for the issue of a notice under section 144?

Mr. K. Ahmed : Why did you not institute a civil case and ask for an injunction?

Mr. Gaya Prasad Singh : On another occasion orders under section 144 were served on the President of the Congress at Dehra Ismail Khan prohibiting the picketing of shops or the organizing of such picketing for two months in July 1931. This was after the Gandhi-Irwin pact, although it is mentioned in that pact that peaceful picketing should be allowed. In May last in Bankura in Bengal a circus company arranged a benefit night in aid of the local Congress Committee. The Secretary, with the help of workers of the Committee, managed to sell tickets amounting to about Rs. 400. In the evening the Sub-Divisional Officer promulgated an order under section 144 prohibiting the manager of the circus from showing any performance that night. Can the lawful right of a citizen, Sir, be curtailed in this way anywhere else in the world? If the circus company had not arranged for a benefit night with the Congress, this order would never have been issued.

Mr. K. Ahmed : Why did you not avail yourself of the provisions of section 439 and move the High Court, when you would have got a better remedy? And in the latter case a suit for damages would serve the purpose.

Mr. Gaya Prasad Singh : Then, Sir, in May last a notice was issued on a person in District Murshidabad prohibiting a particular person from delivering a lantern lecture on behalf of the Congress. Then, in Chittagong a very curious order under section 144 was issued in June last. I shall read it out to you; it will at once show to you its absurdity. The District Magistrate says :

"I am satisfied that it is necessary for the immediate preservation of public tranquillity and for the prevention of danger to human life that young men belonging to the Hindu Bhadralog class between the ages of 16 and 26 should not leave their respective houses in the under-mentioned areas between 7.30 P.M. and 5 A.M. I direct under section 144 of the Criminal Procedure Code that all Hindu Bhadralog class youths within the areas mentioned above, residing or staying within the limits of the municipality of Chittagong, the jetties and Pahartali not to leave their respective houses between those hours." "The order will" (it was stated) "come into force from the 8th June. Persons serving in the railways and jetties affected by this order should apply for passes. Other persons having urgent requirements may get passes from the Kotwali."

Now, Sir, this from a Magistrate's order actually issued. It was impracticable, and it gave rise to considerable resentment and trouble. It had been applied only to Hindu Bhadralog youths of particular ages. Then in the United Provinces in Rae Bareilly in June 1931 a worker of the Kissan Sabha was served with a notice prohibiting him from addressing meetings, organizing Kissan Sabhas, distributing handbills and collecting funds. The President of the District Congress Committee in Lucknow was served with a notice under section 144 prohibiting him from making any speech or utterance, or attending any meeting or disseminating any

leaflet, or collecting subscriptions, or doing anything in writing whatsoever on the present agrarian or political situation in the district in connection with any propaganda, directly or indirectly, connected with agrarian, political or labour problems. I beg to submit that this is a most comprehensive order and it embraces within its scope almost all phases of legitimate national activity. Almost all the legitimate activities which a person is entitled to under the law are sought to be prevented under the cover of this section.

I will now read to the House the text of an order which was issued under section 144 in a place called Urgan in the Madras Presidency. This order was issued on Mr. O. V. Rajgopal Naidu and seven others representing the Humanitarian League and the Temperance Federation, prohibiting them and others from picketing, lecturing or holding any demonstration within a radius of two furlongs of the excise shops in a particular locality.

Mr. A. H. A. Todd (Madras : Nominated Official) : Are you referring to a place which is in British India or in a Native State?

Mr. Gaya Prasad Singh : I do not know exactly the locality of this place.

Mr. A. H. A. Todd : It is not in British India at all.

Mr. Gaya Prasad Singh : Then I am sorry I mentioned it.

Now, Sir, the way in which section 144 has been misapplied, abused and prostituted for the purpose of putting down legitimate political activities of the people and of the Congress in the United Provinces has been referred to in that memorable letter written by Mahatma Gandhi to the United Provinces Government, as a result of which the Commissioner of Rae Bareilly had to withdraw the notice which was issued under this section. Pandit Jawahar Lal Nehru, in the course of a Press interview relating to the misuse of this section in some of the districts of the United Provinces and other places, says as follows :

"The use of section 144 to curb and stop Congress activities cannot be tolerated for long."

Honourable Members will remember that in Simla only in July last the States People's Conference was going to be held and the delegates assembled at a particular place. The then Deputy Commissioner of Simla, the late Mr. Crump, or his Assistant did issue an order under section 144 dispersing that peaceful gathering. I have not a word to say with reference to the merit of that particular meeting which was going to be held, but it was on insufficient materials and on the spur of the moment that this order was issued, and it formed the subject of controversy between the Local Government and some of the organisers of the meeting.

Sir, I have mentioned just a few instances where this section has been misapplied. Honourable Members will see that it is high time that steps should be taken to prevent any further mischief being done as a result of the abuse of powers vested in the Magistrates under section 144. I assert, Sir, that some of our Magistrates have not properly applied the provisions of the section. They have forfeited our confidence to that extent, and it is therefore proper that we must circumscribe the powers which this law vests in the Magistrates. This section forms an entire chapter by itself in the Code, and it has been expressly enacted for the

[Mr. Gaya Prasad Singh:] purpose of preventing urgent cases of nuisance or apprehended danger, but it is being extensively misapplied all over the land for political purposes. There is a general bitterness of feeling against the abuse of section 144. Sir, it is quite possible that the language of my amendment may not come up to the mark. After all, I am concerned only with the substance of the amendment which I seek to introduce in that section. I therefore move that my Bill be referred to the Select Committee. The Select Committee, if it pleases them, might make suitable modifications on whatever line they think fit. I do not want to take up the time of the House any more because the subject has already been debated at considerable length in the last Delhi Session.

I therefore move my motion.

Mr. J. F. Dyer (Central Provinces : Nominated Official) : Sir, I am not astonished that in moving that his Bill be referred to a Select Committee the Honourable the Mover has succeeded in making only a very halting and in some places, I think I am right in saying, an intemperate speech. I have read the opinions recorded on the Bill and I was frankly wondering what answer he would give to them. First of all, he said there were too many official opinions, but I should like to bring to the notice of this House that officials have a very particular interest in this section. It is on the shoulders of the executive officials to see that proper orders are made and applied ; it is on the shoulders of the members of the Bench to see that the section is not abused.

In going through the opinions the Honourable the Mover made certain quotations. It is rather significant that he omitted one quotation which I will now make. It is from Bihar and Orissa, which is the province of the Honourable Member himself :

“ The High Court considers that it ” (the Bill) “ has no merits and should be opposed.”

Of all the opinions recorded, the one which I like the most is that given on page 7, the opinion of the Honourable Mr. Justice Muhammad Raza. Before I quote that opinion, I should like most respectfully to protest against the language used by the Honourable the Mover about the opinions of judicial officers. If I am not mistaken, he insinuated that they were influenced by political motives. I am only an executive officer but prefer to believe that the High Court Judges are honest men who give honest opinions. Now, this opinion of Mr. Justice Muhammad Raza has two merits—it is short and it is to the point. He says :

“ In my opinion the proposed amendment is ill-advised and mischievous in its consequences. I am entirely against the Bill. I agree with my brother, Kisch, J.”

Now that opinion, if it had been passed by an executive officer, a District Magistrate or a Commissioner, might well have been rejected by this House as prejudiced, but it is passed by a judicial officer. I ask the House a fair question. It is alleged that section 144 has been grossly abused. It is a fact that the only bodies which can at present interfere with an order under it are the High Courts. Why is it then that the opinion of the High Court Judges is almost unanimous in opposing the Honourable the Mover's Bill ? Until we get a clear answer to that question, the Bill should not go to Select Committee.

Section 144 is only one of the many instruments in the hands of the executive Government for maintaining law and order, not always as I

know from a fairly considerable personal experience a very easy or a very pleasant task. Personally I have not much resorted to it. Since I returned to duty from long leave in July of last year, I have consistently counselled District Magistrates in my Division against its use. I have gone further and have argued with my Local Government against its use. The section has many objections. One is this. If I may use what is now-a-days a common expression, it invites people to cheap martyrdom. In this case the martyrdom is very cheap indeed because the ordinary maximum punishment under section 188 of the Indian Penal Code is only one month's simple imprisonment. I do not know what other Provincial Governments have done, but my Provincial Government have provided a “ B ” class jail in one of the best places in India. One month's simple imprisonment in a cool district is a great deal more of a rest cure than a martyrdom. But there are circumstances under which section 144 is the proper instrument, and so long as these circumstances exist, so long as the section is on the Statute-book at all, it must remain there in an effective form, because to put it bluntly, it is a serious thing to trifle with it, for such trifling not always but often may amount to trifling with men's lives.

One of the many ways of maintaining order is that the people should have confidence in the man who happens to be the local Magistrate. He is not necessarily the best District Magistrate who faces the music with the greatest courage when trouble arises ; nor is he necessarily the best, who takes the quickest and most effective means of restoring peace when it is disturbed, nor is he necessarily the best Magistrate who always passes orders under the Criminal Procedure Code in such a way that no High Court wants to interfere with them. He is the best Magistrate who so inspires confidence in his subordinates, Magistrates and police down to the constable and who so inspires confidence in the public that extraordinary measures are never necessary. No man can inspire confidence in others unless he has confidence in himself, and no Magistrate is going to have confidence in himself if he knows that what should be a stout staff in his hand is in reality a broken reed, such as the section will be if it is amended as the Honourable the Mover wants.

The Honourable the Mover devoted much of his speech to the abuse of the section, and in the debates in the Assembly when the Bill was first introduced, that point was raised. There are, I believe, somewhere about 250 districts in India. The Honourable the Mover has to give me 250 illustrations of abuse before he reaches an average of one abuse of the section in each district of India. This is not the only provision of law that is ever abused, and to say that it is sometimes abused is merely to say that Magistrates are human. If High Courts never misapplied the law, there would be no work for the Honourable the Judicial Committee of the Privy Council. Until I get proof that this section is habitually abused, as the Honourable the Home Member said when he spoke in the Assembly in January last, I am not convinced that its abuse is a ground for amending it. I know that in my own province the section has been sparingly used. There are two forms of abuse. There are orders which are positively wrong and bad. These can be corrected under the present law by revision in the High Court. There are orders which are merely over-cautious, and every body who has studied the delicate question of the maintenance of order in this country knows that it is better to be over-cautious ten times than to be under-cautious once and to be caught napping.

[Mr. J. F. Dyer.]

There are three main principles in the Bill. Firstly, there should be a special procedure for what the Bill describes as "any public or political meeting, association, processions or other demonstration". Yesterday in the debate on the Press Bill, Sir Hari Singh Gour rightly talked about the necessity for good definitions. It seems to me that this is rather a loose definition, and I defy human ingenuity to define precisely what a political meeting is. This is not a question of detail or of drafting. It is fundamental that there cannot be a satisfactory definition such as can be embodied in this clause. Also the implication is that all political meetings were legitimate activities. I quote the words used yesterday afternoon by Mr. Ranga Iyer :

"It is from these big huge processions that immature youths derive their inspiration. From black flags they march on to black actions."

That is a description of a "political procession" from the opposite side of the House the purport of which ought, I presume, to find a place in this clause.

Let me give two examples from my own Division. In one of the more backward districts of the Central Provinces, the Gonds had heard in their homes the glad tidings that Swaraj had come to India. They marched to headquarters to verify the fact. Unfortunately their Swaraj was of a kind which would not command universal approval. It was all too simple. It consisted of what I may call the three F's, free land, free forests and free drink. They marched to headquarters several thousands strong. They were met by the Superintendent of Police with an adequate force. He dealt gently and tenderly with the procession. There was no violence, there was no lathi charge, but when the mob had vanished and the police had finished their work, the District Superintendent had in his possession enough sticks to equip fully the local boy scouts. Is that the sort of meeting or procession which is to be specially protected by this Bill? Let me give another example. I happened to be in one of my districts when the District Magistrate and the Inspector of Schools had made up their minds to reopen the Government High School after it had been closed on account of civil disobedience. The local apostles of non-violence presented an ultimatum to the District Magistrate, that they would not permit the school to be opened unless the Congress flag were hoisted on it. They told him that if he attempted to reopen the school without hoisting the flag, in five minutes a crowd of two thousand would appear from the bazar and prevent the reopening. The District Magistrate did not take action under section 144. He merely made adequate dispositions of the available police force, and the mob did not appear. Is that the sort of political procession that is to be given a special procedure under this Bill? The fact is that in this country, we never know, when a meeting is going to be orderly or when it is going to be disorderly. Seventy years ago the Indian Penal Code provided for an assembly which starts as lawful becoming in its course unlawful. Precaution is necessary, as we never know when there is going to be danger.

The second principle is that in certain circumstances evidence should be recorded. Now, evidence can only mean evidence in one sense, evidence as we know it inside the four corners of the Evidence Act; and the very essence of this section as at present drafted is that the facts on which a Magistrate acts are not evidence under the Evidence Act. He has to draw on his own experience of what has happened in previous cases; he has to act on probabilities and possibilities; he has to weigh risks, and he has

always to err on the side of caution. Delay in passing an order under this section may mean murder.

The third principle is that of appeal. There are two objections to this principle. The first is that the appeal is to the Sessions Judge. I say this quite frankly and without any unfriendly feeling towards Sessions Judges. They may be older, more experienced and wiser men than the District Magistrates. In my Division at present there are five District Magistrates and three Sessions Judges. In each case the Sessions Judge is older in years and of greater experience than the District Magistrate. I have every confidence in each of them. But the whole nature of the Sessions Judge's training unfits him to judge an order under this section. He is accustomed to sit down at his leisure, study evidence carefully, hear counsel, consult his lawbooks and his law reports and then in his own time come to a very considered decision. The District Magistrate in passing an order under section 144 has to act on the spur of the moment and judge more by the atmosphere than by the evidence. But the great objection to this provision of appeal is that it gives divided responsibility. Whoever has to see the show through cannot be interfered with. It is an old saying that one general, even though he is an indifferent general, is better than two. What are we to think if one general has to plan and carry on the action and then another general suddenly cuts across his path and upsets all his plans? If I can judge from some of the questions which I have heard answered in this House, some of the Honourable Members are interested in horses. To put one man in the saddle and another man on the reins is not the best way to get a horse over a jump.

Sardar Sant Singh (West Punjab : Sikh) : Then why do you keep the judicial system? Abolish it and have executive authority.

Mr. J. F. Dyer : I am afraid I must answer at question.
(ii) page 447, for the words "joy walker" iy accident,
and "previous" in lines 32 and 45, interfere with
read "jay walker" and "precious", ront.
respectively.

SOME OF THE OPINIONS TAID OF COMING political changes. I do not quite know how they affect the question, except of course on the old principle of King Charles' head. But in one way, I think they do come in. One of the many privileges of self-government is, if I may use a familiar expression, that one must do one's dirty work. I do not see why the stipendiary Magistrate should for ever face the music and the honorary Magistrate should take refuge behind him. It will be increasingly the duty of honorary Magistrates to deal with law and order. I can quite well imagine an unkind fate making the Honourable the Mover an honorary Magistrate. I can imagine him sitting down to record evidence under his revised section 144, and just as he is doing so, a well-aimed brickbat hitting him fair on the chest. What is he going to do? Is he going to continue recording his previous evidence? Is he going to continue to scribble while Muzaffarpur burns? He would most appropriately be hoist with his own petard, and to the harassed executive officer it would be just retribution in an otherwise inequitable world.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, the principle of section 144 of the Criminal Procedure Code is, as all Honourable Members know, to stop a thing from happening which if it happened would be deplorable. That section

[Mr. Muhammad Yamin Khan.]

is to be used in emergency cases and is used to stop a thing which should not happen. Let us see what the amendment of the section, as proposed by my Honourable friend, is seeking to do. He wants that, before a Magistrate takes action, he should give weight to and duly record evidence before passing any order. The words which he has used are "duly record evidence". Duly recording evidence means that witnesses must be summoned or brought under warrant, because a Magistrate has got no right to catch hold of a man without issuing any process and ask him to come before him and give evidence. And evidence naturally means that the other party must also be present to cross-examine. Any party who is aggrieved or any party against whom it is sought to pass an order under section 144 is to be given a full chance of cross-examining those persons who come before the Magistrate to make their statements. Then only it can be duly recorded evidence. If that is the meaning of my Honourable and learned friend, then I think he is suggesting something which will defeat the very object for which section 144 is meant. Instead of stopping those things from happening it will encourage them to take place; I will give certain concrete examples. It is not very long ago that we had a debate in the Assembly about the affairs which took place at Cawnpore; we had a motion for adjournment and what was it? It was to blame the Government for not taking proper action in time to stop the thing which happened there. Now, any of my Honourable friends from Cawnpore can bear me out that twitness after witness who came before the Inquiry Committee blamed the officials for not taking action in time to stop those really sad occurrences which we all deplore.....

Mr. Gaya Prasad Singh : Did any of the witnesses suggest the promulgation of section 144?

Mr. Muhammad Yamin Khan : Not one; quite right; but if section 144 had been used, it was the real thing to stop the mischief.

An Honourable Member : Question.

Mr. Muhammad Yamin Khan : My friend wants that section 144 should not be used until the whole evidence is gathered and until the whole thing comes up to this pitch that a fight takes place, bringing ruin to a city or district. If this Bill is passed, that is what it would really amount to.

I will just draw my Honourable friend's attention and request him to give a moment's thought to what he is driving at and what will be the consequences if this section comes in. He wants not only to stop a Magistrate from taking action in political meetings or public meetings; but he wants that a procession or demonstration should not be stopped unless he has duly recorded evidence and finds on that evidence that the procession should be stopped. Does he remember an instance which took place some years ago in Delhi, when some Muslims wanted to take a procession of a cow on a Bakr-Id day decorated to the slaughter house through a Hindu mohalla, and what would have been the result if that had not been stopped then and there? Would he like on the Bakr-Id day that some people should take out a procession just to annoy the Hindu public, through a mohalla mostly inhabited by the Hindu public, and to create a quarrel and a riot between the two communities?

Would he like the Magistrate to sit at his home and wait till witnesses were summoned and evidence tendered and cross-examination allowed.....

Mr. Gaya Prasad Singh : That is why I have provided for an *ex-parte* order to be promulgated in the next sub-clause.

Mr. Muhammad Yamin Khan : Supposing he makes an order for forty-eight hours; these people will say, "All right we will wait". This procedure will take three or four days; does he want the Magistrate to sit there and wait till a motion of adjournment is brought in this House and a vote of censure is passed on the Government because the Magistrate did not take proper action in time? We know there have been many occasions when the Muharram and Janmashtami Ramnaumi fell on the same day; on many an occasion the Hindus and Muslims come together and arrange that at such and such a time the Muharram procession will pass and at such and such a time the Janmashtami procession will pass amicably and satisfactorily. But supposing in one place the Hindus and Muslims are not so wise and they do not have the regard for each other's feelings that they ought to have, then there will be a clash. Does my friend want that a procession should be passing and demonstration should take place in the same streets on Muharram and Janmashtami? There may be bloodshed and hundreds of people may be killed; but my friend wants that the Magistrate should sit in his room and say, "I will issue warrants and summons to record evidence of witnesses who will come before me and I will give a chance to people to cross-examine them". Will that be right and proper? And is it the remedy which my friend is seeking for? I may say that there is some justification when he complains that this section has been misused by the magistracy, *e.g.*, in regard to the Gandhi cap. But these are trifling matters which might have occurred.....

Mr. Gaya Prasad Singh : How many heads were broken as a result of the promulgation of this order?

Mr. Muhammad Yamin Khan : I do not know how many heads were broken. I listened very carefully to his speech and found that he did not give any number; but I find that in many cases section 144 has been used to save many heads from being broken; it has not been used in many cases to break heads but to save heads. I do not say that all Magistrates are perfect; after all they are human beings. I do not say that every Magistrate is above all other human beings; he is as much infallible as we are. He may misuse his powers, which we are liable to misuse if we are placed in that position; he has to make up his mind and come to a decision on the spur of the moment without losing any time; and he is quite likely to make an honest error of judgment. But you cannot say that because that is likely to happen therefore the law should be taken away. There are many laws which are broken every day. Although we have got many sections in the Penal Code, there are people always ready to come forward to break the provisions of law. There are sections to stop burglaries, but burglaries are happening to-day. But there is a section of the people who are terrified of the law. Proper use will bring this about. I quite admit there has been improper use of the law and some people might

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have been swayed by feelings at a certain time. But you have to judge them from the circumstances in which they were placed. When we sit coolly in a cool atmosphere far away from the scene of the occurrence, we cannot properly judge of the feelings of the Magistrate at the time. We will have to go to the place and actually see and judge the man from the circumstances from which you can never separate his action. If you judge it in that light, you will find that there is not always so much want of justification as is sometimes alleged. I quite agree that there will come a time when the Magistrate will use this power very sparingly. Times are changing. Political disturbances take place and some people of one party want to force their will on other people. Then a peaceful citizen has got other remedy; he has to go to a Magistrate, and the Magistrate can do nothing else except to use section 144. We know that in Cawnpore the riot came about simply because a certain section of the people chose to force their will upon others who were not willing to share their views. The result was so sad. If section 144 had been properly used at that time, we know that this bloodshed would have been avoided. Naturally the Government, after full and careful inquiry, have found that the proper remedy was not applied, and my Honourable friend wants to take away that remedy from the hands of the executive. Our complaint is that it has not been properly used; it has not been used on occasions when it ought to have been used. My friend ought to have said that this power ought to be very carefully used rather than deny it to the executive. If my friend disagrees with me in my views, political or otherwise, and if I force him to agree with me, there is no reason why he should accept that position. I can persuade him to agree with me, but I have no right to force him to my wishes. And if I use any force, the Magistrate must be there to save him from my high-handedness. If a Magistrate is not protecting him, he is not discharging his duty properly. This is the only weapon which is in the hands of the executive. I know that there is some defect in section 144. It can be improved. But this is not the way of improvement, this is not going to improve section 144.

1 P.M.

An Honourable Member : Go into the Select Committee and improve it.

Mr. Muhammad Yamin Khan : Unless the whole Bill is absolutely changed, which will never be allowed in the Select Committee. Instead of improving section 144, it is going to ruin the law as it stands, and for that reason, Sir, I oppose the motion made by my Honourable friend.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I really do not understand why an idea has taken hold of our friends on the other side of the House that section 144 is going to be removed from the Statute-book or that the powers which the Government are now armed with are going to be taken away from their hands altogether. The Honourable and the learned speaker who spoke last and the one who spoke before him both sounded this note of warning, and they seemed to be under the impression that the whole administration was going to come to an end, and they also gave us to understand that section

144 is the only weapon in the hands of the Government with which it can maintain peace and order in the country.....

Mr. J. F. Dyer : On a point of order, Sir. That is precisely what I did not say.

Mr. A. Hoon : I again say that you implied that every time in your speech. The point to be considered is this, has the Honourable the Mover suggested that section 144 should be removed from the Statute-book, or has he suggested that, taking into consideration the particularly difficult times, section 144 and its provisions are likely to be abused by young and inexperienced Magistrates who are now given administration of districts even with 3 or 4 years' experience only? Sir, there is a very strong desire on the part of every one of us that peace should be maintained. I am one of those who will hold the Government responsible if peace is not maintained. I do not want that the powers of the Government should be curtailed, but at the same time, Sir, I say with all the emphasis at my command that I do not want the Government to commit acts by which their officials hold the whole Government in contempt in the country. (Hear, hear.) There is a provision in the Indian Penal Code according to which if a person does any act, makes any speech or does anything in writing by virtue of which he holds the Government up to contempt in any way, he can be run in under section 124-A., one of the most penal sections in the Indian Penal Code. I submit, Sir, that the time has come when there should be introduced a similar section which should say that a Government official who by his acts holds the Government up to contempt should also be similarly dealt with. (Hear, hear.)

Sir, the mischief which is done by the abuse of law is much more harmful than the mischief which is done by the actions of private individuals, and the absurd and ridiculous orders passed on the two occasions mentioned by my Honourable friend under section 144. I submit, show the extent to which the provisions of the section can be abused. All that we say is that, considering that we are going through difficult times and considering that we cannot help putting in officers with little experience, or shall we say immature experience, in charge of districts, is it or is it not time that we should see that no provisions of the law are abused? Sir, there is no gainsaying the fact that the provisions of section 144 are so wide that they are likely to be abused by young and inexperienced Magistrates. The chapter under which section 144 comes in says,—“temporary orders in urgent cases of nuisance or apprehended danger”. The Honourable and the learned Mover has made provision in his Bill under which an *ex parte* emergency order can be passed, but with this proviso he says that the *ex parte* order will not remain in force for more than 48 hours. Sir, it is up to the gentlemen who go to the Select Committee to extend that period if they like. But I submit that the Magistrate is empowered to pass an *ex parte* order, and if that *ex parte* order remains in force for 48 hours, there is no reason why an inquiry cannot be instituted, and I believe my friend the Mover of the Bill has got this idea in mind that once the inquiry is started, the action complained of will not come until the matter is decided. My friend who spoke last totally ignored this special provision of the Bill which is now before the House. The emergency powers are there. A Magistrate can pass an *ex parte* order if he likes, but all that we want him to do so is, if he does pass such an order, to give us a chance to explain to him as to why that order should

[Mr. A. Hoon.]

not have been passed. If you think the time stated, namely 48 hours, is too short, extend that time.

Mr. K. Ahmed : The intention is there.

Mr. A. Hoon : The intention, Sir, is there no doubt. Suppose I am the District Magistrate of a district, and at 9 o'clock in the morning I come to know that there is going to be a procession at 11, I will pass an order straight off, because the Bill makes a provision for it. I am afraid, Sir, that the gentlemen who are objecting to the Bill have not studied the Bill carefully and with sympathy. If you do not read the Bill with sympathy, you are likely to ignore its provisions, which go to its very root. I submit, Sir, that when the new Bill which is now before the House, does give powers to the Magistrates to take action immediately, it does not curtail their powers in any way. It only throws on them the further responsibility of taking evidence. My friend Mr. Yamin Khan has given in detail the difficulties that are likely to crop up when the question of taking evidence comes up. I do not see any of those difficulties. The Magistrate will duly record the evidence put before him by one party. Similarly he will ask the other party to say what they have got to say, but there is no reason why we should entertain the fear that the proceedings are going to be very prolonged. The proceedings may be summary, and evidence may be taken in a summary manner and the case decided without delay. There is absolutely no reason for any apprehension with regard to the curtailment of the powers of the Government, and I do not see why there should be so much concern in the minds of our friends opposite with regard to this provision. I remember when the Bill came up before this House at Delhi my friend Mr. Puri quoted several instances of the abuse of power and he wound up by saying that if such orders are passed under section 144, it is clear that either something is wrong with the magistracy or something is wrong with the provisions of the Bill.

Mr. K. Ahmed : What is wrong with the magistracy ?

Mr. A. Hoon : Please speak louder, and I will answer your question.

Then, Sir, my friend Mr. Yamin Khan made a reference to the affairs at Cawnpore, and I think it my duty, although perhaps it will not be very very relevant to the Bill, to advert to that point. My friend Mr. Yamin Khan thinks that because section 144 was not invoked in time in the city of Cawnpore, all that bloodshed and rioting took place. My friend is entirely wrong. He was not in Cawnpore. I was in Cawnpore in the thick of the riot, and I know what was the cause of those vindictive lethargy not to do one's duty which caused all that bloodshed in Cawnpore. The finding of the Committee of enquiry appointed by the Government is not that section 144 was not invoked, but that the District Magistrate was keeping all the time inside his house and not going about and doing his duty as he ought to have done.

Mr. Muhammad Yamin Khan : What could he do by going about without the powers ?

Mr. A. Hoon : I am surprised to hear those remarks from Mr. Yamin Khan who I believe is in touch with some sort of administration of a Municipal Board. Don't you think that personality counts and carries a lot

of weight ? Don't you think if there was a riot in the city, and the District Magistrate went round the affected area with some respectable citizens, he could do a lot ? Our friend the District Magistrate at Cawnpore was sitting inside his house and telephoning and answering telephone calls, and unfortunately, in answering those calls he was making some remarks which were extremely tactless ; such that I do not want to repeat them here.

My Honourable friend Mr. Yamin Khan has also said that we are passing through very difficult times and Mr. Gaya Prasad Singh should really ask the House to make such a provision in his Bill that section 144 may be used all the more. I submit that that very reason goes to the root of the necessity of proposing this change. If times are difficult, and if section 144 is likely to be used more in future, the abuse is likely to be more in the future. Section 144 has been on the Statute-book for a very long time and I am sure that for a long time even the lawyer never heard anything about it, the reason being that it was seldom invoked. The abuses have only come in since that section has been applied indiscriminately in many cases. I submit, Sir, that the proposition before the House is a very simple one and there is no reason why, if the Bill goes to a Select Committee,—there are officials on the Select Committee as well as other gentlemen whose views differ from those of the Honourable the Mover—its members cannot make provisions by which they can stop further abuse of the provisions of section 144 and thus control all those people who by their indiscreet actions do a lot of harm to the prestige of the Government and to the peace of the country.

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. Deputy President in the Chair.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I am really surprised to find my lawyer friends getting up to oppose this motion of my Honourable friend Mr. Gaya Prasad. It is a very innocent motion. Those who have been in practice in the law courts know the difficulties they have to meet when they appear in cases under section 144. It may be all right for laymen to advance views, which I would say, are all based on inexperience.

Mr. K. Ahmed : What about Aminabad ?

Mr. Muhammad Azhar Ali : My friend knows very little about Aminabad Park.

Mr. Gaya Prasad Singh : What does he know about anything ?

Mr. Muhammad Azhar Ali : I know more about it than my friend. It is not a question of Aminabad or Cawnpore or Chittagong or any other place. It is a question of law and this subject is only for those who have experience of the law courts. It is for them to discuss it from legal point of view. My submission is that in this motion Mr. Gaya Prasad simply wants safeguards and that evidence should be duly recorded. Nothing more than that. If there is a provision for an appeal, I would say that no sensible man in this House can say that it would in any way endanger

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public security or human life. Now the proposed new sub-section 3A says :

"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", and so on.

The words "evidence duly recorded" mean nothing more than evidence on oath. Now any person can come forward and make a statement and he gets off without punishment, if the charge proves to be false. Thus, I ask my friends, if it is proper that a man should be allowed to make absurd statements which he cannot substantiate and then get away without being punished? My lawyer friends know very well that it is not justice to allow that sort of thing and what do we find in practical experience? When an application is lodged under section 144, although the Act says that it is the District Magistrate who should administer justice, his powers are generally delegated to Deputy Magistrates and Sub-Divisional Magistrates. If the matter were exclusively in the jurisdiction of the District Magistrate, he being a man of experience he could be relied upon to some extent to administer justice properly. It is only those who have practised in the law courts that know that these matters always go in to the hands of Deputy Magistrates, Sub-Divisional Magistrates and even honorary Magistrates for the matter of that. If you study this question in that light, you will find that justice is not properly administered. Now, when the matter goes before the Deputy Magistrate or the Sub-Divisional Magistrate, what happens? He generally asks for a police report. I am told that he always asks for a police report. When the matter goes before the police, do you expect even-handed justice? The House knows very well how difficult it is to know on what evidence the police base their report.

I do not want to look at this question from a communal point of view at all. Whether the parties concerned are Hindus, Mussalmans, Parsis or Christians, the matter is entirely in the hands of the police who can report either this way or that way. The report of the police carries a very great weight with the Deputy Magistrate when he makes an order under section 144. This is the actual state of affairs which I want to place before the opposite side of the House. I want to discuss this subject only from the legal point of view, and I trust that my lawyer friends will enlighten the House about their personal experiences of cases under section 144. This Bill is only intended to amend one section of the Criminal Procedure Code. Now, Sir, in cases of riot or affray, if an application is lodged under section 144 and the police report is obtained and the Magistrate has made an order, what is the harm in making provision for an appeal to the Sessions Judge? The order will be there, but where is the harm in giving a right to my lawyer friends who could say that there would be a greater chance of making money if there was an opportunity for an appeal?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Probably it is for this reason that you want this amendment, namely, that there will be more riots if this amendment is made and you will make more money?

Mr. Muhammad Azhar Ali : If my Honourable friend, Sir Muhammad Yakub, had ever dealt with a case under section 144, he would not

have said that. It is not because we want to make money but in order to obtain justice from the hands of a court of law that we ask for this. (*Cries of "Hear, hear."*) Then, Sir, there is a provision by which, as my Honourable friend, Mr. Hoon, has said and as has also been remarked by my Honourable friend, Mr. Gaya Prasad Singh, this *ex parte* order may remain for 48 hours or it can be extended to any amount of time, but there is no specific sub-section added to this section, and therefore Mr. Gaya Prasad Singh has put it as a proviso that no *ex parte* order should be passed by Magistrates in such cases without evidence being duly recorded. Now, Sir, when evidence is duly recorded, it is this evidence which can go up to appeal, but in cases where there is no evidence duly recorded but merely an order, what am I to take to the court of appeal—simply an order of the Magistrate or the police report? Then it is very difficult for me to expound my case, to explain before the Sessions Judge or any court of law what I am to argue my case upon, unless there should be at least duly-recorded evidence. It would of course be one-sided evidence, but something at any rate to show that we have come with some record in our hands. Then, Sir, the Bill says :

"(2) after sub-section (6) the following sub-section shall be inserted, namely :

"(7) An appeal shall lie from an order passed under sub-section (6) to the Court of Sessions."

Now under this section no order shall remain in force for more than two months from the making thereof unless there is a danger to human life or the likelihood of a riot and so forth, when the Local Government may by notification otherwise direct. Then there is already a provision in the Act itself saying that for two months the order should remain in force. Now where is the harm, if an *ex parte* order remains in force for a longer period than 48 hours? I do not see that there is any great change in the section, but it is a very salutary amendment which my friend, Mr. Gaya Prasad Singh, has put forward, and I give my whole-hearted support to the motion.

Mr. F. B. Leach (Burma : Nominated Official) : Sir, the Honourable Member who spoke before lunch, Mr. Hoon, accused all the Members on these Benches who have failed to support this Bill of not having studied it with sympathy. (*An Honourable Member* : "Care and sympathy.") Well, Sir, I do not know what meaning the Honourable Member attaches to the word "sympathy". My experience shows that it is a much-abused word. There are a large number of people who call any kind of objection or any kind of criticism of their own point of view unsympathetic. Not knowing exactly what the word "sympathy" connotes to the Honourable Member, I cannot say for certain whether I have studied the Bill with sympathy, but I can certainly claim to have studied it with a good deal of care; and there are, in spite of the speeches that have been made in favour of the Bill, one or two points in it which are still not clear to me. The Honourable Member on my left who criticized the Bill has pointed out that it would be extremely difficult to limit the meaning of the phrase "political meeting". But I would like to point out that the wording of the Bill goes even further than that. It says "any public or political meeting, association, procession or other demonstration". Well, Sir, I can hardly imagine any wider phrase than "any public demonstration", which would cover any kind of meeting or any kind of procession or any kind of public function that one can imagine. Then there is the phrase

[Mr. F. B. Leach.]

which has given rise to a great deal of discussion, "evidence duly recorded". In a large number of the criticisms in the printed papers on this Bill it is pointed out that "duly recorded" is not a phrase which is found in the Criminal Procedure Code and that the meaning attached to it is very doubtful; and the Honourable Member who has introduced this Bill has not explained the phrase, anyhow in a way that I am able to understand. If it means the evidence of independent witnesses, it is I think obvious that it would render the provisions of the section completely nugatory in any case of real emergency where immediate action had to be taken. If it does not mean that, it appears to me that any Magistrate could get round it by merely putting the police officer who came to tell him that a riot was likely to take place on oath or affirmation and rapidly scribbling down in a few words what he had to say. The provision would thereby be made almost useless. Then the meaning of the first proviso is difficult to me. The main part of sub-section 3 (a) states that no order shall be passed unless the Magistrate finds on evidence duly recorded and the proviso says that no *ex parte* order shall be passed in such cases without evidence duly recorded. Well, if no order of any kind can be passed without evidence duly recorded, I do not see the object of a proviso to say that no *ex parte* order can be passed without evidence duly recorded. That however is a minor matter which, if the Bill does go to a Select Committee, no doubt the Mover will be able to explain.

I think therefore there are considerable objections to the Bill from the drafting point of view; but these objections are small compared with the objections to it on principle. As has been repeatedly pointed out, section 144 is intended to deal with sudden emergencies, and it is quite obvious that in dealing with sudden emergencies immediate action must be taken. One objection that was pointed out by the last speaker was that in many cases action under this section is taken not by the District Magistrate himself but by his subordinate Magistrates. The Honourable Member who introduced the Bill quoted three or four instances, one of which unfortunately apparently happened outside British India, but he did quote three or four instances where the provisions of this section have been misapplied. It was not quite clear, however, what was the status of the Magistrates who took action in these particular instances. I would suggest to him that if he distrusts the subordinate magistracy, most of whom are Indians, he might suggest an amendment to the Code by which action should be restricted to the District Magistrate himself. That would perhaps be sufficient. But that the present state of India does need some provision for immediate action in cases of real emergency, is a fact which, to the mind of any man who will face the facts, admits of no doubt. And I am afraid it is going to be a very considerable time before a section of this kind is not needed. In this opinion I am supported by an Indian retired District and Sessions Judge who, in his opinion on the Bill on page 14 of Paper No. 1 says that, "Even under Swaraj such a provision will be absolutely necessary".

Mr. Gaya Prasad Singh : We will then enact it. That is all.

Mr. F. B. Leach : The Honourable the Mover says that he will then enact it. I would suggest to him that it is hardly worth the trouble of repealing or amending the provision now if he admits the probability of its being necessary even under Swaraj, and I think this admission rather

weakens his argument that it is not necessary at the present moment. (Hear, hear.)

Sir, the Honourable the Mover has found extremely little support for his Bill in the provinces. He has, of course, dismissed as not worth considering the opinions of executive officers. But he has not made a very good case to meet the fact that practically all, or at least the great majority of the Judges of the High Courts have condemned the Bill. He has tried to make out that one or two Judges have approved of it. One of the Judges whom he quoted as approving of it ends his remarks by saying :

"The words 'public or political meeting, association, procession or other demonstration' are so wide that they would delay prompt action by the Magistrate in innumerable cases in which probably even the proposer would consider prompt action essential."

I do not know how the Mover of the Bill can hold that that Honourable Judge is in favour of his Bill.

One of his points, of course, is that the provisions of this section have been misapplied. Sir, I quite admit that the provisions of this section may have been misapplied. I should be interested to hear the Honourable Member's opinion whether there are any of the more commonly used sections of the Indian Penal Code and the Criminal Procedure Code which have not been misapplied pretty frequently. I have a fairly long experience myself as District Magistrate and Sessions Judge when I had to take up criminal cases of Subordinate Judges on appeal and revision. If every section of the Indian Penal Code which has been misapplied in my own experience was going to be repealed or amended, there would not be much law left in this country. I submit that the proper action when the law is misapplied is not to rush in and alter the law, but to instruct the Magistrates and, if necessary, to deal with the Magistrate who misapplied it. Surely that is a commonplace in any country. In all countries law is misapplied in certain instances. We are all, I suppose, familiar with the criticisms that have frequently been made on what are disrespectfully called "the great unpaid" Magistracy in England. There is one particular paper which used (it has discontinued it now) to put down side by side too severe and too lenient sentences by the Magistracy on different kinds of offences. One kind of offence which was very savagely dealt with at one time by a good many Magistrates was an offence against the motor laws. But I do not think that anybody would suggest that because a certain number of County Magistrates were fond of inflicting the maximum penalty on everybody who exceeded the speed-limit, it would therefore be a good thing to repeal all the motor laws and to allow every road-hog to go along the roads at any pace he liked. That appears to me to be analogous to what the Honourable the Mover of this Bill wishes to do.

The Honourable the Mover has held up to obloquy, as an example of executive officers, an unfortunate Commissioner in my province who dared to suggest that in his opinion there was a political motive behind this Bill. Well, Sir, he did not mention the fact that exactly the same suggestion is made by an Indian pleader in Assam who has given a very long opinion on the Bill in which he has discussed the origin of the section from the year 1861. On page 44 of Paper II this gentleman says :

"Mr. Gaya Prasad, by this amendment, wants to legislate for the benefit of the political agitators by giving them free scope to follow their own avowed policies against the Executive Government unfettered by the order of a magistrate under section 144, Criminal Procedure Code."

[Mr. F. B. Leach.]

Sir, it is not merely the opinion of the sun-dried bureaucrat that there is a political motive behind the Bill—of course, I do not suggest that there is.

Sir, this section of the Criminal Procedure Code was amended as recently as 1923. Provision was then made for revision of orders passed under this section by the High Court or by the Sessions Judge, which did not previously exist. I do not think, therefore, that the provision for appeal will really add much to what was inserted in the Code in 1923 and that, I may say, is the opinion of the majority of the Judges of the High Courts who have commented on this Bill. I would ask the Honourable the Mover whether he seriously considers that there has been so much change in the atmosphere of this country in the last eight years as to justify further amendment of the provisions of the section which was considered by a very distinguished and representative Committee in that year to be still necessary in the interests of the preservation of peace in the country. Personally, I cannot see that there has been any such marked change in these eight years.

There is one other point which I should like to mention. We are constantly being asked when Ordinances are passed or when special legislation is proposed as, for instance, yesterday in the case of the Press Bill, why Government cannot utilise the provisions of the ordinary law and why it is necessary to introduce special legislation or to promulgate Ordinances. Well, Sir, if the ordinary law is to be tampered with merely on

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the ground that it has in a small number of cases been abused by particular Magistrates, it is perfectly obvious that every year it will become more and more impossible to preserve order through the ordinary law, and more and more necessary to pass special legislation. I cannot conceive of anything more disastrous in any country than to weaken the ordinary law to such an extent that it is constantly necessary to pass special legislation. In the province from which I come, as Honourable Members are aware, rebellion has been going on for the last eight months. Until about a month ago we managed with great difficulty to deal with that rebellion without any special legislation. One of the provisions of the ordinary law which has been found most useful in Burma during recent months has been this section 144, Criminal Procedure Code. It has been used constantly in every district and has had the most beneficial effect in the prevention of further violence. I can say without very much hesitation that if it had not been for this section and for one or two other similar preventive sections in the ordinary laws of the country, it would almost certainly have been necessary to proclaim martial law in Burma a good many months ago, and that would have been very much more drastic than the retention on the Statute-book of this section as it stands. I hope Honourable Members on the other side will consider this point, that it is necessary in every country to have a reserve of power in the hands of the executive, not to be used every day, but only to be used on rare occasions, but if that reserve is not there, occasions will happen and a demand will arise for emergency powers, and if the emergency powers do not exist, the only thing Government can do is to promulgate emergency Ordinances and possibly in certain cases have recourse to martial law. I cannot help feeling that a strong law is better than a weak permanent law and perpetual resorts to emergency legislation.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I rise to make a few observations on this Bill. I must say straight away that I am in favour of this Bill being sent to Select Committee. This section is too wide in my opinion and it gives too wide powers and provides too wide a method for using those powers. In common parlance this section may be described to give powers which are nothing less than blank cheques into the hands of the Magistrates to use. This section has two aspects, one that it gives powers which are very wide to the magistrates and the other that it provides a method for the use of that section which is still wider. Before I read that section to the House, I must say that I have not heard a single Member say that the power portion of this section should be done away with or curtailed. It is only the method, in which those powers are used, that is being objected to or is being asked to be amended from this side of the House. I do not think Honourable Members on the other side should object to this Bill going to Select Committee. I have heard from Benches opposite that there are difficulties in the way of adopting any other method than the one that is provided by the Act. I do not admit it. I submit section 144 of the Criminal Procedure Code provides that :

“In cases where, in the opinion of the District Magistrate, a Chief Presidency Magistrate, Sub-divisional Magistrate, or any other Magistrate, (not being a Magistrate of third class), specially empowered by the Local Government or the Chief Presidency Magistrate or the District Magistrate to act under this section provided there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable. Such Magistrate may, by a written order stating the material facts of the case and served in manner as provided for by section 134, direct any person to abstain from a certain act.”

These powers are given not in cases of emergency only but a distinction has been made in paragraph (2) of the section that in cases of emergency such orders may be passed *ex parte*. The section therefore comprises cases of emergency and other occasions where there is any fear of breach of peace or other disturbance. I submit that the Mover of this motion, however, does not want those powers to be taken away. Why should not therefore an amendment be passed which only deals with the method of enquiry preliminary to the passing of the orders by the magistrates? The lawyers know full well how this section is used. What is asked is only that some better course should be adopted which is required by fundamental principles of jurisprudence, namely, that such drastic orders, as are provided for by section 144, Criminal Procedure Code, should be passed after some caution. That is the long and short of what is wanted by this Bill. Let us see how orders are passed at present. I have some experience of this. A Sub-Inspector goes to a Sub-Divisional Magistrate, or even to a second class Magistrate and whispers into his ears, or places some police report before him, that there is something horrible going to happen. Magistrate hears him or takes his statement, makes an order on such material only and sends it down to his office. The order is then served in the manner as is provided by section 134 by way of serving a summons. It is, Sir, only after this procedure is followed that the order restraining the assembly or a particular man from doing a particular action functions. Now, I ask what time would be required for all this? There will be some good space of time required. Where therefore is the haste that the Magistrate should not even wait to take one or two witnesses on oath? It is known to the Honourable Members that the law does not require a number of witnesses. Section 134 of the Evidence Act provides that the

[Mr. Lalchand Navalrai.]

Magistrate may be satisfied on a matter by examining only one or two witnesses. Therefore what this Bill aims at is only to provide that some legal and independent evidence should be taken to make the order legal. What objection therefore can there be to this amendment? I submit that in making that order the Magistrate will have only to take down some witnesses and it will be easy for the Sub-Inspector or Inspector, whoever it may be, if there is truth in the report, to bring one or two independent and respectable witnesses and have the order passed. It cannot certainly be urged that there is always an immediate danger of riots taking place. This section aims also at apprehended riots that may take place even after a week. Therefore why is it that the very first principle of jurisprudence is being denied to the public?

Now, Sir, an Honourable Member opposite, who seemed to hold a brief for the District Magistrate, said that this order can be better made by a District Magistrate than considered in appeal by a Sessions Judge, because, as I understood him, he meant that the Sessions Judge will only sit in his office, read the evidence and pass the order; but what does the District Magistrate himself do? I know how the District Magistrates pass orders. I have seen District Magistrates sitting within the four walls of their offices when the Sub-Inspector appears and gets the order passed. The real difference, however, between the two is that the District Magistrate makes the order only on the word or the rumour that has been heard by the Sub-Inspector, whereas the Sessions Judge in appeal would consider the order judicially. He must consider the evidence that is before him. But what evidence will he consider? That is the point with me. The section requires that he should have the material facts placed before him to make the order, but what materials has he got at all? On this point I will read to the House the opinion of one of the High Court Judges. It has been said to-day from the opposite Benches that the High Courts have all said that this Bill should be rejected.

Mr. F. B. Leach : I said the majority of them, not all.

Mr. Lalchand Navalrai : I do not find that even the majority have said that. I was saying that the High Court Judges do recognise that there is no material before them in their revisional jurisdiction to consider such an order. If that is so, are you still of opinion that this Bill should not be sent to the Select Committee or even considered there? I am reading from page 3 of Paper I which contains the opinion of the Honourable Judges of the United Provinces. One Judge says :

“Although an order passed under section 144 of the Criminal Procedure Code is open to revision by the High Court, usually there would not be any materials before the Court on which it can pronounce any opinion.”

Can there be any stronger statement than this to justify my remark?

The Honourable Sir James Crerar : Will the Honourable Member kindly read through the whole of that opinion?

Mr. Lalchand Navalrai : I will, but that is not pertinent to the present point. My point is that there is no material before the Court to come to a decision.

The Honourable Sir James Crerar : The point of the Honourable Judge is that in urgent cases it would not be possible.

Mr. Lalchand Navalrai : I am reading that portion of the opinion of the Honourable Judge :

“It would therefore be desirable that there should be some material on the record to indicate why the Magistrate issuing an order under section 144 of the Code of Criminal Procedure has done so.”

I am submitting, therefore, that there are no materials upon which I can call it a judicial order. If you call it a judicial order and want to give it a colour of having been passed by a Magistrate, I submit the fundamental principle of law must be followed, otherwise the order is illegal. But if the House is of opinion, at least the Members on the opposite Benches are of opinion, that this should not be considered a judicial order at all, then you can proceed in this way. Leave it to the executive, the Sub-Inspector or the Inspector or the Superintendent of Police to make such an order. I therefore submit that this amendment that is being asked for is very modest and absolutely reasonable.

Sir, when a provision is made in a Code it depends upon the officers that use the provision. Now, it was said that some of our Indian District and Sessions Judges have made certain observations to the effect that this Bill should be rejected. But, Sir, I make no difference between an Indian or a European Judge. In the first place, however, I must say that the provisions of this Act have so degenerated that the power is in certain parts of India in the hands of the Assistant Superintendents of Police, and I am justified in this remark by this note in the Criminal Procedure Code :

“The law in sanctioning the power under this section is careful to provide that it shall be committed only to Magistrates whose discretion is presumably guaranteed by their responsible position or by selection.”

Then how has it been whittled down? The note proceeds :

“In the Punjab and in Upper Burma all Magistrates of the first and second class have been empowered to act under this section. In Bombay these powers have been conferred upon Assistant District Superintendents of Police.”

This is how the Act is being used. Then I have my own experience on this point, how young Civilians use this provision and how they are invested with these powers. A young Civilian comes out from England and remains an apprentice under a Sub-Divisional Magistrate for six months and within these six months he also passes the departmental examination

Mr. J. F. Dyer : That is not a fact. No Magistrate can become even a first class Magistrate under one year's service.

Mr. Lalchand Navalrai : What I am submitting is that the new Magistrates that come are placed under a Sub-Divisional Magistrate for six months. Before that time they may have remained in some obscure corner of India; but after undergoing this six months' training and passing the examination, they are full-fledged Sub-Divisional Magistrates and these youngsters pass the orders under section 144, Criminal Procedure Code, in the way we know.

Mr. K. Ahmed : But now-a-days, you have got your Indian Magistrates at least 80 per cent. What is the use then?

Mr. Lalchand Navalrai : So long as he is under this present constitution he is no better than an European Judge. Better times will come and there will then only be improvement in both.

Mr. A. H. A. Todd : In your account of the progress of the young Civilian, are you speaking of a particular province or of all India ?

Mr. Lalchand Navalrai : I have certainly personal experience of my own province.

Mr. A. H. A. Todd : I do not think that can be applied to all provinces.

Mr. Lalchand Navalrai : Why should it not ? I do not think the material is different in other provinces.

Mr. H. Montgomery (Bombay : Nominated Official) : The Honourable gentleman is certainly wrong in the case of his province and the sub-province of Sind.

Mr. Lalchand Navalrai : I do not think my portion of the province, as I should call it, is different in this respect from Bombay ; the youngsters recruited in Bombay are similar to those recruited in Sind.

Mr. H. Montgomery : The Honourable gentleman is wrong as regards the province of Sind.

Mr. Lalchand Navalrai : Anyway I have got experience of Bombay too. To continue, I submit it cannot be denied in the least that this section 144, Criminal Procedure Code, is being misused. As I understood the Honourable Member opposite said that there are several laws being misused and what if this is misused ? I think if his argument is that, then I ask what is the use of amendments and corrections being made in law ? If it is found that any Act is being misused, correct it in the proper manner. That is the responsibility of the Legislature.

Mr. J. F. Dyer : I did not say that ; what I said was that even Judges were liable to make mistakes.

Mr. Lalchand Navalrai : Not you, Sir, it is the Honourable Member on your right. In this respect, this section is being misused and this opinion is supported again by the opinion I read in paper No. I. The Honourable the Home Member said that I was reading only portions of the opinion, so I shall read the whole :

" The proposed amendment manifestly, though I do not of course say intentionally, deprives the Magistrates of power where promptness in many cases is essential in the public interest." (" Hear, hear " from the Government Benches.)

There will be a reply to that " Hear, hear " also. The learned Judge proceeds to say :

" The section as it stands is open to abuse and the instances quoted indicated that it has been sometimes improperly used, but the number of those instances is probably negligible." (" Hear, hear " from Government Benches.)

It is really not negligible from my point of view and from the experience we have had of it. The aforesaid opinion cannot be said to be the last word on that point. My point at present is to draw attention.....

Mr. F. B. Leach : I thought the Honourable Member said he was going to read the whole of the Honourable Judge's opinion ; he has not done so.

An Honourable Member : What is the use ?

Mr. Lalchand Navalrai : I do not think there is any use in it, because on the opposite side, the Honourable Members are determined to assume that the majority of the Judges are against this Bill. It is no use reading the whole ; I am reading only those portions that agree with my arguments. (Laughter from the Government Benches.) I should not be in the least misunderstood ; that I am reading those points only which agree with my arguments but those portions which support my point of view ; they may say that they reject the Bill but the reasons they have given are in my favour ; therefore I am reading the reasons only.

I was submitting that this section has been abused. What is asked in this Bill is nothing more and nothing less than the sound principle of law, that evidence should be admitted before an order is made, should be introduced into the Criminal Procedure Code by amending this section. This Bill, as drafted, does not require that section 144, Criminal Procedure Code, should be done away with or abolished altogether. It only requires that in certain cases precautionary measures should be taken for allowing evidence to be recorded. I have already shown that there will be no difficulty in taking down that evidence ; but if Honourable Members think that in certain cases of emergency there would be difficulty and that the Magistrate would have no time to take evidence, then that is a matter of detail and can be urged in the Select Committee and some provision made on that point. What is asked here is that in certain cases where it is going to apply to a public or political meeting or association or procession or other demonstration, unless the Magistrate finds on evidence duly recorded that such direction is necessary, an order should not be passed. Now, the word " duly recorded " is also found fault with. I submit that is also a matter for the Select Committee. But evidence should be taken to make the order judicial ; and it will mean two things ; that there will be confidence in the public mind that this order has not been made on a mere fanciful report or a fanciful rumour. And secondly, that the revisional court, if not the appellate court, will also find material for passing just orders. Why should not that be done ? I think if an amendment like this is opposed, it means that the Government Benches only want that there should be a rule by executive orders only in India and not by judicial orders.

The second part of the Bill asks that an *ex parte* order in such cases should not be passed without any evidence and that no such order if made *ex parte* shall remain in force for a longer period than 48 hours. If Members on the opposite side think that 48 hours is too little a time, it can be extended by another 48 hours ; and an order may be passed if the danger still continues. Why should you find fault with this ? But if any more time is needed, as my Honourable friends on this side have said, that can also be extended in the Select Committee.

Coming to the question of appeal, what is being asked is that an appeal should be allowed on such matters as are contained in this Bill. Formerly there was no provision even for revision. In 1923 a Bill was introduced and revision by the High Court was allowed. But the High

[Mr. Lalechand Navalrai.]

Court Judges themselves said, as I read the judgment of one of the Judges, that they have no materials to decide the matter upon. If an appeal is allowed, the Magistrates will be more careful to see that all the materials are made available, and therefore this principle of appeal is a very sound one. I therefore feel, Sir, that the Honourable the Mover of this motion is not trifling with the provisions of the Criminal Procedure Code as hinted by one of the Honourable Members opposite but he wants that justice should be done and the Magistrates should decide matters in a proper and judicial manner.

Some Honourable Members : The question may now be put.

Mr. H. Montgomery : Sir, I rise to oppose the measure. It is no doubt quite natural that the politically minded elements of the Indian people should desire some safeguard against the abuse of this section. My chief objection to the less impracticable portion of this Bill is that it is not well adapted to its object. It provides that, in connection with political activities, orders under this section should be passed "on evidence duly recorded", and that requirement, I would observe, applies also to the *ex parte* order, a point which I think one of the Honourable speakers on the other side did not realise. Now, such orders are almost of necessity passed *ex parte* in the first instance. The evidence intended would therefore presumably be the evidence of those persons who believe that the order is necessary. I pass over the obvious practical difficulties of recording such evidence in cases in which the immediate issue of the order may be of vital necessity. That point has been fully dealt with by other Honourable speakers on this side of the House. But apart from this consideration, who will those persons in actual practice be—the persons whose evidence has to be recorded in the first instance? Officers of the Police Department; subordinate officers of the Magistrate himself—those, probably, upon whose reports the Magistrate will already have formed his opinion that the order is necessary. Possibly a few non-officials who are sufficiently independent to withstand the force of social pressure and excited popular opinion.

Mr. A. Hoon : Fourth class of the tale carriers.

Mr. H. Montgomery : Is there any Honourable Member of this House who really believes that the formal recording of such evidence will afford any substantial safeguard against the possible abuse of this section? Will it afford any safeguard.....

Mr. Lalchand Navalrai : Yes.

Mr. H. Montgomery : Will it afford any safeguard more ample than that provided by the existing law, which requires that the Magistrate shall express in the order itself the reasons upon which he has formed his opinion?

But, it may be said, the intention is that the evidence must necessarily be recorded on *both* sides. No, it does not appear that this can be the intention, since the Bill clearly contemplates the issue of an *ex parte* order, though it limits the period of such an order's validity. I would, therefore, submit, Sir, that the formal recording of evidence at this stage affords no safeguard at all, that it will be a mere formality, that the provision is ill-adapted to its object and totally unnecessary.

Well, at any rate, it will be urged, when the stage is reached for hearing objections to the order, then at any rate it is necessary that evidence should be formally recorded. Personally, I can appreciate the value of *argument* at that stage; by *reasoning* the Magistrate may no doubt be led to change his mind. But I can see no value or utility whatsoever in recording the opinions of a number of persons that, "such a situation does not exist", "such developments are not likely to supervene". In these matters, as has already been pointed out, the Magistrate has a responsibility to the whole of the public; it is not a question of weighing negative against positive opinions in a pair of scales.

However, I cannot see how, in the eventuality of this Bill becoming law, that stage can ever be reached. And this point brings me, Sir, to the discussion of what I consider the impracticable part of this Bill,—namely, proviso (B). Is it really the proposal of the framer of this Bill that the validity of orders under section 144 should be limited to 48 hours? I anticipated some protest from my Honourable friend. What he expressly proposes, of course, is to limit the validity of *ex parte* orders only. And in whose power does it lie to ensure that an *ex parte* order shall not remain *ex parte*? So far as I can see, it does not lie within the power of the Magistrate. The existing law provides, indeed, for the appearance of objectors before the court and the hearing of their objections; but such appearance would seem to depend solely on *their* volition.

Oh well, it may be rejoined, the intention obviously is—I wish to consider the Bill "sympathetically",—the intention obviously is that the Magistrate should, when he issues his *ex parte* order (after formal recording of the evidence of his subordinates), issue a notice to objectors, or the parties concerned, to appear and urge their objections within a stated period. Incidentally, it may be observed, where the order is addressed to the public in general, he may find it a little awkward to have such a notice served upon the public. A general notice to the public in general is a notice to nobody. However, there is no provision to this effect contained in the Bill. But even if we suppose that the Magistrate follows this suggested procedure, who is going to comply with his notice? Is there any probability that any one will comply with his notice (save and except in that limited class of cases in which the order applies to a single definite occasion having its occurrence within the ensuing 48 hours)? Apart from that contingency, why *should* any one comply with a notice to lodge objections against an order which, in case the notice is simply ignored, will automatically lapse at the end of 48 hours? One is tempted, Sir, to suspect that the Honourable and learned gentleman, when he framed this Bill, allowed himself to be carried away by a cynical humour! In my view, Sir, this Bill is comprised of an unnecessary provision, an impracticable provision, and a misprint.....

Mr. Gaya Prasad Singh : Which one?

Mr. H. Montgomery : The provision underlying the misprint has already been dealt with by the Honourable Member who spoke first against this motion. It seems to me, Sir, that the Bill is hastily concocted and ill-digested. It has been greeted with a sympathy of condemnation from the provinces and it is not worthy to exercise the serious consideration of this House. (Applause.)

Mr. K. Ahmed : Sir, on the floor of this House an internecine warfare is being carried on between the Treasury Benches and my Honour-

[Mr. K. Ahmed.]

able friends opposite over the Bill of my Honourable friend Mr. Gaya Prasad Singh, who has been impelled by political reasons to bring forward an amendment of section 144 of the Criminal Procedure Code. That section has been in vogue since 1898. The Criminal Procedure Code, of which this section forms a part, was revised as recently as 1923, and the predecessor of my Honourable friend Mr. Lalchand Navalrai in this Assembly, I mean the late Mr. Harchandrai Vishindas, took part in the passing of that measure.

Mr. Lalchand Navalrai : How many years have passed since then ?

Mr. K. Ahmed : After his death, his successor did not move any amendment of this section, and the late Principal Shahani, who came to this House later, did not move either, and my Honourable friend Mr. Lalchand Navalrai came to this Assembly only about ten days ago.

Mr. Lalchand Navalrai : I have been in this House for three years before.

Mr. K. Ahmed : And in those three years my Honourable friend never thought of any amendment of that section, till his political mind has been recently prejudiced. That being the position, I submit that this suggested amendment is due to the poisoned mind of my Honourable friends on account of political reasons.

My Honourable friend Mr. Gaya Prasad Singh, who has been a Member of this House since 1924, has been misled into bringing a piece of legislation like this.

First of all, I should like to impress on the House what is section 144. That section is applied only by Magistrates of the first class and not by any Honorary or Sub-Deputy Magistrates of the 2nd or 3rd class. Magistrates with a ripe experience and knowledge of law, such as a Sub-Divisional Magistrate, a Presidency Magistrate, or a Magistrate of the first class, are only allowed to apply this section. I ask my friend Mr. Azhar Ali, who was responsible for the Aminabad Park affair ? If a disorder takes place wherein the heads of my Muhammadan friends are smashed, people will have to run to their representatives in the Legislature and say, "Look here, our heads have been smashed for political reasons, and what will you do in the absence of a provision like section 144 ?". Will my Honourable friend take the brief from them and appear for them without any remuneration and argue the case before the Magistrate ? Come to Cawnpore again. Look at the old massacre, and think also of its present history. Sir, this section is not a punitive law ; it is a preventive measure. When your head is going to be smashed and your properties are going to be looted by your neighbours, or when your granary or your iron chest is being taken possession of forcibly, would you say that that must take place and this section should not be utilised ? (An Honourable Member : "Who says so ?") Supposing the Pir of Pigar is taking possession of your wealth forcibly, will my Honourable friend Mr. Lalchand Navalrai come and say that evidence ought to be taken whether the action of the Pir is really against the law ?

Mr. Lalchand Navalrai : It will take no time.

Mr. K. Ahmed : Then my Honourable friend will come forward, examine, cross-examine, and re-examine. (Laughter.) After that the other side pleader, say Mr. Hoon who comes from Cawnpore, will say, "I have got a cogent case. This land on which this House is standing, on which there is this iron chest, does not belong to my friend's client". You want evidence to be taken and the question of legality or illegality of the order decided. Now, my Honourable friend Mr. Gaya Prasad Singh wants this amendment for political reasons. Politics is not the only thing that matters in the life of a nation. There is business and trade and other things and Government must keep peace and order in the country. If you go on taking evidence after evidence and moving the High Court, the beneficial effect of this section 144 will be gone. This section has been on the Statute-book from time immemorial. Now, my learned friend Mr. Azhar Ali supported the Bill. He was supporting this Bill simply because his name has been put on the Select Committee. His colleague took part in the discussion of the Criminal Procedure Code in 1923 and no objection was taken then to this section. I see that Diwan Bahadur Rangachariar is not here. I am sure if he were here he would have opposed it. Mr. Navalrai has already spoken on this measure and I trust that my friend Syed Murtuza Saheb Bahadur will follow me. I see, Sir, it is already getting on to 4 o'clock. What is the use of wasting the time of the House and that of the Government Members on the Treasury Benches ? What is the use of my friend wanting to proceed with this measure when so many opinions are against his Bill ? All the Magistrates and heads of provinces have opposed this measure unanimously. Mr. Navalrai quoted only those opinions which were in his support and left out the opinions which went against him. Now, Sir, this Bill says :

"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." and so on.

Now the object of my friend is political in bringing forward this motion. Now, the application of this measure is made for many other reasons than for merely political meetings, processions and demonstrations. This is also intended to secure the safety of person and property. Now a young boy stands up in a debating club and makes a beautiful political speech. And that will be the essential

4 P.M. object for which this amendment is to take place ?

Certainly not ; because there are so many beneficial objects stated in the section and if these objects are not achieved, is my Honourable friend doing any service by moving this legislation to amend section 144 ? Certainly not. Now, Sir, I do not want to weary the Members of this Assembly. I vehemently oppose the measure, and for the reasons brought forward for his consideration, I hope he will stand up and withdraw this measure, because he already, I think, knows that he will not get any support ; so what is the use of spending and squandering the valuable time of Honourable Members ? Sir, life is too short, and we ought to make room for more precious measures. Sir, in these circumstances I oppose the Bill.

Some Honourable Members : The question may now be put.

Mr. O. Brooke Elliott (Madras : European) : Sir, I have been reading lately in a certain book, "Let thy words be short",—and they

[Mr. C. Brooke Elliott.]

will. Sir, I am not quite sure that I am entitled to speak and vote on this Bill, (*Several Honourable Members* : "Why not?") because, Sir, I have a direct pecuniary interest in it like every other member of the Bar. Sir, if I spoke as a cynical lawyer, I should say that section 144 has prevented a number of riots which would have brought considerable grist to the legal mill. Logically, therefore, in self-interest, I should vote for the amendment. But, Sir, as a practical man, in actual practice I know that, though theoretically the Opposition are right, practically, they are wrong. Every lawyer naturally wants evidence recorded, "duly recorded", and a long string of authorities spring up as to what the word "duly" means and the word "recorded" means; but, to us as practical men, this section has stood the test of time and has not been worn threadbare. Sir, I remember one or two cases in which it has not been wisely used; it might even be said it has been abused; But, Sir, what is the High Court for, except to correct occasional abuses? And I speak here with some knowledge and certainty of the operation of this section in Madras, and I can tell the House that our High Court has in proper cases interfered. I cannot say personally for one moment how a Magistrate is to act. I have never filled that honourable office, and probably never will; but what is a Magistrate to do in an emergency? He has not got a prophetic instinct, highly developed. Sometimes when the Magistrate has issued an order, people say, "What was the good of that order? You see nothing happened". But they should remember that very possibly because the Magistrate made the order, it prevented anything happening, so that he might have been right; (*Cries of "Hear, hear."*) and it seems to me, as I say, that you cannot gamble with the safety, order, and tranquillity of His Majesty's Indian Dominions and with the life of the public. I quite agree, as I said before, I agree wholeheartedly, with Honourable Members opposite in theory, but I am equally wholeheartedly opposed to them in actual practice (*Laughter*). But though it does go against the legal grain in my fibre, after 37 years in the East, I can only say that it is better that the Magistrate should really exercise his administrative functions by the kind of common sense which he has acquired by actual practice, than that he should be compelled to comply with the subtleties and niceties of some particular form of words.

But, Sir, I come to a more serious point still. God forbid that India should ever have martial law! I think the saddest thing in my life was when in Ceylon in 1915 terrible riots broke out, and I believe that, if then full administrative powers had been possessed and used by the magistracy of Ceylon, things might well have been far happier. Sir, let me tell Honourable Members opposite that if the provisions of this section sometimes are stings, the provisions of martial law are scorpions. There is nothing, Sir, more horrible, more terrible! I have had personal experience; as a humble corporal in the Town Guard, I went right through it all for five weeks and I know what happens when this kind of thing starts sporadically and then infects all within its neighbourhood. And, Sir, it seems to me section 144 is necessary at the present time when political feeling runs high—and I welcome political feeling, Sir, for I am an Englishman who is an Irishman.

(*Laughter.*) (*Applause.*) My grandfather in Ceylon once when a crowd of people were approaching the Governor about, I think, the house-tax in the fifties of last century heard that they were coming. He ran out, he stood up on a table, he spoke to these men in Singhalese, and he told them, "do not take steps like these. You will have the soldiery here shooting at you in an hour. Represent your grievances constitutionally, not by a meeting of this kind that might develop into a riot". Then, Sir, the men went away peaceably. But it is only fair to add, Sir, that my grandfather was threatened with a prosecution for sedition (*Laughter*), and I still treasure among many other valuable family papers a letter containing an opinion given by an eminent counsel in England as to whether, if a prosecution were launched, my grandfather would have been transferred from the Civil Medical Department to another Department of the civil administration. (*Laughter.*) So, Sir, may I make an appeal to my Honourable friends opposite, those who are honourably learned and learnedly honourable? This law has worked pretty well,—I think you will all agree. Who amongst us is not open to abuse, much less a provision of law? And, having aired these matters, and having ventilated various ferments around us, is it not wiser, is it not better, is it not kinder to our fellowmen, especially the men in the villages and so on who are easily excited—and do not forget, Sir, that in all these cases of riot, not only the guilty are charged but always a number of perfectly innocent men are brought in—is it not wiser to leave the section as it is?

Sir, lately it has come home to me with some force that the payment of fees in some criminal cases is a terrible hardship in these times of depression; and I do think that at the present time—and I do look at this matter with great sympathy, from the point of view of the Opposition too,—on the whole what we have got to remember, what we have got to watch and see, is the general situation. If the matter were very evenly contested perhaps I might give my vote in a slightly different sense; but I do believe that the sense of the House is really, at bottom, against altering this Bill at this time. Sir, Lord Birkenhead, who was a fellow student with me many years ago, once made a remark with which I cordially agree. I do not always agree with all the sentiments of my quondam fellow student, but, Sir, he made a very sound remark, amongst many others. He said, "You never let a bucket down into the well of English public opinion without bringing it up again full of common sense". Sir, India has many wells; and I would like to think, and I do think, that on the whole, if one fairly and squarely tries to see what there is to be said on both sides of the Bill, the bucket let down into the Indian well comes up just as full of sound common sense; and, Sir, if we let a bucket down to-day (*Mr. K. Ahmed* : "Hear, hear."), and bring it up again—I am glad of the affirmation of my learned friend over there—if we let that bucket down to-day into the well of the minds of our friends, I think you will find that the bucket will come up full of common sense. Sir, in these things you want to get two things, the H. C. F., that is, the highest common factor of agreement, and you also want to get the H. C. S., that is, the highest common sense. I believe, Sir, that, in that light, the House will be wise not to press this Bill further, for I should be sorry to have to go to a division on this issue.

The Honourable Sir James Crerar : Mr. Deputy President, I did not seek to intervene in this debate until at this late stage for several reasons. In the first place, when this measure was under the consideration of this House during the course of the last session, it became my duty to recite with a considerable amount of elaboration the views which the Government of India had held upon the subject and I did not wish merely to repeat them. I did not intervene at an earlier stage for another reason, and that was that a considerable number of Honourable Members on these Benches were here to give to the House the invaluable fruits of their immediate personal experience of the administration of this section. I think that the House, whether they agree with those Honourable Members or not, will nevertheless join with me in congratulating the House on the accession to their numbers of so many new, able and accomplished speakers. (Hear, hear.) Now, Sir, having said so much, I must hasten to add that, though I do intervene, my intervention will be very brief. The practical arguments against this Bill have been put forward with an ability and a comprehensiveness which I do not need to amplify. I shall only endeavour to summarise a few of the more general points which appear to me to emerge from the discussion. The Honourable gentleman who moved this Bill in the last session was, I frankly admit, not himself the immediate advocate of obtaining more extended opinions upon his measure. In that he showed, I think, a very remarkable measure of prudence. But I think the House showed a still greater prudence in deciding that the Bill should go out for the collection of a more extensive range of opinion than was then available, and what, Sir, has been the result? Those Honourable Members who supported him did, indeed, try to make the best of the bad job. They tried to extract from the large body of opinion that has been obtained—very good opinions—a few disconnected passages which seemed more pertinent to their own purpose. But what has the result been? Mr. Gaya Prasad endeavoured to make a very strictly selected anthology of all these opinions as a garland for his infant measure. He complained that the net for these opinions has not been cast sufficiently wide and the views obtained were predominantly official opinions. On that, I have only two things to say. The Honourable Member will recognise that the Local Governments have consulted, besides executive officials, High Courts and Judges, such bodies as Bar Associations, Chambers of Commerce, Planters' Associations and others. But it is nevertheless not unnatural that the great body of opinion should come from executive and judicial officers because I think that, in a matter of this kind, they are what lawyers sometimes call the natural witnesses in such an issue. And what has the result been? I will not emphasise the views which have been expressed by Magistrates and other executive officials. They are before us and I hope the House has read them. We have had the invaluable benefit of the direct expression of those views, the direct recital of arguments, warnings of illustrations, drawn from immediate practical experience, and I think it will be by opinions of that kind that the House will elect to be guided. But it is significant that the great body of judicial opinion is entirely unfavourable to the Bill.

More than one Honourable Member opposite began his remarks with a preamble, with which we are not unfamiliar, to the effect that they had no desire whatever to thwart the Government in any way from discharging their responsibility to maintain law and order, and that they had no desire whatever to restrict or weaken in any way the means which Government

and their officers have for performing this duty. But having made that preamble, I regret to say that the succeeding part of the speeches was not quite of the constructive character which the preamble promised. Indeed, Sir, if I may use a somewhat childish simile, it reminded me of that expression in a book familiar to us in our nursery days, the promise of jam yesterday and jam to-morrow and never, never jam to-day. (Laughter.)

Another argument which was frequently employed and which I only wish to mention in order to bring it to the attention of the House, because I do not think it will persuade or weigh with the House. It was this. Honourable Members opposite very naturally, and I think very reasonably, felt that if they proposed anything in the nature of abolition of these powers, it would not receive the suffrage of this House. They therefore argued somewhat subtly that what they proposed was really a question of method. Now, Sir, I submit to the House that it is idle to say that you are not depriving Government and its officers of powers. What you propose to do is to place upon those powers such qualifications, such restrictions and such trammels as completely negative them in practice. For my own part, rather than be called upon to deal with a measure which imposed qualifications and restrictions which rendered the power completely inert, useless and without any applicability to the conditions in which it is revised, I would rather be called upon to deal with a measure which negated it and without any qualification urged its repeal. That, in point of fact, is really the case in regard to the vast majority of cases in which this section is invoked. That, in point of fact, would be the result of this measure and I am confident that the House will not approve of it.

Mr. Gaya Prasad Singh : Sir, I do not propose to prolong the agony of the House by making a lengthy speech by way of reply, at this fag end of the day. At the outset I must remind Honourable Members that notice of a similar Bill was given by a number of Members of this House some years back, including, Sir, yourself, now sitting in the Presidential Chair, and my friend, Mr. A. Rangaswami Iyengar, a lawyer of no mean repute, who has now been invited to take a seat in the Round Table Conference. I have been sought to be hanged, drawn and quartered for my modest proposal. I would therefore most respectfully invite you, Sir, also to share with me the abuses which have been heaped upon me from the official quarters.

The points which have been made by my Honourable friends opposite have, I think, been sufficiently answered by my Honourable friends who have spoken on this side of the House. There are, however, just a few points to which I should like to reply very briefly. It has been said that my amendment is somewhat loosely worded in some respects; for instance, it has been said that the phrase "public or political meeting" has not been clearly defined, and that its scope is very comprehensive. In this connection, Sir, I should like to remind my Honourable friends on the other side of the comprehensive provision which is embodied in the Press Bill which is coming up to-morrow. I hope my Honourable friends who have criticised my Bill as being comprehensive will remember the point of their criticism when they are called upon to support the Press Bill.

Another point that has been made is this, that the phrase "evidence duly recorded" is a very elastic phrase; and an Honourable friend on the other side, who I understand is a Sessions Judge of fairly long experience, has asserted that he does not find that phrase anywhere in the Criminal

[Mr. Gaya Prasad Singh.]

Procedure Code. I will only refer him to one section of the Criminal Procedure Code, section 288, in which it is stated that :

"The evidence of witnesses duly recorded in the presence of the accused under chapter.....", etc.

The words "duly recorded" appear in the Criminal Procedure Code, and the method in which evidence is to be duly recorded is also prescribed in chapter XXV of the Code. I will therefore not labour that point any further, but I have merely alluded to it in passing.

Another point was with regard to the provision that in case an *ex parte* order is passed, it should be limited to 24 hours, as my Bill proposes to do. It has been suggested that a period of 24 hours is too short. I shall be quite willing, if this House agrees to send this Bill to a Select Committee, to consider whether a longer period is desirable or necessary. This after all is a matter for the Select Committee. Sir, this section was intended to be used in urgent cases, as the heading of that chapter indicates. But it has been used on most trifling pretexts, and many of my friends on this side of the House have borne testimony to it. I will only refer to one case which is to be found on page 37 of the White Paper. The Deputy Commissioner of Khasia and Jaintia Hills says :

"The application of this section to Messrs. Phukon and Bardoloi in their tour through Assam in 1920 to rouse the province against Government would have prevented some of the disastrous consequences of 1921."

Sir, if this section had been applied to these prominent men of that province, I am afraid things would have taken a more serious turn, and it was very wise on the part of the authorities not to have utilised the provisions of this section against these gentlemen.

Sir, one Honourable friend on the other side has suggested that, under Swaraj, it may be necessary to have a measure of this kind. Sir, things are different at the present time. What we will do under Swaraj is still a matter for the future. At that time there will be no difference between the government and the governed, as their interests will be identical. In England the Government is composed of the representatives of the people elected by themselves, and they carry on the administration of the country. Here under the present circumstances we have no hand or voice in the administration of the country, so that the power which may be necessary when the administration will be in our own hands is quite a different proposition from the present position of things.

Sir, I understand quite well that all laws are liable some times to be misapplied ; but with regard to this section, there is an inherent defect and that is due to the system of administration. So long as the separation of judicial and executive functions is not effected, so long—I am speaking as a whole and with due deference to all Magistrates without making any personal reflection against any one—so long is conscious or unconscious bias apt to colour their minds in dealing with cases of a political complexion.

Sir, one Honourable Member on the other side has read out the opinion of an Indian pleader who has suggested that my Bill has been induced by political considerations. This is quite different from indulging in language which I quoted from the opinion of a Divisional Commissioner in Burma. It has been claimed, Sir, that the application of this

section has prevented many riots. That may be so, but I will bring to the notice of my Honourable friends the fact that in a number of cases recently orders promulgated under this section were disobeyed ; and no riot or affray or any trouble took place. Sir, the points that have been raised in the course of this debate may be more profitably discussed in the Select Committee, and I should beg Honourable Members to allow this Bill to go to the Select Committee. The country outside is watching what we the elected representatives of the people are going to do on this important Bill, and I commend my motion to the House.

Mr. Deputy President : The question is :

"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 the Home Member, Diwan Bahadur T. Rangachariar, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Mr. B. R. Puri, Mr. Lalchand Navalrai, Sir Muhammad Yakub, Maulvi Sayyid Murtuza Saheb Bahadur, Mr. C. B. Elliott, Mr. Muhammad Azhar Ali, 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 negatived.

Mr. Deputy President : I had intended that we should sit till five o'clock to-day ; but if I allow the Honourable Member, Sir Hari Singh Gour, to move his motion, there is no chance of the motion being taken to vote this evening. When the order of business on a non-official day is decided by ballot, I do not think it is fair to other Honourable Members, who have drawn in the next ballot, to allow one Honourable Member to move his motion to-day and carry it on to the next day. I therefore adjourn the House.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th. September, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 16th September, 1931.

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

QUESTIONS AND ANSWERS.

ECONOMY ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

333. *Mr. K. P. Thampan : Has the attention of Government been drawn to an article under the title of "Samples of Economy on the Madras and Southern Mahratta Railway" on page 84 of the *Indian Railway Magazine* for April, 1931? Are the statements contained therein true?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative. I have called for information in respect of the second part and will communicate with the Honourable Member on its receipt.

DISCHARGE OF CERTAIN EMPLOYEES OF THE CORDITE FACTORY AT ARAVANKADU.

334. *Mr. K. P. Thampan : Will Government be pleased to state :

- (a) whether it is a fact that certain people who have put in long services varying between 10 and 25 years in the Cordite Factory at Aravankadu have been discharged without payment of any gratuity ;
- (b) if so, how many such men were discharged ;
- (c) whether they memorialized the Master General of Ordnance for payment of any gratuity, and the relief granted was only a distribution of Rs. 375, which was the accumulated amount of the Fines Fund ;
- (d) whether the men concerned have memorialized the Government of India and the Commander-in-Chief ; and if so, what orders have been passed thereon ; and
- (e) whether Government have any objection to pay these men gratuity on the same scale as that granted to the State Railway servants, whose services have been dispensed with under the Retrenchment Scheme ?

Mr. G. M. Young : (a) and (b). 37 men of over 10 years' service have been c
 Their cases (5) ^{as have been paid small gratuities.} Volume V, No. 8, dated 16th September, 1931—

(c) A
 Ordinance in
 ing for the
 (i) page 476, line 7, part (c) of reply to
 starred question No. 334, for the
 words "this part" read "the second
 portion"

The answer to this part of the question is in the affirmative.

(d) and (e). Memorials addressed to Their Excellencies the Viceroy and the Commander-in-Chief have been received and are at present under consideration.

POSITION OF MINORITIES IN SERVICES UNDER THE CONTROL OF THE CENTRAL GOVERNMENT.

335. ***Mr. Md. Anwar-ul-Azim :** Will Government please state if they contemplate to appoint any committee or special officer to inquire into the position of the minorities in the services of the Crown in India under the control of the Central Government? If so, when?

The Honourable Sir James Crerar : Owing to the complaints of non-observance of the orders regarding the representation of minority communities in subordinate ranks, the Government of India have appointed two officers on special duty to carry out investigations in the Railway Department and to assist the Railway Administrations in securing compliance with the orders. The Government of India are examining the position in regard to other Departments and so far as the examination has proceeded it does not appear that the procedure adopted in respect of the Railway Department will be necessary for any other Department.

Mr. K. Ahmed : Will the Honourable Member kindly tell us whether these officers who have been appointed on special duty have any powers to issue orders themselves?

The Honourable Sir James Crerar : I understand the Honourable Member to inquire whether these officers will be given power. The immediate purpose of the appointment of these officers is to make investigations. They could not be empowered to issue orders themselves.

Mr. K. Ahmed : Then who will be empowered to give effect to their recommendations?

The Honourable Sir James Crerar : The Department, Sir.

Dr. Ziauddin Ahmad : Have these officers submitted any Report?

The Honourable Sir James Crerar : I have no information on this point.

Sardar Sant Singh : Are the Sikhs also included in this inquiry?

Mr. A. A. L. Parsons : Sikhs are certainly included in the sphere of these investigations.

Mr. K. Ahmed : Have the Government of India or my Honourable friend Mr. Parsons given these officers the terms of reference or any instructions as to the procedure they should follow in conducting their investigations?

Mr. A. A. L. Parsons : If I have caught the Honourable Member's question correctly, what he is asking is whether we are prepared to give the House information as to the instructions which Mr. Hassan has received; I will consider that point.

Mr. K. Ahmed : In view of the fact that the officers have been drawing their salaries from April last and they have already started their investigations, has not the Honourable Member given them any instructions as yet as to the procedure they should follow in conducting their inquiries?

Mr. A. A. L. Parsons : I am speaking from memory, but I think a day or two ago I informed the House that a Report had just been received by the Railway Board from Mr. Hassan, and that is under consideration, but I should like to verify whether that is correct.

Mr. K. Ahmed : Will the Honourable Member kindly give particulars of the instructions he has given to these officers so that the representatives of the country may be in a position to follow their activities in the matter?

(No answer was given.)

STERLING AND RUPEE LOANS.

336. ***Mr. Md. Anwar-ul-Azim :** Will Government please state what is the policy that guides the Government in floating sterling loans in England? How much has been floated during the last five years and at what rates of interest? What percentage of this loan has been subscribed by Indians, or people domiciled in Great Britain, of Asiatic origin? What are the disadvantages of a rupee loan, either in the London market, or here?

The Honourable Sir George Schuster : The attention of the Honourable Member is invited to paragraphs 72 to 82 of my Budget speech on the 28th February 1929. A statement is laid on the table giving the information, as far as available, regarding loans floated during the last 5 years. No information is available as to the amounts subscribed by Indians or people of Asiatic origin domiciled in Great Britain. The statement gives the amounts applied for from India.

Year of Issue.	Amount.	Amount applied for from India.	Date of maturity.	Issue Price.	Nominal rate of interest per cent.	Redemption yield on the terms offered.
1927-28	£ 7,500,000	£ 303,450	1st June, 1958 1st June, 1968	91-10-0	4½	(a) 5-053 (b) 4-993
1928-29	10,000,000	199,150	1st June, 1958 1st June, 1968	91	4½	(a) 5-053 (b) 5-026
1929-30	6,000,000	508,050	15th June, 1932 15th June, 1933(c)	99	6	(a) 6-473 (b) 6-627
1930-31	7,000,000	1,937,500	15th June, 1933 15th June, 1935	99	6	(a) 6-371 (b) 6-236
1930-31	12,000,000	1,824,200	15th October, 1935 15th October, 1937	100	6	6-000
1930-31	12,000,000	1,886,800	15th July, 1936 15th July, 1938	97	5½	(a) 6-151 (b) 5-003
1931-32	10,000,000	1,757,400	15th December, 1933 15th December, 1934	100	6	6-000

(a) On the basis of the earlier date of maturity.
(b) On the basis of the latter date of maturity.
(c) Repayable at 101 per cent. on the later date.

DECREASE IN CUSTOMS REVENUE.

337. ***Mr. Md. Anwar-ul-Azim :** Will Government please state if their attention has been drawn to the several articles in the *Statesman* of Calcutta, during the month of June, 1931, regarding the decrease of Customs revenue ? What policy do Government follow in matters of this kind ?

The Honourable Sir George Schuster : The only article which the Government have seen in the *Statesman* of Calcutta for the month of June which relates to the decrease in Customs revenue is the monthly note on the Customs revenue contributed by the Director General of Commercial Intelligence to the issue of the 12th of June. At the appropriate time, the Government will put forward proposals for meeting the situation which arises from the decrease in Customs revenue.

JUDGES' REMARKS ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE.

338. ***Mr. Md. Anwar-ul-Azim :** Will Government please state if their attention has been drawn to the remarks of two Judges of the Calcutta High Court, recently, with regard to the amendments of sections 526 and 528 of the Criminal Procedure Code ? If so, do they propose to do any thing in that connection ?

The Honourable Sir James Crerar : I have seen the judgment in the case of *Neamat Sha v. Emperor*, reported in XXXV, Calcutta Weekly Notes, to which the Honourable Member presumably refers. The question of amending section 526 (8) of the Criminal Procedure Code is still under the consideration of the Government of India.

CONFIRMATION OF TEMPORARY MUHAMMADAN EMPLOYEES IN THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

339. ***Mr. Md. Anwar-ul-Azim :** (a) Will Government state the number of Muhammadan candidates, who are qualified and are working temporarily in the Government of India and its Attached Offices, and have not yet been confirmed in the division for which they have qualified ?

(b) Are Government disposed to consider the desirability of confirming these men in the vacancies reserved for Muslim candidates and which have not been filled in owing to the inadequate number of Muslim candidates qualifying in the recent examination (February, 1931) ?

The Honourable Sir James Crerar : (a) Three, one qualified for the First Division and two for the Second Division.

(b) The number of Muslim candidates who qualified at the examination of 1931 was sufficient to fill all the vacancies in the First and Second Divisions for which Muslims were required.

APPOINTMENT OF A MUHAMMADAN IN THE ESTABLISHMENT SECTION OF THE HOME DEPARTMENT.

340. ***Mr. Md. Anwar-ul-Azim :** (a) Is it a fact that no Muhammadan assistant or clerk is posted in the Establishment Section of the

Home Department where all questions appertaining to communal adjustment are dealt with ?

(b) If the answer to part (a) above is in the affirmative, do Government propose to consider the necessity of posting at least one assistant and one clerk in that section to look after the interests of the Muhammadans ? What is the general policy of Government in these matters ?

The Honourable Sir James Crerar : (a) There is no Muhammadan assistant or clerk at present in the Establishment Section of the Home Department.

(b) I cannot accept the suggestions contained in this part of the Honourable Member's question that unless a community is represented in the staff of a particular section, the interests of that community are likely to suffer and that it is any part of the clerical duties of a Hindu or Muhammadan clerk to seek in that capacity to promote the interests of his own community.

EXPULSION FROM BARRACKPORE CANTONMENT OF JAGANNATH PRASAD SINGH.

341. ***Mr. S. C. Mitra :** (a) Is it a fact that one Jagannath Prasad Singh, President of the Barrackpore Congress Committee, was expelled from the Barrackpore Cantonment on the 23rd December, 1921 ? If so, will Government be pleased to state the reasons for expulsion of the above-named individual ?

(b) Are Government aware that owing to this expulsion order Mr. Jagannath Prasad Singh had to take shelter in a village called Monirampore near Barrackpore and cannot use the Post and Telegraph Office courts, business firms, Hindu temples and ferry ghats which are all situated within the cantonment area ? If not, do Government propose to inquire into the matter, if not, why not ?

(c) Are Government aware, that, due to the said order of expulsion on Mr. Jagannath Prasad Singh, he cannot use the Barrackpore Railway Station or the Ichapore and the Titagarh Railway Stations on either side of Barrackpore as the roads to these stations pass through the cantonment area ? If not, do they propose to inquire into the matter ; if not, why not ?

(d) Are Government aware that for all intents and purposes the said Jagannath Prasad Singh has been in the village of Monirampore ?

(e) Is it a fact that Mr. Jagannath Prasad Singh has never been guilty of any sort of violent political crime ?

(f) Is it a fact that he has been expelled from the cantonment for his non-violent political creed ? If so, do Government propose to remove the bar on Mr. Singh and allow him to live in his native place, Barrackpore ; if not, why not ?

Mr. G. M. Young : (a) to (f). Mr. Jagannath Prasad Singh was expelled from the Barrackpore Cantonment on the 23rd December, 1921, for taking part in the non-co-operation movement, but was subsequently informed that he would be permitted to return to the cantonment if he gave an undertaking to refrain from propaganda in connexion with that

movement. He could therefore have returned to the cantonment at any time on giving the undertaking. He has now been permitted to re-enter the cantonment, and has already conducted a public meeting there.

PAY OF POSTAL CLERKS.

342. ***Mr. S. C. Mitra :** (a) Is it a fact that the scale of pay of the postal clerks of Simla is Rs. 45—145 while that of the postal clerks of the moffussil stations in the Punjab and the North West Frontier Province is Rs. 35—135 ?

(b) Is it a fact that the scales of pay of postal clerks of Darjeeling is Rs. 40—140, which is equal to that of the postal clerks of the moffussil stations of Bengal and Assam Circle ?

(c) Is it also a fact that, prior to the recent revision, the scale of pay of Darjeeling postal clerks was higher than that of the moffussil station postal clerks in Bengal and Assam ?

(d) Is it a fact that the District of Darjeeling has been grouped with Calcutta, Alipore and Howrah by the Government of Bengal in their Notification No. 415-T.E., dated 29th May, 1920, as far as the dearness of living and excessive house rent in those places are concerned ?

(e) Is it a fact that the postal staff of Simla and Darjeeling get the same rate of allowance ?

(f) Are Government aware that the cost of living in both these places is equal ?

(g) Will Government be pleased to state why during the last revision of pay in the Posts and Telegraphs Department, Darjeeling was put in the same category as the moffussil stations of Bengal and Assam, though a higher scale of pay was sanctioned for the clerks in the Simla Post Office ?

(h) Is it a fact that under circular No. 1, dated 11th April, 1931, issued by the Director General of Posts and Telegraphs, the allowance paid to the postal staff in Darjeeling has been reduced by the same percentage as has been done in other moffussil stations ? If so, why ?

(i) Do Government propose to reconsider the case of the Darjeeling postal clerks and bring their pay to the same level as obtains in Calcutta, Alipore and Howrah post offices ? If not, why not ?

Sir Hubert Sams : (a) The case is not quite as stated. Simla is not alone on the first scale named, nor are all moffussil offices on the other scale.

(b) In the Bengal and Assam Circle, only Calcutta, Howrah and Alipore were placed in a special scale, viz., Rs. 50—160, while for all other offices a scale of Rs. 40—5—140 was fixed on the ground that there was no sufficient reason for discriminating between larger and smaller offices in that Circle.

(c) Yes.

(d) The Bengal Government Notification cited is not readily available. The scales of pay of Postal clerks, however, were fixed on wider principles as indicated in (b) above.

- (e) They get the same rate of compensatory allowance.
- (f) Government do not admit that the cost of living is equal.
- (g) Does not arise in view of the replies to (a) and (b).
- (h) Yes, for the reasons stated in the Government of India Resolution subjoined to the Circular cited.
- (i) No, for the reasons stated in (a) and (b).

CREATION OF A POST OF CONTROLLER OF FOREIGN MAILS IN BOMBAY.

343. *Mr. S. O. Mitra : (a) Is it a fact that the Director General of Posts and Telegraphs contemplates to create a post of Controller of Foreign Mails in Bombay on a pay of Rs. 1,000—1,500 per month ?

(b) Will Government be pleased to lay a copy of the scheme on the table ? If not, why not ?

(c) Is it a fact that it has been proposed to do away with the post of the Superintendent, Foreign Mails Division and one City Superintendent of Bombay ?

(d) Will Government be pleased to state why the post of City Superintendent of Bombay is being reduced in connection with the foreign mails and in what way was the work of the City Superintendent connected with the foreign mails ?

(e) Is it a fact that there are only 40 or 50 members of the staff attached to the Foreign Mails Division ? If so, will Government be pleased to state why such a highly salaried post is being created for controlling such small staff ?

(f) Will Government be pleased to state what saving is likely to be effected by transferring the whole work of foreign mails under the proposed Controller ? Will Government be pleased to state why are they creating a post with such a high salary during these days of financial stringency ? Is it a fact that on the creation of this post it is proposed to give a lift to a European officer of the Department ?

Sir Hubert Sams : The Postmaster-General, Bombay, submitted a proposal to reorganise the foreign mail work at Bombay. This proposal, which would result in a considerable saving, is now under my consideration and Government are not in a position to make any statement. With respect to the concluding query, the fact is not as stated.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

344. *Mr. Jagan Nath Aggarwal : Will Government please state whether it is a fact :

- (a) that promotions and increments in salary of members of the P. W. D. upper subordinates on Indian State Railways are still governed by the grade system as obtained generally before the reforms ;
- (b) that in almost all other services the pre-reform grade system has been replaced by time-scales of pay ; and

- (c) that there are many of the aforesaid upper subordinates who have been stationary in the same position as regards grade and salary for the last two, three, or in several cases even ten years ?

Mr. A. A. L. Parsons : (a) Recently the staff in question have been allowed the option of an incremental scale, as is in force for Inspectors of works, subject to certain conditions.

(b) The tendency has been as suggested.

(c) This is substantially true, but the men who have remained on the same pay for long periods are those who have attained the maximum pay of Sub-Engineer, viz., Rs. 540.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

345. *Mr. Jagan Nath Aggarwal : Are Government aware that in accordance with the present distribution of grades *inter se* among the P. W. D. upper subordinates on Indian State Railways, a large number of them cannot possibly attain to the maximum of Rs. 550 plus Rs. 40 (for Special Sub-Engineer grade) fixed for their cadre, providing for average periods of service for men in the higher grades ?

Mr. A. A. L. Parsons : Government have no precise information.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

346. *Mr. Jagan Nath Aggarwal : Will Government please state :

- (a) whether they are aware that P. W. D. upper subordinates on State Railways have been greatly agitated over the question of their prospects and have been clamouring for a suitable time-scale of pay for several years ;
- (b) whether the Railway Board offered to place them on time-scale of pay with Inspectors of Works ; and
- (c) whether so far these upper subordinates have not accepted this offer and why ?

Mr. A. A. L. Parsons : (a) Representations have been received from them since August 1928, asking for an improvement of pay.

(b) Yes.

(c) Only one has elected for the scale applicable to Inspectors of Works. The reason why others have not done so is probably that they consider the existing scale better on the whole than the scale offered to them.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

347. *Mr. Jagan Nath Aggarwal : Is it a fact that if P. W. D. upper subordinates on State Railways accept the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works, then :

- (a) they will have a lower maximum salary fixed for them than what they have now ;

(b) as many as 25 of the cadre of 40 upper subordinates will never have any chance of reaching even that smaller maximum; and

(c) many of them will be placed in the *pro forma* seniority list in a position junior to Inspectors of Works who have put in much shorter service than the former?

Mr. A. A. L. Parsons : (a) The maximum pay of the scale of upper subordinates is Rs. 540, omitting a special increase of Rs. 50 permissible in certain special circumstances, while the maximum pay of the scale of Inspectors of Works offered to them is Rs. 550.

(b) The Inspectors' scale is not a continuous time-scale and it is difficult to say how many Upper Subordinates can reach its maximum if they elect for it as this will depend upon the occurrence of vacancies in higher grades.

(c) Upper Subordinates and Inspectors of Works having hitherto been borne on separate lists, their fusion into one list would naturally lead to some Upper Subordinates ranking below Inspectors with shorter service and *vice versa*.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

348. ***Mr. Jagan Nath Aggarwal :** Will Government please state whether :

(a) it is a fact that the Railway Board in their letter No. 7012-E., dated the 7th May, 1930, addressed to the Agent, North Western Railway, offering to place P. W. D. upper subordinates on State Railways on time-scale of pay with the Inspectors of Works, offered simultaneously to give them two years' credit for training in colleges;

(b) in drawing up the *pro forma* seniority list of Inspectors of Works and the said upper subordinates the Agent, North Western Railway, has given all the men concerned two years' credit referred to; and

(c) if the reply to (b) above is in the negative, Government are prepared to take steps for the preparation of a new list?

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

(b) and (c). I have called for information and will communicate with the Honourable Member on its receipt.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

349. ***Mr. Jagan Nath Aggarwal :** Will Government please place on the table a statement showing the scales of pay fixed for P. W. D. upper subordinates on State Railways and of Permanent Way Inspectors, Inspectors of Works, and Signal and Interlocking Inspectors on the North Western Railway since the year 1900 and up to date?

Mr. A. A. L. Parsons : Government regret they cannot undertake to collect the information required, as it would entail a disproportionate expenditure of time and labour.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

350. ***Mr. Jagan Nath Aggarwal :** (a) Are Government aware of the grave disappointment caused to P. W. D. upper subordinates on State Railways by the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works falling far short of their demand?

(b) If so, are Government prepared to offer a distinct time-scale of pay to these upper subordinates, which will :

(i) not interfere with their relative seniority;

(ii) open up a suitable maximum of salary to them commensurate with their status and qualifications; and

(iii) render their maximum attainable by all of them before their retirement on pension?

Mr. A. A. L. Parsons : (a) A representation was recently received on this subject.

(b) No.

PROMOTION OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

351. ***Mr. Jagan Nath Aggarwal :** Will Government please state :

(a) the relative strengths of cadres of P. W. D. upper subordinates on State Railways and Punjab P. W. D. upper subordinates in 1920;

(b) the number of members of each of these cadres promoted to the respective higher grades, namely, the Provincial Engineering Service, since 1st April, 1921; and

(c) the number of the said State Railways upper subordinates now on the approved list of Officiating Sub-Divisional Officers?

Mr. A. A. L. Parsons : 13 Upper Subordinates have been promoted in the State Railway Department to gazetted rank since 1921. Government regret they cannot undertake to collect the remainder of the information asked for.

ESTABLISHMENT OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

352. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that in its Resolution No. 611-E.20, dated 4th April, 1921, the Railway Board decided to transform the establishment of P. W. D. upper subordinates on State Railways into a service organised on the model of the then existing Provincial Services in a manner so that the said establishment of upper subordinates is gradually reduced "until it ceases to exist"?

(b) Will Government please state whether the establishment of P. W. D. upper subordinates on State Railways has been transformed into the Provincial Engineering or other equivalent service as decided by the Railway Board? If not, why not; and what steps do Government propose to take to implement the decision of the Railway Board as contained in its Resolution No. 611-E.20, dated 4th April, 1921?

Mr. A. A. L. Parsons : (a) & (b). The Resolution stated that selected members of the Upper Subordinate establishment would be promoted to the Provincial Engineering Service and those who are not selected for such promotion retained as Upper Subordinates. Steps have been taken to implement this promise, having regard to the vacancies to be filled by promotion and to the claims of the Upper Subordinates or Inspectors of Works best qualified for promotion.

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

353. *Mr. Jagan Nath Aggarwal : Will Government please state if it is a fact :

- (a) that the grant of travelling allowance to Public Works Department upper subordinates employed on Indian State Railways was originally governed by Government of India circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ;
- (b) that under paragraph 3 of the said circular the said upper subordinates have been entitled to travelling allowance on the day basis of calculation as distinguished from what is generally known as night allowance ;
- (c) that this rule of grant of day allowance to these upper subordinates was re-affirmed by Supplementary Rule 82 of the Fundamental Rules in 1921, which has since been made applicable to them ;
- (d) that they have actually been getting day allowance for over half a century now for travelling on duty ; and
- (e) that the said circular has not been cancelled up to the date of this question, except for minor modifications in duration of absence and rates ?

Mr. A. A. L. Parsons : With your permission, Sir, I shall answer questions Nos. 353 to 357 together. Public Works Department Upper Subordinates employed in State-managed Railways were until lately eligible for daily allowance under Supplementary Rule 82, i.e., for an absence from headquarters exceeding 8 consecutive hours from midnight to midnight ; but as there is very little difference between the duties of these subordinates and those of Inspectors of maintenance who are eligible for daily allowance only if their absence from headquarters exceeds 4 hours between 9 P.M. and 5 A.M., the Government considered it undesirable to allow the distinction between the two categories of staff in the matter of travelling allowance to continue. Government are aware that the Upper Subordinates concerned are memorialising against the orders in question. The memorials which, I have no doubt, raise all the points mentioned in these questions will be considered in due course, when received through the proper channel.

Government are not prepared to lay on the table the letter, dated the 30th October, 1930, on the subject, which they received from the Agent of the North Western Railway.

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

***354. *Mr. Jagan Nath Aggarwal :** (1) Will Government please state if it is a fact :

- (a) that practically the whole of the work to be performed on the line by the P. W. D. upper subordinates employed on Indian State Railways has to be done during the day time ;
- (b) that travelling on duty means additional expense to them ;
- (c) that day allowance for travelling has hitherto been granted to them to enable them to meet this additional expense incurred in travelling on duty ;
- (d) that the Railway Board have now decided to take away the right of day allowance for travelling from these upper subordinates and to grant them, with effect from 6th July, 1931, travelling allowance under Supplementary Rule 83 for absence from headquarters for more than four hours and that only between 21-0 hours and 5-0 hours ; and
- (e) that these upper subordinates have little occasion to go out on the line or be absent from headquarters during the said night hours ?

(2) If the answer to part (1) (d) above is in the affirmative, will Government please state the justification they have in taking away from these upper subordinates the right to day allowance to which they have been entitled for over half a century ?

(3) If the answer to part (1) above is in the affirmative, will Government please state whether the effect of the application of Supplementary Rule 83 in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways will be to throw the burden of bearing the expense of travelling on duty during the day time on the salaries of these upper subordinates ?

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

***355. *Mr. Jagan Nath Aggarwal :** Will Government please state whether they are aware that :

- (a) upper subordinates employed under Local Governments are granted day allowance for travelling ;
- (b) all other pensionable hands on Indian State Railways continue to get day allowance ;
- (c) P. W. D. upper subordinates employed on Indian State Railways are pensionable hands ; and
- (d) day allowance was one of the service conditions under which P. W. D. upper subordinates now employed on Indian State Railways joined this Department of service ?

†For answer to this question, see answer to question No. 353.

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†356. *Mr. Jagan Nath Aggarwal : (a) Are Government aware that the decision of the Railway Board, to apply Supplementary Rule 83 with effect from 6th July, 1931, in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways has caused widespread discontent among these upper subordinates ?

(b) If so, will Government please state whether they are prepared to continue to recognise the right of these upper subordinates to be granted day allowance for travelling on duty, and whether it is a fact that this right is based on Government of India Circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ? If so, will Government please state whether they are prepared forthwith to cancel the Railway Board letter No. 7043-F, dated 6th July, 1931 ? If not, why not ?

TRAVELLING ALLOWANCE OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†357. *Mr. Jagan Nath Aggarwal : Will Government please lay on the table a copy of letter No. 39-E.103, dated 30th October, 1930, from the Agent, North Western Railway, to the Secretary, Railway Board, recommending the continuance of day allowance to P. W. D. upper subordinates employed on Indian State Railways ?

APPOINTMENT OF CHIEF PERSONNEL OFFICER, NORTH WESTERN RAILWAY.

358. *Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to give the reasons which led to a change of the designation of Junior Deputy Agent, Personnel, to Chief Personnel Officer, North Western Railway, involving the enhancement of his salary from Rs. 1,800 to Rs. 2,500 at a time when retrenchment was the cry of the day ? Was there any change in the duties ?

(b) Is it a fact that the present incumbent of the above post has sanctioned two assistants under him drawing a salary of Rs. 500 per month each ?

(c) Are Government prepared to consider the desirability of abolishing the above post and reverting its incumbent to his old substantive post thus saving the pay of the two assistants as well as the increase of salary involved in the creation of the new post ?

Mr. A. A. L. Parsons : (a) Government consider that the growing importance and complexity of establishment and labour problems on a large railway system like the North Western Railway required, for the efficient handling of the work, the establishment of a personnel branch under the control of a principal officer. The duties and responsibilities of the post of Chief Personnel Officer, which has been created as an experimental measure for a year, are more onerous than those allotted previously to the Deputy Agent, Personnel.

†For answer to this question, see answer to question No. 353.

(b) Government have no information. The creation of such posts is within the powers of the Agent.

(c) The entire organisation will be reviewed towards the end of this year.

INTERMEDIATE AND SECOND CLASS NORTH WESTERN RAILWAY PASSES TO PURI.

359. *Mr. Jagan Nath Aggarwal : Is it a fact that intermediate class passes from the North Western Railway stations to Puri are issued *via* Gomoh instead of Howrah ? If so, why are second class passes being issued *via* Howrah when the Pass Rules for both the classes are one and the same, i.e., they should be issued by the quickest and shortest route ? Do Government propose to give the same concession to intermediate class pass-holders as is given to second class pass-holders in respect of issue of the passes to Puri ?

Mr. A. A. L. Parsons : I have asked the Agent, North Western Railway, for a report and will communicate with the Honourable Member on its receipt.

LITIGATION OFFICER OF THE NORTH WESTERN RAILWAY.

360. *Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state if the present litigation officer on the North Western Railway is a non-technical hand being promoted from a guard or Traffic Inspector and about six B.A., LL.Bs. are working under him as lawyers to conduct cases in courts ?

(b) If so, will Government please state why an unqualified man is put in charge of legal work which involves technical training ?

(c) Are Government prepared to consider the desirability of ordering that the State Railways should entrust their legal work to competent and trained persons ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

OFFICIATING PROMOTION OF MR. S. R. WOODMORE AT THE MOGHALPURA RAILWAY WORKSHOPS.

361. *Mr. Jagan Nath Aggarwal : Is it a fact that Mr. S. R. Woodmore, Journeyman in Loco. Shops, Moghalpura, was given the chance to officiate as Chief Draftsman in Superintendent Mechanical Workshops, Moghalpura's Office in preference to other senior and more qualified Indians holding the diploma of Associate Member of Technical Engineers or with European qualifications and A Class apprentices ?

Mr. A. A. L. Parsons : I have called for the information and will communicate with the Honourable Member on its receipt.

ADVERTISEMENTS OF THE PUBLIC SERVICE COMMISSION.

362. *Mr. Jagan Nath Aggarwal : (a) Is it a fact that the Public Service Commission is giving advertisements regarding rules and appointments to certain newspapers only ?

(b) Are Government aware that such newspapers are mostly in European and Anglo-Indian hands ?

(c) Are the Public Service Commission prepared to extend its patronage to Indian papers as well ?

The Honourable Sir James Orerar : (a) The Commission maintain a list of newspapers advertisements in which they consider will secure adequate publicity for the notices which they issue from time to time, and confine their advertisements to this list.

(b) A copy of the list as it at present stands is laid on the table.

(c) There are already several Indian papers on the list, but the suggestion that more might be added will be conveyed to the Commission.

List of papers in which the advertisements are issued by the Public Service Commission.

1. *The Statesman*, Calcutta.
2. *The Leader*, Allahabad.
3. *The Civil and Military Gazette*, Lahore.
4. *The Times of India*, Bombay.
5. *The Madras Mail*, Madras.
6. *The Bangoon Gazette*, Rangoon.
7. *The Hindu*, Madras.
8. *The Hitavada*, Gaddock Town, Nagpur.
9. *The Star*, Allahabad.

APPOINTMENT OF JANITOR OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

363. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state the circumstances under which the post of Janitor in the Headquarters office of the North Western Railway has always been filled by Europeans, especially guards, when Indian guards and Indian Sanitary Inspectors are available in large numbers ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

APPOINTMENT OF RAILWAY OFFICERS " OUTSIDE THEIR OWN LINE OF QUALIFICATIONS "

364. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state why Engineers, Traffic, Mechanical, and Stores Officers are appointed as Director of Establishment, Secretary, Railway Board, Deputy Agent, Personnel, Divisional Personnel Officers and Assistant Personnel Officers on State Railways outside their own line of qualifications ? Is there not a considerable demand for their utilization in their own technical lines ? Do these officers possess the necessary certificates to hold such posts ?

Mr. A. A. L. Parsons : The posts referred to are open to members of all the branches of the railway services mentioned by the Honourable Member. They are filled by selection from among those considered qualified to discharge the duties of these posts. The sanctioned cadres of the various Branches include provision for officers to fill such posts.

OFFICERS' AND CLERKS' GRADES ON THE NORTH WESTERN RAILWAY.

365. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that on the North Western Railway and other State Railways there are only two grades for officers, i.e., Junior and Senior ?

(b) Is it also a fact that there are seven grades in the clerical establishment on the North Western Railway, while in the Postal and Telegraph Department there are only two grades Junior and Senior under time-scale ?

(c) If so, why is this distinction between two services on the North Western Railway itself and between two Departments of the Government of India ?

Mr. A. A. L. Parsons : (a) The following are the ranks and grades for officers on the North Western Railway and other State-managed Railways :

1. Administrative.
2. Senior Scale.
3. Junior Scale.
4. Lower Gazetted Service.

(b) Yes, but the grades on the North Western Railway include Superintendents, Assistant Superintendents and Head Clerks.

(c) The distinction is justified by the varying degree of responsibility and the varying nature of work of the different ranks and grades.

APPOINTMENT OF SIKHS AND HINDUS AS DRAFTSMEN ON THE NORTH WESTERN RAILWAY.

366. ***Mr. Jagan Nath Aggarwal :** Is it a fact that out of 81 Draftsmen employed in the Mechanical Drawing Offices of Chief Mechanical Engineer, Superintendent Mechanical Workshops and Loco and Production Engineers on the North Western Railway, there are only 6 Hindus and Sikhs and the remaining 75 are Muhammadans ? Are Government prepared to issue orders that no more Muhammadans are recruited in this line until an equal percentage of Hindus and Sikhs and Anglo-Indians is employed ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

Mr. Lalchand Navalrai : Does not the Honourable Member realise that giving information hereafter will place the House at a disadvantage in putting further questions ?

Mr. A. A. L. Parsons : No, Sir. When we communicate information to the Honourable Member who has asked the question, we always place a copy of it in the Library, so that any other Member of this House who happens to be interested in the same subject will be able to obtain that information.

Mr. Lalchand Navalrai : Are we not thereby debarred from putting supplementary questions ? (Laughter.)

Mr. A. A. L. Parsons : The Honourable Member can always put new questions and I shall always be prepared to answer supplementary questions then.

Mr. Lalchand Navalrai : But it will be too late for this session.

APPOINTMENT OF SUPERINTENDENTS IN DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY.

367. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state whether guards and Travelling Ticket Examiners are promoted as clerical Superintendent in Divisional Offices on the North Western Railway when they have no experience of the clerical line ? If so, are Government prepared to take steps to replace them by qualified clerical hands ?

Mr. A. A. L. Parsons : The appointments to posts of Office Superintendents are made by Selection Boards. Guards and Travelling Ticket Examiners qualified for such posts are not excluded, and Government see no reason to interfere with the present practice.

RACIAL DISCRIMINATION IN NEW LEAVE RULES ON STATE RAILWAYS.

368. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state why racial discrimination has been adopted by introduction of new leave rules on State Railways and whether there was any such discrimination in the Fundamental leave rules sanctioned by the Secretary of State ?

(b) Why have the new leave rules been enforced on the North Western Railway from the 1st April, 1927, when they have only been formulated in April, 1930 ?

(c) Will Government also state why the necessity of framing new leave rules was felt on the State Railways ?

Mr. A. A. L. Parsons : (a) The assumption made by the Honourable Member is incorrect. One of the main objects of making the new rules was to eliminate the racial discrimination obtaining in the leave rules of Companies' Railways taken over by the State and to give a similar lead to other Companies' lines.

(b) The new rules have been applied to staff who joined the service on or after the 1st April, 1930, and to those who did so earlier but on the understanding that they would come under the new rules when the latter were introduced.

(c) The Fundamental Leave Rules were considered unsuitable to a commercial Department like Railways.

CHRISTMAS HOLIDAY FOREIGN LINE PASSES LIMITED TO ANGLO-INDIANS AND EUROPEANS.

369. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that on State Railways during Christmas holidays foreign line passes are not granted to Indians but they are only given to Anglo-Indians and Europeans ?

(b) Are such passes on foreign lines, e.g., East Indian Railway, granted to Hindus during Dusehra holidays and to Muhammadans during Moharrum holidays ?

(c) If not, do Government propose to issue necessary orders on the subject in order to remove any inequality of treatment ?

Mr. A. A. L. Parsons : I am making enquiries from the Agents of the State-managed Railways and will communicate with the Honourable Member on receipt of their replies.

SLUMP IN THE TEA TRADE IN THE PUNJAB.

370. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to the slump in the tea market in the Punjab ?

(b) What steps are Government taking to rehabilitate the trade in tea in the Punjab ?

(c) Have the Russian Government placed any restriction on the import of Indian tea into Russian territory ?

The Honourable Sir George Rainy : (a) Government have received no information on the subject.

(b) No steps are being taken by Government in regard to the trade in tea in the Punjab.

(c) So far as Government are aware, no special restriction has been placed on the import of Indian tea into Russia.

Mr. Jagan Nath Aggarwal : Will the Honourable Member kindly see fit to make enquiries into this subject ?

The Honourable Sir George Rainy : If my Honourable friend will place before me any information that he has, it will then be possible for me to say whether I can carry the matter further. Naturally any information placed before one by a responsible Member of this House, I should be disposed to treat seriously and make enquiries.

Mr. Jagan Nath Aggarwal : I shall certainly be glad to place the information that I have at the Honourable Member's disposal.

EXTENSION OF THE INDIAN BAR COUNCILS ACT, 1926, TO THE PUNJAB.

371. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to a resolution of the High Court Bar Association at Lahore urging that the Indian Bar Councils Act, 1926 (XXXVIII of 1926) be extended to the Punjab ?

(b) What action do Government propose to take in the matter ?

The Honourable Sir James Crerar : (a) Yes.

(b) The Indian Bar Committee, after taking evidence at Lahore, expressed themselves as being doubtful of the advisability of setting up a Bar Council at Lahore, and the Local Government were also opposed to the proposal. The Government of India do not, in the circumstances, propose to take any action, unless the Local Government and the High Court consider any action to be necessary.

COST OF AIR MAIL BETWEEN ENGLAND AND INDIA.

372. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) the cost per trip of the air mail from India to England ;

- (b) the cost per trip from England to India ;
- (c) the normal cost which each letter from India to England involves the department ;
- (d) the normal cost which each parcel per lb. costs per air mail from India to England ;
- (e) the normal cost which each parcel per lb. costs per air mail from England to India ;
- (f) whether or not the in-takings in England on the head of air mail are credited to the British Treasury ;
- (g) whether or not the expenses of the outward journey from England to India of the air mail are borne by the British Treasury ; and
- (h) the amounts which the air-mail service has involved the Indian Post Office Department during the years 1928-29 and 1929-1930 ?

Mr. J. A. Shillidy : (a), (b), (e), (f) and (g). Government have no information.

(c) 4 annas 8 pies per half ounce.

(d) Rs. 4-14-0 for the first pound and Rs. 4 for every additional pound.

(h) The Honourable Member's question is not understood.

CONSTRUCTION OF A CENTRAL RAILWAY STATION IN CALCUTTA.

373. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether the Railway Board have decided to start a Central Station at Calcutta on the completion of the Bally Bridge on the Calcutta Central Railway ;
- (b) if the answer to part (a) is in the affirmative, the approximate date by which such a Central Station would be an accomplished fact ;
- (c) the total expenditure that would be incurred in the construction of such a station ;
- (d) whether in that event all through train services at present running up to Howrah will be diverted to the Central Station ;
- (e) the position to which the Howrah Station would be reduced in such an event ; and
- (f) if the answer to part (a) is in the negative, how the Eastern Bengal Railway are going to meet the enhanced train-service on the completion of the Bally Bridge with their present accommodation as regards platform-service ?

Mr. A. A. L. Parsons : (a) No.

(b), (c), (d) and (e). Do not arise.

(f) The Agent of the administration has not suggested to the Railway Board that any special arrangements will be necessary to deal with the passenger service when the Bally Bridge is opened.

CONSTRUCTION BY THE EAST INDIAN RAILWAY OF BUILDINGS AT SALKEA, HOWRAH.

374. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether the East Indian Railway have of late constructed a number of one-storeyed, two-storeyed, three-storeyed and four storeyed buildings on the Salkea side of Howrah Station yard ;
- (b) the purpose or purposes for which these buildings have been put up ;
- (c) whether or not the construction of a lot of these buildings with side-paths and avenues has not synchronized with the construction of the Bally Bridge and the Calcutta Central Railway ;
- (d) the total capacity for accommodation of the buildings that have already been completed ;
- (e) how many of those buildings are : (i) one-storeyed, (ii) two-storeyed, (iii) three-storeyed, and (iv) four-storeyed ;
- (f) the total expenditure that the buildings already constructed have involved the East Indian Railway ;
- (g) whether there are yet some buildings or portions of buildings, roads and avenues running by them not yet completed ; and
- (h) the amount that is estimated to be spent upon those incomplete items ?

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

(b) For housing Railway Staff.

(c) This scheme was started in 1928, and is now complete. The Bally Bridge and Calcutta Chord Railway was started in 1925 and is not yet complete.

(d) 588 families with servants.

(e) One storeyed—Nil.

Two storeyed—108 units servants' quarters.

Three storeyed—180 units.

(ii) page 495, part (f) of reply to starred question No. 374, for " Rs. 52,80,258 " read " Rs. 52,80,253 "

(h) Does not arise.

STUDENTS' CONCESSIONS FOR TRAVELLING BETWEEN JADABPUR AND CALCUTTA.

375. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) how many students of Jadabpur Technical School normally avail themselves of the students' concession, month by month,

in travelling between Calcutta and Jadabpur and between Jadabpur and other neighbouring stations on Eastern Bengal Railway ;

- (b) the students' concession rate for each 3rd class ticket between Calcutta and Jadabpur ;
- (c) the time normally allowed for stoppage of a passenger train at the Jadabpur station ;
- (d) how many stations one has got to pass before one comes to Jadabpur from Calcutta ;
- (e) whether it is a fact that ordinarily all Down trains to Calcutta come to Jadabpur much too overcrowded ; and
- (f) whether it is always possible in the short space of time allowed for stoppage of trains at Jadabpur for a party of 100 to 200 students to get themselves entrained all in 3rd class compartments along with other passengers intending to get themselves entrained ?

Mr. A. A. L. Parsons : (a) The information is not readily available and its compilation would involve work incommensurate with any use to which it could be put.

(b) Nine pies.

(c) Some trains are booked to stop for three minutes, others for two minutes, but the majority for one minute.

(d) Two.

(e) and (f). Government have no information as regards the overcrowding of trains to Calcutta and of the number of passengers entraining at Jadabpur. A copy of the Honourable Member's question and of this answer will be forwarded to the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

RETRENCHMENT IN SCIENTIFIC AND TECHNICAL DEPARTMENTS.

376. *Mr. Nabakumar Sing Dudhuria : Will Government be pleased to state :

- (a) whether there were proposals before the Retrenchment Committees to restrict the activities of such scientific and technical Departments, as the Geological, Zoological, Anthropological and Archeological Departments, during the coming years for the sake of economising expenses of the Central Government ;
- (b) if the answer to part (a) is in the affirmative, the specific nature of those proposals ;
- (c) the recommendations made by the Committees concerned ;
- (d) the resolutions arrived at by the Government of India with respect to those proposals ; and
- (e) the nature of the specific retrenchments that are sought to be effected ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the reply I gave on the 15th September, 1931, to Mr. Bhuput Sing's starred question No. 264.

THE KIPANDI SYSTEM IN KENYA COLONY.

377. *Mr. Nabakumar Sing Dudhuria : Will Government be pleased to state :

- (a) the details of the *Kipandi* system as prevalent in Kenya Colony in East Africa ;
- (b) since how long the system has been in vogue in that Colony ; and
- (c) whether the system applies to the Indian settlers in that Colony ?

The Honourable Khan Bahadur Mian Sir Fazli-Husain : (a), (b) and (c). I have no information. But if the Honourable Member is referring to the *Kipandi* system, it appears from the memorandum submitted by a representative of the Indian community in Kenya to the Joint Select Committee of Parliament on East Africa that this is another name for the system of registration of natives. The registration of natives in Kenya is regulated by the Native Registration Ordinance of 1921, and the rules issued thereunder. Briefly, every native is required to carry a certificate of identification which has to be signed by the employer and shows the rates of wages both on engagement and on discharge. The system seems to have been introduced in 1919. The Ordinance does not apply to the Indian settlers in Kenya.

APPOINTMENT OF MUSLIMS IN THE CURRENCY OFFICE, LAHORE.

378. *Honorary Lieut. Nawab Md. Ibrahim Ali Khan : (a) Will Government be pleased to state the number of Hindus, Muslims and others employed in the Currency Office, Lahore ?

(b) Is it a fact that not a single Muslim is working in the above mentioned office ?

(c) If the reply to part (b) is in the affirmative, are Government prepared to consider the case of the Muslims and arrange to give them their due share in the Currency Office at Lahore ?

The Honourable Sir George Schuster : (a) The communal composition of the office staff of the Currency Office, Lahore, is 57 Hindus, 27 Muslims and 4 Sikhs.

(b) No.

(c) Does not arise.

RE-ADMISSION TO CANTONMENTS OF PERSONS EXPELLED ON ACCOUNT OF POLITICAL AGITATION.

379. *Kunwar Hajee Ismail Ali Khan (on behalf of Mr. Muhammad Azhar Ali) : (a) Is it a fact that the Military Secretary made an announcement that persons turned out from the Cantonment area on account of disturbed conditions will be re-admitted ?

(b) Are Government aware that Hukam Chand & Bros. had three shops at (i) Razmak, (ii) Lower Camp Razmak, and (iii) Wana, since 1922 and they were all turned out on account of participation of their relatives in political agitation at Bannu, 70 miles away from Razmak, in 1930 ?

(c) Are they now permitted to occupy the shops and carry on business ?

(d) If not, when will this permission be granted ?

Mr. G. M. Young : (a) The Honourable Member is presumably referring to my statement on the 10th March, 1931, to the effect that persons who had been expelled from cantonments under section 239 of the Cantonments Act in consequence of agitation in connection with the civil disobedience movement had been allowed to return to cantonments unconditionally.

(b), (c) and (d). I have called for a report and will communicate with the Honourable Member on its receipt. **Razmak and Wana** are not, however, cantonments : they are military camps situated in tribal territory : the Cantonments Act has not been applied to them : and no civilian is allowed to enter them without the special permission of the Officer Commanding.

CONTRIBUTIONS BY INDIA TO THE LEAGUE OF NATIONS AND THE ADVANTAGES SECURED.

390. ***Mr. Bhuput Singh :** Will Government be pleased to state :

- (a) the total amount of contributions that India as an allied and independent member of the League of Nations has got to make annually towards the maintenance of the League ;
- (b) the circumstances in which the amount of the annual contribution from India was first settled ;
- (c) who it was that represented the Government of India when the question of contributions was first fixed ;
- (d) the rights and privileges that India enjoys by reason of her contributions towards the League as emanating from the League itself ;
- (e) the specific benefits or advantages that she has obtained ever since she became a member thereof ;
- (f) whether the Indians that have led the Indian Delegation to the League year by year since India's affiliation have invariably led it ;
- (g) if so, the year in which and the names of Indians by whom such a delegation was led ;
- (h) whether the Indian Delegation ever made any recommendations to the League on behalf of India ; if so, the nature of these recommendations and how many of them were accepted or rejected by the League ;
- (i) how many Japanese and Chinese there are employed in the League Secretariat ;
- (j) how many Indians there are who are likewise employed and their names, length of service and manner of recruitment ;
- (k) what benefits or advantages India is expected to derive from the Intellectual co-operation with that aspect of the League of Nations ; and

(l) the total amount that it costs India year by year for the Indian Delegation, delegation to the Intellectual co-operation and the like delegations from India ?

Sir Lancelot Graham : (a) India is at present assessed at the rate of 56 units out of a total of 986 units and her net contribution for 1931 amounts to 1,705,811.54 gold francs, which is equivalent to 8,66,419.579 rupees.

(b) The amount of the annual contribution by India and all other Member States was first settled at the First Session of the Assembly of the League in accordance with the terms of Article VI of the Covenant which originally read " The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union ".

(c) The Delegates of India to the First Session of the Assembly of the League, i.e., Sir William Meyer, His Highness the Maharaja Jam Saheb of Nawanagar and Sir Saiyid Ali Imam.

(d) and (e). The purpose of the League is declared in the Covenant to be to promote international co-operation and to achieve international peace and security. It does not exist for the purpose of conferring specific benefits and advantages on the individual members thereof. The only right and privilege accruing to any member of the League as such is the right and privilege of assisting in the fulfilment of the purpose of the League.

(f) It is regretted that this part of the question is not understood.

(g) The Indians who have led previous Delegations to the Assembly are :

Sir Muhammad Habibullah in 1929 and His Highness the Maharaja of Bikaner in 1930. Sir B. L. Mitter is leading the Delegation to this year's Assembly.

(h) The answer to the first part is in the negative and the second part does not arise. I would add that having regard to the purpose of the League as stated in the reply to parts (d) and (e) it is no part of the functions of any member of the League to make recommendations to the League on its own behalf.

(i) and (j). The latest staff list of the League and all the information available to the Government of India will be found on pages 1253 to 1267 and 1271 to 1280 of the Official Journal of the League—October, 1930—a copy of which is in the Library.

(k) The Honourable Member is referred to pages 43-45 of the publication " The Aims and Organisation of the League of Nations ", a copy of which is in the Library, for an account of the International Institute of Intellectual Co-operation and its governing body—the Committee on Intellectual Co-operation.

(l) The Honourable Member is referred to the Annual Demands for Grants.

REPRESENTATIVES RECOMMENDED BY BIHAR AND ORISSA FOR THE ROUND TABLE CONFERENCE.

381. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether any new names were sent in by the Bihar and Orissa Government to the Government of India for the forthcoming Round Table Conference ;

(b) if the answer to part (a) is in the affirmative :

(i) whether any of those names was accepted by the Government of India and sent up to His Majesty's Government ; and

(ii) whether any of those names was accepted by His Majesty's Government ; and

(c) whether the Government of Bihar and Orissa made any special attempts this year for the representation of Orissa interests on the Round Table Conference ; if so, the nature of those attempts ?

The Honourable Sir George Rainy : (a), (b) and (c). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to his unstarred question No. 18 on the same subject.

SAD PLIGHT OF REPATRIATED INDIAN EMIGRANTS.

382. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether or not representations have occasionally been made to them or reports have come to their knowledge of the sad and miserable plight of repatriated Indian emigrants on their return to the mother-country ; if so, the step or steps which the Government of India have themselves taken or have asked the Provincial Governments of Madras and Bengal from time to time to take for the amelioration of the distress of such emigrants ;

(b) whether or not indentured immigration was once promoted and controlled by them ; and

(c) whether the indentured immigration system was a voluntary and spontaneous movement on the part of Indians ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government. Some of the returned emigrants were aided by the Government of Fiji and the Government of British Guiana to go back to their respective Colonies. The Government of India made an attempt to find an outlet for some of the others in Malaya, but the attempt proved abortive. As regards the emigrants returning from South Africa under the assisted emigration scheme, Local Governments concerned have been requested to make arrangements for their reception and for rendering them necessary assistance in finding suitable occupation. In the United Provinces, the Director of Industries is in charge of these arrangements, while in Bihar and Orissa the Registrar of Co-operative Societies has been appointed to receive and look after assisted emigrants returning to that province. In Madras, the Government of India

have appointed a Special Officer with the necessary staff. For the working of this organisation I would refer the Honourable Member to the Report of the inquiry held by Messrs. Natesan and Gray in April 1930. A copy of the Report will be found in the Library of the House.

(b) The attitude of the Government of India towards emigration was one of neutrality and not of encouragement. Their control consisted in minimising the abuses by legislating against unlicensed recruiting and by requiring a recruit to appear before a Magistrate in order to ensure that he understood clearly the terms of his engagement. They also took the necessary steps to provide for the welfare of emigrants up to the date of their embarkation as well as on the voyage.

(c) As emigration is a venture undertaken for profit, inducements have to be offered to a person to emigrate. But it is not impossible that when the system of indenture was in force, some of the recruiting agencies may have adopted undesirable methods.

DIRECTORY OF COMMODITIES AVAILABLE ON THE BENGAL NAGPUR RAILWAY SYSTEM.

383. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether they are aware of the existence of a directory of commodities available on the Bengal-Nagpur Railway system :

(b) if so, whether they will send for a copy of the same and place it in the Library for the inspection of the Honourable Members ; and

(c) the name of any State Railway that has published such a directory by which traders and consumers are brought into touch with respect to commodities which are obtained from stations on that system ?

Mr. A. A. L. Parsons : (a) and (b). The Bengal Nagpur Railway Administration have prepared a directory of commodities available on their system and a copy has been placed in the Library for the inspection of Honourable Members.

(c) State-managed and State-owned Railways that have published similar lists are the East Indian, Great Indian Peninsula, and Assam Bengal Railways, while the Eastern Bengal and North Western have a similar publication under preparation.

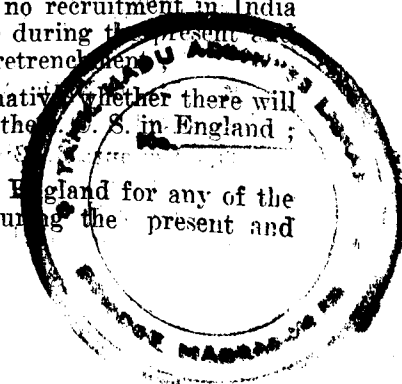
STOPPAGE OF RECRUITMENT FOR THE I. C. S. AND OTHER IMPERIAL SERVICES.

384. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether it is a fact that there will be no recruitment in India for the I. C. S. and Finance Service during the present and the coming years on the score of retrenchment ;

(b) if the answer to part (a) is in the affirmative, whether there will be also a stoppage of recruitment for the I. C. S. in England ; and

(c) whether there will be no recruitment in England for any of the other Imperial Services in India during the present and coming years ?



The Honourable Sir James Crerar : (a) and (b). There has been no decision to stop recruitment for the Indian Civil Service either in India or in England. As regards what the Honourable Member calls the Finance Service, it has been decided that no examination will be held this year for appointment to the Indian Audit and Accounts Service, the Military Accounts Department and Indian Railway Accounts Service. The decision was taken because no vacancies are expected to occur in those services next year : whether an examination will be held in subsequent years will depend upon circumstances.

(c) Recruitment will be made in England this year for the Indian Police Service and the Indian Medical Service. There has been no decision to stop recruitment in England in future years to the Imperial Services.

POSSIBILITY OF REDUCTIONS OF PAY AND PENSIONS OF GOVERNMENT SERVANTS.

385. ***Mr. G. Morgan :** Will Government be pleased to state :

- (a) whether it is permissible under the Regulations and whether it is the practice of Government to reduce the pay of their officers, except for misconduct ; and
- (b) whether, if pay is so reduced, the pensions of officers would be affected ?

The Honourable Sir George Schuster : (a) If the question refers to action which might be taken in the case of an individual officer, the answer would certainly be in the negative. If, however, it refers to the possibility of general reductions affecting the whole class of Government officials, different considerations might conceivably apply.

(b) It certainly would not necessarily follow that in the case of a general reduction of pay the pension rights of the officers concerned would be affected.

Mr. G. Morgan : Under the new financial proposals, will the reduction of pay of an officer on the eve of retirement affect the pension of that officer ?

The Honourable Sir George Schuster : I have already informed the Honourable Member that it would not necessarily follow.

Mr. B. Das : May I inquire if it is not the paramount right of the executive of a Government to reduce the salaries of its officials in a time of national emergency ?

The Honourable Sir George Schuster : My Honourable friend has asked a question which raises a good many complicated considerations. The expression "paramount right" I find difficult to understand. I have no doubt the Honourable Member will have other opportunities of raising this matter.

Mr. Jagan Nath Aggarwal : Is it within the competence of the Indian Legislature to reduce the salary of Government servants ?

The Honourable Sir George Schuster : The Honourable Member is aware that there are certain officials whose rights are definitely guaranteed to them under the Government of India Act. It is certainly not within the competence of this Legislature to reduce the salaries of those officials.

Mr. Gaya Prasad Singh : May I take it that the salaries of these officials cannot be retrenched without the Act being modified or changed—the salaries of those officials which have been guaranteed ?

May I also inquire whether it is not open to the Retrenchment Committee to recommend the reduction of those salaries ?

The Honourable Sir George Schuster : The Honourable Member has raised two very different questions. It is certainly within the power of the Retrenchment Committee to make any recommendations they like, but the power to make those recommendations effective is quite a different question. On that I think my Honourable friend's statement of the position is in substance correct.

Mr. Amar Nath Dutt : Has any amount been guaranteed to Government servants under the Government of India Act ? I have not been able to find out anything on that point ?

The Honourable Sir George Schuster : Under section 96B of the Government of India Act, the officials who are protected by that section are guaranteed their existing and accruing rights.

Mr. Gaya Prasad Singh : May I know whether the Government of India have asked the Secretary of State whether he will allow a reduction of the salaries of those who are protected under the Government of India Act, in case the Retrenchment Committee makes those recommendations ?

The Honourable Sir George Schuster : That is a question to which I am afraid I can give no reply.

REFUND OF HAJ PILGRIM PASSAGE MONEY.

386. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

- (a) whether they are aware that owing to certain defects in the relevant regulations affecting the refund of Haj pilgrim passage money thousands of rupees were claimed and recovered by the shipping companies from the Commissioner of Police, Bombay, or directly appropriated by them as their own money, though in reality the amount belonged to the pilgrims and should have lapsed to Government for the relief and repatriation of destitute pilgrims, in the event of there being no claimants to the same ;
- (b) the amount so appropriated every year since the year 1926 ;
- (c) whether there is any provision in the Indian Merchant Shipping Act authorising Government to inspect the books of shipping companies with a view to ascertain the amount of unused and unclaimed tickets that has lapsed to them ; if not, whether Government are prepared to take necessary action in the matter ; and
- (d) whether they are aware that a certain shipping company has consistently evaded payment to the legal heirs of deceased pilgrims when they applied for refund of return passage money through the Commissioner of Police, Bombay, and, if so, whether Government will please state the name of the company and the action taken by the

Commissioner of Police, Bombay, and, if no action was taken by him whether Government propose to do the needful in the matter?

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

(b) The information is not available as the Pilgrim Department have no means of ascertaining such figures from the books of the shipping companies concerned.

(c) The reply to the first part of the question is in the negative. The suggestion made in the second part will be considered when legislation is undertaken to amend the Indian Merchant Shipping Act in connection with the recommendations of the Haj Inquiry Committee.

(d) One of the companies referred to is Messrs. Haji Sultan Ali Shushtary and Company. In retaining sums paid on account of such tickets, the shipping companies apparently claim that they have only exercised their legal rights. It is understood that a suit is to be filed against the Company by the Bombay Haj Committee.

COST OF ROYAL COMMISSIONS AND COMMISSIONS.

387. ***Mr. G. Morgan :** Will Government be pleased to furnish a list and state the total cost to India of all Royal Commissions and other Commissions since and including the Incheape Committee?

The Honourable Sir George Schuster : The information asked for by the Honourable Member is being collected and will be supplied as soon as it is complete.

CONVICTIONS OF CONGRESSMEN AFTER THE IRWIN-GANDHI AGREEMENT.

388. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) the total number of convictions under different offences of Congressmen in various parts of India after the Irwin-Gandhi agreement ;
- (b) the different sections of the Penal Code under which the convictions have been made and the names of the persons who have been convicted and their official connection with the Congress ; and
- (c) whether any of these convictions were for breaches of the Delhi truce terms on the part of Congressmen ; if so, the total number of these ?

The Honourable Sir James Crerar : (a), (b) and (c). The Settlement of the 5th of March, 1931, involved no suspension or abrogation of the ordinary law and, in so far as members of the Congress have been convicted under the law for offences committed by them, they stand on the same footing as other members of the public. It may be similarly observed that the individuals, if any, in question have been convicted, not as members of Congress, but because of the commission of offences. This being so, the Honourable Member will doubtless agree with me that no conclusion of value could be derived from the figures for which he has asked, and, since their collection will be a matter of great difficulty to

Local Governments, I regret that I am not prepared to place this burden on them.

EXPORTATION OF MONKEYS AND BIRDS TO AMERICA.

389. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the letter of Miss Margaret E. Cousins, International Representative of the Women's Indian Association from New York, U. S. A. on the subject of "The Cruelty of Exporting Monkeys" as published in the *Leader* of 6th August, 1931 ;
- (b) if so, whether any steps are being taken to inquire into the allegations contained therein regarding the export of monkeys and pretty birds from India to America and the sufferings of these creatures while on transit and their use on reaching their destination ; and
- (c) if it is proposed to secure the enactment of some law to prevent the exportation of such monkeys and birds for commercial purposes ?

The Honourable Sir James Crerar : (a) Yes.

(b) and (c). As the Honourable Member is aware the prevention of cruelty to animals is a provincial subject under the Devolution Rules and the matter is essentially one for the Local Governments concerned to take action. I propose to send copies of the question and this answer to all Local Governments.

SEVERANCE AND EXHIBITION OF THE HEADS OF CERTAIN BURMESE REBELS.

390. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) whether any punishment has been meted out to those officers who were guilty of cutting off the heads of Burmese rebels and exposing these to public view, a photograph of which appeared in the papers ;
- (b) if so, what is the nature of the punishment and what steps have been taken to prevent the recrudescence of such an incident in future ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the Resolution issued by the Government of Burma on the subject on the 8th July, 1931. A copy of it has been placed in the Library.

JAIN HOLIDAYS.

391. ***Rai Bahadur Sukhraj Rai :** (a) Are Government aware that the Jains have got special festivals of their own which they observe with great sanctity ?

(b) Is it a fact that the Jains form a large part of the population in some cities of India ? If so, do Government propose to grant local holidays on the occasion of important Jain festivals in these cities ?

The Honourable Sir James Crerar : (a) Yes.

(b) The information asked for by the Honourable Member in the first part of his question will be found on pages 25—38 of Volume I, Part II of the Census of India Report, 1921. The question of granting local holidays for Jains is a matter for Local Governments under section 25 of the Negotiable Instruments Act, 1881.

INCOME-TAX PAID BY JAINS.

392. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the amount of income-tax which the Jains pay to Government and what is its percentage to the total amount collected on these sources ?

The Honourable Sir George Schuster : The income-tax returns are not compiled in such a way as to distinguish between members of different communities.

393. NUMBER OF JAINS IN GOVERNMENT SERVICES.

393. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the total number of Jains in the Imperial Civil and Executive Services and what is their proportion to the total number so employed ?

The Honourable Sir James Crerar : I regret that the information the Honourable Member desires is not readily available. As the labour involved in collecting it would hardly be commensurate with the value of the results obtained, I am unable to undertake to collect it.

RETRENCHMENT OF INDIAN STAFF ON THE EASTERN BENGAL RAILWAY.

394. ***Rai Bahadur Sukhraj Rai :** (a) Are Government aware that considerable resentment prevails among the employees of the Dacca section of the Eastern Bengal Railway owing to heavy retrenchment effected recently in its Indian staff only consisting of compulsory premature retirement, reduction of salary and placing higher grade men in a lower grade carrying a lesser scale of pay ?

(b) Is it a fact that employees who have put in long years of toiling and faithful services have not even been spared ?

(c) Is further reduction in contemplation ?

(d) Is the Dacca section the smallest railway district on the line, and is it a fact that the number of working hours has been pushed to the irreducible minimum ?

(e) Is it a fact that not a single European has been touched, while 180 Indians have been discharged from the Dacca Loco. workshop ?

(f) Has no retrenchment been made in higher service such as in the rank of District officers or of Assistant Traffic Superintendents ?

Mr. A. A. L. Parsons : I have called for information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

INDIANS THROWN OUT OF WORK IN MALAYA.

395. ***Rai Bahadur Sukhraj Rai :** (a) Has the attention of Government been drawn to a Negapatam message stating that a very large number of labourers has arrived there from Malaya ?

(b) Is it a fact as reported that the factories which were partially working having completely closed down, the number of Indians thrown out of work in Malaya has come to about 30,000 and they will be sent back to this country as soon as possible ?

(c) Does this message put the last years' repatriation to South India at 80,000 ?

(d) What step or steps do the Government of India propose to take to give relief to the Indians in Malaya so unemployed, including those who have come to India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). It is not understood to which message the Honourable Member is referring, but Government are aware that, owing to acute depression in the rubber and tin industries in Malaya, the employers have been forced to discharge a very large number of Indian labourers. The number of repatriates during the year 1930 was 77,761. In the first seven months of the current year, the number was 32,456. They have all been repatriated free of cost. The Government of India do not consider that any special measures of relief are required for these returned emigrants on arrival in India.

RETRENCHMENT IN SALARIES ON STATE RAILWAYS.

396. ***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state the percentage of expenditure on salaries of the lower grade staff drawing less than Rs. 250 per month to the upper grade staff in Railways managed by the State ?

(b) What steps do Government propose to take to make retrenchment in the high salaries of the upper grade staff ?

(c) Is it proposed to leave the salaries of the lower grade staff unaffected in view of the very small savings that this will effect ?

(d) How many lower grade staff men have been dismissed to make retrenchment during the last three months ? Are there any non-Indians in this list ?

(e) How many upper grade staff men drawing salaries above Rs. 250 have been dismissed to make retrenchment and have all the superfluous posts been abolished ?

Mr. A. A. L. Parsons : (a) Government have no precise information, but on a rough estimate the cost of staff on scales of pay rising to Rs. 250 and over on State-managed Railways is one quarter of the cost of the staff in the lower grades.

(b) and (c). The question is being examined generally.

(d) Taking all State and Company-managed Railways, about 32,500 men in the lower grades have been discharged as a result of the present economy campaign. The answer to the latter part is in the affirmative.

(e) About 131 men on rates of pay higher than Rs. 250 have been discharged. The question of abolishing all posts regarded as definitely superfluous is under consideration.

SEPARATION OF THE OFFICE OF THE DISTRICT AND SESSIONS JUDGE, AJMER, FROM THAT OF COMMISSIONER AND COLLECTOR, AJMER-MERWARA.

397. ***Sardar Sant Singh** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Commissioner and Collector of Ajmer-Merwara, who is an officer of the Political Department of the Government of India, is also the District and Sessions Judge, Ajmer ?

(b) Have Government received any complaints that this concentration of all executive and judicial powers in the said officer of the Political Department has been disadvantageous to public justice in Ajmer-Merwara ?

(c) Do Government propose to take steps to separate the office of the District and Sessions Judge, Ajmer, from the office of the Commissioner and Collector, Ajmer-Merwara ? If so, when ? If not, why not ?

Mr. E. B. Howell : (a) Yes.

(b) Government know of no case in which the system has been detrimental to "public justice", nor has any expression of dissatisfaction on the part of the public come to Government's notice.

(c) No. There is at present an Additional District and Sessions Judge who does the bulk of the work. The principal advantage of the present system, by which the Commissioner is Sessions Judge, is that he can exercise more control over the Magistrates in the district, as he hears appeals from their decisions and is therefore in close touch with their work. He is also as District Judge sometimes in a better position to decide civil cases affecting the *Istimrardars*. The present system, which is convenient, economical and adapted to the somewhat peculiar conditions of this district, has on the whole worked well. If a separate post of District and Sessions Judge were created in place of the present appointment of Additional District and Sessions Judge, extra expenditure would be involved.

ABOLITION OF THE COURT OF THE JUDICIAL COMMISSIONER OF AJMER-MERWARA.

398. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Court of the Judicial Commissioner, Ajmer-Merwara, is the highest court of appeal in the province ?

(b) Is it a fact that the said Judicial Commissioner of Ajmer-Merwara is also the Judicial Commissioner of Rajkot in Kathiawar ?

(c) Is it a fact that the said Judicial Commissioner holds his Court for 6 months in a year at Rajkot in Kathiawar ?

(d) Are Government aware that during the Judicial Commissioner's stay at Rajkot, litigants from Ajmer have to incur heavy expenditure of time and money in going over to Rajkot in connection with the appeals and other judicial proceedings in the Court of the said Judicial Commissioner ?

(e) Is it a fact that formerly there did not exist the Court of the Judicial Commissioner of Ajmer-Merwara and that appeals from Ajmer-Merwara were allowed to be heard in the High Court of Allahabad ?

(f) Are Government aware that litigants from Ajmer-Merwara found greater facilities, and more efficient legal advice, at Allahabad than at Rajkot ?

(g) Is it a fact that in the Allahabad High Court appeals from Ajmer-Merwara were heard by a bench of judges, whereas in the Court of the Judicial Commissioner the appeals are heard only by a single judge ?

(h) Is it a fact that the Judicial Commissioner of Ajmer-Merwara is an I. C. S. officer appointed to this office by the Government of India in the Foreign and Political Department, whereas the Judges of the High Court of Allahabad are appointed by the Crown ?

(i) Is it a fact that the creation of the post of the Judicial Commissioner of Ajmer-Merwara imposed an additional burden on Central revenues ?

(j) If what are stated at parts (a) to (i) above are facts, do Government propose to abolish the Court of the Judicial Commissioner of Ajmer-Merwara and to arrange for the filing of appeals from Ajmer-Merwara in the High Court of Allahabad ?

Mr. E. B. Howell : (a) Yes.

(b) Yes.

(c) Yes.

(d) The Judicial Commissioner fixes hearings of Ajmer-Merwara cases during his periodical visits to Ajmer. It is only in exceptional cases that "litigants" from this district need go to Rajkot.

(e) Prior to the enactment of the Ajmer Courts Regulation, 1926, and the appointment of the Judicial Commissioner for Ajmer-Merwara all the work of a High Court for Ajmer-Merwara was done by the Agent to the Governor General and Chief Commissioner in addition to his other executive and political duties as Agent to the Governor General and Chief Commissioner. The Regulation then in force in Ajmer-Merwara was the Ajmer Courts Regulation, 1877 (I of 1877), which has now been superseded by the new Courts Regulation IX of 1926. Under section 23 of the old Regulation of 1877, the Court of the Chief Commissioner was the highest Civil Court of appeals in Ajmer-Merwara, but all references under Chapter XLVI of the Civil Procedure Code or under section 11 of the Provincial Small Cause Courts Act were made in the High Court at Allahabad.

(f) This has never been suggested to Government before. There were, however, complaints of the difficulty and inconvenience which the necessity of going to Allahabad involved.

(g) Reply is in the affirmative.

(h) Yes. Under section 3 (1) of the Ajmer Courts Regulation, 1926, the Judicial Commissioner for Ajmer-Merwara, is appointed by the Governor General in Council, whereas under section 101 (2) of the Government of India Act, Judges of High Courts of Judicature established in British India by letters patent are appointed by His Majesty the King and hold this office during His Majesty's pleasure—vide the quoted section.

The Judicial Commissioners appointed for Ajmer-Merwara have been senior and experienced judicial officers of the Bombay Presidency most of whom have subsequently become Judges of the Bombay High Court.

(i) Presumably. The pay of the Judicial Commissioner is debited wholly to the Western India States Agency budget and only his travelling allowance in connection with his journeys to Ajmer and for halts at that station is paid from the Ajmer-Merwara Budget.

(j) No. The adoption of the course suggested would be strongly resented by the public of Ajmer-Merwara, who much appreciate the facilities which the appointment of a Judicial Commissioner for Ajmer-Merwara has provided for them.

NON-TRANSFER OF JUDICIAL OFFICERS FROM AJMER-MERWARA.

399. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that, unlike the magistrates and judicial officers of the province of Delhi, the magistrates and judicial officers of Ajmer-Merwara (other than those in the Indian Civil Service and military officers in the civil employ of the Government of India) do not belong to the cadres of other provinces but have their own cadre ?

(b) If the reply to part (a) above is in the affirmative, is it also a fact that the said Provincial Service magistrates and judicial officers of Ajmer-Merwara are not transferable to any other district and continue to occupy posts in the same district, without change to any other district, till retirement or death ?

Mr. E. B. Howell : (a) Yes.

(b) Yes ; unless—as not infrequently happens—their services are lent to States in Rajputana.

PROMOTION OF MINISTERIAL OFFICERS IN AJMER-MERWARA TO BE MAGISTRATES AND JUDICIAL OFFICERS.

400. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that almost all the Provincial Service magistrates and judicial officers of Ajmer-Merwara are persons born, bred, educated, and employed in service in Ajmer-Merwara ?

(b) Is it a fact that many Provincial Service magistrates and judicial officers of Ajmer-Merwara are persons who have been promoted to the judicial posts from the posts of clerks and ministerial officers ? If so, why has this policy been adopted ?

Mr. E. B. Howell : (a) No.

(b) Yes. The field for recruitment in Ajmer-Merwara is small. There are few other avenues of promotion in the district, but such promotions are only made with due regard to qualifications. Persons so promoted have in most cases proved to be very capable judicial officers.

Rai Sahib Harbilas Sarda : Are Government aware that out of 6 judicial officers in Ajmer-Merwara, namely, the Additional District and Sessions Judge, the Sub-Judge, Ajmer, the Judge, Small Cause Court, Ajmer, the Railway Magistrate, Ajmer, the Sub-Judge, Bewara, and the City Magistrate, Ajmer, not one is an Ajmer-Merwara man, but they all belong to the United Provinces, to Bombay or to the Punjab, and one

belongs to the Alwar State, and that out of the 7 executive officers, including the Forest Officer and the Registrar, Co-operative Stores, only four may be said to be Ajmer-Merwara men, in any sense of the term ?

Are Government also aware that it is the standing grievance of the people of Ajmer-Merwara that people from the United Provinces, the Punjab and other provinces are given gazetted appointments in Ajmer-Merwara, while the educated young men of Ajmer-Merwara are ineligible for gazetted appointments in any of these provinces ?

An Honourable Member : Ineligible ?

Rai Sahib Harbilas Sarda : Yes, because they are all Provincial Service appointments and Ajmer-Merwara men are not allowed to enter the Provincial Services in other provinces.

Mr. K. Ahmed : I rise to a point of order. Under the rules and Standing Orders.....

Mr. Deputy President : Is it a point of order ?

Mr. K. Ahmed : Yes.

Mr. Deputy President : What is the point of order ?

Mr. K. Ahmed : The point of order is that according to the rules and Standing Orders, the Honourable Member, the questioner, is not entitled to put a question in that form, which is not only lengthy, but which infringes the conditions of the rules.

Mr. Deputy President : The Honourable Member's question is perfectly in order.

Mr. E. B. Howell : Government have not such precise information on these points as the Honourable Member has, Sir, but I take it that the position is as stated. The dissatisfaction on the part of the people of Ajmer-Merwara to which he alludes has not previously been brought to the notice of Government.

Rai Sahib Harbilas Sarda : With regard to sub-clause (b) of question 400, is it also a fact that out of the 6 judicial officers who do exclusively criminal or civil work, two are Barristers-at-Law, and the remaining four are B.A., LL.Bs. or M.A., LL.Bs. ?

Mr. E. B. Howell : Yes, Sir.

APPOINTMENT OF MAGISTRATES AND JUDICIAL OFFICERS IN AJMER-MERWARA FROM A MAJOR PROVINCE.

401. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that many of the Provincial Service magistrates and judicial officers of Ajmer-Merwara are the sons of clerks in the Government service ?

(b) Do Government propose to make arrangements for the appointment of Provincial Service magistrates and judicial officers of Ajmer-Merwara from the cadre of such officers in some major province, like the Punjab or the United Provinces, to ensure the periodical transfer of such officers from the district of Ajmer-Merwara ?

Mr. E. B. Howell : (a) No.

(b) No. The effect of such an arrangement, if adopted, would be to debar local candidates from getting Government employment. They are not as a rule eligible for appointments in other provinces, which naturally give preference to their own candidates. It would also mean that employees in the lower grades of service would be to a large extent deprived of the possibility of promotion to the higher grades as a reward for meritorious services.

Rai Sahib Harbilas Sarda : Are Government aware that if Magistrates and Judges for Ajmer-Merwara are taken from those on the cadre of other provinces, outside Ajmer-Merwara, whether major or minor, Government would be perpetrating the grossest injustice to the Province of Ajmer-Merwara (*Cries of "Hear, hear"*), and that their doing so would be bitterly resented by all classes and creeds in that province and regarded as nothing but *zulum*. (*Cries of "Hear, hear"*) ?

Mr. B. Das : Is it not a fact, Sir, that Ajmer-Merwara is considered a backward area by the Government of India ?

Mr. Gaya Prasad Singh : Is it more backward, Sir, than Orissa ?

Mr. Amar Nath Dutt : Is it not a fact, Sir, that Ajmer-Merwara has produced one of the greatest legislators of the present day, whose name resounds from one end of India to the other ? (Applause.)

Mr. E. B. Howell : Yes, Sir. (Applause.)

DILATORY METHODS OF CIVIL COURTS IN AJMER-MERWARA.

402 ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Have Government received any complaints that the functioning of civil courts in Ajmer-Merwara is dilatory and that the said courts spend too much time even in minor cases ?

(b) Is it a fact that the actual period of work of a judicial officer in Ajmer-Merwara does not extend beyond 3 hours on a working day ?

(c) Is it a fact that the same witnesses are summoned by the Ajmer courts on several sittings of the court and their evidence is postponed without hearing from sitting to sitting ?

(d) Is it a fact that in the Ajmer civil courts generally a long period of time intervenes between one hearing of the case and the next hearing of the case ?

Mr. E. B. Howell : With your permission, Sir, I will answer questions 402 and 403 together.

Question No. 402 (a), (c) and (d) and Question No. 403 (a).—So far as the suggestions contained in these questions involve a comparison between the procedure in Ajmer-Merwara and the procedure in other provinces, Government are not in a position to answer them. Instances of avoidable delay and unnecessary postponement do undoubtedly occur in Ajmer-Merwara, as elsewhere.

Question No. 402 (b).—No.

Question No. 403.

(a) and (b). No such general complaint has ever come to the notice of Government.

(c) No.

FREQUENT POSTPONEMENT OF CASES IN THE AJMER CIVIL COURTS.

*3. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Are Government aware that in the Ajmer civil courts dates or hearing of cases are postponed with too much frequency ?

(b) Is it a fact that injunctions issued by the Ajmer-Merwara civil courts are generally disobeyed and no action is taken on such disobedience by the said courts ?

(c) Do Government propose to appoint a commission of inquiry consisting of members from outside the provinces to inquire into the working of the Ajmer-Merwara judicial courts ?

GUARDING OF CULVERTS IN EASTERN BENGAL DURING FLOODS.

404. ***Mr. Bhuput Singh :** Will Government be pleased to state :

(a) whether it is a fact that culverts and causeways on the Eastern Bengal Railway were kept guarded by Gurkha sepoys during the high floods recently in East Bengal ;

(b) if the answer to part (a) is in the affirmative, the reasons for such a vigilance on the part of the railway administration ; and

(c) whether the committee that inquired into the Rangpur floods some years back gave it as their opinion that the floods there were due to unspacious and inadequate culverts and causeways on the permanent track on the Eastern Bengal Railway ?

Mr. A. A. L. Parsons : (a) to (c). The information has been called for from the Railway Administration and will be communicated to the Honourable Member on receipt.

PASSPORTS FOR PERSONS LEAVING INDIA.

405. ***Bhai Parma Nand :** (a) In what year and under what circumstances, was the system of compulsory passports introduced in India for persons desirous of travelling out of the country ?

(b) Is it not a fact that those circumstances which necessitated introduction of this system have long since ceased to exist ?

(c) Does such a system of compulsory passports exist in any self-governing country and, if not, what is the necessity for it for the people of this country ?

(d) Do Government propose to abolish it ? If so, when ?

Mr. E. B. Howell : (a) I will refer the Honourable Member to the answer given by me to a similar question by Maulvi Sir Muhammad Yakub on the 24th of March, 1924, which runs as follows :

"There is no Act or rule published by the Government of India which makes it compulsory for persons proceeding from India

†For answer to this question, see answer to question No. 402.

to England or to foreign countries on the Continent of Europe, to be in possession of passports before leaving this country. Passports are demanded of travellers by the authorities in the countries of destination."

(b) The remaining parts of the Honourable Member's question do not arise.

Mr. B. Das : When Indians leave for abroad, why is it that the Government of India through their police examine the passports at Bombay if they think that there is no necessity of passports?

Mr. E. B. Howell : To save them from trouble and from being turned back on arrival at destination.

Sardar Sant Singh : Why then is the passport refused?

Mr. E. B. Howell : That question does not arise out of the original question, Sir.

Mr. S. C. Mitra : That is for the President to decide. Is it for the Member to say, Sir, whether the question arises or not? I submit that it is for the Chair to decide.

Mr. Deputy President : While the Chair has ultimately to decide whether a supplementary question arises or not, it is perfectly open to the Honourable Member to suggest to the Chair that the supplementary question does not arise.

Mr. S. C. Mitra : What, then, is your decision, Sir?

Mr. Deputy President : Will the Honourable Member (Sardar Sant Singh) kindly repeat his question?

Sardar Sant Singh : My question is that if the Government of India have no authority under any Act or enactment of the Indian Legislature to issue passports, then why are the passports refused?

Mr. Deputy President : Do I take it that the Honourable Member wants to know the reason why the Government of India have refused the passports.

Sardar Sant Singh : I want to know whether the Government of India have any authority to refuse the passports?

Mr. B. R. Puri : I take it that they are under no statutory obligation to issue it and hence they are entitled to refuse the passport.

Mr. C. B. Elliott : Is not a passport a mere convenience of travel issued in India and in England?

Mr. E. B. Howell : Yes, Sir; and it is also a certificate of nationality.

Mr. K. Ahmed : Is it not a fact that a traveller going out of India towards the West will find it very inconvenient, if he is without a passport, when his identity is asked for by the officers of a foreign nation in a foreign country?

Mr. E. B. Howell : Yes, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether passports are, as a matter of fact, refused to Indians or no?

Mr. E. B. Howell : I submit, Sir, that that question does not arise out of the original question.

Mr. Deputy President : I agree that that question does not arise out of the original question.

Bhai Parma Nand : Can I travel outside India without having a passport from the Government of India?

Mr. E. B. Howell : The Honourable Member can certainly leave India without a passport, but he will not be permitted to land in any country that I know of, and he will have to come back.

Mr. Jagan Nath Aggarwal : I would like to know the legal justification for the refusal of passports?

Mr. Deputy President : I do not think that question will arise out of this question.

Mr. Jagan Nath Aggarwal : Will it not arise out of the answer, Sir?

REDUCTION OF *Dusehra* HOLIDAYS IN THE ARMY HEADQUARTERS OFFICES.

406. ***Bhai Parma Nand :** (a) Are Government aware that the *Dusehra* is the most important national festival of the Hindus recognised throughout India?

(b) Are Government aware that there is a great feeling among the Hindu employees of the establishments controlled by the Army Headquarters on account of the reduction of *Dusehra* holidays from four days to only one?

(c) If Government are not prepared to keep up the old number for *Dusehra* in general holidays, are they prepared to allow three more days for the communal holidays? Has this been done in the case of *Muharram*?

The Honourable Sir James Crerar : (a) Yes.

(b) No.

(c) The sanctioned arrangements provide for one closed holiday for all communities and two or three sectional holidays in addition for Hindus at *Dusehra*. There is the same distribution of holidays for Muhammadans at *Moharram*. Government do not see any reason to modify these arrangements.

REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES.

407. ***Mr. S. C. Mitra :** (a) Is it a fact that Government have accepted the principle of proportional representation of Muslims in the services?

(b) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other provinces appointed in the superior services under the Government of India during the last five years?

(c) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other Provinces appointed in the Subordinate Services under the Government of India during the last five years?

The Honourable Sir James Crerar : (a) No such principle of proportional representation has been accepted in respect of any community.

(b) and (c). The information is not readily available and cannot be collected without an amount of labour which would be wholly disproportionate to the results.

APPOINTMENT OF A BENGALI MUSLIM TO THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL.

408. ***Mr. S. C. Mitra :** Will Government be pleased to state the number of times a Bengal Muslim has been appointed as Executive Council Member of the Governor General's Executive Council ?

The Honourable Sir James Crerar : No Muslim from Bengal has so far been appointed a Member of the Governor General's Executive Council.

Mr. B. Das : May I inquire, Sir, why the Muslims of Bengal have been slighted ?

The Honourable Sir James Crerar : I do not think that is a reasonable inference.

Mr. B. Das : May I inquire why the Punjab Muslims have got 50 per cent. representation on the Executive Council ?

Mr. K. Ahmed : Are the Government aware that 42 per cent. of the total Muslim population of India is from Bengal ? Why, then, have their claims been neglected ever since ?

The Honourable Sir James Crerar : I think, Sir, the Honourable Member will find the reply to his question in the Census Report.

Mr. K. Ahmed : Is the Honourable the Home Member aware why appointments to the Executive Council are not made from amongst the deserving Muslims of Bengal ?

The Honourable Sir James Crerar : The Governor General in Council has not got the authority which the Honourable Member appears to suppose.

Mr. K. Ahmed : Will the Governor General in Council, for the benefit of the people, consider the question of the appointment of a suitable Muhammadan in the near future ?

The Honourable Sir James Crerar : The authorities responsible will doubtless do so.

Mr. C. S. Ranga Iyer : Is it not a fact that these appointments go more by merits than by provincial considerations ?

The Honourable Sir James Crerar : Certainly, Sir.

Mr. Amar Nath Dutt : Is there not in the House, Sir, a very brilliant Muslim Barrister from Bengal who can be put in charge of the Department of Industries and Labour, because he has served on the Labour Commission recently and whose services have been highly spoken of by the Secretary of State ? (No answer was given.)

BENGAL AND OTHER MUSLIMS APPOINTED IN GOVERNMENT SERVICES.

409. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state what ratio the Bengal Muslims bear to the total Muslim population of India ?

(b) Will Government be pleased to state what ratio the Punjab Muslims bear to the total Muslim population of India ?

(c) Will Government be pleased to state separately what ratio the number of Bengal Muslims appointed in (1) the superior services; (2) the subordinate services, and (3) the clerical services under the Government of India bear to the number of (1) Punjab Muslims and (2) Muslims of other provinces appointed in the above services during the last five years ?

(d) Will Government be pleased to state separately how many Bengal Muslims, Punjab Muslims and Muslims of other provinces have been appointed in the different divisions of the Government of India Secretariat and their attached offices during the last five years ?

The Honourable Sir James Crerar : (a) and (b). The ratios are about 36 per cent. and 19 per cent., respectively.

(c) and (d). I regret that Government have not the information the Honourable Member desires and are not prepared to place upon Departments the burden of collecting it. In regard both to this and question No. 407 I would remind the Honourable Member that Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities.

Mr. S. C. Mitra : Arising out of the reply to part (c), will the Government be pleased to provide the information as regards the officers of the Imperial Services and other gazetted officers ?

The Honourable Sir James Crerar : I must ask the Honourable Member for notice of that question.

Mr. S. C. Mitra : Will the Honourable Member take this as a notice of the question ?

PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES OF THE KHARAGPUR WORKSHOPS.

410. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the questions concerning the Bengal Nagpur Railway Indian A. grade apprentices at Kharagpur Shops as they appeared in the *Bengal Nagpur Railway Employees' Journal* in its issue of May, 1931 ?

(b) Is it a fact that both the Indian and European apprentices are required to undergo the same course of training ?

(c) If so, do Government propose to put the Indian apprentices on the same grade of pay with the European and Anglo-Indian apprentices while under training and after they have finished their courses ? If not, why not ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 410 to 417, 419 and 421 together. I have called for certain information and shall communicate with the Honourable Member on receipt of a reply.

ALLEGED DISCRIMINATION AGAINST INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY.

†411. ***Mr. S. C. Mitra** : Are Government aware that in considering the removal of racial discrimination in the Bengal Nagpur Railway amongst the apprentices the authorities now require the Indian apprentices to pass the Board of Control apprenticeship admission examination after they have been admitted into the technical school for apprentices ?

QUALIFICATIONS OF ANGLO-INDIAN APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†412. ***Mr. S. C. Mitra** : (a) Is it a fact that according to the prospectus of Anglo-Indian apprentices at the Kharagpur Workshops, Bengal-Nagpur Railway the minimum qualification required is B. O. C. ?

(b) Is it a fact that there are many Anglo-Indian improvers who do not possess that qualification ? If so, why were they exempted ?

SCALES OF PAY OF APPRENTICES AT THE KHARAGPUR WORKSHOPS.

†413. ***Mr. S. C. Mitra** : (a) Is it a fact that as a result of the delay caused by the administration to remove the racial discrimination as directed by Government, apprentices at Kharagpur Workshops who have already completed or are going to complete their term of apprenticeship within a short time are being put under the old Indian scales ?

(b) Do Government propose to place these men on the revised scale ? If not, why not ?

REDUCTION IN NUMBER OF APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

†414. ***Mr. S. C. Mitra** : (a) Is it a fact that the maximum number of grade I apprentices to be employed in the Kharagpur workshops has now been fixed at 60 ?

(b) Is it a fact that there are at present 37 Anglo-Indian apprentices and 45 A. grade Indian apprentices and improvers now employed there, i.e., in all about 82 apprentices ?

(c) Are Government aware that there are some misapprehensions amongst those apprentices that 22 of the total number of 82 will be dispensed with before completion of their courses ?

(d) Will Government please state what are their intentions so far as those men who are already working in the workshops are concerned ?

CLASSIFICATION OF APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†415. ***Mr. S. C. Mitra** : (a) Do Government propose to remove the racial discrimination in Railways ?

(b) If so, do Government propose to ask the Agent, Bengal Nagpur Railway, to classify the present A. grade apprentices as grade I without any further delay ?

†For answer to this question, see answer to question No. 410.

PROVISION OF A HOSTEL FOR INDIAN APPRENTICES AT KHARAGPUR.

†416. ***Mr. S. C. Mitra** : (a) What arrangements are contemplated to provide the Indian A. grade apprentices with housing facilities in Kharagpur ?

(b) Do Government propose to build a hostel there as has been done for the Anglo-Indian apprentices ?

WITHDRAWAL OF PROVIDENT FUND BENEFIT FOR APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†417. ***Mr. S. C. Mitra** : Is it a fact that the Bengal Nagpur Railway authorities decided to withdraw the benefit of provident fund from the future Anglo-Indian apprentices ? If so, why ?

RECOMMENDATIONS OF THE WORKSHOP INQUIRY COMMITTEE.

418. ***Mr. S. C. Mitra** : Will Government be pleased to state the reasons for the delay in giving effect to the recommendations of the Workshop Inquiry Committee ?

Mr. A. A. L. Parsons : Government do not admit that there has been any delay in dealing with the recommendations of the State Railways Workshops Committee.

BONUS FOR INDIAN "A." GRADE RAILWAY APPRENTICES.

†419. ***Mr. S. C. Mitra** : (a) Is it a fact that the bonus for Indian A. grade apprentices has been sanctioned from 10th November 1930 ?

(b) Is it a fact that the apprentices are being usually recruited in the month of August ? If so, do Government propose to change the date of sanction to 1st August, 1930 ?

TEACHERS APPOINTED TO TECHNICAL SCHOOLS BY THE BENGAL NAGPUR RAILWAY.

420. ***Mr. S. C. Mitra** : (a) Is it a fact that the East Indian, Great Indian Peninsula and Eastern Bengal Railways appoint specially qualified teachers for their technical schools ?

(b) Is it a fact that the Bengal Nagpur Railway appoint some chargehands or draughtsmen without any special qualification as teachers for their technical schools ?

(c) If so, do they propose to change the system and appoint specially qualified teachers ? If not, why not ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

†For answer to this question, see answer to question No. 410.

QUALIFICATIONS REQUIRED OF INDIAN AND NON-INDIAN RAILWAY APPRENTICES.

†421. ***Mr. S. C. Mitra :** (a) Is it a fact that apprentices of non-Asiatic domicile have been taken against the strength for which the Railway Board's sanction has not been obtained, and that in many cases out-of-course promotions and increments have been given ?

(b) Is it a fact that some of these men do not possess the B. O. C. certificate which is compulsory for the Indian bound A. grade apprentices ?

(c) If the answer to part (b) be in the affirmative, do Government propose to waive that condition in the case of Indian apprentices as well ?

DIFFERENCE IN PAY OF INDIAN, EUROPEAN AND ANGLO-INDIAN MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

422. ***Mr. S. C. Mitra :** With reference to the reply to starred question No. 291 (d) of the 10th September, 1929, regarding difference in pay of Indian, European, and Anglo-Indian mechanics in the Lillooah Workshops, East Indian Railway, will Government be pleased to state whether it is a fact that Messrs. N. L. Sett and A. Beg were not discharged after the completion of their training as stated therein, but were in service ? If so, why were they not appointed as probationers along with the Anglo-Indians and confirmed on Rs. 160 after 6 months ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 422 to 425 together. I am making enquiries from the Agent, East Indian Railway, and will communicate with the Honourable Member in due course.

EUROPEANS, ANGLO-INDIANS AND INDIANS APPOINTED AS MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

†423. ***Mr. S. C. Mitra :** With reference to the reply to starred question No. 291 (a) of the 10th September, 1929, regarding appointments in the Lillooah Workshops, East Indian Railway, will Government be pleased to state the reasons why four Europeans and Anglo-Indians, and only one Indian have been appointed as mechanics ? Will they be pleased to state whether better qualified Indian candidates were also available for these posts and, if so, why were they not appointed in preference to the Anglo-Indians and Europeans as assured in the reply referred to above ?

RACIAL DISCRIMINATION IN THE APPOINTMENT OF APPRENTICES IN THE LILLOOAH WORKSHOPS.

†424. ***Mr. S. C. Mitra :** (a) Is it a fact that five vacancies in the grade of the mechanics occurred in the Lillooah workshop in 1931 ?

†For answer to this question, see answer to question No. 410.

‡For answer to this question, see answer to question No. 422.

(b) Is it a fact that these vacancies were filled up only from the junior apprentices who completed their training in 1931, while successful senior apprentices of 1930, were in the waiting list ? If so, what were the reasons for not appointing the passed apprentices of 1930 ?

(c) Is it a fact that out of the five apprentices appointed in 1931, four are Europeans and Anglo-Indians and only one is an Indian ? If so, will Government be pleased to state the reasons for the appointment of the four Europeans and Anglo-Indians in preference to other Indian apprentices of 1930 and 1931 ?

(d) Will Government be pleased to state whether the principle of the removal of all racial discrimination in matters of appointment in Railways in future has been accepted and if so, when will it be enforced ? Do Government propose to appoint apprentices according to seniority and results of the final examination of the Jamalpore Technical School ? If not, why not ?

APPRENTICES TRAINED AND APPOINTED BY THE EAST INDIAN RAILWAY.

†425. ***Mr. S. C. Mitra :** Will Government please lay on the table a statement of the names of all apprentices who completed their training in 1930 and 1931, with their general and technical education and also the names of the workshops, where they have been provided with posts over the East Indian Railway ?

ALLEGED INJURIOUS EFFECT OF ALUMINIUM COOKING VESSELS.

426. ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the poisonous effect of using aluminium cooking vessels ?

(b) Have Government ever obtained expert medical opinion in the matter ? If so, with what result ?

(c) Have Government noticed a contribution by Doctor Khanchand Dev, M.D., published in *Tribune* and re-produced in the *Sind Observer* of the 15th August, 1931, referring to expert authorities' practically proving its deleterious effect on human and animal food ?

(d) What steps do Government propose to take to stop the importation of such cooking vessels and to control their sale ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (c). Government have seen the article to which the Honourable Member refers on the subject of aluminium cooking vessels.

(b) Yes. Government are advised that aluminium is a non-poisonous metal, and that the use of good quality aluminium vessels for cooking is entirely innocuous.

(d) None, in the circumstances explained above.

Mr. Lalchand Navalrai : Will Government be pleased to state if they have considered the opinion of the authorities that are contained in the article that I referred to ?

†For answer to this question, see answer to question No. 422.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The article which the Honourable Member referred to has been read by the expert on whose advice my answer is based.

Mr. Lalchand Navalrai : Then am I to understand that the experts in India have differed from those experts in America and England ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, Sir.

Mr. Lalchand Navalrai : How then does the Honourable Member say so ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the experts in America and Europe between themselves also differ.

APPOINTMENT OF INDIAN OFFICERS AS ADJUTANTS.

427. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state :

- (a) the number of Indian officers holding the King's Commission in eight Indianized units who have passed the language and retention examinations and qualified at a small arms school and have approximately six years' service ;
- (b) the qualifications of officers who are eligible for appointment as Adjutants and Quarter-Masters ;
- (c) the number of Quarter-Masters and Adjutants in the said units ;
- (d) the number of Indian officers in the said units who are Adjutants at the present moment or who in the past officiated as Adjutants ; and
- (e) the reasons why so few Indian officers are holding the post of Adjutants ?

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

(b) An *Adjutant*. Must have passed the language and retention examination ; must have qualified at a small arms school ; and should ordinarily be an officer of approximately 6 years' service.

A *Quartermaster*. Must have passed the language and retention examinations and should ordinarily be junior to the adjutant.

(c) Eight each.

(d) The number of present adjutants is 2.

The number of Indian officers who have officiated in the past is 11. One more Indian officer will shortly be permanently appointed.

(e) The officer appointed adjutant is specially selected. The tenure of appointment is four years. The sanctioning authority is the District Commander. If an officer is not appointed adjutant, the inference is that he is considered less suitable than the officer who is appointed.

An officer once appointed adjutant cannot be removed from his appointment till his tenure is completed, unless he is considered unfit to hold the appointment. This rarely occurs. Only a small percentage of the officers in any unit held the appointment of adjutant in their service.

When the present incumbents vacate, it is likely that they will be replaced by Indians.

COST OF MOVING REGIMENTS FROM ONE STATION TO ANOTHER.

428. ***Mr. Gaya Prasad Singh :** (a) What is the total annual cost of moving different regiments from one station to another in India ?

(b) Have Government considered the question of effecting economy by reducing these moves at least during the present period of financial stringency ?

Mr. G. M. Young : (a) The maximum annual cost may be taken as Rs. 15½ lakhs. It has not exceeded Rs. 14 lakhs in either of the last two years.

(b) The annual cost up to and including 1927-28 was about Rs. 23 lakhs. The Honourable Member will see from this that very large economies have already been effected by reducing the number of these moves. The possibility of further reductions is under examination.

REPRESENTATION OF GURKHAS AT THE ROUND TABLE CONFERENCE.

429. ***Mr. Gaya Prasad Singh :** (a) Have Government received any representation on behalf of three million Gurkhas domiciled in India, praying for adequate representation in the Round Table Conference, on the ground of their "numerical and military importance", and also because they have "always stood loyally by the side of the *Sirkar* on all occasions of grave danger to peace, and welfare of the Empire" ?

(b) How many representatives of this minority community have been sent to the Round Table Conference ?

The Honourable Sir George Rainy : (a) No such representation has been received by the Governor General in Council.

(b) None.

REPRESENTATION OF SHIA MUHAMMADANS AT THE ROUND TABLE CONFERENCE.

430. ***Mr. Gaya Prasad Singh :** Have Government received any representation from the Central Standing Committee of the All-India Shia Political Conference, protesting against the exclusion of Shia representation from the Round Table Conference, and authorizing Sir Sultan Ahmad to press the Shia views supporting joint electorates at the Conference, in case of their non-representation ?

The Honourable Sir George Rainy : No.

REPRESENTATION FROM PANDIT KASHI PRASAD DIKSHIT, FORMERLY A CLERK IN THE GOVERNMENT PRESS, ALLAHABAD.

431. ***Mr. Gaya Prasad Singh :** (a) Have Government received any representation from one Pandit Kashi Prasad Dikshit, who was formerly a clerk in the Government Press, Allahabad, stating that he was subjected to "an unprovoked and uncalled for insult and severe humiliation", on the 6th January, 1931, when he entered the room of the Superintendent of the Press, wearing a Gandhi cap ?

(b) Is it a fact that his salary was reduced for the "offence" of wearing a Gandhi cap, which led him to resign his post?

(c) Is there any Government order or circular prohibiting the wearing of Gandhi caps, or any other kind of dress or clothes? If not, why was this man punished?

(d) Did he apply for reinstatement after the Gandhi-Irwin settlement of Delhi; and how has his representation been disposed of?

The Honourable Sir James Crerar : (a) Yes.

(b) No.

(c) No.

(d) Pandit Kashi Prasad Dikshit applied for reinstatement on the 6th May, 1931, after the post had been permanently filled. His application could not be acceded to.

WITHHOLDING OF TELEGRAMS SENT BY MR. M. N. ROY.

432. ***Mr. Gaya Prasad Singh :** Is it a fact that telegrams sent by Mr. M. N. Roy, an accused now awaiting trial in Cawnpore, to Mr. Ramsay MacDonald, Mr. Fenner Brockway, and Mr. Maxton, have been withheld, or delayed by the authorities? If so, why?

The Honourable Sir James Crerar : Mr. M. N. Roy, while in custody after his arrest, drafted telegrams to the three gentlemen named and solicited their transmission at public expense. As their contents were not such as to justify their transmission at public expense, they were not transmitted.

RELEASE OF SHOLAPUR PRISONERS.

433. ***Mr. Gaya Prasad Singh :** How many Sholapur prisoners have been released and how many are still undischarged? What are their offences, and why are they not released, under the Delhi settlement?

The Honourable Sir James Crerar : All the Sholapur prisoners have been released except 36, whose cases did not come within the terms of the Settlement. Of these, 34 were convicted for rioting and burning of buildings and 2 for bribing and intimidating witnesses in a criminal case arising out of the murder of two policemen.

RESOLUTIONS OF THE ALL-INDIA MEDICAL CONFERENCE.

434. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Session, held at Poona on the 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions?

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

(b) The resolutions are under consideration.

INTRODUCTION OF AN INDIAN MEDICAL COUNCIL BILL.

435. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) When do Government propose to introduce the Indian Medical Council Bill? Has the draft Bill been circulated for public opinion?

(b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill?

(c) Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that this Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates, and should have a non-official elected president from its commencement; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

(c) Yes.

RESOLUTION OF THE ALL-INDIA MEDICAL CONFERENCE *re* THE INDIAN MEDICAL REGISTER.

436. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to Resolution No. 4, passed at the All-India Medical Conference held at Poona on the 25th, 26th and 27th April, 1931, which runs as follows :

"This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air services of the country or be permitted to act as a ship's surgeon or in such other services."

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take in the matter?

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

(b) They are trying to have a suitable organisation to look after the minimum standard of instruction, examination and qualification and then this matter can also be gone into.

LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

437. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India? If so, why?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : We have no information. Each Provincial Government determines for itself the status which is accorded in its territories to the licentiates of medical schools of Indian provinces or Indian States. The Government of India exercise no jurisdiction in the matter.

APPOINTMENT OF OFFICERS TO THE INDIAN MEDICAL RESEARCH DEPARTMENT.

438. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service ?

(b) Is it a fact that at the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference ?

(c) Is it a fact that in the Resolution moved by Mr. Jayakar in the Assembly in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion ?

(d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers ? Is it a fact that a large number of members at the Conference differed from the Chair in regard to his ruling in this matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 18.

(b) The question was not discussed as it was ruled out of order.

(c) Yes.

(d) Yes. The Honourable Member's attention is invited to the reply already given to Mr. Gaya Prasad Singh's question No. 157 on this subject.

ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCH INSTITUTE.

439. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : What steps have Government taken in regard to the reconstitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Some steps were taken and retraced, and now it appears the scheme for the establishment of a Central Medical Research Institute will have to be postponed until the financial situation improves.

RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND ASSOCIATION.

440. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : What steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930 ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Recommendations have been examined and proposals as to reconstitution framed.

RETRENCHMENT IN SALARIES OF DEPARTMENTAL HEADS OF RESEARCH INSTITUTES.

441. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : Have Government drawn the attention of the Retrenchment Committee to the following resolutions passed at the All-India Medical Conference ?

"That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exorbitant, and that thorough revision of the salaries of the Departmental Heads of these institutions is imperative."

"That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutta, and against the raising of the salaries of these officers to Rs. 3,000 per month."

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No. Government have, however, furnished the Retrenchment Committee with all the information for which they asked regarding salaries and the scheme for the establishment of a Public Health Institute at Calcutta.

RESERVATION OF SPECIFIC POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEAN OFFICERS.

442. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the service and urging that the 90 posts, contemplated to be released, under the Government of India communique of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only ? If so, what steps do Government propose to take in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The reply to the first part of the question is in the affirmative. The subject to which it relates is regulated by the orders of the Secretary of State. The reasons for reserving certain specific posts in the cadre of the Indian Medical Service for European officers are the necessity of providing the full strength of European officers required for the war reserve and the necessity of supplying European personnel of the superior Civil Services with European medical attendance in accordance with the recommendations of the Lee Commission.

As regards the 90 posts to be released by the Indian Medical Service, the decision to release these posts was subject to the proviso that the existing and accruing rights of Indian Medical Service officers in permanent civil employ on the date of issue of the Government of India Press communique, dated the 10th of May, 1928, and also those of officers not permanently in such employ who were transferred to it temporarily without warning that they might have to revert, should be fully safeguarded. Until the claims of these officers to fill such posts have been liquidated in accordance with rules which govern the subject, the appointment of members of the provincial medical services to fill them when permanent or temporary vacancies occur is not feasible.

In these circumstances, no definite action relating to this matter is contemplated at present.

APPOINTMENT OF INDIAN MEDICAL SERVICE OFFICERS BY NOMINATION.

443. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to appoint officers in the Indian Medical Service by nomination, in spite of the repeated protests of the medical profession as well as of the public, and urging that all nomination in that service should henceforth cease and further that appointment to the service should be by an annual competitive examination to be held in India, open to all medical practitioners registered in India? If so, what steps do Government propose to take in the matter?

Mr. G. M. Young : The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, Government do not propose Medical Service until after the constitutional changes at present under consideration by His Majesty's Government.

CIVIL WORK BY THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR THE INDIAN MEDICAL PROFESSION.

444. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service; this Conference further declares that the members of the Indian Medical Profession are prepared to offer themselves for Military Service in any war that may be waged in the defence of their country; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."

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

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

(b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.

TERMS OF RETIREMENT OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

445. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service; and that these officers should be given a gratuity commensurate with the length of service they may have put in as temporary officers."

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

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

(b) The whole question of these temporary appointments was gone into in 1927-28, and was explained fully to this House in my answer to unstarred question No. 108, dated the 16th February, 1928. Temporary officers are eligible for appointment to the permanent service as vacancies occur; and if they are selected for such appointment, their temporary service is extended until they can be confirmed. Candidates for temporary commissions are made aware of all the conditions of service before they are appointed; and there is no dearth of suitable candidates under the existing conditions. Government do not therefore propose to take any steps at present.

RELEASE TO PROVINCIAL GOVERNMENTS OF STOCKS OF QUININE LYING WITH THE GOVERNMENT OF INDIA.

446. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : What steps are being taken to release to Provincial Governments the large stocks of quinine lying with the Government of India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The question of reducing the Government of India's stock of quinine is under consideration. It is hoped Local Governments will be addressed shortly.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. Deputy President : Honourable Members will now proceed to elect three non-official Members to serve on the Standing Committee to advise on subjects, other than

"Roads" and "Broadcasting", dealt with in the Department of Industries and Labour. There are six candidates whose names are printed on the ballot papers which will now be supplied to the Honourable Members in the order in which the Secretary will call them.

(The ballot was then taken.)

THE INDIAN PRESS BILL--contd.

Mr. Deputy President : The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar that the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Sir Abdur Rahim, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 18th September, 1931, and that the numbers of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and also the amendment of Mr. B. Das that the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd of January, 1932.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Will it be possible to report before the 18th of September, Sir? Today is the 16th. The date ought to be extended. Will the Honourable the Leader of the House make a statement?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I wish to indicate, Sir, in as few words as possible, the general attitude of the Independent Party towards this measure. There are certain points on which all sections of this House seem to agree. We are all at one in condemning crimes of violence, murders and murderous outrages, whatever be the motive which inspires the perpetrators. We are also agreed in denouncing such writings and speeches which may have the effect of inciting to these crimes of violence and assassination. Sir, I understand that the Bill is primarily and substantially designed, so far as the intention of the Government goes, to prevent incitements to such crimes by means of writings in newspapers and other publications of that nature. At the same time, Sir, it is evident that the scope of this Bill is far wider than that. It is not confined to the prevention of certain kinds of offences in this country. The very title, the very preamble shows that what is desired, so far as this Bill is concerned, is to obtain control of the entire Press in the country. Now, Sir, I can say at once that we are not willing to give control over the Press to the Government, but we are perfectly willing to help the Government in devising suitable measures which will check, which will prevent, assassinations and crimes of violence, even if their object may be to obtain a better political status for the country. So far we are agreeable to act with the Government, but we do not see any good reason why we should, especially at this juncture, help the Government in establishing control over the entire Press of the country. To my mind no such case has been made out, and I do suggest it to the Government that it will be extremely inexpedient at the present moment to attempt seriously to control the Press.

Now, Sir, let us see what the scope of the Bill is. Take clause 3. Clause 3 hits the entire printing business of the country. It is not aimed merely at newspaper writings. No one can keep a printing press or conduct a business of printing except with the permission of the Magistrate. Now, I do not know whether the Government really consider that printing presses are an evil, that they are really and mainly a source of danger to the country and therefore the business of keeping and conducting printing presses should be handicapped at the very outset. Sir, we all know how much modern civilization owes to the printing press, and is it really in the mind of the Government to handicap the business of printing in this country? Printing presses are not confined to printing newspapers or publishing newspapers, and they are not only useful but they are essential for the spread of civilization and knowledge. But what justification is there for telling any one who wants to start a printing press, whether big or small, that he shall not do it unless he deposits a certain amount of security? Now, that I submit is a provision in the Bill which cannot be justified. And is it really the case that the Government cannot prevent the mischief which certain classes of newspapers indulge in by their writings without obtaining control over the presses, without handicapping the business of the printing press altogether? Surely, Sir, it is quite possible to strike at the mischief without Government obtaining such wide and uncontrolled powers. True, the Magistrate may, in special cases, by special order, exempt certain presses, but why should there be this limitation on the liberty of men who want to carry on the business of printing? I consider that most serious aspect of this Bill, even more serious in my opinion than the writings in some of the newspapers.

Sir, it has been pointed out even by judicial authorities that this sort of asking for security before a man can start the business, a very legitimate and very honourable business, is a thing which cannot be justified in a court of justice so far as that court of justice is engaged in seeing that crimes are not perpetrated, that crimes are prevented. Now, Sir, look at the preventive measures as a whole. Preventive measures are not unknown to the law of this land. We have got a whole chapter devoted in the Code of Criminal Procedure to preventive measures, measures designed to prevent a breach of the peace and crimes of a certain class. I wonder if the Government have ever considered whether it was not possible to proceed on those lines. I find the Honourable the Law Member is not here; otherwise, I should have liked to ask him specifically if he had considered this aspect of the matter at all, whether it was not possible to proceed on the lines of that chapter of the Criminal Procedure Code. If not, I should have liked to hear from him what are the reasons for not proceeding on those lines. I am perfectly aware that clause 4 of the Bill is in certain respects of a narrower scope than the Press Act of 1910; but still the wording of it, so far as the object of this clause is concerned, is far too wide. The language used there is the identical language which has been more than once judicially condemned; it was condemned by two of the High Courts in India, and that condemnation, when the matter went up to the Privy Council, was silently at least approved. What justification can there be for repeating language of that sort in the present Bill? The words in the clause are :

"Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely " (it does not stop there), "or may have a tendency " (it does not stop there), "directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication, or otherwise, to incite to or encourage....."

Now, it has been pointed out by judicial authorities that it is very difficult for them, speaking as judges, to interpret and to apply to a particular individual concrete case language of this wide character. Then where was the necessity for repeating the same? It would simply embarrass the High Court if it were to review any of the orders passed by the Local Government under this measure. Would it not have been sufficient to stop at the words "likely to incite to or encourage the commission of any offence"? That is a matter which, it will be said and rightly said, can be considered by the Select Committee, and I understand that some of the Members on the Government Benches have agreed that there will be no difficulty on the part of the Select Committee to get rid of language of that character and to amend the Bill properly.

There is also another matter for consideration. I have looked very carefully into those extracts from writings which have been supplied along with this Bill. No doubt, a great many of them are very nasty reading, and I do not think that any one can justify the circulation of such writings. But there are also writings which are equally mischievous and will do an equal amount of harm in this country, which may not, in so many words, incite to crimes of violence but which tend to inflame passions in this country, inflame political and racial feelings, and I am not sure whether clause 4 would hit writings of that character. Sir, the newspapers that have been quoted are not the only offenders which ought to be muzzled, but there are others. No doubt, they write in a more diplomatic vein; no doubt, they

[Sir Abdur Rahim.]

use more careful language ; but the political effect is very bad indeed of such writings which I am afraid will not come within the scope of this clause.

Sir, we have considered the whole matter in its different aspects, and we have come to this conclusion that, if the Government Benches are prepared to give us a clear and definite undertaking that the Select Committee and this House afterwards will be at liberty to remodel this Bill and confine it strictly and rigidly to prevention of certain kinds of crime, then they will have our support for the motion to refer the Bill to a Select Committee. If, on the other hand, the Government really want to establish control over the Press, not only over newspapers but over the printing presses of this country, if they want to establish a sort of supervision over the activities of the entire Press in this land apart from the particular mischief which appears to be aimed at, then, in that case, we cannot support the motion for a Select Committee. We want a clear statement from the Honourable the Home Member who is in charge of this Bill what Government really want by this measure. Do they really want merely to prevent such kinds of crimes or to establish control over the Press ? That is the clear issue before the House, and if the Honourable Member will satisfy us on this point, we will support him in his motion for the Select Committee but not otherwise.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. Deputy President, Sir, I am a humble member of the profession which is most concerned with the measure now before the House and if I venture to make one or two very brief observations, it is not in that capacity but as a Member of this House, insignificant as I am but nevertheless as zealous of its reputation and as anxious for its fair name as any other Member who sits on the opposite Benches. Sir, nothing can be more insulting to the intelligence of the Members of this House or a greater danger and damage to our capacity for self-rule than that we should create any impression outside this House that the issue of a document of 66 closely printed pages from the Home Department containing extracts from newspapers relating to incitement to terrorist crimes and activities, the passionate and pathetic appeal of the Home Member to those Benches, the forensic eloquence of the Acting Law Member, the carefully prepared file of newspaper cuttings of my Honourable friend Mr. Arthur Moore, and Sir Cowasji Jehangir's laborious research into the various species of anarchists in this country should be necessary for the purpose of obtaining from a section of this House a vote against political assassination and incitement to political assassination. I do not think, Sir, that three long days' full dress debate upon this simple measure has done this House any credit nor has it enhanced its reputation for an adequate sense of responsibility. I am inclined to think that in the grave circumstances necessitating this measure, in any assembly or parliament in the world, a motion like this has only got to be moved for its being accepted unanimously. Everybody knows the general feeling among Europeans and among law abiding citizens in this country on this matter. Day after day, we hear of the brutal murder of those who are in Government service and those who support them. But, Sir, everybody also knows that these extremist papers against whom this Bill is meant have always made martyrs of these political assassins. Every time a brutal and barbarous crime is committed, a subtle distinction is always sought to be drawn between the deed of murder and the motives that inspired deed. Although

these newspapers for the purpose of keeping themselves within the limits of the Penal Code always condemned these murders with much vehemence of speech and manner, it was openly declared that those who committed the crime were actuated by the highest and the noblest instincts of patriotism, chivalry and courage. It is quite true, Sir, that some of these extremist papers have taken the orthodox language of non-violence on their lips, but side by side with this formal and official condemnation of murder, as I pointed out on another occasion in Calcutta, these papers have indulged in a kind of sentimental, pseudo-poetic sobstuff in glorification of these political murders, which in my opinion has done more to encourage murder than anything else. I think that it is the stopping of this insidious hypocrisy which is the object of this Bill and I do not think any publicist or journalist or public man need be ashamed of giving his whole-hearted support to this Bill.

In conclusion, Mr. President, may I put it to you that were Mahatma Gandhi himself the Leader of the Opposition today sitting on those Benches, he would have with readiness and alacrity given his whole-hearted support to this Bill.

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

Mr. R. S. Sarma : Mahatma Gandhi, in spite of his preoccupations connected with the Round Table Conference, when he was not aware whether he would go to London or not, when he was full of other anxieties, came forward and unequivocally dissociated himself from the part he himself played in the Karachi Congress regarding the Bhagat Singh resolution, and you can expect a man of that calibre, if he were sitting today on those Benches, to have given his whole-hearted support to this Bill. What this Bill wants to achieve, in my opinion, is only to reaffirm, to emphasize and underline the doctrine of non-violence for which the Mahatma stands. (Interruptions.) Let it not be said of these gentlemen that they are only followers of Mahatma Gandhi in name and not his real followers. The Mahatma is the most arresting personality on the world's stage today.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : We are glad to see that you are a follower of Mahatma Gandhi.

Mr. R. S. Sarma : I am certainly a follower of his creed of non-violence. Today, Sir, he is the observed of all observers, the cynosure of the world's eyes. And why ? Because a war weary world is today looking with hope and expectancy to see some proofs and demonstration whether this ideal of non-violence, this creed of peace is as practicable in a real sense as it is desirable in an idealistic sense, and we in this House, by putting this Bill on the Statute-book, will only afford to the world at large a proof and demonstration that India, through her chosen representatives, has at a psychological hour, reaffirmed and confirmed a nation-wide faith in the gospel of its leader.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : I am afraid I must oppose this Bill not because I am not in sympathy with the object the Government have in view. So far as the object of the Bill is concerned, we are in complete sympathy with the Government. As a matter of fact any measure intended to check terrorist crime should be welcomed by this House. The assassinations that we have seen lately are no doubt to be deplored and condemned, but that is as far

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as I can go. When we come to the present Bill, I regret that I cannot accept this Bill, because I honestly believe that it is a most mischievous measure and as a remedy it will prove worse than the disease. I understand the Government case to be this—that there is a class of active or potential revolutionaries who are being encouraged and incited by a certain class of people, namely the Indian Press, to commit deeds of violence against a definite class of people, namely European and Government servants. The Government case is that that being the state of affairs, the present law is inadequate to check this movement, and hence they have presented this Bill to this House for its acceptance. If this data is correct, then I have no doubt that the Government have got an excellent case. But I venture to think that it was up to the Government, up to any responsible Member occupying the Opposition Benches, to have taken the House into their confidence and to have told the House, “Here is the present law, and here is the inadequacy in that law, and hence our justification for asking for fresh legislation”. I think, Sir, that the Government have not played the game properly. They ought to have placed their cards upon the table, they ought to have shown to the House that “this is our law, which is not sufficiently long to reach those culprits”, and order that they may be able to check adequately a movement which we all condemn. Now I expected, when the Honourable the Home Member was on his legs, that he would enlighten the House on this aspect of the question, but I confess I was disappointed. Then when the Honourable Member for Law spoke, although he made a very brilliant speech, I confess I was again disappointed. The one thing that I had expected from the Law Member was that he should have discussed the legal aspect of the question; but there again there was no reference to this matter. Then the Honourable the Leader of the House gave us the benefit of his views, but there again I submit he did not take up this question. Surely, on the Government side it should be the business and concern of somebody, before they can ask for this new law, before they can justify their present demand, to show to the House that “As we stand now, we are materially handicapped by the existing law.....”

Mr. B. Das : Wait till you hear my Honourable friend, Sir Lancelot Graham.

Mr. B. R. Puri : “..... and hence we are constrained to ask for fresh legislation”. Now they have absolutely ignored this aspect, and I say, advisedly. I submit even now it is not too late for the Government, when they say, “Our law at present is inadequate”. They may inform this side of the House to which law they are referring so that may be able to appreciate what the Government’s position is. We may be in a position to show that that law, which according to your view is inadequate, is more than adequate. How can we point out, Sir, that that law is perfectly adequate? In fact in the present law they have got more than they require. With your permission, therefore, Sir, I will make a request at this stage. If the Honourable the Home Member even at this stage of the debate would be pleased to

inform the House as to which law he is referring when he says it is inadequate, this side of the House would be very much obliged to him; for then we will be in a position to discuss the question further with reference to the adequacy or inadequacy of that law. May I expect some enlightenment on this subject, Sir?

The Honourable Sir James Crerar (Home Member) : Will the Honourable Member be good enough to repeat that question?

Mr. Deputy President : I am afraid the question that the Honourable Member has put to the Honourable the Home Member is of too wide a scope to admit of an answer by way of a reply simply to an interruption. I think the Honourable Member might proceed with his argument.

Mr. B. Das : I do hope some Member from the Government will reply later on—or perhaps my Honourable friend, Sir Lancelot Graham.

Sir Lancelot Graham (Secretary, Legislative Department) : Thank you!

Mr. B. R. Puri : Well, Sir, in the absence of the Government making out a proper case in support of this measure on the ground of their present law being insufficient, I would be justified to suspect the motives of the Government. I regret to have to take up that position, and I say that the reason they do not refer to the present law is because they are conscious in their own mind that that law is more than sufficient for their purposes (*Cries of “Hear, hear”*). Now, since they have not done what was obviously their duty, I shall have I am afraid to go into that question. Now, Sir, I will refer the Honourable the Home Member to certain provisions of the law with a view to convince him if I can, that that law is the very law that he wants,—that in the face of that law which already exists in your Penal Code, you do not need the present Bill at all even for a moment. Your Indian Penal Code, Sir, is a sufficiently comprehensive enactment. The framers of that Code were really very brainy people, and they anticipated all the various forms and phases of criminal tendencies of human beings, and they made due and ample provision to meet all those cases. Now I shall invite the attention of my Honourable friends on the opposite side, to the provision of the Indian Penal Code, section 117. I will just read that section with your permission with a view to show how admirably that provision is intended to meet the present circumstances. (Mr. K. Ahmed at this stage made an interruption which was inaudible.) I do not follow my learned friend’s interruption.

“Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Now let me here explain for a moment that so far as the general law of abetment is concerned, it will not cover the present case—I will not be too technical—I hope the House will kindly bear with me for one moment. I confess that the ordinary law of abetment would not be applicable to the present state of affairs, inasmuch as these alleged writings, which are said to promote this class of assassinations, are not addressed to any specified individual. Therefore, unless you make out

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a case like this that a person instigated or incited some specified individual, to commit a particular offence with reference to another specified individual or conspired with the offender or aided him, the case would not come within the purview of the abetment section. Where a newspaper in a general manner disseminated material which could be taken up by the public at large as a sort of incitement, and some one out of that crowd who read that, getting excited, committed a crime by attacking some unknown person, that is unknown to the writer, that would not be abetment according to the law. But the framers of the Code very wisely have provided section 117 as an exception to the general rule.

The Illustration to this section is as follows :

"A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section."

One sentence more will convince you further that this is just the sort of provision which would be quite sufficient to cover the present case :

"Under this section it will be sufficient to shew any instigation or other mode of abetment, though neither the effect intended nor any effect follows from it. This section stood as clause 94 in the draft Code and contained another illustration as follows :

Now, kindly note this illustration :

"A inserts in a newspaper an article advising soldiers to shoot every Commanding Officer who uses them harshly. A has committed the offence defined in this clause."

Now, I beg to submit that these illustrations are really very instructive. The framers had in this Code anticipated a case like the present such as we have before us. If any newspaper publishes an article of the nature referred to above, namely, offering incitement to the public, then it will come within the purview of this section. What more do they want? Here is a section which, irrespective of whether any result follows or does not follow, mere writing *per se* is an offence. And look at the punishment. The offender is liable to an imprisonment for three years and an unlimited amount of fine. Surely, Sir, it would not be seriously maintained by the Government that people have no fear left of the jail. Surely, the confiscation of the security of Rs. 1,000 or Rs. 2,000 is not the only thing of which people are afraid. Surely, people have got dread and fear of being sent to jail for three long years, and if the Government case is that money has got a much greater fear in the minds of the people, then they can have the fine imposed to their heart's content; it is an unlimited amount of fine which is provided in the section. They can get the press attached, the whole thing sold out and they can harass the offender for six long years under the existing law for the realisation of the fine. What more do you require? Have you not got more than what you actually need for the purpose of the present occasion, assuming that your necessity is real? Since you ignore this and since you do not follow your own law, would we not be justified in concluding that you are after something else? Your real objective appears to get at the Press, otherwise your necessity is amply met with by the existing law. If you do not care to use this law, it is your own look-out.

Now, Sir, that is not the only and the solitary section which the law has provided to meet such contingencies. There is another provision of the law also in this very book, and I wish my Honourable friends on the other side of the House had studied the Indian Penal Code a little more carefully before putting in this measure. Then, perhaps the House would have been spared the trouble of considering the present measure for such a long time. If, Sir, you will turn your attention to section 505 you will find..... (Inaudible interruption by Mr. K. Ahmed.) What are you singing, Sir? (Laughter.)

Now, Sir, section 505 lays down as follows :

"Whoever makes, publishes or circulates any statement, rumour or report",— (then follow three clauses; we are concerned with clause (c) only.)

"(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both."

You will remember, Sir, that when I stated the Government case I was particular in saying that the issue before the House was that there is one class of people, namely, the revolutionary class, which commits offences, against another class of people which consists of either the Europeans or the Government officials generally, so that where a person with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class of persons or community, it would be an offence which would fall under the provisions of section 505.

Mr. K. Ahmed : That has no application to the present case.

Mr. B. R. Puri : It will take you some time to understand it yet. It is too subtle a provision for you to follow. Hereafter I will ignore you.

Now, Sir, kindly see that one of the great points which the Honourable the Mover of the Bill made was—and I have taken down the very words which emanated from his lips—that so far as the present law is concerned it is of a penal nature, and what they want at the present moment is a preventive provision. This was the argument which was advanced by him. It is a perfectly sound argument, but does not apply to the present case. If you will look at section 505 or section 117, you will be pleased to observe that by the very language and words of these provisions, they are both preventive provisions. They are penal provisions only in the sense that the preventive remedy which is provided and embodied in these two provisions if it is disregarded by any person, he would be subjected to certain penalties. But whether anything takes place as the result of incitement or not, these provisions do not take the least notice of. The mere incitement, irrespective of any objectionable results following from it, is *per se* an offence and therefore they should be and have been rightly regarded as preventive provisions and not as penal provisions in the sense in which the Honourable the Home Member was pleased to observe.

Now, Sir, one other point in this section is also worth noting and that is that according to the Government view the present is a case of emergency; if recourse was had to one of these provisions, it would not be an appropriate one because the occasion demands immediate action.

I P.M. I trust I am faithfully reproducing the argument which the Honourable the Home Member advanced before this

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House. Now, Sir, I think it will be readily conceded that if tomorrow some newspaper foolishly took it into its head to incite the soldiers and troops of His Majesty's Army and if it started seducing them with a view that they should commit mutiny, then if anything conceivable can be emergent, that would be a highly emergent occasion for the Government to step in and to check such writings, because the consequences and dangers are really very serious. Now, Sir, if you look at clause (a) of section 505, you find this :

"Whoever makes, publishes, etc.

(a) with intent to cause, or which is likely to cause, any officer, soldier, or sailor in the army or navy of Her Majesty, or in the Royal Indian Marine, or in the Imperial Service Troops, to mutiny, or otherwise disregard or fail in his duty as such * * *

* shall be punishable", etc., etc.

Even in a case where the publication has the object of seducing troops with a view that they should mutiny against Government, they have regarded this section as a sufficient provision to prevent such offences. But the present occasion, it will not surely be argued, is half so serious as an occasion where seduction of troops was attempted by means of writings in the Press. If this provision is good enough to meet such cases and to prevent such writings, I submit that it is more than good and more than efficacious to meet the present occasion.

Now, Sir, the next point that I wish to urge before the House is that the Bill in its present form is unworkable. I am aware that the Government view is that all these unworkable objectionable parts of the Act can be examined and attended to in the course of the deliberations in the Select Committee. Sir, that is not the correct view. My object is to show that the Bill is so worded that it itself suggests that the object is not to reach the offender but to wipe out the press from this country. That is the point that I wish to emphasise. We know that according to the present measure, a person who approves of the conduct of a murderer and indulges in laudation of a particular crime is taken as promoting a similar crime. If that be the right view, then I will place before the House one or two hypothetical cases from which the House would be in a position to see how the Bill would actually work in practice if it was passed. Only the other day we heard that when Lieutenant Sheehan was sleeping in a first class compartment at Saharanpur, another young European named Clarke wanted to board the train and got into that compartment and Lieutenant Sheehan picked up his revolver and shot the man dead down on the spot. Now, Sir, for the unfortunate victim of that accident, Clarke, substitute an Indian. We would then read in the papers that a European military officer named Lieutenant Sheehan at four o'clock in the morning did to death an Indian merely because the Indian wanted to get into that compartment which he was entitled to do. There would be a storm in the country, the papers would comment on it and they would condemn that murder. There would be no laudation of Lieutenant Sheehan. On the other hand the people and the Indian Press would condemn that officer. Now, Sir, suppose after reading the accounts of this incident in different papers some young man by way of retaliation took it into his head to go and murder the first European that he came across on the Mall in Simla, it would

not be the laudation of the murder, but the condemnation of it which had brought about the murder of a European. How will you apply your Act? Would you then say that according to the letter of the law this man is not guilty of having incited that murder because the man did not approve of the original murder but condemned it and therefore according to the letter of the law he is not guilty? Or would you say that according to the spirit of the law this man is guilty?

On this view, Sir, both the laudation and the condemnation of the murder would be equally an offence. Sir, I have never yet come across any judicial pronouncement according to which both an act as well as its omission is equally an offence; and yet this is what your Act will be. If the Act is capable of such construction surely there must be something basically wrong and that is a basic flaw in the Act. Instances can be multiplied on this point and I shall deal with them presently. This result will follow because the language, on purpose, has been made so comprehensive; the net has been spread so wide and the meshes have been made so fine that nothing can escape out of it.

Now, Sir, I will place before you another palpable illustration to show how in practice this Act will prove to be utterly unworkable and an impracticable measure. Suppose, Sir, a newspaper wrote a series of articles showing, exposing and criticising the financial policy of the Government of India or for the matter of that any other policy of the Government. And suppose the writer brought out and established the point that the appalling poverty which exists at the present moment in the country is the outcome of the financial policy which the Government have pursued for a number of years. Suppose, Sir, he also, with a view to enlighten the public, says that the present situation and plight of the people, who with one season of adversity have neither any vitality left in them nor any resources, is the outcome of that policy. Suppose, Sir, and I am merely stating this by way of illustration,—that the writer also establishes that, so far as the administration of justice in this country is concerned, the people are beginning to lose their confidence in the courts, because the courts are influenced by executive considerations, and suppose the editor or the writer quoted facts and figures, you cannot for a moment deny that a newspaper has got a right to write all this as long as he does not actually transgress a certain limit and a certain line—he will be well within his rights to educate the people and to inform the people and enlighten them as to what their real state is and what are the causes of their present plight, with a view that the condition and position of his countrymen may improve and that the causes which have led to that plight might be removed. Now, supposing after reading this series of articles, some young men, who are out of employment and who are sick of life and who have got nothing to eat or feed themselves upon, take it into their heads to think "The system of Government which has brought us down to such a condition and reduced us to such a plight should be ended", and if somebody, in that excited mood, influenced by those writings, were to go and commit murder or a series of murders, would you be justified in calling upon the person who wrote those articles with a perfectly honest intention

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and in a perfectly legitimate manner but of which a wrong use was made by some hot-headed young blood—would you call upon that newspaper to show cause and explain its conduct, and in the absence of any satisfactory proof, would you penalise that newspaper? If you would—and I say this, that if your present Bill is passed, that newspaper could by no amount of advocacy—even by my learned friend, Mr. Elliot—secure an acquittal, because he has, if not directly, certainly indirectly, promoted the murder. Your clause reads “by metaphor, allusion, innuendo” and all sorts of things.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Or otherwise.

Mr. B. R. Puri : Or otherwise. If this sort of public discussion about political matters which deeply concern every citizen of this country will be within the penal clauses of this Bill, what would there be left for the press people to discuss and debate? The only thing that I can imagine that will be open to them to write about would be to sing the praises of the officials and to record that a certain officer was transferred from one place to another and a big party was given to him and so on. That is the only material probably that would be left to them to discuss; otherwise they cannot even honestly discuss political matters because they may possibly lead to consequences which might bring them within the purview of this Bill.

The next point that I propose to take up is this, is it correct to say that the present writings do in fact promote such murders and assassinations? My submission is that the Government have not succeeded in making out a case that these assassinations are the outcome of such writings. The question can be looked at in a two-fold manner; firstly from the purely legal point of view. I submit that before you record a verdict of guilty against any newspaper or writing and here is the result of it. But merely stating these two items will not prove anything unless you link up the two together and unless you show that one is the cause and the other is the effect. Now look at it from the general point of view; and the general aspect which I wish to place before the House is this; that in spite of the fact that the Press has got great power and great potentiality, I cannot accept the proposition that the Press is so powerful as to create as if by magic, revolutionaries if the ground was not already prepared for it; and I submit that the real reason which has been urged on many previous occasions is—and that is the real cause at the bottom of it—that there is a great deal of discontent in the country; and that is where the ground is prepared, and in the face of that discontent, I submit that the remedy which the Government is applying is after all not the true remedy or the logical remedy. It would be readily conceded that a happy and contented people are not likely to go in for revolutionary activities; it is only the discontented and starving people who take to such desperate acts. If the condition of the people is really bad, if people are starving, they do not need a morning paper in order to remind them that they have got nothing to eat; they know it from their own condition. Therefore the Press is not responsible. Instead of applying the right remedy, the

wrong remedy is being applied. You are applying the surgeon's knife in order to cut off and to amputate a diseased limb, whereas your proper course to follow would be to resort to medical treatment to eradicate the poison from the system. That is what you are not doing. I admit you can temporarily control the actions of the people, but you cannot control their thoughts. If there is discontent in the country, you cannot make the people contented by bringing out a bigger edition of your penal code, for you cannot make them love you through your Indian Penal Code or other penal Acts. It is only when you create good will between yourself and ourselves that you will be able to feel secure. There will then be general peace and goodwill and that can only be achieved by a different sort of treatment and a different course from the one that the Government are proposing to follow by means of this Bill. These, Sir, are some of the observations which I wish to make.

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. Deputy President in the Chair.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Mr. Deputy President, I am much obliged to you for giving me an opportunity to address the House on this very important subject. I really do not wish to enter into the controversy that has come in between the Government of India and the Congress, but I feel, Sir, that in the course of the debate on the floor of this House the name of my constituency has more often than once been mentioned by some of my friends on both sides, and I feel that it will be shirking one's responsibility if I do not say anything on this measure which is before the House for its consideration. Sir, it is very difficult for one like myself to argue at length on the logic of my esteemed friend, Sir Abdur Rahim, or on the logic of my friend, Mr. B. R. Puri who spoke last before lunch. If one tries to look through things impartially, he will find that perhaps the Government of India have been late in bringing forward this piece of legislation. If the Government had not lost their time in giving weight to artificial considerations, I am certain, Sir, that their time as a responsible body would have been very much better spent. So far to begin with. If one comes to the Bill itself, he will find that it is directed only against a class of people who in season and out of season have tried to cause mischief at the expense of public peace and tranquillity through printing. That being so, as I read the Bill itself, I do not find that it is likely to do harm to anybody, much less to those who in the name of giving free expression of opinion conduct newspapers and bulletins, and who say that a measure of this kind ought not to have been brought in by Government. Sir Abdur Rahim is a great lawyer; he has held many important positions. But in this matter he has challenged the Government and asked why they have brought forward a measure of this kind on the floor of the Assembly. Of course, without being unnecessarily argumentative to him, may I ask him one question? Has it not occurred to him that even in advanced countries like France and England you have emergent measures to prevent or check the spread of murderous crimes such as those that are taking place in my part of the country?

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Then my Honourable friend, Mr. Jagan Nath Aggarwal, who is the President of the Lahore Bar, opined that the Bill which Government are now bringing forward will strike the printing business as a whole. If he has read Dicey correctly, which he tried to quote in support of his contention, he will find Dicey advocating that even in advanced countries like England powerful instruments of legislation like the present were undertaken to bring in peace and harmony. So much, Mr. Deputy President, with regard to what fell from my friends on my right.

It was also asked by some of the speakers in the course of the debate why not undertake the wholesale prosecutions of old offenders in this respect and have a plethora of prosecutions all round the country; why not have a careful scrutiny of all the newspaper agencies and presses who bring out seditious articles. That, Sir, to my mind, would have created much more consternation than this simple measure which is now before the House. We would have seen many adjournment motions, and much precious time and money would have been wasted thereby.

It has been suggested, Mr. Deputy President, in certain quarters that this piece of legislation has been brought in at the suggestion of a section of the Anglo-Indian Press alone. It is nothing of the sort. Government is not a partisan Government. It is for all, and it is for the good of all. If there is less murder and dacoity, the Anglo-Indians alone do not profit. The people as a whole reap the fruits of peace and order. I do not know how far that is justifiable, because I know on the 5th or 6th of August in my part of Bengal, just after the murder of the late Mr. Garlick, the District Judge of Alipore, I presided over a meeting and in that very meeting we asked the Government to take measures by which innocent lives could be saved. It was a meeting of the Hindu, Buddhists, Christians, Anglo-Indians and all; similar other resolutions, Mr. Deputy President, were passed in almost all parts of loyal Bengal, and if the Government, in order to lay the apprehensions of all law-abiding citizens at rest, brought in a measure like this, I do not think that any real wrong has been done thereby to any body. My Honourable friend, Mr. Mitra, suggests that perhaps the remedy would be worse than the disease. My Honourable friend may be right according to his lights, but I beg to differ from him. In my judgment, the whole trouble lies not in doing this, or doing that, but because of the policy that the Government of India have been following during the last few years, at the instance of the Government at home. They are part of a machinery which is working from a distance of 6,000 or 7,000 miles, and they are the instruments through which the Government at home give effect to their wishes. I think it is my bounden duty to warn the Government that if they persist in following the policy of the last few years what was said by the author of "The Lost Dominion" will become a reality.

Mr. Deputy President, before the lunch interval, my Honourable friend, Mr. Puri, asked, why do you bring in this measure, do you feel that this is likely to improve the situation in the country. The whole country he said is in a state of agitation, in a state of ferment. The reply to that would be this, that assertions or statements like that made on the floor of this House under the cloak of the Government of India Act go to create more mischief than what the presses sometimes do in this country. Certainly, there is great force in that statement of the learned gentleman where he said that the middle class unemployment has got something to do

with this terrorist movement. The present policy of the Government coupled with the world wide depression and unemployment of the *badralog* classes has also to my mind swelled the number of these terrorists. The Government do not want much from this House. What they want is this. They have drafted a Bill and they want it to be considered on its own merits. I am really surprised that even a sagacious man like my friend Mr. Das should have adopted these dilatory tactics to keep off the Bill for some time for eliciting opinions. Mr. Das knows very well what is the composition of this Select Committee. My Honourable friend Mr. Mitra has been able to add two other members to that Committee and I am certain he deserves our thanks, and we do not know that the Government of India themselves are very sincere in regard to this matter, because I can even now see at this stage what is likely to happen in the Select Committee. I am afraid Government have not got a majority in that Committee. I am sure that I shall not prove a false prophet if I say that the Bill, as it emerges from the Select Committee, will be more or less of a very innocuous nature.

One word, Mr. Deputy President, to those gentlemen who have been directly or indirectly espousing the cause of the opposition. Have they read history well, and do they not know the result of the Nihilist movement and that of the Carbonaris of Italy? Do they not know what is happening under Mussolini in Italy, and the state of chaos in Russia? I am certain no man having a little foresight in him, least of all a sober-minded Indian, who wishes well of this land, would think of attacking a measure, the words of which cannot be misinterpreted anywhere.

Lastly, I think I shall not be far wrong if I suggest one or two points over which the Government may profitably ponder. A little while ago, a friend of mine was telling me, "What do you think of the statement a certain gentleman made at Marseilles? My good friend, the said gentleman from Marseilles is reported to have said. If I do not attain my object, I shall come back to this country and start the old game again". Sir, statements of this kind emanating from high quarters have their repercussions on the minds of impressionable and misguided youths. Mr. Gandhi preaches non-violence, but these statements are mischievous. And if Government have any courage, they must come out and say that they will not set any premium on statements of that character. Secondly, I would suggest for their consideration that, if they want peace in this country, they must have the administration very well balanced, balanced in every sphere. If you do that, then you will feel that you are not sitting on the top of a volcano, but on that of the snow-clad mountains of the Himalayas.

Sir, some of my Honourable friends took serious objection to the statements which my Honourable friend Mr. Ghuznavi, who is not in his seat now, made with regard to the working of a certain Corporation in Bengal. Well, everybody knows the past history of the Calcutta Corporation in these matters. One Gentleman spoke of the executive officers of Government and their over-jealousy. I think it was my esteemed friend Mian Muhammad Shah Nawaz, C.I.E. I know of a different story altogether. I know an eminent member of the Indian Civil Service who had to go on retirement after the Calcutta riots, because he issued an order under section 144, Criminal Procedure Code, against Pandit Malaviya and Dr. Moonje. My friend Mr. Das asked why this Bill was brought forward when important negotiations were going on in St. James' Palace. As a humble Member of this House I venture to think that the Government of India must have done

[Mr. Muhammad Anwar-ul-Azim.]

so with due regard to their responsibility both to the people here and at home.

I should like to refer to the tragic death of Khan Bahadur Ahsanulla once. I have known him for many years, and we are thankful for the expression of sorrow made by a liberal Viceroy. In this connection I may pertinently ask what the Government are doing for the family of the deceased. My impression is that the Government are not doing all that it should for its trusted servants.

My friend Sir Abdur Rahim threw out a challenge to Government. I think, Sir, Government are in a very strong position to meet that challenge. This Bill is only a preventive measure and it does not send anybody to jail. Those gentlemen who want to indulge in this game of inciting young men ought to pay the penalty and the Indian Exchequer will benefit to some extent thereby. My friend Mr. Puri asked why sections 117 and 525 of the Penal Code should not be used and he tried to impress upon the imagination of the Assembly that those sections would meet the requirements of the present Bill. The present Bill does not touch anybody, it prevents mischievous print propaganda and nothing else; the section Mr. Puri quotes are penal measures, and will never stop murderous propaganda in any shape. I am a press owner myself, and I control one or two vernacular presses in my part of Bengal.

My friend Mr. Ranga Iyer tried to take shelter under the decision of the Calcutta High Court in the prosecution case against the late Maulana Muhammad Ali. Every one knows clearly what was the import of Justice Jenkins' judgment on that occasion on "Come into Macedonia". The learned Chief Justice was of opinion that the present section of the penal law brought in the article within the purview of the law, and as such it was seditious. One gentleman also tried to question the propriety of the

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Honourable the Home Member's assertion that one of the clients of the late Mr. Norton made a confession before the Chief Justice to say that he drew his inspirations from the publications of those days; and if the gentleman takes the trouble to read that book—the Report of the Sedition Committee on which there were two eminent Indians, he will there find what they said. They said they took their inspirations from newspaper writings. I am quite certain, Mr. President, it is hardly necessary for anybody, for any responsible Member of this House to take exception to the Honourable the Home Member's assertion. For an Honourable gentleman like himself it was not likely that he would say anything not based on facts.

Last of all, I say if this Bill goes to the Select Committee, it will not hurt anybody, but my fears are that it will be chiselled to such a shape that the Members of the Government might not with its aid be able to bring in any good to the country. If the Select Committee without prejudice give its mind to it, they can make it very useful but the question is, whether they will. No Honourable journalist or newspaper has anything to fear from this Bill. And its operation can affect only those whose object is to procure crime, without themselves committing it. With these few words, Sir, I support the Government motion. (Applause.)

Mr. Deputy President : Order, order. Though there is no time limit for speeches on legislation, I must earnestly appeal to Honourable Members to realize that this is the third day of the discussion on this Bill, and

that there are still many Honourable Members on both sides of the House who wish to take part. I would therefore appeal to Honourable Members most earnestly to be as brief as possible in their speeches.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, a great many issues have been raised in the course of the discussion which are not wholly relevant to the motion before the House. I think we are all agreed that the liberty of the Press must be protected, the licence of the Press must be curtailed (*Cries of "Hear, hear"*); and I do not see how it could possibly lie in the mouth of my Honourable friend, Mr. Sarma, to say, as he did this morning, that those of us who find ourselves unable to support the Bill, as it stands, owe any less allegiance to the principles and methods of non-violence than he himself owns. The whole question is, is this Bill aimed at the liberty of the Press, or at the licence of the Press? The answer to that question would depend on another question. Is the Bill calculated to meet the object in view, and no more than the object in view, or are its provisions of such a wide and sweeping character that they would engulf both the innocent and the guilty and would degenerate into an instrument of repression? I think the opinion on this side of the House at any rate is that the Bill is of too sweeping a character to enable us to support it as it stands; and in fact I am not sure that many of my friends on the Government Benches do not share the same view.

Mr. K. Ahmed : How do you know that?

Mr. H. P. Mody : How do I know that? From the speeches made by the Honourable the Home Member, by the Honourable the Law Member and by the Honourable the Leader of the House; they made it abundantly clear that if the House felt that the Bill was of too sweeping a character, the House could amend it as it liked in the Select Committee. Such an admission would never have been made unless they themselves felt that the Bill went far beyond the necessities of the case.

Now, Sir, I do not think the Government can object to the very legitimate fears of this side of the House with regard to the measure. The history of the Press Act, as of many other Acts, must make the representatives of the public very careful before they accord their assent to measures of this description, and I do not think that the Government can take exception to the attitude taken up by this side of the House. The question, then, arises, how far is this Bill capable of amendment in the Select Committee? We had yesterday an assurance from the Honourable the Leader of the House that Government were not going to approach this Bill in the Select Committee in anything like the spirit which some Honourable Members on this side of the House were inclined to suspect. Sir, I entirely accept the assurance of the Leader of the House, knowing him as I do, and I am inclined to think that in the Select Committee the Government will not take up an impossible or difficult attitude. But the Honourable the Leader of the House also referred to the Home Member for a more categorical assurance on this point, and I ask my Honourable friend, the Home Member, whether he is prepared to define his attitude a little more clearly than is necessary on most occasions, or whether he is merely going to content himself with the observation that it is open to Members of the Select Committee on any Bill to amend it in any way they like without affecting the principle of the Bill. That, Sir, we all know, and I am afraid, and I submit this earnestly to my Honourable friend, that

[Mr. H. P. Mody.]

that will not do on this occasion. It is not what amendments we can suggest in Select Committee that really matter ; it is the attitude of Government towards the amendments that may be submitted from this side of the House that really matters. I should like to know, for instance, what my Honourable friend's attitude would be to the suggestion that when security is demanded, a definite period may be given for furnishing that security and that in the meantime the party concerned may have an opportunity of approaching the High Court of the province so that the High Court on a review of the case may decide whether there is a *prima facie* case for demanding security or not. I am not suggesting that there should be a regular appeal at this stage. Let my lawyer friends suggest it if they like in the Select Committee. My only concern is that the accused, before he is compelled to give security, should have an opportunity of approaching the High Court and getting a judicial decision as to whether a *prima facie* case has been made out against him. If the House receives an assurance from the Honourable the Home Member that this Bill is capable of amendment in radical particulars, and if the House finds his attitude to be as I and other Honourable Members have suggested it should be, then I am sure it will render very easy the task of those of us who are at the present moment considering what position we should take up on the motion for reference to a Select Committee.

Mr. K. Ahmed : The Leader of your Party will do that ?

Mr. H. P. Mody : I am afraid, Sir, some sort of security should be demanded of my Honourable friend (Laughter), and in the hope that some such security will be demanded, if not now, hereafter, I shall not worry about his interruptions.

There is one other consideration I should like to place before the House, and that is that the Bill deals with only one among the predisposing causes of the malady. The Bill deals with incitements to violence which appear in the Press, but it does not do anything with regard to incitements to violence which are so common from the public platform. My friend, Mr. Ranga Iyer, the other day made the point that the Bill was not fair in that it left the speaker on the platform without any sort of restriction and it controlled the Press. I am not putting it on the ground of equity. My point is this that the incitements from the platform are of a far more dangerous nature than the incitements which appear in the Press. And on this point I venture to differ from my Honourable friend the Law Member, though I appreciated the very clever retort which he gave to my friend Mr. Ranga Iyer. When you have a mass meeting of thousands of people, passions are inflamed and youthful enthusiasts are apt to lose their balance of mind a great deal more easily than if they see something in cold print.

Mr. B. Das : Have you ever had an occasion to speak in Hyde Park ?

Mr. H. P. Mody : I have heard a great many speeches in Hyde Park and I must say I have enjoyed most of them.

Then there is another consideration. What are you going to do with the public bodies of repute who adjourn their proceedings when some murderer is hanged, and who indulge in resolutions of condolence, and even of appreciation at the martyrdom of the condemned man ? Sir, the most

dangerous thing of all is the apathy of public opinion, and so long as public opinion is not roused to these outrages and to the enormity of the harm which is being done to the best interests of the country, this Bill and similar other Bills will be ineffectual. I am not suggesting that on that account nothing should be done until public opinion is roused. I am going to define my attitude towards the Bill presently. My point is that unless public opinion is roused, you will not find any of your measures very effective against violence. When self-government comes, and the terrorist movement is directed against national leaders, and not against the upholders of what is regarded now as an alien system of government, then I think will be the time for us to realise what harm such outrages can do to the permanent interests of the country. Sir, it is the fashion for the Presidents in certain South American Republics to come in by the ballot and to go out by the bullet. When that fashion comes to this country, and some of our friends who may then be sitting on the other side of the House, and some of the honoured leaders of the people find the weapon of the terrorist directed against them, then alone will there be a proper appreciation of what the terrorist movement means to this country.

Sir, my final conclusion is that a section of the Press is pouring out the most poisonous stuff, and that it requires to be dealt with properly. It is no argument to say—and I am not suggesting it myself at any rate—that because you are not dealing with other symptoms of the disease, therefore you must not tackle this particular symptom of the disease. All I say is that if a proper Bill is forthcoming for the suppression of incitement to violence in the Press, then I, for one, cannot possibly withhold my assent to it. The only point is whether that proper Bill is forthcoming, and the decision, in my opinion, rests entirely with the Government Benches.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, I am bound to support this Bill on the simple and, I hope, adequate ground that love of my country and a taste for the elementary decencies of civilization compel me to do so. No one can forget the hardships the people bore during the period the non-co-operation campaign was so vigorously prosecuted. Every one was fed up with the state of affairs brought about by it, and all right thinking men and well wishers of the country were longing for a halt to be called. His Excellency Lord Irwin and Mahatma Gandhi read the signs of time and with a view to save the country from a dreadful fate awaiting it, entered into conversations which eventually developed into what is now known as the Irwin-Gandhi Pact. The public are not aware of all the terms agreed upon, but this much is certain that all hostilities were to cease. This was carried out on the one side by recalling pickets and co-operation with the authorities, and on the other by releasing the persons convicted of political crimes. The settlement, however, failed to achieve the desired object, as it could not create a calm atmosphere because a part of the Press did not fall into line with those who desired peace in the country, and tried to keep the fire burning. The execution of Bhagat Singh and his two companions on 23rd March was taken advantage of to keep up the spirit of young men. If anyone desires to have a first-hand knowledge of the subject, I will refer him to the extracts from newspaper articles relating to incitement to terrorist crime or to the eulogy of those concerned with such crime published by the Government of India. Some articles of this publication were read to the House on the 11th, which showed their nature and I need not refer to them again. Columns and columns were written in

[Nawab Major Malik Talib Mehdi Khan.]

the eulogy of these misguided youths, namely, Bhagat Singh, Sukhdev, and others, which were meant to inspire other youngsters to follow in their footsteps and acquire immortal fame. What was the result? I will give it in figures because they afford the best means to illustrate one's meaning. The calendar of crimes of a terrorist nature committed in various provinces of India between the middle of March and the end of August published by the Government of India shows for Bengal 38, Bihar and Orissa 5, Bombay and Sind 7, Central Provinces 1, Delhi 2, North-West Frontier Province 4, Punjab 8 and the United Provinces 11. Total 76. There is another list attached to the same publication which shows that 34 murders or attempts on the lives of Government officials and others by terrorists or of a terrorist nature were committed during the same period. These figures aptly illustrate the reception accorded to the settlement by the Press and the apostles of revolution. I have taken the figures from the middle of March because by that time the Pact had been known all over the country. But if we take the figures for 1930 and part of 1931 extending up to the end of March, they come to 184 and 101, respectively. Is it not a terrible state of affairs and does not the fate of young men who sacrificed their lives at the altar of revolution evoke feelings of pity? A search in the depths of the hearts of their parents and relatives will reveal deep wounds which nothing can heal and which if endowed with tongues would give a sad tale of misery and affliction.

It is argued that the Bill before the House contravenes the terms of the Pact, but the list of crimes committed after it proves the necessity of taking prompt action if the lives of officials and other innocent people carry any value. The Bill in its application will save the lives of many innocent persons who are done to death for no fault of theirs. On the other hand it will help many young men to avoid the gallows, because the papers will think twice before they excite their feelings. It is thus de- is better than cure".

This revolutionary movement is sought to be justified by those who carry it on on the ground of emancipation of the country, no doubt an object which requires sacrifice. But it is to be seen whether the means applied for its attainment are appropriate. We ought to realise that hundreds and thousands of raw youths who would have been a source of pride to their parents and valuable factors in bringing about the greatness of their country waste their lives in jails or pay the penalty of their misguided patriotism by losing them. Let me quote His Excellency the Viceroy's remark on the present situation which he made in his address to the Members of the Central Legislature on the 14th instant. His Excellency after referring to some senseless murders or attempts on the lives of officials said :

"A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs."

This remark ought to convince even the most sceptical as to the seriousness of the situation. I will also refer Honourable Members to the

resolution passed by the All-India Congress Committee in Bombay early last month. It said :

"The All-India Congress Committee warns those who secretly or openly approve of or encourage murders that they retard the progress of the country. It calls upon Congress organisations to carry on special propaganda against all acts of public violence even where provocation is given for such deeds. Further, the All-India Congress Committee appeals to the Nationalist press to use all its influence in this behalf."

It is gratifying to see that the movement is condemned on all sides.

There is no gain saying the fact that to be free is the birthright of every nation, and I do not lag behind anyone in pushing the cause of freedom. But I do not agree with the revolutionary method which is being applied to gain the object. My opinion is that we ought to devote our energies primarily to emancipating the country from the social and economic bonds under which the majority of the people are groaning. They should be given proper education, and brought on to a level where they can feel their responsibility in shouldering the burden and add their strength to furtherance of its cause. Unless we remove the cleavage existing between various classes, I am afraid we fail in our object.

I may in this connection invite the attention of my friends to the effect the reforms had on the country. Has not the gulf between various communities been widened? Is not one class trying its utmost to keep the other out of its legitimate share, and do we not find that no one is satisfied with its lot? If the literature that is being poured into the country at this juncture when the delegates of Great Britain and India have joined their heads together to find a formula for the future constitution of India is an index of our intentions, one despairs of any good coming out of their deliberations. Our primary duty therefore is to create trust for one another and make a unanimous demand for a further instalment of reforms, that is, Dominion Status. It is then and then alone that our voice can carry weight. The Press can render really good service by working on these lines and espousing the cause of peace in the country. It ought to refrain from preaching the cult of revolution as it is bound to create chaos, which the Bill before the House is intended to avoid.

I do not say that it is free from defects, but such defects as exist in it can be rectified by the Select Committee. As regards the fear of its misuse, is there any law which has not been misapplied on occasions? The Bill has provided a safety-valve by giving authority to the High Court to set aside the order of forfeiture.

In the end, I appeal to my friends in the name of *Bharatmata* when we all love so well, in the name of those sons of it, some of whom may soon be required to lay down their lives which are so sacred and ought to be saved, in the name of peace without which no country can prosper, to help the authorities to provide it.

U Kyaw Myint (Burma : Non-European) : I had hoped, Sir, to have more time at my disposal than seems possible to-day ; but in deference to your wishes I will cut my speech down as far as possible. I of course oppose the Bill, and I intend to oppose it at every stage.

My main purpose, however, in rising to-day is to remove a misapprehension as regards the Burma Ordinance referred to by the Honourable the European Member from Burma as well as by my Honourable friend, U Tun Aung. That Ordinance is Ordinance No. 5 of 1931. The main objec-

[U Kyaw Myint.]

tion that the country has to that Ordinance is that it provides for the control of the Press. Section 13 of that Ordinance provides not only for the control of the Press, but also for the demand of security and the forfeiture of security and property on the lines laid down in the present Bill before us. I wish to remove this misapprehension, particularly because the reports in some of the local papers of the debates are somewhat misleading. It is not a Press Ordinance; it is generally referred to as the Burma Rebellion Ordinance of 1931; but, as I was submitting just now, the main grievance of the country is that the Ordinance provides for the control of the Press. I have to refer to the Ordinance at this stage because when I left the shores of Burma, the introduction of the present Bill was unknown in that country. Since my arrival here, however, I have received numerous messages asking me to oppose the Bill at every stage.

To realise the full implications of that Ordinance, one has to remember that the rebellion which is mentioned in its title had been going on for over seven months when the Ordinance was promulgated....

Mr. F. B. Leach (Burma : Nominated Official) : May I inquire which Ordinance the Honourable Member is talking about? There are two Ordinances in Burma : one is called the Rebellion Trials Ordinance which has just been replaced by an Act of the Legislative Council : that has nothing to do with the Press at all. The other is called the Emergency Powers Ordinance. I imagine that he was alluding to that ; but he has just said something about the Bill in the Legislative Council, and he appears to me to be confusing the two Ordinances.

U Kyaw Myint : I submit that the confusion is on the part of the Honourable Member who has interrupted me. ("Hear, hear" and "Laughter" from the Nationalist Benches.) I have given the number of the Ordinance, No. 5 of 1931, and I have referred to only one Bill, the Bill at present under discussion in this House. I am perfectly aware that the other Ordinance referred to by the Honourable Member has expired, and that it has been replaced by an Act. The Legislative Council, I may say in passing, threw the Bill out the first time ; it was reintroduced in an amended form, and, just before I left Burma, let it be said to the shame of Burma, the Legislative Council passed it and it is now an Act.

To resume, I have already submitted the reason why I am referring to the Ordinance at all. The introduction of the present Bill was unknown to Burma when I left it. The control of the Press is the main grievance, and I speak, not on behalf of people who did not elect me, as my Honourable the European friend from Burma did, but on behalf of the people who elected me here as their representative. The attitude of the people in Burma towards any attempt to control the Press on the part of the Government is this : it has been evinced by certain actions of the people themselves. Two All-Burma Conferences have been held in Rangoon. There has been a great tussle on the separation question, and there are two different camps, one for separation and the other against it—I belong to the latter camp. But on this particular point of the control of the Press and the Ordinance, we are in complete agreement. Those conferences were held in the month of August ; first, a conference of Separationists, and secondly, a conference of Anti-Separationists. At each conference a resolution was unanimously passed condemning this Ordinance, which includes

amongst other things control of the Press, and demanding its withdrawal. I am really following the expressed opinion of my countrymen—and I do that as a representative in this House of my country—in opposing this Bill.

The time at my disposal is very short and I will go at once to the Bill. I am unable, although I greatly admire the graceful delivery and the perfect phraseology of the Honourable the Law Member, to follow his reasoning. He said at one stage in his speech that there were fundamental differences between the Press Act of 1910 and the present Bill. I do not know whether I interpret the word "fundamental" in a manner different to that in which he does. I have carefully compared the Press Act of 1910 and the provisions of the present Bill ; and, except that the scope of the Act of 1910 was wider and that the definitions in the present Bill are more comprehensive, I can see no difference, either fundamental or otherwise. I have also taken the trouble to compare the old Bill, which has been withdrawn, with the Bill now under discussion. Except that the old Bill was aimed, amongst other things, at the civil disobedience movement, there is no difference, either fundamental or otherwise.

I should like to ask the Government, why are they afraid of circulating this Bill for public opinion?

I think it was the Honourable the Home Member who said that the Bill had the support of the public. I can hardly accept that statement, unless he refers to a limited section of the public, namely, the Anglo-Indian public ("Hear, hear" from the Nationalist Benches). I have taken pains, ever since my arrival in this country, to peruse very carefully every available comment on the Bill in the Press. After all, the comments of the press are the comments of the public—the public of India as a whole. Every Indian comment has been adverse to the Bill, and no one can deny that the Indian element in India is the most important element. Why has not the public been consulted about this Bill? Why not circulate it now? It is not too late to do that. Why have not the journalistic organisations and the Press organisations, who after all are the most concerned with this measure—why have they not been given an opportunity of expressing their opinion? Why is there the necessity for such a hurry? Unless, as my Honourable friend, Mr. Puri, puts it, there is some motive which has not been expressed on the floor of this House. Whether that motive is worthy of the Government or not, I am not in a position to say. But the effect of this Bill, if it passes into law, will be to wipe out practically the whole of the indigenous Press of this country.

The Honourable the Law Member was pleased to call this Bill a one-clause Bill and a one-topic Bill. My opposition is a one-topic opposition and a one-clause opposition (Hear, hear). The Bill is fundamentally unsound ; it transgresses all known principles of jurisprudence. On that ground alone—and I submit that is a sufficient ground—I oppose it.

Mr. E. Studd (Bengal : European) : Sir, I have listened with close attention to the speeches on both sides of the House on this Bill. It seems to me that on the Opposition Benches there is still a great deal of misunderstanding. We have heard from some speakers the motives of the Government questioned, although it seems to me they have made it as clear as they possibly can make it, that their intention and their desire is to deal only with that section of the Press which encourages and has been

[Mr. E. Studd.]

encouraging terrorist crimes. We also had certain speakers who impugned the motives of what they were pleased to call the Anglo-Indian Press and the British community. Now, it does seem to me that suggestions of that sort, suggestions of mistrust and wrong motives, are clouding the issue; and I do maintain that however much Members on the Opposition Benches may disagree either with the views of the Government or with the views of members of the European community, they should at least give us credit for desiring to do what is best for India, just as much as they do. I have no quarrel with anybody who thinks that my opinions are all wrong; but I have a quarrel with him when he suggests that, when I hold those opinions, I do so because I have not got any honest motives. It seems to me the issue is a clear one. I should like to remind Honourable Members, in case they may have forgotten it or in case they are not aware of it, that a meeting was held in Calcutta as a result of the murder of Mr. Garlick. No one could possibly claim that that meeting was instigated by the Anglo-Indian Press. It was a meeting of all citizens of Calcutta, of all sections of the community. Honourable Members have only to read the names of the distinguished citizens of Calcutta who were on the platform to realise how representative that meeting was. They passed resolutions at that meeting which called in strong and clear terms, for definite action to be taken against sections of the Press and against public bodies who eulogised murder. The Dalhousie Institute was crowded out. In anticipation of a large number of people attending, no chairs were provided except for about three rows, and there was only standing room. Before the time advertised for the meeting the doors had to be closed and hundreds of people had to be turned away. At that meeting, Sir, it is remarkable that the strongest speakers, people who were most emphatic in calling for action to be taken to deal with this particular type of propaganda, were not the representatives of the British community, but the representatives of the Indian community (Hear, hear). Now, Sir, I think that makes it perfectly clear that there is a very strong feeling in Calcutta amongst all sections of the community that something must be done, and that Government must take strong action. When we come down to the facts of the case, I do not think I have heard any speaker in this House during the course of this debate who has suggested that terrorist activities do not exist or that the various articles appearing in the newspapers, some of which are reproduced in these pamphlets, are not, in their eulogy of murder, helping to make the evil worse. I agree quite frankly with my friend, Mr. Mody, that action is desirable against the platform and against public bodies who eulogise murder, but I should like to put this point to him and to other Honourable Members, and that is, I do believe that if control can be exercised over newspapers and pamphlets publishing articles of this kind, that thereby indirect control will also be exercised over the platform. At any rate, as far as Bengal, as far as Calcutta particularly is concerned, such meetings are not very largely attended, the people who do attend are not of any very important sections of the community, and the publicity that they get and the harm that they do is very largely done through the reproduction in the Press of the speeches which are made at those meetings.

Now, as I listened to some of the speeches on the opposite Benches, I was reminded on more than one occasion of an old English proverb which talks of shutting the stable door after the horse has gone. A number

of Members asked why there should be any objection to circulating this Bill. Surely, the answer is that if action is necessary at all, it is necessary as soon as possible. If you circulate this Bill, it means that nothing can be done for six months. In six months you will have more vicious, poisonous articles in the Press; you will have probably more Government servants brutally murdered in the execution of their duties, and you will have—what to my mind is even worse than that—for another six months, the youth of the country at the most impressionable age will go on imbibing these entirely wrong ideas and not merely be encouraged to commit more terrorism, but be encouraged in a spirit of antagonism to law and order, a spirit of quarrel with ordered Government and the peaceful carrying on of society. Do my Honourable friends opposite realise that that spirit is a spirit that is not going to be cured in a day or a month or a year? In the near future there is going to fall on them the responsibility for controlling and ruling this country. If Honourable Members allow the young men of this country to go on imbibing that spirit, I say that they are storing up a dreadful heritage for themselves. Personally, I believe that the Government would be failing in their duty if they did not do their utmost to stop that spirit being spread.

Now, Sir, my Honourable friend, Sir Hafi Singh Gour, enunciated the theory that every dog is allowed one bite. I do not know whether that is an established principle of law or not. I am only looking at it from the point of view of the common sense man in the street, and I must say that if one dog has one bite of me, I should take jolly good care to see that neither he nor any other dog can get another bite, if I can help it; and it does seem to me that a lot of argument of that kind has been directed against this Bill. For instance, my Honourable and learned friend, Mr. Puri, gave us a long dissertation on the law as it stands. He is a lawyer, and he said he could not understand why the present law was insufficient. Well, as I have said before, I am not a lawyer; perhaps I am rather dense on legal principles. It does seem to me from a common sense point of view that the present law is punitive; it can only go and look for the horse after it has got out of the stable and drive him back whereas the Bill the Government have put forward is preventive. The whole idea is to try and stop this kind of thing being published, not to punish the publisher after he has published such writings and after the harm has been done. But even so, the matter is not quite so easy as that, because it is one thing to say punish a man when he breaks the law. But what is happening actually in a number of cases now? It is not the paper that is well known or that has been established for a long time that is producing some of the worst of this stuff, it is the little mushroom press which starts up to-day, perhaps, runs for a week printing this kind of stuff and then disappears. By the time an attempt is made to get hold of the authors of such writings, the owners of that press, the people who are responsible for the press have probably disappeared and possibly a fortnight hence they start up in another place under another name and do the same thing again.

Now, Sir, I do not think there is very much more for me to say. I hope that Honourable Members opposite will realise that we on these Benches are just as anxious as they are to see what is best for India done, and we do feel—and I know that a large number of my Indian friends in Bengal feel just as strongly as we do—that some action must be

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taken and must be taken quickly to eradicate this evil. We have heard a great deal of criticism from the Opposition Benches as to why the various clauses of the Bill have been made so wide or impracticable. I have listened in vain, for a really practical suggestion, for something better than the proposal that the Government have put up. After all, at the moment we are only asked to vote upon the main principle; we are not asked to discuss the details. It is quite open to the Select Committee to consider and possibly alter the various clauses of the Bill so long as the main principle is borne in mind that it must be wide enough to catch the man who is busy getting round the law and that it must be strong enough to enable the Government to stamp out, or at any rate, to keep in check the evil, because I do not think that it can be stamped out entirely until, as my Honourable friend, Mr. Mody, said, public opinion is educated up to the stage of inculcating in the youth of the country that such things are abhorrent.

Sir, for these reasons, I strongly support the motion for Select Committee. (Applause.)

Several Honourable Members : " Let the question be now put."

Mr. Deputy President : The question is :

" That the question be now put."

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Before you proceed further, may I submit that no representative from Bengal has as yet spoken on this motion, and I leave it to the discretion of the Chair as to whether it will allow the closure or not.

Mr. Deputy President : The Honourable Member has been sufficiently long in this House to understand the rules of procedure of this House. So far as the procedure relating to a closure motion is concerned.....

Mr. Amar Nath Dutt : It is within the discretion of the Chair.

Mr. Deputy President : Order, order. The Honourable Member ought not to interrupt the Chair when the Chair is speaking. So far as the procedure relating to closure is concerned, it is prescribed in paragraph 62 of the Manual of Business, and that paragraph runs thus :

" At any time after a motion has been made any member may move ' That the question be now put ', and, unless it appears to the President that the motion is an abuse of the rules or standing orders or an infringement of the right of reasonable debate, the President shall then put the motion ' That the question be now put '."

It is perfectly open to any Honourable Member at this stage to exercise his right under this paragraph and move that the question be now put. The course for the Chair to decide then is to make up its mind whether such a motion is an infringement of the right of debate. After a motion has been debated for three days and after 23 Honourable Members have taken part in the debate, it is too much to expect the Chair to think that there has been an infringement of the right of debate. I therefore hold that, the Honourable Member who has moved the closure motion being perfectly entitled to make that motion, and as, in my opinion, such a motion, is not an infringement of the rights of debate, have no alternative but to put the question that the question be now put....

Mr. Amar Nath Dutt : If the Chair is satisfied that there has been a debate and that all shades of opinion have taken part in the debate, because I felt that only one side had been allowed to speak and not the other side. (*Cries of " Order, order "*.) I therefore appeal to the Chair to consider whether or not there has been a sufficient debate inasmuch as only one side of the picture has been brought out and not the other side. But if the Chair is satisfied, I have nothing else to say. (*Laughter.*)

I am sorry that I should have been spoken to in the tone in which the Chair has spoken.

Mr. Deputy President : The question is :

" That the question be now put."

The Assembly divided :

AYES—60.

Abdoola Haroon, Seth Haji.	Moore, Mr. Arthur.
Abdul Qaiyum, Nawab Sir Sahibzada.	Morgan, Mr. G.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Muazzam Sahib Bahadur, Mr. Muhammad.
Anklesaria, Mr. N. N.	Mukherjee, Rai Bahadur S. C.
Azizuddin Ahmad Bilgrami, Qazi.	Pandit, Rao Bahadur S. R.
Badi-uz-Zaman, Maulvi.	Parsons, Mr. A. A. L.
Bajpai, Mr. R. S.	Rafiuddin Ahmad, Khan Bahadur Maulvi.
Banerji, Mr. Rajnarayan.	Raghubir Singh, Kunwar.
Chinoy, Mr. Rahimtoola M.	Rainy, The Honourable Sir George.
Crerar, The Honourable Sir James.	Rajah, Rao Bahadur M. C.
Dalal, Dr. R. D.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
DeSouza, Dr. F. X.	Rama Rao, Rai Bahadur U.
Dyer, Mr. J. F.	Row, Mr. K. Sanjiva.
Elliott, Mr. C. B.	Roy, Mr. S. N.
Fazal Haq Piracha, Shaikh.	Sahi, Mr. Ram Prasad Narayan.
Fox, Mr. H. B.	Sams, Sir Hubert.
French, Mr. J. C.	Sarma, Mr. R. S.
Graham, Sir Lancelot.	Schuster, The Honourable Sir George.
Griffiths, Mr. G. I.	Sher Muhammad Khan Gakhar, Captain.
Heathcote, Mr. L. V.	Shillidy, Mr. J. A.
Hezlett, Mr. J.	Studd, Mr. E.
Howell, Mr. E. B.	Suhrawardy, Sir Abdullah.
Ishwarsingji, Nawab Naharsingji.	Sykes, Mr. E. F.
Ismail Ali Khan, Kunwar Hajee.	Tait, Mr. John.
Jawahar Singh, Sardar Bahadur Sardar.	Talib Mehdi Khan, Nawab Major Malik.
Knight, Mr. H. F.	Todd, Mr. A. H. A.
Lal Chand, Captain Rao Bahadur.	Yakub, Sir Muhammad.
Lall, Mr. S.	Yamin Khan, Mr. Muhammad.
Leach, Mr. F. B.	Young, Mr. G. M.
Montgomery, Mr. H.	Zulfiqar Ali Khan, Sir.

NOES—42.

Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bagla, Lala Rameshwar Prasad.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Hoon, Mr. A.
 Ismail Khan, Haji Chaudhury Muhammad.
 Jehangir, Sir Cowasji.
 Jha, Pandit Ram Krishna.
 Jog, Mr. S. G.
 Krishnamachariar, Raja Bahadur G.
 Kyaw Myint, U
 Lalchand Navalrai, Mr.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Mody, Mr. H. P.

Murtuza Saheb Bahadur, Maulvi Sayyid.
 Pandian, Mr. B. Rajaram.
 Parma Nand, Bhai.
 Phookun, Mr. T. R.
 Puri, Mr. B. R.
 Puri, Mr. Goswami M. R.
 Ranga Iyer, Mr. C. S.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sant Singh, Sardar.
 Sarda, Rai Sahib Harbilas.
 Sen, Pandit Satyendra Nath.
 Shah Nawaz, Mian Muhammad.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sukhraj Rai, Rai Bahadur.
 Thampan, Mr. K. P.
 Tun Aung, U
 Uppi Saheb Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir James Crerar : (Home Member) : Mr. Deputy President, before I proceed to make some reply on the debate, I should like, as a preliminary, to ask your permission and the permission of the House to make two small changes in the form of the motion. The first is that for 18th, 21st be substituted, and the second is, at the request of the Honourable the Leader of the Independent Party, to substitute for his name that of Mr. Sitaramaraju.

Mr. Deputy President : The question is :

“ That for the words ‘ 18th September ’, the words ‘ 21st September ’ be substituted, and the name of Mr. Sitaramaraju be substituted for that of Sir Abdur Rahim.”

The motion was adopted.

The Honourable Sir James Crerar : Sir, the debate has travelled over a very extensive ground, and in making a very brief survey of its general result I think I may say with a considerable amount of confidence that two propositions have generally been affirmed, with very few exceptions, by the general sense of the House. The first is that the terrorist movement, towards one aspect of which the Bill is directed, as I contended in my opening speech and as many other Members in all parts of the House have contended, constitutes a very grave and critical danger to the whole country, a danger which is daily becoming more grave and more critical. It is also, I think, agreed with a very small measure of dissent, that it was directly and immediately incumbent upon Government to take some measure

to remedy this appalling evil. There was also, I think, a very substantial (iii) page 557, line 2, for “ greater of ” greater of read “ greater or ”. was a practical

measure, which would commend itself to the vast majority of reasonable and thinking men. I pointed out in my opening speech that the danger with which we had to cope was one which threatened the best and the most permanent interests of the country and that it was alike inconsistent and incompatible with, and indeed repugnant to, the culture and tradition both of England and India. So far, Sir, as the Indian point of view on that point is concerned, it received, I think, its highest and most eloquent expression in the admirable speech delivered by my Honourable colleague, the Law Member, which received its due meed of applause in all parts of the House. I do not intend to refer to general considerations of that kind. I shall merely attempt to deal with some of the more important arguments which have been impressed upon me with special emphasis and summarise very briefly indeed the case as it now presents itself to me. But before I proceed further on those lines, I desire to answer the question which has been put to me in a very definite form by more than one Honourable Member. The question was, if this Bill was referred to a Select Committee by the House, what would be the attitude of Government with regard to amendments that might be proposed in that Committee. I should like to say this. The sole object of the Bill is to prevent writings which incite to or encourage murder or crimes of violence, or which express approval or admiration of murder or crimes of violence or those who commit such offences. Subject to the effective attainment of this object, it is the earnest desire of Government that the Bill should cause as little inconvenience as possible to the Press. Government will be ready to consider sympathetically any suggestion that may be made in this respect and in examining any suggestion of this nature they will apply only the practical test whether its acceptance is consistent with the main object as stated above. Sir, I have made that position clear.

Now, Sir, the main argument which was repeated by those who opposed the Bill was that, under colour of a measure directed against the terrorist movement, Government were seeking to establish a general control over the Press for other, and it was implied for illegitimate, purposes. I hope I have already made it perfectly clear that that is not the case; but if it is necessary, I desire to repeat in the most emphatic terms that that is not the case. I think Honourable Members who harbour any surmises of that kind, if they gave the matter a little reflection, would come to the conclusion that it would be a very foolish thing on the part of the Government, confronted as they are with many and great difficulties in other directions, to take upon their shoulders, quite gratuitously, unnecessary and superfluous difficulties. So far from desiring in any way to deal hardly or unfairly with the Press as a whole, it is our desire to enlist the Press as a whole in the best interests of the country (*Cries of “ Hear, hear ”*) ; and I feel that if the degree of purgation and purification of the Press which I hope will result from this measure is duly effected, I am most profoundly convinced that the Press as a whole will be in a much stronger position to exert, in the best interests of India, its great and powerful influence. And I trust, Sir, that that influence will not be exerted solely in the columns of the sane and reasonable Press. We have, a fact on which as I recently congratulated the House, several eminent journalists

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in our midst, and I hope that they will bend their minds to the organization of the journalistic profession on sound lines and to establishing a body which will exercise, in the right direction, the powerful influence which they possess. If action is taken on those lines, I can assure the Honourable Members concerned that it will have the utmost sympathy and support of the Government.

Now before I pass on to say a very few brief words about the measure itself, I desire to deal with an argument which was urged very strenuously, more particularly by the Honourable and learned gentleman from the Punjab. He said that the Government in asking the House to consider this measure, showed a singular degree of ineptitude because, he alleged, they had not rigidly examined the Statute-book and discovered and employed measures which, he assured us and the House, were perfectly capable of coping with the mischief to its uttermost extent. He complained, not quite justly I think, that the spokesmen on the Government side entirely failed to deal with the inadequacy of the existing law. I shall deal with that point, Sir, briefly, because I think the House is already pretty fully apprised of the state of affairs in that regard. Now there are two points which I wish to make on this aspect of the case. The first is this. There are no doubt punitive and penal measures on the Statute-book which in certain circumstances are, and can be made, extremely effective. But they are also capable of very easy evasion; and it is notorious, at least it is very well-known and very familiar to all those who have studied the subject, that one of the commonest methods of evasion is what is known as the appointment of dummy editors, men of straw, who are put up nominally to make declarations as editors and publishers but who in no way control or guide the policy of the writings of the newspaper.

Mr. B. R. Puri : Excuse me, but your Bill also attacks the keepers of presses.

The Honourable Sir James Crerar : I should like to tell Honourable Members very briefly that there was a very recent instance of that kind which has come to my notice, and it is only one among hundreds which have come within the experience of Local Governments during several years past. Here is a statement made by a person who had been accused under section 124-A. He says :

"I joined the newspaper on the 19th March, 1931, on a salary of Rs. 30. While I may be sent to jail, the allowance for actual expenses is raised from Rs. 30 to Rs. 50. In return, I filed a declaration in my own name as printer and publisher of the newspaper. I for myself am unable to write decent editorial comments, and the actual work of Editor was carried on by the Assistant Editor, the Sub-Editors and the reporters." Now, I wish only to give one specific definite instance of what I mean, and this is only one instance out of many hundreds. But the main point which I wish to emphasise, and which has already been made by more than one speaker, is that a penal measure, a measure which can only deal with an offence after it has been committed, is not sufficient. What we require and what this Bill provides is a preventive measure, a measure to prevent the mischief from affecting the body politic, at the source—not to wait until, the mischief has already been done, before a remedy is applied. I was somewhat surprised that the Honourable Member, like other Honourable Members who addressed questions to these Benches regarding the necessity of controlling platform speakers, forgot that if those questions were answered in

the affirmative, this would have meant a very great extension of his measure, or the introduction of other measures. I do not know whether Honourable Members who raised those objections to the present Bill would be prepared to support measures of the kind contemplated. I am not quite convinced of that, but at any rate I think that Mr. Mody, though he himself raised that point, also introduced a point which is really a legitimate reply to it, that that is no reason why the existing measure should not be considered and passed upon its merits. The Honourable and learned Member from the Punjab put to me a further question. He said, "If we were so anxious to curb incitements and encroachments to murder, why do you not take similar steps against so grievous an offence as seducing His Majesty's troops from their allegiance?"

Mr. B. R. Puri : That was not my argument at all. What I submitted was that if section 505 was considered a good preventive measure to check an incitement of troops, which is a far more dangerous thing, then it should be a good enough measure to effectively check any incitement on the part of the Press.

The Honourable Sir James Crerar : Well, Sir, I do not consider the Honourable Member's argument a good one, for this reason. The section to which he refers is no doubt a good punitive section against the reduction of troops from their allegiance. But what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops, and not on any punitive measure whatsoever. (Loud Applause.) Criticism has also been made, Sir, that the Bill is misconceived because it does not really aim at the root causes of the terrorist movement. But surely the answer to that, Sir, is this. In so far as the terrorist movement is an expression of discontent, I presume that it is to be inferred that the discontent is created by one of two principal causes, either political or economic. Now, so far as political causes are concerned, I think that Honourable Members who are prepared to regard the matter in a fair and judicial way will agree that the policy of His Majesty's Government and of the Government of India is to promote, as expeditiously as they can, the political progress of the country, and that that is the most effective and most comprehensive measure which they can possibly take. As regards the economic troubles, they are very deep-seated and profound, and I fear that the evils which they cause cannot be abolished by a stroke of the pen. It will require long and painful adjustments of economic and social conditions before discontent arising from that cause can be removed. But what we ask the House to do, though we admit that the Bill cannot affect the remoter causes, is to take a useful and effective remedy for one particular aspect of the question. Nor is it a small and insignificant aspect of the question. No one who has studied the question can possibly deny that incitements and encouragements to murder and violent crime of the character to which this Bill is directed are a factor of the most tremendous importance in the commission of terrorist crime. I should have hardly thought it necessary for me to have adduced any evidence on that point. But I would only say this, that if any reasonable man who has observed or has had brought to his notice the character of the writings to which this Bill is directed, has realised the context of the terrorist crimes, by which they have been associated or by which they have been followed, he would hardly have come to any other conclusion but that there is a very direct relation of cause and effect between those two things. That is the unanimous testimony of Local Governments. It has been one of the most familiar and frequent occurrences in our

[Sir James Crerar.]

experience that, after the publication of some particularly bad incitement to crime or murder, murder and crime have very shortly followed. I do think that a reasonable and prudent man cannot, on the evidence before him, but regard that fact as proved. I say, Sir, that this matter is one from which the Government themselves cannot divest themselves of responsibility. It is a matter of great urgency. If for no other reason, I would ask the House to consider the position of the officers of Government who from day to day and week to week, in constant peril of their lives, are discharging their duties with the utmost courage and devotion. The House has expressed a large measure of sympathy with those officers, both British and Indian, who have fallen and also for their families. But let us remember, while we can, the position of those now engaged in these arduous and dangerous duties. I ask the House to consider that aspect of the question very carefully, and I should like to repeat what was said by the Honourable the Leader of the House that I can hardly conceive of anything more likely to encourage these officers in the discharge of their duties than the feeling that this Central Legislature not only sympathises with them but is prepared to show its sympathy in an active form. (Hear, hear.)

I shall only say one word on the subject of the amendment for the circulation of this Bill. The Mover of that amendment began by saying that he had every desire to assist the Government, but as my Honourable colleague, Sir George Rainy, pointed out, he appeared in the capacity of one making a Grecian gift. And I should like to put the matter to him in another way. He was, I think, prepared to acknowledge the justice of my claim that assurances of this character have been given very frequently in the past. Now, Sir, I present to him a Bill which has already reached its maturity, and he asks me, in effect to come again next year. If that really represents the Honourable Member's deliberate point of view, I do not think that he and those who think with him are honouring the Bill.

Sir, I have already detained the House at some length and I have only a few words to say in conclusion. In the address which His Excellency the Governor General a few days ago delivered to the Indian Legislature, he used language which was quoted with approval by more than one Member of the House, and in particular it was quoted with approval by my Honourable friend opposite, Mr. Ranga Iyer. He referred to two particular words—"necessary and reasonable". His Excellency expressed his profound confidence that the House would confer upon the Government, in the face of this great and growing evil, powers which are necessary and reasonable. That they are necessary, there are not very many Members present in this House, I think, who are prepared to deny: that they are reasonable, I myself most strenuously contend. But I ask Honourable Members to bear carefully in mind what I have said with regard to the intentions of the Government that this Bill be referred to the Select Committee. In the terms of the reply I made to the question asked thus, if there is anything unreasonable or inconsistent with the position which I have explained to the House, no one will be more ready than myself to see to that and, if necessary, to co-operate, in making it reasonable.

Mr. Deputy President: The original question was:

"That the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur

Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinions thereon by the 2nd January, 1932."

The question is that that amendment be made.

The Assembly divided:

AYES—31.

Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Kyaw Myint, U
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.

Parma Nand, Bhai.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U
Uppi Saheb Bahadur, Mr.

NOES—73.

Abdoola Haroon, Seth Haji.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdur Rahim, Sir.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Chitoy, Mr. Rahimtoola M.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Fazli-Husain, The Honourable Khan Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.

Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury Muhammad.
Jadhav, Mr. B. V.
Jawahar Singh, Sardar Bahadur Sardar.
Jehangir, Sir Cowasji.
Knight, Mr. H. F.
Lal Chand, Captain Rao Bahadur.
Lall, Mr. S.
Leach, Mr. F. B.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mody, Mr. H. P.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Puri, Mr. Goswami M. R.

Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Raghubir Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rama Rao, Rai Bahadur U.
 Rastogi, Mr. Badri Lal.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Sarma, Mr. R. S.

Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Talib Mehdi Khan, Nawab Major Malik.
 Todd, Mr. A. H. A.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. Deputy President : The question is :

"That the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 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 INDIAN MINES (AMENDMENT) BILL.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I move that the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, be taken into consideration. It is a very short Bill and I have nothing to add to the Statement of Objects and Reasons. I will not, therefore, take up the time of the House further.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I would suggest that the Honourable Member who moved this motion had made a speech, however short, interpreting this motion, instead of merely moving the motion, though I recognize he did so because the hour was so late, I think it is an important motion and I wish the Honourable Member had thrown some light on the subject. I should like to know what the Government have to say on it.

Mr. J. A. Shillidy : I am quite willing to do so : I thought it would be the desire of the House that I should not take up their time at this hour.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : And go on at some length.

Mr. J. A. Shillidy : I would like to oblige the Honourable Member, but there is so little to be said about this Bill that I find it exceedingly difficult to comply with his request. Under the Indian Mines Act there are certain duties and responsibilities laid upon the District Magistrate as such, but there are no District Magistrates in Presidency towns, and therefore this Bill provides that the duties of the District Magistrate shall be

performed in Presidency towns by the person appointed by the Local Government to perform the duties of a District Magistrate under this Act in that town. I am very sorry—I would like to oblige the House if it so desires and the Honourable Member with a long speech, but I do not know that there is anything more to be said than that.

Mr. Deputy President : The question is :

"That the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. J. A. Shillidy : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration. This is a very small Bill, possibly smaller than Mr. Shillidy's Bill ; but I am afraid that if I made such a short speech I should find my friend opposite getting fiery and saying that this Bill is of vast importance and that I am trifling with this House, and therefore with your permission, Sir, I propose to make just a very few remarks on this Bill, enough I hope to satisfy my friend, Mr. Ranga Iyer. The present position under the Indian Succession Act is that corporations have not been allowed to apply for probate or letters of administration : that is following the English procedure. Now, the English procedure was changed in that respect in 1920, and corporations which can satisfy certain conditions mentioned in rules under the Act are, under the English law, allowed to apply for probate or for letters of administration. What we propose by this Bill to do is precisely the same : that is to say, any association of individuals will not be entitled to obtain probate or letters of administration unless it is one which satisfies the conditions laid down by rules to be made by the Governor General in Council in this behalf. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Lancelot Graham : Sir, I move that the Bill be passed.

The motion was adopted.

THE SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move that the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration. On a previous occasion in moving for leave to introduce this Bill, I think I gave the

[Sir Lancelot Graham.]

House sufficient indication as to what was the purpose of the Bill. The Bill is a short one and it is necessitated by the closing of the Alipur Bridge for structural repairs, as a result of which it is not possible for prisoners in charge of the Sheriff to be taken from the jail to the court without going outside the limits of the jurisdiction of the Calcutta High Court. The point, as my Honourable friends might observe, is a somewhat fine one : for a short time in transit, these prisoners might be described as not being in legal custody and therefore if they tried to escape they would be quite justified in doing so. On the other hand if they appear in court and apply for *habeas corpus*, they will not be in a position to argue the case with any force that for some time in the course of their transit they were not in legal custody. This position has been going on for some years. I understand this Bridge has been closed from time to time ; and therefore possibly with a view to avoid the institution of a suit for unlawful detention, it is proposed that this Bill should have retrospective effect for the last five years or rather from 1925. There were two methods of dealing with this problem : one was the method adopted in the Bill which is a very simple one : the other one was to extend the jurisdiction of the Calcutta High Court, and that would have involved a very complicated state of affairs, which would be quite unjustifiable having regard to the particular needs. That being so, we have proceeded according to the first method. Sir, I move.

Mr. Deputy President : The question is :

“ That the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Lancelot Graham : Sir, I move that the Bill be passed.

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I move that the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration. In 1927, the Aligarh Muslim University Inquiry Committee made certain proposals under which it was required that the system of Intermediate Colleges be reviewed. The Government of India agreed that this question should be examined by the University authorities themselves at an early date. The matter was accordingly considered by the General Overhauling Committee of the University in 1930, and the Bill now before the House is the result of their recommendation. The main provision is contained in clause 2 of the Bill, while clauses 3, 4 and 5 are consequential changes. I believe it is admitted on all hands that the proposals of the University are a distinct improvement on the existing Act.

Mr. Deputy President : The question is :

“ That the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I move that the Bill be passed.

The motion was adopted.

THE LAND CUSTOMS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration. The object of this Bill is clearly and shortly explained in the Statement of Objects and Reasons, but I might perhaps elaborate what is there said to some extent in order to inform Honourable Members of the state of affairs with which this Bill proposes to deal. The danger against which this Bill is aimed chiefly occurs on the frontier of French India. The extent to which dutiable goods are smuggled from French India into British India across the land frontier has been growing rapidly in recent years as a result of the high level to which our rates of customs have now been brought. We have recently had to augment our preventive staff on the French frontier at a cost of about Rs. 1,18,000 per annum. Recent reports from the Collector indicate that the situation is still serious, particularly in respect of the smuggling of silver. The Collector reports that smuggling is now carried on by organized bands who are prepared at any time to offer violence if they are interfered with. There have been 16 cases of assault on customs officers taken into the courts during the last four years. Serious injuries have been inflicted in some cases, and three men have actually been killed. The present penalties for smuggling provided under the Land Customs Act are confiscation and fine. As it is very rarely possible to bring the owners of the goods to book, and as those actually employed in the carriage of contraband are generally men from whom little can be recovered except the goods themselves, and as that penalty is not found to be a sufficient deterrent, it has been decided by the Government that further measures are necessary, and this Bill proposes to amend the Land Customs Act so as to provide that on prosecution before a Magistrate a smuggler may be punished with imprisonment extending to six months, or with any of the penalties which are at present within the power of the Collector of Customs to impose.

Mr. B. Das (Orissa Division : Non-Muhammadian) : I would like to ask the Honourable the Finance Member one question. While I support him in the object which he has in view, I think the Bill will apply not only to the French land frontier but also in the Viramgam land frontier where salt and sugar are smuggled. I want only an assurance about salt smuggling. I will remind the Honourable the Finance Member about the latitude that the Government of India have given to villagers even on the sea coast to manufacture salt. Suppose a certain villager

[Mr. B. Das.]

living in the Viramgam frontier customs line smuggled salt and a very vicious customs official goes and tries to prosecute, is it the intention of the Honourable the Finance Member that the salt smugglers should also be punished to the extent of six months imprisonment? If that is not the intention, I would suggest to the Honourable Member that he should confine this piece of legislation to only smugglers of silver and drugs that come out of the French frontier, and he should say so, so that it may not apply to salt smugglers in other land frontiers such as the Viramgam land frontier.

The Honourable Sir George Schuster : Sir, my Honourable friend

5 P.M.

has asked for an assurance from me and at the same time he has suggested that I should amend the Bill. If he desired that the Bill should be amended, I suggest to him that his proper course would have been to put down an amendment for consideration in the House.

Mr. B. Das : I never expected that the Bill would come up to-day.

The Honourable Sir George Schuster : As regards the assurance which he requires from me, I see less difficulty about giving him that. I can assure my Honourable friend that there is no intention of using the powers under this Bill except where very substantial losses to the revenue are involved, and that possibility is practically confined to the smuggling of articles on which the duty is high and the value of which is high. I think my Honourable friend's fears that it might be applied in cases of salt—although I hope that there will be no smuggling of salt—I think his fears that it would be applied in such cases are comparatively unjustified. As a matter of fact, it is extremely unlikely that this Bill could be abused, because we should in practice find it very difficult to spare the time and services of a Customs Sub-Inspector to prosecute in a Magistrate's Court except in the most glaring and serious cases. I think therefore that my Honourable friend can vote for this measure with a completely clear conscience.

Mr. Deputy President : The question is :

“ That the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1' was added to the Bill.

The Title and Preamble were added to the Bill.

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

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock, on Thursday, the 17th September, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 17th September, 1931.

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

QUESTIONS AND ANSWERS.

NATIONAL HEALTH INSURANCE SCHEME FOR INDIA.

447. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Do Government contemplate the appointment of a committee to investigate and formulate a scheme of National Health Insurance for India?

Mr. J. A. Shillidy : The Royal Commission on Labour has recommended the appointment of a Committee to examine the possibility of a Health Insurance Scheme for industrial workers. This recommendation will receive consideration by Government, but there is no proposal for a general scheme of National Health Insurance.

UTILISATION OF THERMAL SPRINGS IN INDIA.

448. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Are Government aware that there is a large number of thermal springs existing in the various parts of India? Will Government be pleased to state what steps have been taken to utilise these springs to the best advantage? Will Government be prepared to appoint a committee to investigate and suggest how these springs can be utilised and developed to greater advantage?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes, but there is no record of steps, if any, taken to utilise them. It is open to Local Governments to institute investigations of the kind the Honourable Member has in view.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

449. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state if the Inchcape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India?

(b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its added emoluments?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply I have already given on this subject to Rai Sahib Harbilas Sarda's question No. 234.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

450. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

- (a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof ;
- (b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country ; and
- (c) whether this officer's frequent absence out of India extends over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Inchcape Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The attention of the Honourable Member is invited to the reply already given to Rai Sahib Harbilas Sarda's question No. 235 on the same subject.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

451. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

- (a) if it is absolutely necessary for the Public Health Commissioner personally to attend various international conferences outside India, which he has been doing at present ;
- (b) whether it is not possible for other officers either under Central or Local Governments, or under various municipalities and local boards, or for members of the independent medical profession, to attend such conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva ; and
- (c) if they propose to consider the advisability of deputing different officers or members of the independent medical profession to attend the International Conferences on health matters ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The attention of the Honourable Member is invited to the reply already given by me to Rai Sahib Harbilas Sarda's question No. 236.

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

452. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state :

- (i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association ; and

- (ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the Independent Medical Profession and of non-medical scientists on that body as recommended at that Conference ?

(b) Will Government be further pleased to state when they hope to bring the matter up for the consideration of this House ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Recommendations have been examined and proposals as to reconstitution framed.

(b) It has not been intended that this Honourable House be called upon to frame the constitution of the Body.

Mr. B. Das : May I ask what is the defect of this Honourable House that it should not have representation on this body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That will never happen.

Mr. B. Das : Is it the intention of Government to have Members of this House on that body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly. There is every intention of doing that.

FREQUENT CHANGE OF DIRECTOR OF THE HAFKINE INSTITUTE, BOMBAY.

453. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

- (a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands ;
- (b) if it is true that eight different I. M. S. officers acted as Director of that Institute during the course of nine years, from January, 1921 to December, 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the Directorship was held by different officers for periods of not more than 10 months' duration at a time ; and
- (c) if so, will Government be pleased to explain
 - (i) why such frequent changes were permitted, and
 - (ii) if such changes are conducive to efficiency ?

- (d) Are Government prepared in the interest of efficiency to order that such frequent changes will not be made at that as well as the other bacteriological institutes in the country whose Directors are either appointed or recommended to be appointed by the Department of Education, Health and Lands ? Is it a fact that these institutes obtain large grants for carrying out various researches at their institutes from the funds of the Indian Research Fund Association to

which the Assembly has been voting a grant of 7½ lakhs of rupees a year, for several years past ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) to (d). The Honourable Member is referred to the reply which I have already given to Mr. Gaya Prasad Singh's question No. 158. With reference to the last sentence of the question, the correct position is that grants are made from the funds of the Indian Research Fund Association to individual research workers, who may or may not be on the staff of the Bacteriological Institutes, for specific enquiries which are carried on in these Institutes for laboratory convenience.

ENCOURAGEMENT OF ARCHÆOLOGICAL RESEARCH BY PRIVATE OR SEMI-GOVERNMENT INDIAN SOCIETIES.

454. ***Khan Bahadur H. M. Wilayatullah :** (a) Is it a fact that Dr. Hunter of the Morris College, Nagpur, put forward a scheme for archæological research in the Central Provinces but that the Director General of Archæology informed the Nagpur University that the scheme must remain in abeyance for the present ?

(b) If so, are Government prepared (i) to remove the ban placed by the Director, and (ii) to encourage archæological research by private or semi-Government Indian societies and associations ? If not, why not ?

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

(b) As the Honourable Member is aware, Government have introduced in this session a Bill to amend the Ancient Monuments Preservation Act, 1904. Under the proposed legislation, it will be open to universities, learned societies, and scholars outside the Archæological Department to conduct archæological research subject to suitable control.

PROHIBITION OF A LECTURE BY DR. HUNTER AT THE DELHI UNIVERSITY.

455. ***Khan Bahadur H. M. Wilayatullah :** Is it a fact that in November, 1929, Dr. Hunter offered to deliver a lecture on Mohenjodaro and Harappa, under the auspices of the Delhi University, with the Chief Commissioner of Delhi in the Chair and that the lecture was stopped within a few hours before delivery ? If so, at whose instance, by whom and under what legal authority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The answer to the first part of the question is in the affirmative. The lecture was cancelled by Dr. Hunter himself on receipt of a letter from the Director General of Archæology in India reminding him of the undertakings he had given when he was granted special facilities for studying the material at Mohenjodaro and Harappa.

Dr. Ziauddin Ahmad : Is it the intention of Government to establish a monopoly in research and lectures ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly not.

Dr. Ziauddin Ahmad : Then why was Dr. Hunter refused permission to publish his book and lectures ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government publication on the subject had every right to be presented

to the public before the subject was open to public discussion and public writing.

Dr. Ziauddin Ahmad : This is monopoly. Why should Government have precedence ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government had the whole material in their possession. If the Honourable Member or any of his friends come to Government and say "Will you let us see your material ?" and Government say, "You can, provided you publish nothing till the Government publication is out and the Honourable Member agrees to it", he can't very well ask a friend to intervene on his behalf and say, "Let him go first to the market".

Mr. K. Ahmed : It is the principle of copyright.

EMPLOYMENT OF DR. HUNTER ON ARCHÆOLOGICAL WORK IN INDIA.

456. ***Khan Bahadur H. M. Wilayatullah :** (a) Are Government aware that in 1930 the University of Oxford conferred a Doctorate in Philosophy on Dr. Hunter in appreciation of his work on Mohenjodaro and Harappa ?

(b) Are Government aware that Dr. Hunter is the author of the publication "Summerian Contracts" published by the Oxford University Press and that this publication has been favourably received in the *Journal of the Royal Asiatic Society*, the *Orientalistische IV Literaturzeitung*, the *Tablet*, the *Congregational Quarterly* and the *Expository Times* (America) ?

(c) Have Government ever considered the question of employing Dr. Hunter in some archæological post so that his knowledge and achievements should not be lost to India ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Calendar of the Oxford University shows that the degree of Doctor of Philosophy was conferred on Mr. Hunter in 1930.

(b) Government have seen the review of Dr. Hunter's book in the *Journal of the Royal Asiatic Society* for January 1931. They have not seen the other reviews referred to by the Honourable Member.

(c) An application from Dr. Hunter to be placed on special duty for the prosecution of his researches into the Indus Valley Script was received through the Government of the Central Provinces. The Government of India were unable to accede to this request, as they did not consider that they would be justified in defraying the expenditure involved.

CONGRESS REPORT ON INDIA'S FINANCIAL OBLIGATIONS.

457. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) whether or not their attention has been directed to the publication of what is known as the Report of the Special Committee of the Karachi Congress on India's Financial Obligations ;

(b) if so, the conclusions that have been arrived at by them with respect to the findings of that Committee ; and

- (c) if not, whether they propose to consider the points raised by the Committee and arrive at a decision of their own regarding them ?

The Honourable Sir George Schuster : (a) Yes.

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

INDIANS REPATRIATED FROM SOUTH AFRICA.

458. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- the number of Indians that were repatriated from South Africa by way of compulsory repatriation ;
- the number that was repatriated from the same place by the scheme of voluntary repatriation ;
- the number that has been repatriated from the same Colony through "Repatriation under the Assisted Scheme" from 1927 onwards ;
- whether it has come to their knowledge that the repatriated emigrants are often put to inconceivable distress and difficulties on their return to India ; and
- whether or not they have directly or indirectly encouraged and fostered the indentured immigration of Indians abroad ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The words "compulsory repatriation" are not understood.

(b) The number of Indians repatriated under the Indian Relief Act, 1914, up to the end of July, 1927, was 23,029.

(c) 7,997 up to the end of June, 1931.

(d) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government.

(e) The attention of the Honourable Member is invited to the reply given by me earlier in this session to part (b) of Mr. Bhuput Singh's question No. 382.

NEWSPAPERS UTILISED BY THE EAST INDIAN RAILWAY FOR THE PUBLICATION OF NOTICES AND ADVERTISEMENTS.

459. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- the names of all newspapers and periodicals which the East Indian Railway Administration have availed themselves of in this country in publishing their notices and advertisements in 1929-30 and during the current year ; and
- the amount that each of such newspapers and periodicals has been paid in 1929-30 by the Railway Administration for such services ?

Mr. A. A. L. Parsons : (a) and (b). The information asked for is not readily available and Government do not propose to ask for its compilation, which would involve a very considerable amount of clerical work.

REPRESENTATION OF BENGAL LANDHOLDERS AT THE ROUND TABLE CONFERENCE.

460. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- whether or not the names of some gentlemen from Calcutta were proposed to the Government of India by the Government of Bengal for the next Round Table Conference ;
- if the answer to part (a) is in the affirmative, whether any of those names were accepted by the Government of India and recommended to His Majesty's Government ;
- whether the Government of India was impressed by the Government of Bengal with the necessity for special representation of the Bengal landholders on the next Round Table Conference ;
- if the answer to part (c) is in the affirmative, the result of the Bengal Government's representation ;
- whether any representation, on behalf of the Bengal landed interests to get well-represented on the forthcoming Round Table Conference, which was voiced by the British Indian Association of Calcutta, came to the Government of India ; and
- if the answer to part (e) is in the affirmative, the result of such representation ?

The Honourable Sir George Rainy : (a) to (f). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Singh's unstarred question No. 18.

DETERIORATION OF PASSENGER CARRIAGES ON THE EAST INDIAN RAILWAY.

461. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state whether their attention has been drawn to the rapid deterioration that has gone on with respect to carriages of passenger trains on the East Indian Railway system for want of their timely overhauling ?

Mr. A. A. L. Parsons : No.

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

462. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether the Government of India have come to any final decision in regard to the purchase of the Assam-Bengal Railway by the State at the termination of the present contract with the Company ?

(b) Is it a fact that the time for giving due notice to the Assam-Bengal Railway Company for the purchase of the Railway by the State has already lapsed ?

(c) If the answer to the above be in the affirmative, will Government be pleased to state the reason for their delay in giving the notice terminating their present contract ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given by me on the 17th February last to Mr. Anwar-ul-Azim's

question No. 530. In accordance with the Resolution adopted by the Assembly on the 18th July, 1930, negotiations were undertaken with the Assam-Bengal Railway to obtain for Government an extension of their option to terminate the Company's contract on 31st December, 1931, but the Company were not prepared to grant the option. As, for the reasons which were fully explained in the course of the debate on the Resolution which I have mentioned, the purchase of the Assam Bengal Railway under the terms of their contract was not feasible, notice of intention to purchase the line was not given.

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

463. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state what steps do they propose to take for acquiring the Assam-Bengal Railway for State-management at the end of the term of their present contract ?

(b) Is it a fact that notice was not served on the Company in time to give the Company a chance for refusing under the terms of the present contract to hand over the Railway to the State till the expiry of another term ? If so, how do Government propose to overcome the difficulty ?

Mr. A. A. L. Parsons : (a) The next opportunity for acquiring the Assam Bengal Railway under the terms of the Company's contract occurs on the 31st December, 1941.

(b) I am not sure that I understand the Honourable Member's question, but, as I have explained in my reply to the previous question, notice was not served on the Company by Government of their intention to terminate the Company's contract on the 31st December, 1931.

Mr. Gaya Prasad Singh : Sir, may I take it that the Assam-Bengal Railway will not be taken over by the State till 1941 ?

Mr. A. A. L. Parsons : The next opportunity under the terms of the contract occurs in 1941. I am not able to prophesy whether outside the contract negotiations with the Company might not be undertaken before that year.

Dr. Ziauddin Ahmad : Is it not a fact that, when this question was referred to the Assembly last time, the Assembly granted an extension for only one year ?

* **Mr. A. A. L. Parsons** : As I have already explained in my answer, the recommendation of the Assembly was that we should negotiate with the Company for an extension, but our negotiations were not successful, since the Company were not prepared to agree.

Dr. Ziauddin Ahmad : Is it not a fact that the Government had originally proposed an extension for 10 years, but that the Assembly definitely refused that suggestion and gave permission to extend it for only one year, and that without coming back to the Assembly, you have yourself extended the contract for another 10 years ? Is that not an insult to the Assembly ?

Mr. A. A. L. Parsons : There has been no question of Government extending the contract. As we were not able to give notice of purchase, the contract automatically remained in force.

Dr. Ziauddin Ahmad : Why was this question not referred to the Assembly during the Delhi Session, and why did you begin to act practically against the decision of the Assembly ?

Mr. A. A. L. Parsons : The matter was referred to the Assembly, and, on the advice of the Assembly, we negotiated with the Company with a view to getting an extension of our option to purchase. The negotiations were unsuccessful, since the Company refused to give us the extended option proposed.

Dr. Ziauddin Ahmad : I am sorry I did not follow your answer. Will you repeat it ?

Mr. A. A. L. Parsons : The Assembly recommended that negotiations should be entered into with the Company to obtain an extension of the option to purchase. In accordance with that Resolution the Government entered into those negotiations, but the negotiations were not successful. The Company refused to give us the option, and we had no means of forcing them to do so.

Dr. Ziauddin Ahmad : If the Company refused the option, then the evident alternative was for the Government to purchase the line. Why then was the matter of the purchase delayed ?

Mr. A. A. L. Parsons : The Honourable Member's recollection of what happened in the Assembly does not coincide with mine. It was recognized that the purchase of this railway at the present time would be a very bad bargain, and that Government had not got the money for it. We were obliged therefore to let the opportunity to purchase go.

Dr. Ziauddin Ahmad : If the Government begins to take action against the decision of the Assembly, then we are no better than debating societies. Is not that so ?

Mr. A. A. L. Parsons : Government took no action against any decision of the Assembly in this matter.

Mr. K. Ahmed : In view of the fact that on the last Budget this Assembly disallowed 6 crores of rupees, how is it that the Member of the Railway Department could have been expected to say that it was more advisable to purchase the Railway than to extend the term for another 10 years ?

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

464. ***Mr. S. C. Mitra** : (a) Is it a fact that the time for giving notice to the Bengal and North Western Railway Company for the purchase of the Railway by the State at the end of their present contract has lapsed ? If not, will Government be pleased to state the latest date by which such notice must be given to the Company for terminating their present contract and to acquire the Railway by the State ?

(b) Is it a fact that under the existing contract with the Company there is a clause giving the Company the power to work the line for another term of years if the notice is not given to the Company by a certain date ?

(c) If so, will Government be pleased to state whether they propose to remind the Bengal and North Western Railway Purchase Committee to

give their decisions in time, so that the date of the notice to the Company for terminating their contract may not lapse? If not, why not?

Mr. A. A. L. Parsons : (a) (i). No.

(ii) The 31st December, 1931.

(b) Yes.

(c) The Report of the Committee was laid on the table of the House on the 9th September, and a Resolution on the subject will be placed before the Assembly in the course of the present Session.

CREATION OF AN ADVISORY BOARD FOR INLAND STEAM NAVIGATION COMPANIES.

465. ***Mr. S. C. Mitra :** (a) Is it a fact that Government have decided to create an Advisory Board for the inland steam navigation companies?

(b) If so, will Government be pleased to state when they propose to create the Board?

(c) Will Government be pleased to state whether this House will be given representation on this Board? If so, in what proportion to the representation of other bodies or individuals?

The Honourable Sir George Rainy : The attention of the Honourable Member is invited to the provisions of section 54-B. of the Inland Steam-vessels Act, 1917, under which the power to make rules for the appointment of Committees to advise the owners, agents and charterers of inland steam-vessels on questions affecting the interests of passengers and shippers of goods is vested in the Local Government. The question of the Government of India creating an Advisory Board for inland steam navigation companies does not, therefore, arise.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

466. ***Mr. S. C. Mitra :** (a) Are Government aware that the office of the Howrah Station R. M. S. is located in a very filthy and insanitary room?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why the staff of that office has been kept so long in that insanitary condition?

(c) If the answer to part (a) be in the negative, do Government propose to inquire into the matter and remedy the grievances of the staff of that office by locating the office in a bigger and a better ventilated room?

(d) Is it a fact that the room is too small to accommodate all the staff in that office and a temporary extension of it has been made by a tarpaulin? If so, are Government aware of the insanitary condition in which the staff of that office is made to work in that temporary shed in this rain?

Sir Hubert Sams : With your permission, Sir, I propose to reply to questions Nos. 466 and 467 together.

The matters referred to are within the competence of the Postmaster-General. Inspections are made in the ordinary course of duties

and Government have no information that the inspection of the Railway Mail Service offices has been overlooked.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

†467. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether the Director General of Posts and Telegraphs or the Postmaster General of Bengal, ever inspected the office accommodation given to the Howrah station R. M. S. office; if not, do they propose to inspect it for verifying the insanitary condition of the office accommodation given to the staff of that office?

(b) Do Government propose to direct the Director General of Posts and Telegraphs and the Postmasters General in the different provinces to inspect the R. M. S. offices located in the stations over the different Railways?

BOUNTIES PAID TO THE TATA IRON AND STEEL COMPANY BY GOVERNMENT.

468. ***Mr. Bhuput Sing :** Will Government be pleased to state the total amount that the Tata Iron and Steel Co., Ltd., have received from the Government of India by way of bounty during the last ten years?

The Honourable Sir George Rainy : Rs. 2,08,70,400.

INDIAN LABOUR IN MALAYA.

469. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether they are aware of the existence of a committee known as the Indian Immigration Committee in Malaya;

(b) if so, the constituents of that Committee;

(c) the nature of functions that the Committee is supposed to discharge;

(d) whether it is not a fact that 50 cents and 40 cents for men and women respectively working in accessible areas and 58 cents and 46 cents for those working in inaccessible areas fixed by the Indian Immigration Committee in 1929 for labourers in Malaya, are the lowest minimum wages and were arrived at after mature deliberations on the part of that body;

(e) whether they are aware that every plantation in Malaya provides for location of drink shops near the lines of labourers on the plea that shops are kept close by so that the labour force may remain quite steady there;

(f) whether it is a fact that of late the Labour Department in Malaya have repatriated a number of labourers to India on the ground of trade depression; and

(g) the ordinary amenities and benefits that labour enjoys in the plantations and mines in Malaya?

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

†For answer to this question, see answer to question No. 466.

(b) The Committee is composed of five official and eleven non-official members. The official members are (1) Controller of Labour (Chairman), (2) Deputy Controller of Labour, Malaya, Penang (Vice-Chairman and Secretary), (3) General Manager, Federated Malay States Railways, (4) Director of Public Works, and (5) Principal Medical Officer, Federated Malay States. Of the 11 non-official members, 9 are Europeans and 2 are Indians.

(c) The Committee is concerned with the management of the Indian Immigration Fund, the imposition of quarterly rates of assessment to the Fund, the fixation of standard rates of wages and other kindred matters relating to Indian immigration.

(d) These wages were fixed for some districts in Malaya in 1929, after taking into consideration the cost of living at that time.

(e) The majority of the estates have one or more toddy shops which are so located as to be easily accessible to the labourers. The Malayan Governments have now adopted a common policy with a view to restricting the number of these shops both in towns and on estate and to limiting the hours of sale.

(f) Yes.

(g) The labour laws of Malaya require an employer to provide for the labourers employed by him sufficient and proper house accommodation and sanitary arrangements, sufficient supply of wholesome water, medical attendance and treatment, hospital accommodation and sufficient supply of medicine. The Controller of Labour may also require employers of Indian labour to open schools if there are ten or more children between 7 and 14 years of age.

DEFERRED REBATES SYSTEM OF BRITISH SHIPPING COMPANIES.

470. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether there exists a system of "Deferred Rebates" among the British Shipping Companies in the coasting trade of India ;

(b) if so, whether or not the shipping companies that offer such rebates form among themselves a "Ring" or "Conference" ;

(c) whether or not the United States of America, Australia, Africa and France have already legislated against the deferred rebates system ; and

(d) whether they are aware that the system of deferred rebates has been condemned by eminent jurists as "immoral in ethics and unfair in economics" ?

The Honourable Sir George Rainy : (a) The reply is in the affirmative.

(b) It is understood that a "Conference" exists, but that it does not consist exclusively of British shipping companies.

(c) The United States of America, Australia and South Africa have legislated against the deferred rebate system. The Government of India have no information regarding France.

(d) The Government of India are aware that the system has been severely criticized.

Mr. G. Morgan : Is the Honourable Member in a position to say whether the Scindhia Steam Navigation Company is also a member of the Conference ?

The Honourable Sir George Rainy : I believe that is so, Sir.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

471. *Mr. Bhuput Sing : Will Government be pleased to state :

(a) whether they were ever aware of the existence of *Hiba-namas*, gifts, *Jaigeers* and *wakfs*, granted by His Highness Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa at the time when the Commission was appointed by the Government of India under Nawab Nazim's Debts Act, 1873 ;

(b) whether the above Commission mentioned anything in their Report regarding the aforesaid *Hiba-namas*, gifts, *Jaigeers* and *wakfs* ;

(c) whether it was the Agent to the Governor-General or the authorised Agent and representative of His Highness the Nawab Nazim (his eldest son) who was the sole source of information supplied to the Commissioners ;

(d) whether any of the *Hiba-namas*, gifts, *Jaigeers* and *wakfs* was declared null and void by Government or by the Nawab Nazim at any time between the departure of the Nawab Nazim for England in 1869 and the passing of the Murshidabad Act in 1891 ; and

(e) if the answer to part (d) above, is in affirmative, which of the *Hiba-namas*, gifts, *Jaigeers* and *wakfs* are still held and by whom ?

Mr. E. B. Howell : With the Honourable Member's permission, I will answer questions Nos. 471 and 472 together. The necessary information is being collected and will be communicated to the Honourable Member in due course.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

†472. *Mr. Bhuput Sing : Will Government be pleased to give a list of the *Jaigeers*, *Hiba-namas*, gifts and *wakfs* granted by His Highness the Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa, which were recognised by the Government between 1873 and 1891 or afterwards ?

COMMUNAL REPRESENTATION IN CENTRAL GOVERNMENT SERVICES.

473. *Mr. Muhammad Azhar Ali : Will Government be pleased to lay on the table a statement showing the representation separately of

†For answer to this question, see answer to question No. 471.

various communities in the services of the Central Government throughout the whole of India ?

The Honourable Sir James Crerar : A statement showing the communal composition of the all-India Services and the Central Services, Class I, is under preparation and will be placed in the Library in due course. Statements showing the communal composition of the clerical staff of the Government of India Secretariat and its attached and subordinate offices are available in the Library. The communal composition of the Postal and Telegraph Services and of the staff under the control of the Railway Board is published in the Annual Report of the Posts and Telegraphs Department and the Annual Report by the Railway Board on Indian Railways.

LACK OF A SHED AND OTHER FACILITIES FOR PASSENGERS AT JHANSI RAILWAY STATION.

474. ***Mr. Muhammad Azhar Ali :** Are Government aware that there is no shed of any kind at the Jhansi Railway Station (Great Indian Peninsula Railway) where transshipment takes place between the trains from Lucknow to Bombay and Bombay to Lucknow, to protect from rain or sun the passengers who wait at the platform for the arrival of trains ? Why are there no benches or any kind of seating arrangement ? Do Government propose to do anything for the comfort of the passengers ?

Mr. A. A. L. Parsons : Government have no details of the amenities provided on the platform at Jhansi, but I am sending the Agent, Great Indian Peninsula Railway, a copy of the Honourable Member's question and of this answer for such action as he may find it feasible to take.

Dr. Ziauddin Ahmed : May I know if the Honourable Member ever passed through Jhansi station to be able to know anything about it ?

Mr. A. A. L. Parsons : I have never stopped at Jhansi station although I have passed through it.

Mr. Gaya Prasad Singh : Not in the rain and sun.

Dr. Ziauddin Ahmed : This shows that when the Honourable Member is travelling on the line he does so with his eyes shut.

REMOVAL OF THE SURVEY OF INDIA OFFICE FROM MUSSOORIE.

475. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly whether there is any scheme to shift the offices of the Survey of India from Mussoorie to somewhere else ?

(b) Is it the intention of Government to dispose of the Castle Hill Estate at Mussoorie ? If so, what price has been fixed for that estate ?

(c) If the answer to part (a) is in the affirmative, will Government kindly state where the offices are going to be shifted to ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The reply is in the negative.

(c) Does not arise.

INFECTIOUS DISEASES IN THE MULLINGAR ESTATE AT MUSSOORIE.

476. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly if it is a fact that the Landaur Cantonment

Authority does not exercise its power conferred by sections 164 and 165 of the Cantonment Act with regard to infectious diseases in Mullingar Estate which lies in the cantonment area, and is used as a lodging house ?

(b) Is it not a fact that during the season 1931 some persons suffering from phthisis came and lived in the Mullingar Lodging House disregarding the notification of disinfection ?

(c) Is it not a fact that lack of preventive measures against such diseases in Mullingar Estates lying in a congested area between Landaur Cantonment and Mussoorie City Board are likely to infect both the places ?

Mr. G. M. Young : With your permission, Sir, I propose to answer questions Nos. 476 and 477 together. I have called for the information and will communicate with the Honourable Member when it is received.

TUBERCULOSIS CASES AT "IVAN HO" IN MUSSOORIE.

†477. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that some of the residents of "Ivan Ho", Mussoorie, asked the Landaur Cantonment Authority to take action with regard to several T. B. cases in the Ivan Ho Estate without any avail ?

(b) If the answer to the above is in the affirmative, will Government kindly state the reasons ?

EMPLOYMENT OF FRONTIER MUSLIMS IN ACCOUNT AND AUDIT OFFICES AT PESHAWAR.

478. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) the total number of clerks working in the Account and Audit Offices at Peshawar and how many of them belong to each of the following communities, viz., Muslims, and non-Muslims ;

(b) how many of each of the above communities are Frontier men and how many aliens ;

(c) whether it is a fact that Muslim youths have recently been served with notices of discharge and whether it is with a view to make room for non-Muslims ;

(d) if answer to part (c) above is in the affirmative, whether there was a majority of Mussalmans in the Department concerned ;

(e) if the answer to part (d) above is in the negative, why are the non-Muslims, who are in the majority, not being discharged instead of the Mussalmans ;

(f) whether it is a fact that a telegram to this effect was sent out from Peshawar to the Chief Commissioner, North-West Frontier Province, requesting him to save Frontier Pathan youths from being sacrificed for Hindu clerks ; and

(g) whether Government propose to put a stop to this kind of discrimination and raise in future the number of Muslim

†For answer to this question, see answer to question No. 476.

various communities in the services of the Central Government throughout the whole of India ?

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(c) If the answer to part (a) is in the affirmative, will Government kindly state where the offices are going to be shifted to ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The reply is in the negative.

(c) Does not arise.

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(b) Is it not a fact that during the season 1931 some persons suffering from phthisis came and lived in the Mullingar Lodging House disregarding the notification of disinfection ?

(c) Is it not a fact that lack of preventive measures against such diseases in Mullingar Estates lying in a congested area between Landaur Cantonment and Mussoorie City Board are likely to infect both the places ?

Mr. G. M. Young : With your permission, Sir, I propose to answer questions Nos. 476 and 477 together. I have called for the information and will communicate with the Honourable Member when it is received.

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(b) how many of each of the above communities are Frontier men and how many aliens ;

(c) whether it is a fact that Muslim youths have recently been served with notices of discharge and whether it is with a view to make room for non-Muslims ;

(d) if answer to part (c) above is in the affirmative, whether there was a majority of Mussalmans in the Department concerned ;

(e) if the answer to part (d) above is in the negative, why are the non-Muslims, who are in the majority, not being discharged instead of the Mussalmans ;

(f) whether it is a fact that a telegram to this effect was sent out from Peshawar to the Chief Commissioner, North-West Frontier Province, requesting him to save Frontier Pathan youths from being sacrificed for Hindu clerks ; and

(g) whether Government propose to put a stop to this kind of discrimination and raise in future the number of Muslim

†For answer to this question, see answer to question No. 476.

employees to the proportion of the bulk population of their community in that province ?

The Honourable Sir George Schuster : (a) The total number is 80, of whom 36 are Muslims and 44 non-Muslims.

(b) 20 out of 36 Muslims and 7 out of 44 non-Muslims belong to the North-West Frontier Province.

(c) Notice of possible discharge has been served on the entire temporary staff including Muslims and non-Muslims.

(d) to (g). The selection of the actual personnel to be discharged is receiving the attention of Government.

DISCHARGE ON ACCOUNT OF RETRENCHMENT OF MR. ABDUL RASHID FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEYS AND CONSTRUCTION, LAHORE.

479. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) whether it is a fact that one Mr. Abdul Rashid who was appointed as Tracer on 3rd March, 1926, in the Office of the Chief Engineer, Surveys and Construction, Lahore, has been discharged on account of retrenchment ;

(b) whether it is a fact that three other Muslim tracers have also been served with like notices ;

(c) if so, whether it was due to a majority of Mussalmans in the Department concerned ;

(d) whether it is a fact that the Chief Engineer, Surveys and Construction, Lahore, while remarking in his letter No. E. G.-8, dated 24th June, 1931, to the Chief Personnel Officer, N. W. Railway, recommended these gentlemen saying that every effort should be made to provide service for these persons in other offices of the open line in lower grades in preference to men with short services ;

(e) if so, how far his recommendations were carried out ; and

(f) what measures do Government propose to take to remove the grievances of Mussalmans as mentioned above ?

Mr. A. A. L. Parsons : I have called for information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

NOMINATIONS FROM THE PUNJAB FOR THE ROUND TABLE CONFERENCE.

480. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) What is the total strength of the nominees to the Round Table Conference ? How many of them are Hindus, Muhammadans and Sikhs ?

(b) How many nominees of the Hindus and Sikhs have been taken from the Punjab ?

(c) How many Muhammadans were nominated from the Punjab in the first Round Table Conference ? How many more have been nominated this year ?

(d) How many Sikhs were nominated in the first instance ? How many more have been nominated in the second time ? If none, why not ? Do Government know that the Sikhs have made a great grievance on account of the non-nomination of the national Sikhs in the Round Table Conference ?

(e) How many Hindus from the Punjab were nominated in the first instance ? How many more have been added in the second time ? If none, why not ?

(f) Will Government kindly lay on the table of the House a statement in tabular form of the representations received by Government together with the dates, from various bodies representing Hindus and Sikhs for the increase in the nomination of the Hindus and Sikhs from the Punjab ?

(g) What is the proportion of Hindus, Muhammadans and Sikhs, from the Punjab in the Round Table Conference ?

The Honourable Sir George Rainy : (a), (b), (c), (d), (e), (f) and (g). I place on the table a statement showing the names of the members from British India nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference in London and their places of residence in India. Those against whose names an asterisk has been placed were not members of the last Conference.

As I have explained on several occasions the selection of delegates for the Round Table Conference is not primarily the concern of the Governor General in Council. In the circumstances no useful purpose would be served by the preparation of a statement of the nature referred to in part (f) of the question.

List of Members nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference.

Names.	Places of Residence in India.
1. H. H. The Aga Khan, G.C.S.I., G.C.I.E., G.C.V.O.	.. Bombay.
2. Nawab Sir Sahibzada Abdul Qaiyum Khan, K.C.I.E.	.. Peshawar.
3. Sir C. P. Ramaswami Aiyar, K.C.I.E.	.. Madras.
4. *Sir Saiyid Ali Imam, K.C.S.I.	.. Patna.
5. Dr. B. R. Ambedkar	.. Bombay.
6. U Ba Pe	.. Rangoon.
7. Srijiut Chandradhar Barooah	.. Jorhat (Assam).
8. Mr. J. N. Basu	.. Calcutta.
9. *Mr. E. C. Benthall	.. Calcutta.
10. Sir Shah Nawaz Khan Bhutto, C.I.E., C.B.E. ..	.. Larkana (Sind).
11. Rai Bahadur Kunwar Bisheshwar Dayal Seth ..	.. Biswan (Sitapur, U.P.)
12. Sir Huber Carr	.. Calcutta.
13. Mr. G. Y. Chintamani	.. Allahabad.
14. *Sir Manackji Dadabhoy, K.C.I.E.	.. Nagpur.
15. Maharajadhiraja of Darbhanga	.. Darbhanga (B. & O.).
16. *Maulana Shafi Daoodi	.. Patna.
17. *Dr. S. K. Datta	.. Calcutta.
18. Sir Oscar deGlanville, C.I.E., O.B.E.	.. Rangoon.
19. Mr. Fazl-ul-Huq	.. Calcutta.

Names.	Places of Residence in India.
20. *Mr. M. K. Gandhi	Ahmedabad.
21. Mr. M. M. Ohn Ghine	Rangoon.
22. Mr. A. H. Ghuznavi	Calcutta.
23. Sir Ghulam Hussain Hidayatullah	Bombay.
24. Lieut.-Colonel Sir Henry Gidney	Calcutta.
25. *Sir Padamji Ginwala	Bombay.
26. *Mr. V. V. Giri	Madras.
27. Khan Bahadur Hafiz Hidayat Husain	Cawnpore.
28. *Sir Muhammad Iqbal	Lahore.
29. *Mr. A. Rangauwami Iyengar	Madras.
30. Mr. B. V. Jadhav	Bombay.
31. Mr. M. R. Jayakar	Bombay.
32. Sir Cowasji Jehangir (Junior), K.C.I.E., O.B.E.	Bombay.
33. Mr. M. A. Jinnah	Bombay.
34. Mr. T. F. Gavin Jones	Cawnpore.
35. Mr. N. M. Joshi	Bombay.
36. *Pandit Madan Mohan Malaviya	Allahabad.
37. *The Hon'ble Nawab Sahibzada Sir Syed Muhammad Mehr Shah.	Jhelum District.
38. The Hon'ble Sir P. C. Mitter, C.I.E.	Calcutta.
39. Mr. H. P. Mody	Bombay.
40. Dr. B. S. Moonje	Nagpur.
41. Diwan Bahadur A. Ramaswami Mudaliar	Madras.
42. The Hon'ble Captain Nawab Sir Muhammad Ahmad Said Khan, Nawab of Chhitari, K.C.I.E., M.B.E.	Lucknow.
43. Sir Muhammad Shafi, K.C.S.I., C.I.E.	Lahore.
44. *Mrs. Sarojini Naidu	Bombay.
45. Diwan Bahadur Raja Narendra Nath	Lahore.
46. Dr. Narendra Nath Law	Calcutta.
47. *The Hon'ble Sayed Muhammad Padshah	Madras.
48. Rao Bahadur A. T. Pannirselvam	Tanjore.
49. Raja of Parlakimedi	Parlakimedi (Madras Presidency).
50. Rao Bahadur Sir A. P. Patro	Madras.
51. Diwan Bahadur M. Ramachandra Rao	Ellore (Madras Presidency).
52. Sardar Sampuran Singh	Lyallpore (Punjab).
53. Sir Tej Bahadur Sapru, K.C.S.I.	Allahabad.
54. The Right Hon'ble Srinivasa Sastri, C.H.	Madras.
55. Sir Chimanlal Setalvad, K.C.I.E.	Bombay.
56. Sir Pheroze Sethna, O.B.E.	Bombay.
57. Dr. Shafaat Ahmad Khan	Allahabad.
58. Begum Shah Nawaz	Lahore.
59. *Maulana Shaukat Ali	Bombay.
60. Captain Raja Sher Muhammad Khan of Domeli	Jhelum District.
61. Mr. B. Shiva Rao	Madras.
62. M. R. Ry. Rao Bahadur R. Srinivasan Ayl.	Poonamalle Cantt. (Madras Presidency).

Names.	Places of Residence in India.
63. Mrs. Subbarayan	Madras.
64. Sir Sayed Sultan Ahmad	Patna.
65. Mr. Shripad Balwant Tambe	Nagpur.
66. U Aung Thin, K.S.M.	Mandalay.
67. *Sir Purshotamdas Thakurdas, C.I.E., M.B.E.	Bombay.
68. Sardar Sahib Sardar Ujjal Singh	Mianchannu (Punjab).
69. Sir Edgar Wood	Madras.
70. Mr. Zafrullah Khan	Lahore.

Those against whose names an asterisk has been placed were not members of the Conference last year.

APPOINTMENT OF SIKH GAZETTED OFFICERS TO THE NORTH WESTERN RAILWAY.

481. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) : Will Government be pleased to state :

(a) what are the names and qualifications of the candidates who have been recommended for appointments in the lower gazetted service by the North Western Railway ;

(b) what are the necessary qualifications prescribed for appointments in the lower gazetted service ;

(c) how many Sikh subordinates in the North Western Railway possess the same and higher qualifications ; and

(d) why the rights of the Sikhs at the time of making recommendations for appointments in the lower gazetted service have been ignored by the North-Western Railway administration ?

Mr. A. A. L. Parsons : (a) and (b). The Honourable Member's attention is invited to Part I of the Gazette of India, dated the 29th August, 1931, notifying the promotions made to the lower gazetted service. Men are selected for promotion to that service on their records in railway employment.

(c) and (d). The men who were promoted were considered better qualified than those not promoted. I may point out that no one has any right to such promotion.

APPOINTMENT OF SIKHS TO ACCOUNTS SERVICES ON THE NORTH WESTERN RAILWAY.

482. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) : (a) Will the Government of India place on the table a statement showing the number of Sikhs, giving names, in the following services of the North Western Railway and the total number of appointments held by all communities on the 30th June, 1929, 30th June, 1930, and 30th June, 1931,

along with their present grades :—(1) Auditors, (2) Accounts Officers, (3) Assistant Accounts Officers promoted from Accountants, and (4) Qualified Accountants and I. C. G.'s for promotion to Assistant Accounts Officers ?

(b) If the number of the Sikhs is very small will the Government of India kindly state the reason why no attempt has been made to recruit qualified Sikhs in these services ?

(c) Have the Government of India received any representation from the Sikh Rights Protection Society, Lahore ? If so, what reply was given to their representation ?

Mr. A. A. L. Parsons : (a) and (b). For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

(c) A representation was received in June last from the Sikh Rights Protection Society, on the subject of the representation of Sikhs in the lower gazetted services on Railways. The reply given was that appointments to the lower gazetted service are, as a rule, made by promotion of selected subordinates, and that the policy of Government is to make promotions on the basis of merit, having due regard to seniority, irrespective of communal considerations.

FAILURE TO APPOINT A SIKH TO THE SANDHURST COMMITTEE.

483. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will the Government of India state the proportion of the Sikhs in the British Army in 1930 ?

(b) Is it not a fact that the Sikhs at the time of the Great War contributed 1 out of 4 able-bodied men and the contribution of the Sikhs was highest ?

(c) Will the Government of India, explain the reason why no Sikh public man was nominated on the Military College Committee known as the Sandhurst Committee ?

(d) Did Government receive any representation from the Sikh public bodies in this connection ?

(e) If so, what action do Government propose to take to remove this grievance of the Sikhs ?

Mr. G. M. Young : (a) About 15 per cent.

(b) The number of Sikhs recruited during the War was about 89,000, or 12 per cent. of the total number of recruits of all classes.

(c) The Indian Military College Committee was composed of experts. Out of the ten non-official members, two were Sikhs.

(d) Yes, and from other communities also.

(e) Government do not admit that there is a grievance.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE ACCOUNTANT GENERAL, PUNJAB.

484. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state if the number of Sikh employees in the office of the Accountant General, Punjab, as given below is correct :

	No. of appointments.	No. of Sikhs.
1. Assistant Accounts Officers ..	7	1
2. Superintendents ..	40	2
3. Permanent Divisional Accountants ..	75	7
4. Temporary and Officiating Accountants	65	8
5. Permanent Clerks ..	339	20
6. Temporary and Officiating Clerks ..	85	14

(b) Is it a fact that the attention of Government was drawn by the Sikh Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department ? What action did Government take to remove the grievance of the Sikhs ?

(c) Is it not a fact that a Sikh clerk has been discharged in spite of the fact that the representation of the Sikhs is already very small ?

(d) What steps do Government propose to take to grant adequate representation to the Sikhs in this office ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF SIKHS TO THE INDIAN CIVIL SERVICE IN THE PUNJAB.

485. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Are the Government of India aware of the fact that in the entire Indian Civil Service in the Punjab there is one Keshadhari Sikh and one Sahjdhari Sikh ?

(b) Will Government kindly explain what steps they have taken to remove this communal inequality in this service ?

The Honourable Sir James Crerar : (a) There are five Sikhs in the Indian Civil Service in the Punjab, of whom three are Keshdharis.

(b) Since 1925, five Sikh candidates have been appointed to the Service. Of these, two secured appointment by open competition in London, and three were nominated in India to vacancies reserved for the redress of communal inequalities.

REPRESENTATION OF SIKHS AND HINDUS ON THE PESHAWAR MUNICIPAL COMMITTEE.

486. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Are the Government of India aware of a strong feeling amongst the Hindus and the Sikhs against the distribution of seats in the Peshawar Municipality ? Was any representation submitted by them on the 9th April, 1931 ?

(b) Did the Government of India receive a copy of the letter addressed to the Revenue Commissioner, North-West Frontier Province, from the Sikh Rights Protection Society, Lahore, protesting against applying the ingenuous "Punjab Formula" where the communities to a certain extent are equally balanced, as the said formula will not give protection to a small minority like the Sikhs? (The letter was published in the *Tribune*, dated the 13th June, 1931). Will the Government of India state their reasons for adhering to the said formula?

(c) After reviewing the whole question the Government of India are requested to state if it is proposed to introduce joint electorates with reservation of seats for minorities, as is done in the Lahore Municipality as stated in the above referred letter of the Sikh Rights Protection Society, Lahore? If not, why not?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Representations have been received from members of the Hindu and Sikh communities expressing dissatisfaction at the proposed distribution of elected seats in the Peshawar Municipality. A representation was submitted by the Hindu and Sikh Members of the Peshawar Municipality to the Revenue Commissioner, North-West Frontier Province, on the 9th April, 1931.

(b) The Honourable Member is presumably referring to a letter, dated the 2nd June, 1931. A copy of it was received by the Government of India. The formula referred to by the Honourable Member takes into account not only the population, but also the voting strength of the various communities.

(c) This part of the question is not understood. The system of joint electorates with reservation of seats does not prevail in the Municipal Committee of Lahore. Separate electorates for Hindus and Sikhs have been provided in the Frontier Province at the request of the leaders of these communities, as the choice of the mode of representation was left to the minority communities.

APPOINTMENT OF SIKHS TO THE TELEGRAPH ENGINEERING DEPARTMENT, LAHORE DIVISION.

487. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state if the number of Sikh employees in the Telegraph Engineering Department of Lahore Division as given below is correct?

	No. of appointments.	No. of Sikhs.
1. Engineering Supervisors, Telegraphs	13	Nil.
2. Engineering Supervisors, Telephones	7	Nil.
3. Telephone Mistries	13	Nil.
4. Telegraphs Mistries	6	Nil.
5. Electric Mistries	4	Nil.
6. Line Inspectors	3	Nil.
7. Clerks Divisional Office, Time Scale	21	2
8. Telephone Inspectors	10	2
9. Telephone Operators	71	5
10. Battery men	8	Nil.
11. Peon	9	Nil.
12. Wiremen coolies	3	Nil.
13. Sub-Inspectors	42	3
14. Linemen	311	10

(b) Is it a fact that the attention of Government was drawn by the Sikhs' Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department? What action did Government take to remove this grievance of the Sikhs?

(c) What steps, if any, do Government propose to take to grant adequate representation to the Sikhs in this Division?

Mr. J. A. Shillidy : (a) Enquiries are being made and the result will be intimated to the Honourable Member separately.

(b) Yes. The subject is under examination.

(c) The recruitment of Sikhs is governed by the rule relating to the recruitment of minority communities.

Dr. Ziauddin Ahmad : What is the percentage of Sikh population in India? Is it not less than 1 per cent.?

Mr. J. A. Shillidy : I am afraid I can only refer the Honourable Member to the last Census Report.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

488. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state :

(a) how many Leave Reserve Officers there are for the Meteorological Department ;

(b) whether they are intended to cover the leave taken by officers in sub-offices of the Department ;

(c) on how many occasions since the introduction of the leave reserve, officers in sub-offices went on leave ;

(d) on how many of these occasions were the Leave Reserve Officers sent to sub-offices to relieve the officers on leave ;

(e) whether Government contemplate abolishing the Leave Reserve Officers ; and

(f) if the answer to part (e) is in the negative, for what reasons?

Mr. J. A. Shillidy : (a) There are two posts which were created as "leave and training reserve".

(b) These two posts are intended to train suitable men in order to fill up vacancies in the Department as they arise, as well as to provide a leave reserve.

(c) and (d). Information will be obtained.

(e) The question of abolishing these two posts will receive consideration of the Government when the future of the Department, in view of the retrenchment proposals, comes under examination.

(f) Does not arise.

ABOLITION OR REDUCTION OF THE INSTRUMENT SECTION OF THE METEOROLOGICAL OFFICE, POONA.

489. ***Mr. C. S. Ranga Iyer :** (a) Will Government please state :

(a) whether there is an Instrument Section attached to the Meteorological Office at Poona ;

- (b) how many officers and clerks are in charge of this section ;
- (c) what are the duties of the said officers and clerks ;
- (d) what is the cost of running this section alone ;
- (e) whether they intend to abolish it ; if not, why not ; and
- (f) whether they intend reducing the expenditure on it ; if so, to what extent and when ?

Mr. J. A. Shillidy : (a) Yes.

(b) and (d). The information is being collected and will be communicated to the Honourable Member in due course.

(c) The section is responsible for the general supervision of instruments in use in the Meteorological Department, for specifications of new instruments and for routine observational work at headquarters.

(e) No ; Government do not consider that it will be economical to abolish this section. During the year 1929-30 a saving of Rs. 15,850 was effected by this section by repairing two types of old unserviceable meteorological instruments alone.

(f) Government have no such proposal before them at present ; the other part of the question does not arise.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

490. ***Mr. C. S. Ranga Iyer :** Will Government state whether it is a fact that the heads of all sub-offices of the Meteorological Department have demanded the abolition of the Leave Reserve Officers ? If so, why then the delay to abolish them ?

Mr. J. A. Shillidy : Government have no information. The latter part of the question does not arise.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

491. ***Maulvi Badi-uz-Zaman :** Will Government be pleased to state :

- (a) the number of gazetted and non-gazetted officers, including the clerical and menial staff, employed in the Income-tax Department in the Province of Bihar and Orissa ;
- (b) the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Department in Bihar and Orissa ;
- (c) the percentage of the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Service in Bihar and Orissa ;

The Honourable Sir George Schuster : (a) and (b). A statement is laid on the table, containing the information required by the Honourable Member except in regard to menials. Information regarding menials has been called for and will be communicated to the Honourable Member when received.

(c). The Honourable Member will be able to work out the percentages himself from the figures supplied in the statement.

Statement showing the communal composition of the Income-tax Department of Bihar and Orissa as it stood on 31st December, 1930.

	Total No.	Hindus.	Muslims.	Others.
1. Gazetted—				
(a) Assistant Commissioners ..	2	..	..	2
(b) Income-tax Officers ..	18	15	1	2
(c) Assistant Income-tax Officers ..	3	2	1	..
2. Non-Gazetted—				
(a) Inspector-Accountants (non-clerical).	11	9	2	..
(b) Clerical	92	69	18	5

Lala Jagan Nath Aggarwal : Will the Honourable Member consider the desirability of supplying figures relating to the amount of income-tax paid by the various communities in this province ?

The Honourable Sir George Schuster : I think the point raised by my Honourable friend will be dealt with in answer to part (d) of the following question.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

492. ***Maulvi Badi-uz-Zaman :** (a) Will Government be pleased to state if the recruitment to the Income-tax Service is made on an all-India basis or on Provincial basis ?

(b) Will Government state whether the different major and minor communities in Bihar and Orissa are adequately represented in the Income-tax Service ?

(c) If the reply to part (b) is in the negative, what immediate steps do they propose to take in order to adjust the communal difference ?

(d) Will Government be also pleased to state the number of Muslim Income-tax assesses in Bihar and Orissa ?

The Honourable Sir George Schuster : (a) Appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis.

(b) The Government of India consider that there may be room for adjustment in the communal composition of the service as it now stands.

(c) No measures for adjusting inequalities can be taken except to secure that future recruitment is conducted on the lines prescribed by

the Government. In the present financial circumstances, immediate recruitment of new staff on a large scale is not possible.

(d) No record is kept of the communities to which assessees belong.

CORRESPONDENCE RELATING TO BREACHES OF THE PACT WITH THE CONGRESS.

493. ***Mr. C. S. Ranga Iyer** : (a) Has the attention of Government been drawn to a telegram, dated Allahabad, August 18, published in the *Madras Mail* of August 19th, under the title "Government and Mr. Gandhi" containing a statement of the United Provinces Congress leader, Pundit Jawaharlal Nehru, in which the following passage occurs : "The correspondence published by the Government is not complete especially regarding the United Provinces" ?

(b) Do Government propose to publish the entire correspondence between the United Provinces Congress and the Government of India relating to the Gandhi-Irwin Pact and the alleged breaches thereof ? If not, why not ?

(c) Has the attention of Government been drawn to the following further statement of Pundit Jawaharlal Nehru in the telegram referred to above : "The contention was that there have been numerous breaches of the terms of the Pact on the part of the Government of the United Provinces" ?

(d) Will Government be pleased to state what were the breaches as contended by the Congress Party in the United Provinces ?

The Honourable Sir James Crerar : (a) and (c). I have seen Press reports of the statements to which the Honourable Member refers.

(b) and (d). I invite the Honourable Member's attention to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

UNEMPLOYMENT IN INDIA.

494. ***Bhai Parma Nand** : Will Government be pleased to state :

(a) if it is a fact that the number of the unemployed is increasing in India ;

(b) whether they are aware that unemployment has assumed serious proportions among the literate class ; and

(c) if so, what steps they propose to take to remedy the evil ?

Mr. J. A. Shillidy : I would invite the Honourable Member's attention to the answer given by me to question No. 70 asked by the Honourable Rai Bahadur Ram Saran Das in the Council of State on the 9th July, 1930.

RETRENCHMENTS IN THE ARMY DEPARTMENT.

495. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state the scales of pay of the Personal Assistant to the Army Secretary and the scales of pay of the Personal Assistants of other Secretaries to the Government of India ?

(b) Will Government be pleased to state the total length of service of the Personal Assistant to the Army Secretary ?

(c) Will the Honourable Member kindly state the names, the length of services, educational qualifications and the designations of those men of the Army Department who have been served with notices as a result of the retrenchment in the Army Department ?

(d) Is it a fact that Rai Bahadur A. P. Dube has got longer service than some of the retrenched men and, if so, why has he not been retrenched and why has he not been served with a notice ?

Mr. G. M. Young : (a) The pay of the Personal Assistant is Rs. 500—40—700 a month if he is below the Superintendent's grade at the time of appointment, and Rs. 600—40—800 a month if he is a Superintendent. There is no corresponding post in other Departments.

(b) 27 years and 4 months.

(c) A statement is laid on the table.

(d) No, Sir, not among those of his grade. The rest of this question does not arise.

Total length of service of the persons retrenched from the Army Department Secretariat.

Name.	Designation.	Educational qualifications.	Total length of service.
			Yr. Ms.
Mr. A. P. Bates ..	Officer-in-Charge, Medal Distribution.	Passed Matriculation Examination.	31 5
Rai Sahib H. D. Ghosh.	Superintendent ..	Ditto ..	27 5
Mr. S. Banerjee ..	Do. ..	Passed F. A. Examination ..	28 10
Mr. W. G. MacLeod ..	Do. ..	No University qualification ..	32 8
Mr. R. A. Pereira ..	Assistant ..	High School Pass Examination (Bengal).	25 6
Mr. G. I. Cunliffe ..	Do. ..	Passed Matriculation Examination.	29 5
Mr. N. C. Banerjee ..	Clerk ..	No University qualification ..	25 11
Mr. D. N. Bose ..	Do. ..	Ditto ..	15 2
Mr. M. N. Banerjee ..	Do. ..	Ditto ..	24 7

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

496. ***Mr. S. C. Mitra** : (a) Is it a fact that a Resolution was moved in the Council of State for Indianising the superior services in the Engineering Department of the Calcutta Port Trust in 1922 ?

(b) Is it a fact that the said Resolution was accepted by Government ?

The Honourable Sir George Rainy : (a) and (b). A Resolution recommending that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts in India was adopted in the Council of State in 1922 and was accepted by the Government of India.

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

497. ***Mr. S. C. Mitra :** (a) Are Government aware that 5 posts of Assistant Engineers on the maintenance side and four for King George's Dock construction were created by the Port Trust in 1922 for bringing about the Indianisation of the superior posts of the Engineering Department of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the negative, do Government propose to enquire into the matter and state the facts of the case ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 497 to 501 together.

The Government of India have no information but have made enquiries in the matter and will communicate the result to the Honourable Member.

REDUCTION OF INDIAN ENGINEERS BY THE CALCUTTA PORT TRUST.

498. ***Mr. S. C. Mitra :** (a) Are Government aware that in 1926 it was decided to transfer the Engineers from King George's Dock on its completion to the maintenance section of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how many Indian and European Engineers were so transferred to the maintenance section ?

(c) Is it a fact that all the Indian Engineers so transferred were eliminated from time to time and all the Europeans so transferred were eventually confirmed in the maintenance section ? If so, will Government be pleased to state the reasons of this elimination of the Indian Engineers and confirmation of European Engineers ?

(d) Are Government aware that this reduction of Indian Engineers was done by the Chief Engineer, Calcutta Port Trust, against the decisions of the Commissioners for the Calcutta Port Trust ? If not, do Government propose to inquire into the matter and take steps against the person responsible for the reduction of Indian Engineers ? If not, why not ?

RACIAL DISCRIMINATION IN PAY IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

†499. ***Mr. S. C. Mitra :** (a) Is it a fact that there are different designations with different rates of pay for the Indians and Europeans employed in the Engineering Department of the Calcutta Port Trust ? If so, will Government be pleased to state the reasons why this racial discrimination is

†For answer to this question, see answer to question No. 497.

being maintained in the said Department ? Do Government propose to do away with this racial discrimination ? If not, why not ?

(b) Do Government propose to have one cadre of service for the different grades of appointments in the Engineering Department of the Calcutta Port Trust, so that the Indians and Europeans may have equal chances of appointment ? If not, why not ?

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

†500. ***Mr. S. C. Mitra :** (a) Are Government aware that the number of Europeans employed in the Superior Engineering Establishment of the Calcutta Port Trust has been raised from 8 in 1913 to 14 in 1931 ?

(b) If so, will Government be pleased to state the reasons for the gradual increase in the number of Europeans ?

(c) Do Government propose to instruct the Calcutta Port Trust to take immediate steps to reduce the number of Europeans and increase the number of Indians in the Superior Engineering Establishment of the said Trust ? If not, why not ?

ABOLITION OF THE POST OF DEPUTY CHIEF ENGINEER, CALCUTTA PORT TRUST.

†501. ***Mr. S. C. Mitra :** (a) Is it a fact that a post of Chief Mechanical Engineer has been created by the Calcutta Port Trust and is it a fact that the King George's Dock construction has also been completed ?

(b) If so, will Government be pleased to state whether the work of the Chief Engineer has been lightened thereby ? If so, do Government propose to do away with the post of the Deputy Chief Engineer, Calcutta Port Trust, and transfer his work to the Chief Engineer ? If not, why not ?

ALLEGED FAVOURITISM IN THE ARMY DEPARTMENT SECRETARIAT.

502. ***Mr. S. C. Mitra :** (a) Is it a fact that the Army List Section was under the Army Headquarters up to 1920 and in 1924 the section was brought under the Army Department Secretariat ?

(b) Is it a fact that there was no post of an Assistant Army List Compiler in the Army Department up to April, 1926 ?

(c) Is it a fact that the post was created in May, 1926, and that one Mr. Avasthi, who became the son-in-law of Rai Bahadur A. P. Dube of the Army Department in that year was appointed to that post ?

(d) Is it a fact that the Personal Assistant to the Army Secretary has been put in charge of the Establishment of the Army Department Secretariat ? Are Government aware that there is a great discontent in the office against his nepotism and favouritism ? Do Government propose to remove the establishment from his hands ? If not, why not ?

(e) Is it a fact that the post of Mr. Avasthi was exempted from the scope of the Public Service Commission ? If so, why ? Are Government aware that the post was created as a technical one, and that this allowed

†For answer to this question, see answer to question No. 497.

of the appointment of an outsider like Mr. Avasthi? If not, do Government propose to make a sifting inquiry into the matter and place the result on the table of this House?

(f) Is it a fact that the creation of the post was kept confidential till the appointment of Mr. Avasthi was announced and that no advertisement was published in the papers for that technical post?

(g) Is it a fact that Mr. Avasthi had no previous experience either as a Compiler or even as an office assistant in the Government of India before he was appointed to that post?

(h) If the answers to parts (e), (f), (g) are in the affirmative, will Government be pleased to state the reasons why Mr. Avasthi was given a preference over the claims of other graduates who were working in the second and third divisions in the Army Department at the time?

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

(b) and (c). The answer is in the affirmative, except that the post was created in May 1928, and not in April 1926.

(d) The Personal Assistant deals with matters affecting the clerical establishment of the Army Department, under the control of the officer in charge. The second part of this question is entirely without foundation. Government do not propose to make any change in the existing office arrangements.

(e), (f), (g) and (h). The circumstances in which this appointment was created were explained very fully to this House in answer to question No. 909, dated the 24th September 1928, and to unstarred question No. 464, dated the 21st September 1928.

It is not a fact that the post was created as a technical one, nor that its creation was kept confidential. A large number of applicants were considered for the post, and several were interviewed by the Establishment Officer before the final selection was made.

CASUALTIES AMONG HINDUS AND MUHAMMADANS IN THE RECENT DISORDERS IN DERA ISMAIL KHAN.

503. ***Bhai Parma Nand :** (a) What is the number of casualties of Hindus and Muhammadans, separately, in the recent disorder in Dera Ismail Khan?

(b) What is the approximate estimate of the loss which the Hindus and the Muhammadans suffered, separately, by arson and loot?

(c) What is the number of Hindus and Muhammadans in the list of officers and rank and file of police in Dera Ismail Khan?

(d) Are Government aware of the allegations of Hindus against the police for not helping in putting down the fire?

(e) How did this disorder and lawlessness originate?

Mr. E. B. Howell : Enquiry has been made from the Local Administration and the information will be supplied to the Honourable Member as soon as a reply is received.

FEARED DUMPING OF AMERICAN COTTON INTO INDIA.

504. **Bhai Parma Nand :** (a) Are Government aware that the Department of Agriculture of the United States of America has published a report to the effect that the present cotton crop in the United States would yield 15½ million bales of cotton, to which adding 9 million bales of carry over, there will be 24½ million bales of cotton, which would be sufficient to supply the cotton world for two years?

(b) Will Government be pleased to say what was the value of cotton imported into India during the last two years, that is, in 1929-30, and 1930-31? Was the value of cotton imported Rs. 6,32,50,443 in 1930-31 against Rs. 3,41,12,298 in the previous year?

(c) Will Government be pleased to state how and to what extent the increased import of cotton into India has affected the area under cotton crop in the present cotton season?

(d) Do Government entertain any fear of cotton from America being dumped into India, and further lowering the price of cotton produced in India, which has already fallen abnormally?

(e) Do Government fear that the abnormal fall in the price of cotton would materially affect the capacity of agriculturists, in cotton-growing districts throughout India, to pay Government revenue?

(f) What steps do Government propose to take for the protection of their own interests, as well as those of the cotton growers in India?

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

(b) The Honourable Member's figures are approximately correct. To be exact, the value of cotton imported into India during 1929-30 and 1930-31 was Rs. 3,42,14,922 and Rs. 6,38,93,631, respectively.

(c) It is believed that the increased import of American cotton into India has not affected the area under cotton in India. Though the first cotton forecast published last month showed a fall of 6 per cent. in the area under cotton, it is expected that the final figures will show that the area under cotton this year is not less than it was last year.

(d) No.

(e) The fall obviously makes it more difficult for agriculturists in cotton growing districts to pay their land revenue.

(f) Government have not yet succeeded in deciding upon special steps which can with advantage be taken.

THE REBELLION IN BURMA.

505. ***Rao Bahadur M. C. Rajah :** Will Government be pleased to state with regard to the present rebellion in Burma :

(a) the causes therefor ;

(b) the exact or approximate number of lives lost and injured in each of the communities, Indian, Burmese, Chinese and European, and the extent of the loss of property sustained respectively by each of these communities ; and

(c) whether the Government of Burma have considered the question of adequately compensating the sufferers for their losses and, if so, with what result ?

The Honourable Sir James Orerar : (a) I would invite the Honourable Member's attention to the report of the Government of Burma, dated the 8th May, 1931, a copy of which has been placed in the Library.

(b) Casualties among Government servants are as follows :-

Europeans	..	..	..	..	6
Indians	..	..	..	..	79
Burmans	..	..	..	..	83
Others	..	..	..	..	6

The number of other casualties, that is among the rebels and others, is estimated at something over 2,000, but no exact figure is available at present. I regret that it is not possible to give any estimate of the loss of property.

(c) The cases of Government servants will be dealt with, where necessary, under service rules. For the rest, I would refer the Honourable Member to the reply I have already given to part (c) of Mr. Ranga Iyer's question No. 314 on the 15th September.

GRANT OF LEE PASSAGE CONCESSIONS TO NON-ASIATIC NON-SUPERIOR OFFICERS IN RAILWAY SERVICE.

506. ***Mr. K. P. Thampan :** Will Government be pleased to state :

- whether it is a fact that orders have been passed to grant the Lee Passage Concessions to all non-Asiatic non-superior officers in the Railway Service ; if so, with effect from what date ;
- whether there was any representation or request from such employees for the grant of this concession and whether the various Agents were consulted in the matter ;
- whether Government will be pleased to lay the correspondence on the table ;
- what will be the probable total expenditure involved during the ensuing year ; and
- if the approval of the Standing Railway Finance Committee was obtained before final orders were passed ?

Mr. A. A. L. Parsons : (a) Orders have been passed sanctioning the passage concessions on the scale and conditions prescribed in the Superior Civil Services Rules, but substituting 2nd Class B for 1st Class B passages to non-Asiatic non-superior employees in the Railway Department recruited outside India and under certain conditions to such employees recruited in India. These orders came into force with effect from the 1st April 1930.

(b) Yes.

(c) Government do not propose to lay the correspondence on the table.

(d) A reliable estimate can be made only after certain questions connected with the rules, which the Government of India have under consideration, are decided.

(e) No.

Mr. K. P. Thampan : May I know whether the Railway Retrenchment Committee was asked if the Lee concession passages in regard to railway servants could be abolished or not ?

Mr. A. A. L. Parsons : I am not quite sure to what extent I am entitled to say what is going on inside the Retrenchment Sub-Committee at present and which may come out in their report : but I may say that this matter is being considered.

Mr. K. P. Thampan : Will Government be pleased to make a special reference to this Committee to consider whether these concessions should not be cut out in view of the large deficit with which the Railways are going to be faced next year ?

Mr. A. A. L. Parsons : As I have explained, the Railway Retrenchment Committee has taken up this particular subject.

Dr. Ziauddin Ahmad : Is it within the jurisdiction of the Railway Retrenchment Committee to make a recommendation on this point ?

Mr. A. A. L. Parsons : I imagine that they consider so or they would not have discussed it in the Railway Board.

Mr. K. P. Thampan : Supposing it is not within the ambit of the terms of reference of that Committee, will Government take it upon themselves and consider the advisability of abolishing these concessions ?

Mr. A. A. L. Parsons : As far as I know, the point has been considered to be within the ambit of the terms of reference.

Mr. Gaya Prasad Singh : Do Government propose to withdraw the Lee concessions as a measure of retrenchment during these times of financial stringency.

Mr. A. A. L. Parsons : That, Sir, is a question of which I am afraid notice will have to be given, and then it will not fall to my lot to answer it.

Mr. Gaya Prasad Singh : May I take it that this question did not enter into their consideration before this—the question of withholding the Lee concessions ?

Mr. A. A. L. Parsons : As I have explained, that is a question of which notice should certainly be given and if notice were given it would not fall to me to answer it : it is a general question affecting all Departments of Government.

Mr. Gaya Prasad Singh : I was referring to the Railway Services with which the Honourable gentleman is concerned.

The Honourable Sir George Rainy : I think it is obvious that a matter of this kind could not be considered by one Department in isolation. If it is considered at all, it must be considered with reference to all Departments.

Mr. C. S. Ranga Iyer : Has any correspondence passed between the Government of India and the Secretary of State with regard to the abolition of the Lee concessions in view of the present existing circumstances, economic and otherwise ?

The Honourable Sir George Rainy : The Honourable Member ought clearly, I think, to give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to state if the Government of India propose to recommend to the Secretary of State to abolish the Lee concessions during the present crisis ?

The Honourable Sir George Rainy : Equally, the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to consider recommendation of this matter to the Secretary of State in view of the economic and financial crisis in this country ?

The Honourable Sir George Rainy : I think, Sir, I must again say that the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : I would at least strongly urge on the Leader of the House that the House should be given an opportunity to express its views on this matter : since at question time the Government want to shirk their responsibility of informing this House and through this House the country, I think it is very deplorable.

The Honourable Sir George Rainy : On a point of order, Sir : is the Honourable Member asking a question ?

Mr. C. S. Ranga Iyer : May I know whether the Government propose to inform the country through this House as to what steps they propose to take in regard to the Lee concessions and when they propose to take it ?

Mr. President : I wish once again to point out to the Honourable House that there is no rule or Standing Order which compels Government to give answers to questions. Honourable Members on the Treasury Benches are entitled to say that they want notice of a question put as a supplementary question. I have stated previously that Honourable Members on the Opposition Benches have their remedy under the rules and Standing Orders.

Mr. C. S. Ranga Iyer : As I find, Sir, that the Honourable gentleman's answer is very unsatisfactory. I propose to table an Adjournment Motion to-morrow.

Mr. K. Ahmed : Do the recommendations of the Lee Commission come within the ambit of enquiry by the Retrenchment Committee ? If so, may I know whether the subject comes under the General Purposes Committee or any other Retrenchment Committee.....

Mr. President : Are you asking a supplementary question ?

Mr. K. Ahmed : Yes, Sir : I want to know if the subject matter of the Lee concessions comes under the ambit of the General Purposes Committee on Retrenchment or it comes under any other Retrenchment Committee ?

Mr. Jagan Nath Aggarwal : I am afraid, Sir, we have not been able to follow the supplementary question.

Mr. President : Nor have I.

The Honourable Sir George Rainy : In reply to the last remark of my Honourable friend Mr. Ranga Iyer, it is quite open to him to ask for the information by means of a short notice question. I am not endeavouring to put him off, but it cannot be answered now.

THE DELHI TEXT BOOK COMMITTEE.

507. *Bhai Parma Nand : (a) Is it a fact that the staff of the Text Book Committee, Delhi, consists of Muhammadans only ?

(b) Will Government kindly lay on the table a statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931 ?

(c) Will Government kindly state what purpose the Committee has served ?

(d) Do Government propose to consider the advisability of abolishing the Committee altogether ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Honourable Member is quite right in asserting that the whole-time staff of the Delhi Text Book Committee consists of Muhammadans only, but would he mind my supplementing that assertion by adding that it consists of two men only and they are menials.

(b) A statement is laid on the table.

(c) The Text Book Committee (a) advises the Superintendent of Education on the suitability of books for schools in the province, (b) maintains a reference and lending library of school text books for the use of teachers.

An account of its work is found in the Annual Reports on the Administration of the Delhi Province, copies of which are obtainable in the Library.

(d) Not in view of what is said above.

Statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931.

Years.	Allowance for part-time service.	Salaries of whole-time staff.	Contingencies.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1928-29	580 0 0	188 13 0	50 12 6	819 9 6
1929-30	589 8 9	170 5 0	461 7 0	1,221 4 9
1930-31	665 0 0	277 6 2	104 5 2	1,046 11 4

APPOINTMENT OF HINDUS IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION, DELHI.

508. *Bhai Parma Nand : (a) Is it a fact that the present staff of the Superintendent of Education, Delhi, consists only of Muhammadans ? Is it a fact that the Hindu clerks have been gradually replaced by Muhammadans ?

(b) Are Government prepared to recognize the claims of Hindus for the above Department ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The answer to both parts of the question is in the negative. The staff consists of four Muslims and three Hindus.

(b) Certainly.

TRANSFER OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

509. ***Bhai Parma Nand :** (a) Is it a fact that the Government of India, in consultation with the Punjab Government, agreed to borrow the services of P. E. S. officers for the Delhi civil administration for the two posts, viz., District Inspector of Schools and the Head Master of the Government High School, Delhi, for not more than three years at a time?

(b) For how many years has the present District Inspector of Schools, Sh. Ghulam Mohey-Uddin, been serving in Delhi?

(c) Will Government state for how long he will be allowed to hold the present post?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) In accordance with the arrangements approved in June 1930, the services of these officers are borrowed from the Punjab for periods ordinarily not exceeding three years.

(b) About three and half years.

(c) Till he is transferred.

HINDU AND MUHAMMADAN TEACHERS APPOINTED AND DISMISSED ON THE RECOMMENDATION OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

510. ***Bhai Parma Nand :** Will Government kindly state the number of Hindu and Muhammadan teachers in Municipal and District Boards, and Government institutions under their control who have been appointed and dismissed on the recommendation of the present District Inspector of Schools, Delhi, Sh. Ghulam Mohey-Uddin?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Recommendations of officers of Government in matters of personnel are confidential and it is not in the public interest to disclose them. Information October 1927 distributed communally is however available. Three teachers have been dismissed, of whom two were Hindus and one Muslim. 106 teachers were appointed, of whom 69 were Hindus, 36 Muslims and 1 Christian.

RECOGNITION OF MUHAMMADAN EDUCATIONAL INSTITUTIONS AND APPOINTMENT OF MUHAMMADAN TEACHERS IN DELHI.

511. ***Bhai Parma Nand :** (a) Will Government kindly state the number of Muhammadan institutions recognised by the Education Department, Delhi, before the appointment of the present District Inspector of Schools and after his appointment?

(b) Will Government kindly state whether a regular policy has been followed to increase the number of Muhammadan teachers in the Government High School, Delhi?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 13 before and 10 after.

(b) Government have considered it desirable that all teachers should not come from one community only and that a reasonable proportion of the appointments at the School should be held by Muslims, of course subject to the requirements of efficiency being satisfied.

QUARTERS OF THE BOARDING HOUSE AT THE GOVERNMENT HIGH SCHOOL, DELHI.

512. ***Bhai Parma Nand :** Will Government kindly state whether there is any proposal for closing the boarding house attached to the Government High School, Delhi, and getting the quarters vacated by the Superintendent of the boarding house with the object of providing quarters for the Head Clerk of the Education office and inspecting staff, etc.?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The question of closing the Boarding House of the Government High School, Delhi, not with the object of providing quarters for the clerical and inspecting staff of the Education Department as the Honourable Member seems to suggest, was taken up on grounds of economy. It appears that during the last three or four years the average number of boarders belonging to the Government High School was less than fifteen, while the expenditure of its maintenance was over Rs. 1,000 a year.

GRADATION LIST OF DIVISIONAL ACCOUNTANTS IN THE BOMBAY PRESIDENCY.

513. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether a gradation list of Divisional Accountants is maintained in the Bombay Presidency?

(b) If the reply to part (a) be in the affirmative, is the list for the Divisional Accountants in the regular P. W. D. and Lloyd Barrage one and the same?

(c) If so, is the seniority and juniority of such Accountants adhered to according to their number in the list at the time of retrenchment or Barrage amalgamation; if not, what special reasons are there to depart from the ordinary course?

(d) Is it a fact that the senior Accountants in the P. W. D. have been reverted and the juniors in the Lloyd Barrage made to continue?

(e) If the answer to part (d) be in the affirmative, why has this policy been adopted?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 513 to 517 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether notice was not in time to reply to these questions?

The Honourable Sir George Schuster : I think the Honourable Member may conclude from my reply that the notice was not sufficient to obtain satisfactory information in regard to this mass of detailed questions.

Mr. Lalchand Navalrai : Does the Honourable Member, therefore, propose that in future in his case there ought to be a longer notice ?

(No answer was given.)

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†514. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether on the Lloyd Barrage, persons who have not passed the Divisional Test are working as Accountants and Additional Accountants ?

(b) Is it a fact that qualified men from the P. W. D. with good experience and fine records have been made to revert as clerks ?

(c) If the reply to parts (a) and (b) be in the affirmative, what are the reasons for differential treatment ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†515. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there are any special qualifications required for the post of Divisional Accountants on the Lloyd Barrage which the Accountants in the P. W. D. do not possess ?

(b) Have any Accountants from the P. W. D. been taken up on the Barrage ?

(c) If the answer to part (b) be in the affirmative, have they proved efficient ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

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

(a) whether the Audit Officer, Lloyd Barrage, has refused to take up as auditors clerks of the P. W. D. who have passed the Divisional Test ;

(b) whether persons from outside with no accounts qualifications have been taken up as auditors ;

(c) what the special reasons are which have prompted the Audit Officer to reject people from the P. W. D. ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†517. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the reverted Accountants and Divisional Test passed clerks of the regular P. W. D. on the Lloyd Barrage represented their grievances to the Auditor General, Delhi ?

(b) Is it a fact that the Auditor General did not interfere ; if so, why ?

(c) Do Government propose to inquire into the whole question and lay down a just policy in connection therewith ?

†For answer to this question, see answer to question No. 513.

PAYMENTS FROM CANTONMENT FUNDS OF COMPENSATION FOR BUILDINGS ON SITES RESUMED BY GOVERNMENT.

518. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that some Cantonment Authorities have made payments from the Cantonment Fund, of compensation for buildings standing on sites to be resumed under Government orders ?

(b) Is it a fact that the purposes for which the Cantonment Fund can be used are specifically detailed in the Cantonments Act ?

(c) Is the payment of compensation for the buildings standing on sites to be resumed among the purposes for which the Cantonment Fund can be used under the Cantonments Act ?

(d) If so, will Government specify the particular section sanctioning such an expenditure ? If not, do Government propose to prevent Cantonment Authorities from spending the Cantonment Fund on such a purpose and arrange the refund of the amount spent so far ?

Mr. G. M. Young : (a) and (b). Yes.

(c) Yes, as the buildings were in a ruinous condition.

(d) Section 117 (k). The expenditure was a source of profit to the Cantonment Authority, as they are now free to develop the sites on a commercial basis, and, under rule, will receive 1/3ths of the income.

RESUMPTION OF CERTAIN BUNGALOWS IN NOWSHERA CANTONMENT.

519. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Military Estates Officer, Peshawar Circle, has issued notices to the owners of bungalows Nos. 64, 65, 66 and 67, Nowshera Cantonment, for their resumption on payment of nominal compensation ranging from Rs. 1,200 to Rs. 1,700 ?

(b) Have the notices been issued under Government orders ? If so, will Government be pleased to state the circumstances under which the resumption has been decided upon ?

(c) Is it a fact that in the notices under reference, it is definitely stated that the Military Estates Officer shall enter the bungalows on 31st August, 1931, and take possession thereof by force ?

(d) Will Government refer to the section of the Cantonments Act under which it is empowered to take possession of bungalows sought to be resumed by force ?

(e) Is it a fact that the owners have challenged the right of Government to resume the bungalows and their sites ? Do these bungalows stand on land held as free grant ? Have Government established their right to resume in a Court of Law ?

(f) Are Government aware that the proposal to resume the bungalows and to take possession thereof by force on a certain specified date, has created great unrest among the house-owners of Cantonments ?

(g) Have the Government received representation from the All-India Cantonments Association on the subject ? If so, do Government propose to keep the resumption proceedings in abeyance, till the matter is discussed with Government by the Association and Government have an opportunity to hear the other side ?

Mr. G. M. Young : Government have received a representation from the All-India Cantonments Association on the subject, and are awaiting a report from the local military authorities. I will supply the Honourable Member with a full reply to his question as soon as I am in a position to do so.

RESIDENTS EXPELLED FROM CANTONMENTS.

520. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state how many residents of Cantonments expelled from their respective Cantonments under the Old Cantonments Act, are still under the ban of expulsion ?

(b) Will Government state their names, the offence under which the original expulsion orders were passed and the reasons for continuing those orders ?

(c) Is it a fact that Th. Amar Singh Laxmansingh and L. Bhagwan Dass Aggarwal of Mhow Cantonment expelled from there in 1921, are still out of that Cantonment ?

(d) Is it a fact that the All-India Cantonments Association has made representations on their behalf and have even secured and submitted to Government, undertakings from those persons not to do anything on their return to Mhow, coming within the purview of section 239 of the Cantonments Act ?

(e) Do Government propose to cancel those orders of expulsions in case of these persons ; if so, when ?

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

(b) and (c). Their names are as stated in part (c) of the question. The order of exclusion was passed in consequence of their conviction and imprisonment on charges of attempting to seduce soldiers from their allegiance. Their activities ever since their exclusion are reported to have been such as render their re-admission to the Mhow Cantonment undesirable. The orders of exclusion were passed in 1922 and 1923, respectively.

(d) The Association have represented the matter to Government ; but no undertakings have been furnished by the persons mentioned.

(e) No, Sir.

STORES PURCHASED BY INDIAN RAILWAYS.

521. ***Lala Hari Raj Swarup :** (a) Will Government be pleased to state the total value of stores purchased by the Indian Railways during the years 1928-29, 1929-30 and 1930-31 ?

(b) What were the chief agencies through which these stores were purchased in each year and their value ?

(c) What was the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Railways obtained through the Indian Stores Department ?

Mr. A. A. L. Parsons : (a) and (c). The information is given in Vol. II of the Railway Board's Annual Reports on Indian Railways, copies

of which are in the Library. The Report for 1930-31 will be published shortly.

(b) Railway Administrations in India, the Indian Stores Department, the India Store Department, London, and the Boards of Directors of Indian Railway Companies in London. Information regarding the value of the respective purchases made through each of these agencies is not available.

(d) Purchases are made through the Indian Stores Department when on examination it is found to be advantageous to the railways to do so. But there are many articles used by railways, wagons and coal, for example, and multifarious small items the purchase of which through that Department would be of no advantage.

STORES PURCHASED BY THE ARMY DEPARTMENT.

522. ***Lala Hari Raj Swarup :** (a) Will Government be pleased to state the total value of the stores purchased by the Army Department ?

(b) Will Government be pleased to state the system by which the Army Department secures the supply of stores needed by the Department ?

(c) What is the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Army Department obtained through the Indian Stores Department ?

Mr. G. M. Young : (a) and (c). The information is being collected and will be supplied to the Honourable Member.

(b) and (d). In accordance with the Industries and Labour Department Resolution No. S-217, dated the 12th December, 1929, and published in the Gazette of India, dated the 14th December, 1929, lethal stores and technical apparatus and equipment are purchased either through the India Store Department, London, or, if they are available in India, by the military purchasing organization in India. Foodstuffs also are purchased by that organization, as the Indian Stores Department do not deal in foodstuffs. Other purchases are made through the military purchasing organization, when it appears cheaper and more advantageous to do so.

PURCHASE OF STORES THROUGH THE INDIAN STORES DEPARTMENT.

523. ***Lala Hari Raj Swarup :** (a) Is it not a fact that when the Indian Stores Department was established, Government declared that all purchases for Government requirements should take place in this country by tenders called for in rupees for delivery in India ?

(b) How far has this policy been adhered to ?

(c) Why has this policy not been given effect to completely ?

(d) When do Government think their policy will be completely adhered to ?

Mr. J. A. Shillidy : (a) The Indian Stores Department was established in the year 1922, while the rupee tender policy was adopted in December 1929, and brought fully into operation from 1st January, 1931 ; the answer to this part of the question is, therefore, in the negative.

(b) to (d). The attention of the Honourable Member is invited to the Government of India's Resolutions No. S-217, dated the 13th September, 1928, and 12th December, 1929, respectively, copies of which are available in the Library of the House.

COMPENSATION TO SARDAR GANGA SINGH AND MEMORIAL FOR HIS CHILDREN.

524. ***Rai Sahib Harbilas Sarda :** (a) Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that Sardar Ganga Singh whose two children were killed and wife seriously wounded by the British Lance Corporal last day of May, 1930, at Peshawar was to be compensated and, if so, was he offered anything in cash or kind? If so, how much? Did Sardar Ganga Singh accept or refuse the offer and the reason of his doing so?

(b) Did the Honourable the Chief Commissioner sanction an amount of Rs. 15,000 to build a children's ward in memory of the children of Sardar Ganga Singh? If the answer is in the affirmative, will Government please state when the ward will be built? Did the public ask something more than this as suggested in the daily *Milap*, dated the 30th August, 1930? Have Government considered the suggestion?

(c) Has the attention of Government been drawn to the public demand, vide the *Tribune*, dated the 14th January, 1931, and the *Hindu Herald*, dated the 15th January, 1931? Do Government propose to do anything in the matter?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 304 asked in this Assembly by Mr. S. C. Mitra.

RIOTS AT DERA ISMAIL KHAN AND KULACHI VILLAGE.

525. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state the facts and details of the riots at Dera Ismail Khan and Kulachi Village?

Mr. E. B. Howell : A communique issued by the Local Administration regarding the recent riot at Dera Ismail Khan is laid on the table. As regards Kulachi the facts are that on the night of 15th August an attempt was made to set fire to Kulachi and in the confusion to loot Hindu shops. The police opened fire killing one man. The people of the town co-operated with the police and the attempt failed. One shop and one serai were burnt.

Telegram No. 1054-L., dated the 13th (and received 14th) August, 1931.
From—Norwef, Nathiagali,
To—Foreign, Simla.

(Addressed to Associated Press, repeated to Home and Foreign.)

Communiqué at 9-30 A.M. on the 11th August, a minor quarrel occurred between Hindu and Mohammedan in Dera Ismail Khan City in which the former is said to have made some disparaging remarks about the latter's religion. This developed within a few minutes into a violent communal riot which was accompanied by much incendiarism. Two Hindus and two Mohammedans were killed in the rioting and a number not yet ascertained were injured, of whom seventeen were admitted to hospital. By 1 P.M. the rioting had been quelled with the aid of additional civil forces. There was no firing and lathi charges sufficed to disperse the crowd. In view of the acute communal tension prevailing and the number of fires still burning and the opportunities for looting afforded by the burning shops more police reinforcements were brought in supported by regular troops and frontier constabulary. Very great difficulty was experienced in checking and extinguishing the fires. The curfew order was enforced

in the evening and the night passed without incident the troops and constabulary being held in readiness round the city. There was a further threat early the following morning of more rioting, but this was frustrated by timely action. According latest reports available over 200 shops, houses and serais have been burnt and another 40 houses are said to have been looted before the situation was brought under control, the total value of property damaged is not yet known, but it is feared must be considerable.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

526. ***Mr. C. S. Ranga Iyer :** Will Government please state :

(a) how many riots and casualties have occurred in the North-West Frontier Province between Hindus and Muslims this year and last year ;

(b) how many riots between Hindus and Muslims have been averted by Police intervention ; and

(c) what are the remedies Government propose to apply ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 526 and 527 together.

Enquiries have been made and I will inform the Honourable Member in due course of the result.

Mr. B. Das : In view of the importance of the subject, will the Honourable Member be pleased to lay that reply on the table ?

Mr. E. B. Howell : Yes, Sir.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

†527. ***Mr. C. S. Ranga Iyer :** Will Government please state :

(a) the extent of the loss of lives and damage done to Hindu properties in the North West Frontier Province by the Muslim riots ;

(b) the proportion of the minority community to the population where the riots occurred ;

(c) the manner in which Government propose to help the Hindus who have suffered at the hands of the rioters ;

(d) what help has so far been rendered by Government to the sufferers during the riots ; and

(e) what punishment has been meted out to the authors and instigators of the riots ?

TRADE BETWEEN INDIA AND JAPAN AND INDIA AND BRITAIN.

528. ***Mr. C. S. Ranga Iyer :** Will Government please state what was :

(a) the percentage of trade between India and Japan in 1930-31 ; and

(b) the percentage of trade between India and Britain for 1930-31 ?

The Honourable Sir George Rainy : (a) and (b). The share of Japan in the trade of India in merchandise in 1930-31 was 9.8 per cent., while that of the United Kingdom was 29.6 per cent.

†For answer to this question, see answer to question No. 526.

The Honourable Sir George Schuster : The Government of India already have under consideration the question of revising the travelling allowance rules applicable to Government servants for journeys on tour. The question of a reduction in the travelling allowance of Members of the Central Legislature is now under the consideration of the Retrenchment Advisory Committee.

COST OF HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

535. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state how much money was spent on the haulage for the motor cars of the Members of the Central Legislature last year ?

(b) How much money will be saved by the stoppage of the said haulage ?

(c) Do Government propose to discontinue the haulage ? If not, why not ?

The Honourable Sir George Schuster : (a) Rs. 50,039-6-0 in connection with the last Delhi Session.

(b) Approximately Rs. 48,000 per annum, if the corresponding increase in conveyance allowance which is admissible in lieu is not taken into account.

(c) Government are awaiting the recommendations of the Retrenchment Advisory Committee.

TRAVELLING ALLOWANCE AND HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

536. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state what was the total expense by way of travelling allowance and haulage for cars of the Members of the Central Legislature for the last year for :

(a) the Simla Session, and

(b) the Delhi Session ?

The Honourable Sir George Schuster : (a) Rs. 93,638-4-0.

(b) Rs. 2,74,922-15-0.

ALLEGATIONS OF CORRUPTION AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

537. ***Sirdar Harbans Singh Brar :** (a) Are Government aware that very serious allegations of corruption against one Mr. Smith, Divisional Electrician, Multan, on the North Western Railway are contained in a booklet entitled "To All God Fearing and Righteous Souls" and in the *Railway Herald*, Karachi, dated the 15th March, 1931 ?

(b) Have Government asked Mr. Smith to clear his conduct in a court of law or what other appropriate action has Government taken in the matter ?

(c) If the answer to part (b) is in the negative, what action do Government propose to take against Mr. Smith ?

Mr. A. A. L. Parsons : (a) No.

(b) No.

(c) None. The Divisional Superintendent is quite competent to deal with such a matter.

REPRESENTATION OF SIKHS IN CERTAIN ACCOUNTS OFFICES AND THE PUBLIC WORKS DEPARTMENT.

538. ***Sirdar Harbans Singh Brar :** (a) Are Government aware of the very poor representation of the Sikh community in the following offices :

(i) Office of the Auditor General in India,

(ii) Office of the Accountant General, Central Revenues,

(iii) F. W. D., Central Accounts Office,

(iv) P. W. D., Central Office ?

(b) What action do Government propose to take to redress the grievances of the Sikhs for their fair representation in these offices ?

The Honourable Sir George Schuster : (a) The number of Sikhs employed in the following Offices in 1925 and on the 31st December, 1931, was as follows :

	1925.	December 1930.
Office of the Auditor General	..	2
Office of the Accountant General, Central Revenues	2	9
Public Works Department, Central Accounts Office	..	2

Information regarding the Public Works Department Central Office is being obtained and will be sent to the Honourable Member.

(b) It appears from the figures which I have just given that the instructions already issued as regards minority representation are proving effective, and that Sikh representation is steadily improving. The Government propose to continue working on these lines.

GOVERNMENT LOAN TO A PRIVATE INDIVIDUAL AT DACCA.

539. ***Sirdar Harbans Singh Brar :** Will Government state whether they advanced a loan of many lakhs to a private individual of Dacca at 3 per cent. when the Government of India themselves borrow at 6 per cent. or more ? If so, why ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is presumably referring to a loan of Rs. 2½ lakhs sanctioned in 1928. The circumstances must have justified the action taken by Government.

KITCHENS OF THE ASSEMBLY QUARTERS AT LONGWOOD, SIMLA.

540. ***Sirdar Harbans Singh Brar :** (a) Are Government aware that the kitchens for Longwood Range Assembly quarters are in fact rickshaw sheds and most unsuited as kitchens ?

(b) Is it also a fact that an open drain pipe runs just in front of the kitchens for quarters 23, 24 and 25, which makes these kitchens most insanitary ?

(c) Do Government propose to remedy this nuisance without delay ?

Mr. J. A. Shillidy : (a) No. The buildings referred to were originally constructed for use as kitchens and have never been used as rickshaw sheds. No complaints about their unsuitability as kitchens have been received.

(b) An open drain carrying bath and rain water passes near the quarters in question, but if kept clean it should not be insanitary.

(c) Does not arise.

RENTS CHARGED AT LONGWOOD HOTEL FOR GOVERNMENT OFFICIALS AND MEMBERS OF THE CENTRAL LEGISLATURE.

541. ***Sirdar Harbans Singh Brar :** (a) What are the rents charged per mensem at Longwood Hotel and also the caterer's charges for the following :

(i) Government Officials ;

(ii) Members of the Central Legislature ?

(b) Is it a fact that officers are supplied with free hot water baths and Members of the Legislature are not ?

(c) What are the reasons for this discriminatory treatment by the Central P. W. D. ?

Mr. J. A. Shillidy : The information is being collected and will be furnished to the Honourable Member in due course.

RETRENCHMENTS CARRIED OUT IN GOVERNMENT DEPARTMENTS.

542. ***Lala Hari Raj Swarup :** Will Government be pleased to lay on the table a statement embodying retrenchments of expenditure carried out by them in the various Departments up to this time ?

The Honourable Sir George Schuster : The whole question of retrenchment is under investigation by the Retrenchment Advisory Committee, and I regret I cannot make any statement, until Government have received and considered their report.

Lala Hari Raj Swarup : Is it not a fact that the Government have already carried out certain retrenchments ?

The Honourable Sir George Schuster : It is very difficult to say exactly what is covered by the word "retrenchment". If it refers to special measures as part of a general retrenchment policy, I can inform the Honourable Member that Government have so far taken very few steps which have actually affected individuals serving under the Government. In certain cases notices have been given to certain sections of staff, but no actual dismissals as part of a general retrenchment plan have taken place. I therefore thought that it would be misleading if I were to attempt to give any statement at the present stage.

Mr. Gaya Prasad Singh : May I take it that not a single Government employee or officer has been discharged up to the present time pending the report of the Retrenchment Committee ?

The Honourable Sir George Schuster : I understand my Honourable friend to ask whether I stated that not a single officer has, as yet, been affected. Is that the question ?

Mr. Gaya Prasad Singh : Yes.

The Honourable Sir George Schuster : No, I would not go so far as to say that. I have not in my head all the details of the changes which have taken place, but it is correct to say that no steps as part of a general retrenchment plan affecting the personnel have yet been taken. There may be one or two isolated cases where an appointment may have been terminated which could be described as retrenchment in the sense that it effects an economy, but not as part of a general retrenchment plan.

MOTION FOR ADJOURNMENT.

RIOTS AT DERA ISMAIL KHAN AND AT CHITTAGONG.

Mr. President : Order, order. I have received a notice from Bhai Parma Nand that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

"I hereby give notice of a motion for adjournment of the House with a view to draw the attention of the House to the situation at Dera Ismail Khan and at Chittagong as created on account of the tragic occurrences on 12th and 31st August, respectively."

Before I can admit this motion, I should like the Honourable Member to tell me how he justifies his motion in terms of the rule which lays down that it must be a definite matter of urgent public importance. My doubts are that the occurrences having taken place on the 12th and 31st August, the matter cannot be regarded as urgent, and secondly the situation, whatever it may be, that may have arisen in two different places in India cannot fulfil the terms that it is a definite matter. I recognise that it is certainly a matter of public importance, but in regard to these two points I have my doubts. I should like to ask the Honourable Member to explain how he brings this motion within the purview of the rule which lays down these distinct conditions.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : I submit, Sir, that the occurrences at Dera Ismail Khan and Chittagong are a definite matter of urgent public importance. It was on the 12th August in the presence of the police and civil officers in Dera Ismail Khan, that more than 300 shops were burnt. Not that the fire in one shop went to another, but each shop was burnt separately. The point also arises that one class of the population was not stopped from doing this horrible deed. Then again exactly the same thing has been repeated on the 31st August in another corner of India. I thought that I should have sufficient material before I placed both these incidents before this House. It took me some time to communicate with the people in Calcutta and find out the details of the occurrences at Chittagong. It was for this reason that

[Bhai Parma Nand.]

there has been some delay in bringing this motion for adjournment. I think both these incidents at Chittagong and Dera Ismail Khan are definite matters. Allegations have been made in both these places against the police and other officers and the incidents resemble each other very much. I have been of course a little late in bringing up the matter because I was waiting for materials and it was for that reason that I could not bring the subject earlier. I have brought this proposition in order to discuss the causes of these two incidents and the attitude of one class of the population towards the other, to find out which class of the population was at fault and what was the attitude of the police and other officers who were to protect the lives and property of the people in both these places. I therefore submit that my motion should be admitted.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official) : May I bring one or two points to the notice of the House in connection with this motion. The first point is that in both these places, Chittagong and Dera Ismail Khan, the facts were quite clear as to how the riots started.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of order.....

Mr. President : On the point of order I have asked the Honourable the Mover to put his position before the House. I do not know why the Honourable Member got up. If he has got anything to say on the question of the admissibility of this motion, I will be glad to hear him but I cannot allow a discussion.

Nawab Sir Sahibzada Abdul Qaiyum : I only want to point out that it is not a matter of urgent importance. In Dera Ismail Khan a Commission of Inquiry is sitting and it will prejudice the work of the Commission if a motion of this sort is allowed. I understand an inquiry has also started in Chittagong and it will not be justified if we discuss the matters under investigation on the floor of this House.

Mr. President : I do not propose to allow any further discussion on this issue. The Chair is concerned with satisfying itself as to whether an adjournment motion, of which notice may have been given, complies with the rules and Standing Orders. Honourable Members are aware that there are three distinct conditions attaching to the acceptance of an adjournment motion. One is that it must be a definite matter, that it must be an urgent matter and that it must also be a matter of public importance. I have already stated that I regard this question as one of public importance, and it therefore fulfils one of the conditions. As regards its being a definite matter, the Chair regrets that it cannot agree with the Honourable the Mover. What he stated was definite, but what he has embodied in his motion is very vague and indefinite. The Honourable Member speaks of the situation that has arisen in two places where certain incidents occurred. If the Honourable Member regards both these items as separate items creating two different situations, then the motion is defective in terms of the rule because the rule says that it must be one definite matter of urgent public importance. I assume that both these matters took place, and therefore the Honourable Member tries to make them into one subject by speaking of the situation that has arisen in consequence of these two incidents. The question then arises whether the situation about which the House

knows nothing can be regarded as a definite matter. If the Honourable Member had indicated that he took exception to the manner in which the police behaved at Chittagong or at Dera Ismail Khan, it would have made the motion definite ; but, in the words used, I hold that it is not definite.

As regards the point of "urgency", the Honourable Member seems to have recognized that it would have been regarded as urgent only if the matter had been brought up on the opening day of the session. I have been greatly strengthened in the views I hold by the rulings which have been given by each one of my predecessors. I have got the ruling of Sir Frederick Whyte, I have got the ruling of Mr. Patel and I have got the ruling of Sir Muhammad Yakub, (Hear, hear)—all three on the same lines and in regard to both these points of "definiteness" and "urgency". One motion which was proposed to be moved ran as follows :

"The appalling condition leading to unparalleled economic upheaval in India due to the unemployment of middle classes domiciled community, and Indians."

To the wording of this motion exception was taken on the ground of indefiniteness, and the Honourable Sir Frederick Whyte stated :

"I am afraid the Honourable Member has mistaken the bearing of the rules. The rule, as I think I have explained, provides an opportunity for Members of this House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. The matter to which the Honourable Member is referring, namely, the appalling condition of the middle classes due to unemployment is a matter which, though urgent in his reading of the word, is not urgent in the sense of the rule, and therefore I am afraid I cannot admit it."

On the matter of urgency, the ruling of Mr. Patel was very definite :

The motion proposed to be moved was the decision of the Bengal Nagpur Railway authorities immediately to retrench two thousand men of the Kharagpur workshops at a time when the neighbouring parts of the country were stricken with the havoc caused by the recent floods, and Mr. Patel's ruling was as follows :

"I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th."

Honourable Members will observe that in this case the notice has been given about ten days after the opening of the session.

Sir Muhammad Yakub also says :

"I regret very much to say that the motion of which the Honourable Member has given notice is framed in such vague and undefined terms that I have no option but to rule it out."

Honourable Members will therefore recognize that this motion does not fulfil two of the three conditions imposed by the rules. I hold that it is not definite, and that it is not urgent. I therefore rule that the motion is out of order.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : I desire with your permission, Sir, to make a statement concerning the probable course of Government business in the week beginning the 21st. On Monday the business which was on the Agenda paper yesterday and was not

[Sir George Rainy.]

concluded will be taken up. That business will be taken in the following order :

I. Motions to take into consideration and pass the following Bills :

- (1) A Bill to provide for the protection of the heavy chemical industry.
- (2) A Bill to amend the Provisional Collection of Taxes Act.
- (3) A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Government of foreign States.
- (4) A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

II. The resumption of the discussion on the motion to refer to Select Committee the Indian Income-tax (Second Amendment) Bill.

III. Supplementary demands in connection with the resumption of the Round Table Conference.

Any of this business not concluded on that day will be taken on Wednesday, the 23rd, and thereafter three Resolutions will be moved—the first about the diversion of the Road Fund to ordinary expenditure on current repairs of roads, the second about the action to be taken in connection with the purchase of the Bengal and North Western and Rohilkund and Kumaon Railway systems, and the third about the draft Convention and Recommendations concerning compulsory labour. This will be followed by the resumption of the discussion on Mr. Shillidy's Resolution regarding the draft Convention concerning the regulation of hours of work in commerce and offices and accompanying Recommendations. Honourable Members are aware that the discussion of this Resolution was adjourned during the last Delhi Session. Tuesday is appointed for non-official Resolutions, and I am asking the Governor General to allot Thursday, the 24th, for non-official Bills. It will probably be necessary for me to ask you, Sir, to direct that the House shall sit on Friday to dispose of Government business not concluded before that date.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President : I have to inform the Assembly that the following three Members have been elected to serve on the Standing Committee for the Department of Industries and Labour, namely :

1. Mr. G. Morgan,
2. Sirdar Sohan Singh, and
3. Kunwar Hajee Ismail Ali Khan. (Applause.)

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 an Abstract furnished by the High Commissioner for India of cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half-year ending the 30th June, 1931.

High Commissioner for India,

India Store Department.

Abstract of cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 30TH JUNE, 1931.

[Mr. J. A. Shillidy.]

HIGH COMMISSION
INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central of the goods demanded, were accepted on the grounds 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.
Zinc sheets, No. 106. Weight: 25 cwt. 3 lbs.	L. 3582/5776/15-1-31	London Zinc Mills, Ltd.	24 8 0 (British).
Canvas, sail, yards 19,000.	L. 3663/5981/22-1-31	David Corsar & Sons	963 0 0 (British).
Santonium, lbs. 121.	L. 3841/6074/4-2-31	May & Baker, Ltd.	2,513 15 6 (British).
Steel Tubes, No. 96. Weight: 22 cwt. 9 lbs.	L. 3915/6173/7-2-31	Weldless Steel Tube Co., Ltd.	34 9 1 (British).
Wire lead seals, No. 900,000.	L. 4526/7016/18-3-31	Lead Seal Manufacturing Co.	326 5 0 (British).
Brushes, tooth, No. 66,700.	M. 283/3031/7-5-31	J. Dupont & Cie	457 13 0 (French).
	M. 284/3031/7-5-31	W. R. Tilbury & Son	489 14 5 (British).
			947 7 5

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, 1931.

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

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 22 4 2 (Belgian).	The accepted tender was the better offer, having regard to the cost of inspection abroad.
941 13 4 (Esthonian).	The accepted tender was the more advantageous having regard to the cost of inspection.
2,495 12 6 (German).	The accepted tender was the more advantageous having regard to the cost of inspection.
32 14 0 (German).	The accepted tender was the better offer having regard to the cost of inspection.
325 0 0 (German).	The accepted tender was the better offer having regard to the cost of inspection abroad.
	The order was divided between the two lowest tenderers in order to obtain the delivery required.
900 9 0 (French).	

[Mr. J. A. Shillidy.]

PART B.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Drills, twist, No. 2,090.	L. 3886/6186/6-2-31	International Twist Drill Co., Ltd.	288 19 10 (British).
Band sawing machine, No. 1.	L. 4550/6922/20-3-31	Wilson Bros. (Leeds), Ltd.	35 10 0 (British).

is between British firms only.

Lowest tender not accepted.	Reason for acceptance.
£ s. d. 254 0 8 (British).	The order was placed with the higher tenderer on account of the superior quality of the goods offered, which represented more than the difference in price.
34 0 0 (British).	Accepted on the grounds of the superior design of the machine offered, which represented more than the difference in price between the two quotations.

[Mr. J. A. Shillidy.]

PART C.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Copper plate, 16 tons.	L. 3815/6209/2-2-31	Hugh Gordon & Co.	£ s. d. 1,004 0 0 (German).

is between Foreign firms.

Lowest tender not accepted.	Reason for acceptance.
£ s. d. 996 0 0 (French).	The order was placed with the second lowest tenderer in order to obtain the delivery required.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan) : Sir, before I move my Resolution, allow me to congratulate you and ourselves on your speedy recovery from the illness from which you were suffering. (Hear, hear.) You, Sir, are the custodian of the rights and privileges of this House, which you have jealously guarded and for which we are very grateful to you. You, Sir, have always held the balance even between the mightiest and the weakest : and none regretted your absence, Sir, more than some of us on this side of the House, because you have always afforded us the fullest opportunity to discuss all matters coming up for consideration in this House, and we pray that you may long preside over this House leaving an example to the future generations how to conduct a nation's parliament fearlessly without an eye to personal advantage or gain. (Applause.) Sir, the Resolution that stands in my name runs as follows :

" This Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India."

Sir, very few words will be necessary for me to commend this Resolution for the acceptance of this House. Sir, I am backed by the opinion not only of the non-officials but also of the officials of the Government of India on this matter, which opinion is marked by a happy unanimity which I wish for in all other matters. Sir, the High Courts in India have been the bulwarks of the rights and liberties of the people and we have been accustomed to look to this palladium of justice for safeguarding the rights and liberties of the meanest in the land. It will be an evil day for this country, or for the matter of that for any other country, when, as was observed by an ex-Chief Justice on a memorable occasion more than a quarter of a century ago, the executive and the judiciary go hand in hand. I repeat, Sir, that it will be an evil day for India if the judiciary and executive are hand in glove with each other. Sir, in order to have a pure atmosphere for the High Court, not sullied by any provincial or political considerations, it is necessary that it should form a central subject. I shall not tire your patience by delivering a long speech on this subject because I believe that these are the fundamental principles in which every one on this side as well as on the other side believes, and in this connection I shall place before the House certain observations of the Government of India which they made in the memorandum submitted to the Indian Statutory Commission. At page 794, they have recommended the formation of the High Courts as a central subject in the following words with which I fully agree :

" The primary advantage of centralisation is that its adoption would remove the High Courts from undesirable political influences by bringing all matters relating thereto within the purview of the Central Legislature and removing them from the jurisdiction of the local legislatures. The importance of this aspect of the case may be gauged from a perusal of the cases in which the existing system has exposed the High Courts to criticism and censure in the local Councils where under the existing system the High Court Budget is voted."

Sir, this is a position which is really intolerable to those who have faith in British justice. Sir, more than half a century ago there sat on the Bench of the Calcutta High Court a great English Judge, Sir Barnes Peacock, who preserved the dignity of the Bench to a marvellous degree and made no distinction between black and white. One member of the race of my Honourable friend, Mr. Arthur Moore, over there, who happened to be the editor of a newspaper in those days in Calcutta, characterised a great

Bengali Judge of the High Court, Dwarka Nath Mitter, as a black Judge. Now, Sir.....

Mr. Arthur Moore (Bengal : European) : Sir, do I understand the Honourable Member to attribute that remark to me ?

Mr. Amar Nath Dutt : Certainly not. What I meant was that one of his race happened to be the editor of that paper. Sir, the executive came to the aid of that white editor and would not arrest him in spite of a warrant from the High Court. What did Sir Barnes Peacock do ? He at once issued an order that all the Courts subordinate to the Calcutta High Court should cease to function. That was an attitude which the Calcutta High Court alone could adopt in those days, because it was not under the provincial Legislature. There was another unhappy incident of the Lieutenant Governor of a province going against an eminent English Judge, Mr. Alfred Aubrey Pennell. If Judges are to fall in this country, may they fall like him covered with glory.

Sir, it is not necessary for me to dilate on this matter of the evils of executive interference and the importance of placing the judiciary above executive interference. I wish further to quote the opinion of the Government of India in this respect :

" It may be contended that in the majority of these cases the criticism levelled against the High Courts has not only been factious and ill-informed but has also tended to bring the courts into contempt in the estimation of the public. The Central Legislature, whatever its faults would, it may be hoped, be unlikely to afford any support to an attempt to base a censure of a High Court on, *e.g.*, the low proportion of the representatives of a particular community in its ministerial establishment. While the consequences in this respect of the provincialisation of the High Court have been serious enough under the existing régime, it may be urged that the subjection of the budgets of those Courts to a majority vote in a legislature to which the executive was responsible would be attended with intolerable consequences, and the centralization of the High Courts would be an inevitable concomitant of the establishment of anything in the nature of provincial self-government.

But consideration cannot be confined to the relations between the High Court and the legislature. The relations between the High Court and the executive are equally important and there can be no doubt, it may be contended, that those relations are far more likely to be harmonious if the executive with which the High Court has to deal is the central executive with its relatively detached position."

This was the view of the Government when submitting their memorandum before the Indian Statutory Commission. Now, Sir, I beg to place before this House the fact that their memorandum was not only accepted by the Statutory Commission but was also recommended for acceptance in the future constitution of India. My Resolution makes the same request as the Statutory Commission recommended in these words :

" We consider that the powers now exercised by the provincial Governments in respect of the High Courts should in future be exercised by the Government of India, and that the same procedure should apply to the proposed High Court for the Central Provinces and Berar when it is created. The faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule which even the storm of political agitation has done nothing to shake."

" Anything tending to undermine this faith would be fraught with grave danger to the future government of the country. We therefore think it desirable that with the introduction of responsible government in the provinces the higher judiciary should be removed from the sphere of political influence. We believe that the risk of this influence will be minimised by the transference of relations to the Central Government as recommended by us."

Now, we find here that there is hardly any dissentient voice about the High Courts in India being made a subject of the Central Legislature.

[Mr. Amar Nath Dutt.]

That being so, I think we should all unanimously—and I hope the Government also will—accept this Resolution. I trust these very few words of mine will suffice to make the House accept the Resolution.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Neither the Congress nor the Hindu Sabha will agree.

Mr. Amar Nath Dutt : How do you know that ?

The Honourable Sir James Crerar (Home Member) : Mr. President, I do not propose to detain the House long in speaking upon this Resolution. I think it would however be convenient to the House that the position of Government in this matter should be explained at a very early stage in the debate. I am not quite sure that all Honourable Members in the House fully appreciate precisely how matters stand in regard to the subject matter of my Honourable friend's Resolution, and I shall therefore explain very briefly what, from the constitutional point of view, is the question involved.

Under the Devolution Rules, the administration of justice is a provincial subject, but matters relating to High Courts are also subject to legislation by the Central Legislature. That is the general rule ; but there is an exceptional situation created with regard to the High Court of Calcutta, because in pursuance of certain statutory provisions, certain sections of the Government of India Act, certain sections of the Civil Procedure Code and certain sections of the Criminal Procedure Code, matters such as the making of rules by the High Courts are in the case of the Calcutta High Court subject to the sanction of the Governor General in Council and not, as in the case of the other High Courts, of the Governor in Council. There are also certain provisions in the Letters Patent of the High Court which place the position of the Calcutta High Court on a special basis.

Now, I understand that the object which the Honourable the Mover has in mind is substantially to make the High Courts—presumably he also refers to other courts which exercise the functions of a High Court, such as Chief Courts and Courts of Judicial Commissioners—central subjects. That seems fairly clear proposition, though it is not perhaps quite as clear and quite as simple as it appears. I do not intend to embark on the controversial question as to whether High Courts ought to be retained on their present basis, whether the anomaly which undoubtedly exists should be removed by placing other High Courts in the position now occupied by the Calcutta High Court, or, in the alternative, by placing the High Court of Calcutta in the position now held by the other High Courts. That is an extremely controversial question, on which a very great deal of diversity of opinion has been expressed. Nor shall I examine very closely the suggestion that the existing state of affairs might result in a political pressure being brought to bear upon the High Courts. For my own part, on that particular point, I shall only say that I have no manner of doubt whatever that in the existing circumstances the High Courts throughout India, whether in Calcutta or elsewhere, preserve unassailed and unshaken that complete impartiality and independence that is required of them. But apart from considerations of that kind, there are many complicated administrative and financial questions involved.

The Honourable Member quoted from a memorandum which was submitted by the Government of India to the Royal Commission on the subject of High Courts. I should, however, as a caution point out to the House that the statements of fact contained in the memorandum related to the conditions at that time prevailing ; and the statements of opinion were undoubtedly intended to refer to the *status quo*. If therefore we are to contemplate a state of affairs in which the *status quo* is very fundamentally changed, it will be obvious to the House that many of the tentative opinions expressed on the basis of existing circumstances would require much reconsideration and very possibly modification.

Now, the recommendation made by the Royal Commission was to the effect that the High Courts should be centralised ; and they made a further recommendation that the costs of High Courts should be borne by central revenues and that to discharge that expenditure the court fees should be assigned as an item of central revenue. I had occasion in considering that recommendation to examine a little more closely what the administrative and financial implication would be and I found that it would be entirely impossible, at the present stage, to determine with any precision what the financial effect of that apparently simple expedient would be either upon central revenues or upon provincial revenues. As Honourable Members are aware, High Court fees are an important source of provincial revenue ; and what the precise effect of an assignment of that kind would be I find it impossible in present circumstances to say : it must be remembered that there are large variations in the rate and pitch of these fees, fixed according to particular provincial conditions. Moreover, it seems to me obvious that, regarding solely the financial point of view, it would be extremely difficult—it would certainly be very hazardous—to attempt to arrive at any conclusions on this single financial item, independently of all the very great adjustments and corrections and redistributions in the whole field of central and provincial finance that will be necessary. I may say that the recommendation of the Royal Commission was sent round to all Local Governments and to all High Courts for their opinion. Their opinions have been collected and they show, as I have already intimated, a very remarkable degree of diversity....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : In the opinions given, is there any High Court in India that opposes centralisation ?

The Honourable Sir James Crerar : There are individual judicial opinions which are opposed to centralisation. There are opinions from very important Benches which in the present state of affairs take, what I think is a reasonable prudent course—certainly the course which I propose to take—of refraining from expressing any definite opinion. That was the attitude, for example, of the High Court of Bombay. But the point I wished to make was that the Local Governments more particularly, and some High Courts also, emphasise very strongly the extraordinary complexity of the administrative as well as the financial questions which would be involved in carrying out this apparently plain and simple suggestion ; and I think that Honourable Members will recognise that, apart from the detailed complexity of the adjustments that would be necessitated, there are some other considerations which make it desirable, certainly for the Government of India, to reserve its opinion. The Royal Commission no doubt made their observation with regard to the position

[Sir James Crerar.]

of the High Courts on the assumption that it was to fit in with the general scheme of Government and of administration which they themselves proposed. Since that time very important developments have taken place. It is impossible for me, I think it is impossible for anybody, to say what the constitution of the provinces eventually will be, what the constitution of the Government of India will be, but it must be perfectly plain that any important, any fundamental, any radical changes in those respects will affect radically and fundamentally the question which is now before the House. There are, apart, from questions of the general framework of Government, important and very relevant questions such as the possible constitution of a Supreme Court which have been raised. Now, Sir, what will be the precise relation between the Supreme Court and the High Courts and the subordinate courts throughout India under a regime of that kind? I am not prepared to foretell, and I am therefore not prepared to prejudice or to define one particular aspect of what must be a large and unitary problem. Consequently, Sir, the attitude which the Government of India took in their Despatch to the Secretary of State on this subject was as follows:

"We have made a summary examination of these proposals and have received in their general terms the views of the Courts and the Local Governments concerned. The material before us, however, is not sufficient for the adequate consideration of these recommendations, the financial and administrative aspects of which, intricate in themselves, will require detailed exploration and consultation with Local Governments in the light of the decisions reached on the larger constitutional issues, and we are of opinion that they could be more conveniently approached when those decisions have been arrived at."

In other words, Sir, very much will depend on the context, on the picture into which this particular item must be fitted and to which it must be related. For example, a very great deal depends on whether the main function of the Supreme Court is to adjudicate on justiciable matters arising between component elements in a Federation or whether it is also to exercise anything in the nature of powers of revision and appeal from decisions of High Courts or other courts in India with regard to ordinary matters of municipal law. These are questions which I say we are not at any rate now in a position to decide. Consequently, our attitude towards this Resolution must be one of neutrality. We cannot accept it, and we are not disposed to oppose it. That, Sir, will be the attitude of the Government throughout the discussion, but if by any chance the decision of this House is to be obtained by means of a division, which, I think, is perhaps unnecessary, if that should be so, the Government will not vote in the division.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, the Honourable the Home Member has made the issue very clear. The Resolution, as far as I understand, refers to the administration of the High Courts in India; it does not refer to the appointment of Judges, nor to the control of the subordinate judiciary. The appointment of Judges should be as at present,—the permanent Judges should be appointed by His Majesty the King and the Additional Judges should be appointed by India, and the control of the subordinate judiciary should rest with the provinces. So far as High Courts are concerned, their administration should be brought under the Central Government in the future constitution of India. The High Courts were established in India in the year 1861 and till the year 1919 there was no clear classification of subjects between central and provincial. It is true that the Provincial Councils brought

into existence by the Reforms Act of 1909 had a right to discuss questions affecting the High Courts, but as there was no clear classification of subjects and no responsibility in the Provinces, the Provincial Governments were practically the agents of the Government of India and the whole control rested with the Central Government. In the year 1919 a Committee known as the Fetham Committee was appointed to go into the question of the classification of subjects between the Provincial and Central Governments, and in their draft report they said:

"Administration of justice, including constitution, maintenance and organization of courts of justice in the provinces both of civil and criminal jurisdiction, but exclusive of matters relating to constitution and powers of High Courts."

This entry was 16 under the provincial subjects proposed by that Committee, but by some error in the draft later on the words "but exclusive of matters relating to constitution and powers of High Courts" were left out, and since 1919, the administration of the High Courts also became a provincial subject under the new constitution.

The Resolution before the House seeks to bring the High Courts under the Central Government, and I would like to make a brief comment on the few advantages that will accrue from such an arrangement. The first advantage will be that the centralisation of the High Courts under the Government of India would tend to the unity of the Indian Empire and the greater security of the High Courts themselves. The second advantage will be that a central authority would tend to improve and co-ordinate the general administration of all the High Courts by adopting the good and discarding the bad methods that may now be found in individual courts.

Thirdly, that the appointments under the High Courts would not be subject to the same political or communal pressure as in the case of Local Governments.

Fourthly, Sir, the High Courts may have to decide questions affecting the Local Governments or local Legislatures and so they would be free from the contact of either. In this case it has been seen in the debates of the various Legislatures since 1919, that on hundreds of occasions, the decisions and powers of High Courts have been in question simply out of political or communal considerations and such criticisms have tended in a certain degree to lower the dignity of the High Courts in public estimation. The Calcutta High Court, so far as the relations of the High Courts with the executive are concerned, remarked as mentioned by the Government of India in their memorandum submitted to the Simon Commission:

"They point to the vital importance of maintaining the independence of the Court and refer to their long experience of attempts by the Local Government to interfere with that independence and with the independence of the Courts over which the High Court has superintendence."

The fifth advantage will be that the effective work of the High Courts would no longer depend on the fluctuating finances of the Local Governments or on the chances of some hostile vote at Budget time or on the hostility of some extremist Local Government.

The sixth advantage will be the High Courts in certain provinces have extra territorial jurisdiction, as in the case of Bengal, the Calcutta High Court exercises jurisdiction over Bengal and Assam. Similarly, in the case of Madras it exercises jurisdiction over Madras and Coorg. And in the

[Lala Hari Raj Swarup.]

case of the United Provinces, the High Court exercises jurisdiction over the United Provinces and in certain matters over the province of Ajmer. Similarly, the Lahore High Court exercises jurisdiction over Delhi, and in the future constitution it is possible that some new provinces may be created, and one High Court may be required to have jurisdiction over more than one province. In these cases, naturally the question arises which executive authority and of what province should have control over the High Court. If the High Courts are brought under the Central Government, then this difficulty will automatically be solved.

Mr. K. Ahmed : What about your provincial autonomy ? Your nation is asking for provincial autonomy.

Lala Hari Raj Swarup : It does not affect provincial autonomy.

Mr. K. Ahmed : It does. There is your Congress creed.

Lala Hari Raj Swarup : Sir, the Honourable the Home Member has referred to the recommendations of the Simon Commission. The Indian Central Committee has also unanimously recommended that the administration of the High Courts should be placed under the Central Government. Five Provincial Governments out of nine have endorsed the recommendations of the Simon Commission, and all High Courts except the Bombay High Court which has not yet taken a decisive attitude, have also recommended the centralisation of High Courts for the consideration of the Government of India.

The Honourable the Home Member, Sir, referred to the financial aspect as well. So far as the financial question is concerned, the Bombay High Court has given some figures, and that shows that if the High Court fees are made a central source of revenue the High Courts will not in all probability be a losing concern for the Central Government. In paragraph 8 of their views submitted to the Simon Commission they say :

“ The income brought in from this litigation also runs to large figures. As regards the Original Side the receipts for 1926 were Rs. 10,16,740 and the expenditure Rs. 7,02,345 leaving a net surplus of Rs. 3,14,395.”

Sir, the Honourable the Home Member said that they could not take a decisive attitude unless the constitutional picture was complete. That is true, but the constitutional picture will be drawn in England and the whole arrangement regarding classifications of subjects will be reviewed by the Federal Structure Committee, and so if the Government of India forward the views of this House to the Federal Structure Committee, they will have a great weight on the decision that the Committee may have to take on this question,

Mr. K. Ahmed : What about your delegates of the Round Table Conference ? Do you want to interfere with their work in England and their independence on the subject ?

Lala Hari Raj Swarup : Therefore, in order to safeguard the independence, impartiality, and integrity of the High Courts it is very essential that they should be brought under the Central Government. Sir, the faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule, which even the storm of political agitation has done nothing to shake. It is our duty, Sir, to preserve this faith by all possible means and the Resolution is the chief of these means.

Raja Sir Vasudeva Rajah (Madras : Landholders) : The structure of the British connection is and must be laid on the foundations of justice and fair play, and the one institution, which neither the extremist politicians nor the most quarrelsome of the communalists have attacked and which is, in town and country alike, productive of a feeling of security and confidence, is the High Court. There are many views held as to the proper composition of the High Court and the strengthening of it by introducing those principles of recruitment and tenure, which have made of the English judiciary the pride and the ornament of the world. But even under present conditions, in moments of excitement and trouble, political or otherwise, the unshaken confidence of the public in the integrity and impartiality of the High Court is an asset of the greatest value to India and to England. In this institution, people see the bulwark of their liberties and rights and the shield against arbitrary encroachments, not only by fellow-citizens but by the highest and mightiest executive authorities of the land. The history of British courts is one long and glorious record of holding the scales even between man and man ; and even in India, there have been many instances where, undeterred by considerations of popularity or criticism from one side or the other, the Judges of the various High Courts have laid down the law, without fear and without favour and have upheld those traditions which were enunciated finely by Chief Justice, Sir Arthur Collins, of the Madras High Court, when the buildings of the Court were opened, that he conceived it to be his duty to discharge his task in fear of God and in fear of no man.

This then being the tradition and the history of the High Court, it is necessary in the coming times when profound political changes are likely to take place and when the whole structure of political society is undergoing a fundamental alteration, to preserve intact and, if possible, to enhance the credit and utility of this institution. I hold that this can never be done, if the administration of justice and the judiciary are subject to fluctuations of local politics, and unless the recruitment to these high offices be made not on party considerations but on the basis of professional equipment and unsullied character and impartiality. It is, moreover, necessary to preserve that unity and uniformity of laws and their administration, which, subject to local differences due to divergence of personal law, has been one of the great accomplishments of the British rule in India and which has, in turn, led to that unity of ideals which is at the bottom of the present political movement. These things, I feel convinced, will never be so well or indeed at all achieved unless the recruitment and policy of the High Court and its control be vested in the Central Government detached from local strifes and party squabbles and concerned only with the righteous administration of justice in India as a whole.

I therefore support the motion.

Sir Hari Singh Gour : Sir, the Honourable the Home Member is perfectly right in not committing the Government to an attitude of either support or hostility to the motion, and if we examine the question, it is not a very simple question at all. Honourable Members will find that this was one of the questions upon which the Royal Commission and the Central Committee conjointly spent a great deal of their time, and in the memoranda submitted to them by three High Courts, the High Courts of Calcutta, Bombay and Lahore, opinions were expressed in favour of centralisation with this exception that the Bombay High Court was not

[Sir Hari Singh Gour.]

quite sure whether the centralisation of all the High Courts would be conducive to a greater efficiency of the High Courts and would be financially and administratively possible. But the Chief Justice of the Bombay High Court when he was examined said that he would defer to the opinion of the Chief Justice of Bengal who had greater experience on this subject. The Chief Justice of Bengal was examined at very great length and his examination is printed in Vol. XV of the Report of the Simon Commission, page 405 onwards. The Bengal High Court has always been in favour of the centralisation of all the High Courts in India, and in the opinions expressed by the Chief Justice of Bengal and by the Judges of the Lahore High Court and indeed by several other Judges of the other High Courts, there was a strongly expressed view that whatever may be the future constitution of India the High Courts at any rate should be removed from the vortex and turmoil of local politics and local prejudices and that they should be placed under the central authority. The late Sir Coutts Trotter, then the Chief Justice of Madras, in his memorandum, which you will find at page 516, Vol. XV of the Royal Commission's Report, was of the opinion that if the High Courts were to be centralised they should be centralised under a law officer and not under the Home Department. He suggested that they should be centralised under the Law Member who was himself a lawyer and who would be able to guide and control them better than what the Bengal High Court now is by the Home Department. That, Sir, was the view that was expressed by the late Chief Justice of Madras. Now, Honourable Members will find that there is undoubtedly a strong body of judicial opinion in favour of the centralisation of the High Courts because the High Court Judges are not politicians, and what they want is to be removed from the local prejudices of the politicians. One of the Judges in his evidence has pointed out that every year when the grant is placed before the local Council, the High Court Judges become the targets of attack by the local Councils and by the very nature of the case they are not able to defend themselves. High Court Judges are not represented in the local Councils. Their very impartiality makes them dumb to the voice of criticism raised against them in the local Council, and consequently the criticism against them, however, unjust and undeserved, goes unrepplied to except perhaps by a spokesman of Government who may not be able to give the same effective reply which one of the Judges themselves might have been able to give through their accredited representative. That is the position of the Judges of the High Court. Consequently *a priori*, there is a great deal in favour of the view that whatever may be the future constitution of this country, whether it is to be shaped on a dominion basis or is to be on a federal basis, following the provisional recommendations of the Round Table Conference, the High Courts of India at any rate must be under the control of the Central Government. I visualise before my eyes some of the disadvantages that would accrue by the centralisation of the High Courts in India. Views were expressed before us by a number of high executive officers that if the High Courts are to be centralised and placed under the Minister of Justice or the Law Member or under the Home Department as the High Court of Bengal now is, the cry will soon be raised that the subordinate judiciary, the Sessions and District Judges and subordinate Judges, who are under the High Court, and in most provinces are appointed by the High Courts,

and in other provinces appointed on the recommendation of the High Court, should equally be centralised, because the reasons that exist for the centralisation of the High Court are reasons which apply equally to the centralisation of the judiciary, whether supreme or subordinate. That of course would be the objection, and that objection has been raised. Our answer to that was that, so far as the High Courts are concerned, they are the final Judges on fact and law, and being the ultimate tribunal in all matters of civil and criminal administration and justice, their case stands apart from that of the subordinate judiciary. If they commit mistakes, their mistakes would be rectified by the High Court, but if the High Courts commit mistakes, the mistakes may not be rectified at all, because the jurisdiction of the Privy Council is extremely limited in civil cases and is negligible in criminal cases, and what is more the Privy Council has not the general power of superintendence, direction and control which the High Courts exercise over the subordinate judiciary. Therefore I submit the objection that has been raised and might be repeated by the executive Governments of the various provinces that, in order to be logical, either the whole judiciary *en bloc* should be centralised or that the whole judiciary, including the High Courts, must remain provincialised does not appear to be conclusive. The case of the Calcutta High Court was exceptional, due to historical facts. Those who know the history of India in the days of Warren Hastings and later on know that the Government of Bengal afterwards became the Government of India and the Supreme Court became the High Court of Calcutta and the High Court of Calcutta therefore came to be placed under the Government of India. That is the historical fact and accident that the High Court of Calcutta has always been under the Governor General in Council. I do not know whether the High Courts have changed their opinion after the publication of the Report of the Royal Commission, but if they have not, I venture to submit that there is a consensus of opinion that the High Courts of India, including even the Bombay High Court, subject to the qualification which I have just now pointed out, should be centralised and the advantage, I see, is that there would be a closer co-ordination between the various High Courts. It is a lamentable fact that the High Court of Calcutta regards itself as working in a water-tight compartment. It enunciates rules and gives interpretations entirely different perhaps to the High Court of Bombay, because the Calcutta High Court feels that it is under no obligation to work in co-ordination with the High Court of Bombay but when we have a central authority, it may be the Supreme Court or Minister of Justice or Law Member, dealing with all the various High Courts of India, there would be greater co-ordination and greater re-approachment between the various Judges of the High Courts, and this change would be conducive to the elimination of some of those differences which now exist between the various High Courts in the country. The Home Member has pointed out very rightly that whatever may be the theoretical advantage of centralising the High Court, we have to look to the practical side of the question. If you want really to give provincial autonomy, and all provinces are crying out for provincial autonomy, you cannot give it by making reservation in the case of a very important item, namely, the judicial service and no province will not feel happy if you withdraw from it a very important branch of provincial administration, namely, its judiciary. Secondly, the provinces will raise the taxes and the rule is that he who pays the piper

[Mr. Muhammad Azhar Ali.]

ways in which they arrange their own services. Therefore I think it is rather early for us to decide this question.

As regards the broad question of provincial autonomy, I think I would also attach some importance to that. If we claim to have free provinces and a complete provincial autonomy, I am sure this knotty question will interfere with it if we express any opinion at present on this question. If the provincial High Courts remain under the Central Government, surely it will be a matter for consideration for the provinces whether they should defray the expenses or they should not. With these remarks I think it will be more expedient for us not to express any opinion at the present juncture.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : Sir, I admit the good intentions of the Honourable the Mover and the supporter of this Resolution, but I have grave doubts about the utility of this Resolution at the present time. The object of the Resolution is undoubtedly very laudable. It wants to retain the independence of the Judges of our High Courts, the highest judiciary for each province. But, Sir, I doubt whether my Honourable friends have diagnosed the case correctly and whether they will have their remedy in the Resolution if it is carried. You want to retain the independence of the judiciary. That is a very laudable object and no one will disagree with that view, but how to secure it? Is it by this Resolution, putting the Judges under the Central Government rather than under the Provincial Governments? Sir, there was a time when Judges retained their own independence, their honesty of purpose and their character. They would not even accept invitations from the provincial Governors. At any rate I know of one instance in Madras where the High Court Judges would not accept an invitation from the Governor, far from yielding to any temptations which might be thrown in their way by the Governor. And it is well known that other High Court Judges have also kept their character intact and never yielded to any temptation. But, Sir, it may probably be that in these days there are Judges who would court the favour of any Government officials and would not think of maintaining their character, but what is the remedy? I have had experience of courts for about a quarter of a century and I do not think that the High Court Judges or any other Judges do anything wrong when the matter relates to party and party or where private parties are concerned. And when Government or any official is interested in a case, probably there may be some cases where charges have been levelled against our High Court Judges that they have yielded to temptations. No Judge would yield to any temptation if it be made a rule that, after retirement, a Judge should not be given any other appointment as an Executive Councillorship or a post in the India Office, etc. If these temptations are not thrown in their way, I do not think there will be anything to accuse High Court Judges of any miscarriage of justice. I think my Honourable friend should have brought his Resolution in a different form, that no Judge after retirement should be appointed to any post under Government. I know that, except in special cases, Judges generally retire at the age of 60. At least that is what the rule is in three provinces that I know of, Bengal, Madras and Bihar and Orissa. ~~Some~~ have had enough time to serve Government but still some of them

have got their weaknesses and fall to temptations. So either the Government of India or the Local Governments should make a rule that Judges, after retirement, should not get any other Government appointments. In that case they will not yield to temptations and there would be no fear of a miscarriage of justice.

The Honourable the Mover wants to have Judges under the control of the Central Government. Are the hands of the Central Government or the hands of the Provincial Governments so small that the latter cannot approach the Central Government direct or the Central Government cannot approach the Local Government? So the real test lies in the Judge maintaining his independence and his character and that is one view. The other is that Government should not give temptations. Once a man is appointed as a Judge by the Central Government or a Local Government, no temptations should be put in his way in the shape of the other gifts that may be in their hands.

Mr. Amar Nath Dutt : You mean Executive Councillorships?

Mr. B. N. Misra : Yes, or even a post in the Secretary of State's Office in London, known as the India Office and so on. Of course there are titles and other things also. I think one who takes the pledge to administer justice to the people should be above temptations : as the saying goes, Caesar's wife should be above suspicion. Government should not therefore put any temptation in their way by making them think they can remain in service beyond sixty in some other capacity. I submit the real remedy lies there, whether they are under the Central or Local Governments. At the present time we are not sure what form of Government we are going to get under the Round Table Conference. Therefore, I request my Honourable friend to withdraw and wait for another time after the decision of the Round Table Conference.

Mr. C. Brooke Elliott (Madras : European) : Sir, I do not think that in a fairly long series of attempts at compression, I have ever seen a higher degree of compression than has been shown by my Honourable friend—on which I congratulate him—in putting into three lines this manifestly most comprehensive Resolution. It is a subject of very great interest to the public and to humble lawyers like myself, and my silent friend on my left. (Laughter.) If I may say so, I would respectfully associate myself with the wide words and the wise words which the Home Member, Sir James Crerar, addressed to us this morning. In every contract we lawyers pay a great deal of attention to the word 'consideration'. In this comprehensive contract there is not one consideration, but many considerations to be taken into account. I am going to tell my Honourable friend a little story or rather invite him to take a little journey with me to the pleasant waters of the Mediterranean—where we shall be quite safe. On one occasion in 1925 when I was travelling to England, we imported into our vessel at Port Said the Right Honourable Herbert Henry Asquith (as Lord Oxford then was) and he was our companion on the voyage for four and a half days, two and a half of which were somewhat rough. The night before we reached Marseilles, our journey's end, we invited the Right Honourable gentleman to give us a little oral example of that stately and famous English prose with which

[Mr. C. Brooke Elliott.]

he has charmed many ears and many a House of Commons; and he consented and proposed the health of the Captain of our Good Bibby Liver. Mr. Asquith dwelt first of all on the imponderability of our good ship with its costly freight, and then dwelt eloquently on the emotionality of the rough Mediterranean; and thus threw a new and delightful light and meaning on his famous doctrine of "Weight and Sea". (Laughter). I think that that is a very sound doctrine, a good liberal doctrine coming from Mr. Asquith, a Scotchman as well as a Liberal. I think we too must consider those two factors of vigil and vision; and I trust that I shall be pardoned by the Home Member if I draw attention to the imponderability of the Indian Government and the sea—or rather the Indian Ocean—of problems that are involved in this three-line Resolution. An immense question like this may be ventilated, and very interestingly ventilated, but surely it cannot be dealt with by a simple "yes" or "no". That is my difficulty when we are aiming at a complete separation of the 'Ayes' and 'Noes', personally in this House. I do not like to separate my "eyes" if I may say so from my "nose": I prefer to keep my features entirely as God made them in relation to this question. That is the difficulty. If you said 'Yes', I would like also to say 'yes', because I do think in many ways I agree with the spirit of the Resolution; but on the other hand I think it is rather premature; and therefore while, as I say, we have ventilated this interesting problem and while one Honourable Member made some observations, from which, if I may say so respectfully, I desire to dissociate myself to a great extent, and while I could discuss it at great length—(for I once spoke for nine days without a break)—yet on the other hand there is much other pressing business, before us, and I think that my Honourable and learned friend—I do not know if the Honourable Member is in our profession? (An Honourable Member: "Yes".) I am very glad to hear it—did well in bringing up this matter: but as I say, how can we really come to any satisfactory conclusion to-day? We have got to consider the financial aspect; we have got to consider all the professional aspects, also the public aspect; and we have got above all the aspect from the general constitutional point of view—the general good health of future political India—what we may call the new "Indian Constitution". That new constitution is now being hammered out upon the anvil in England. That all the considerations embodied in this Resolution will be put forward, I have not the slightest doubt; but until we get a great step further forward, and until perhaps we come to the next Session of this House, (when we shall have got somewhere near anyhow to what the future constitution of India is going to be,) it seems to me a little bit of a pity to discuss rather briefly what I might call only one feature of the future constitution. Because the only real results that can flow will be when you can discuss the constitution as a whole. It is a most vital and interesting subject. As I said I wish I had nine days to discuss it; but in view of the imponderability and wideness of the problem, would any useful purpose really be served by taking this omnibus Resolution to a division? Sir, we are a happy family in this Assembly: sometimes even in happy families in India a partition suit is brought, and the family becomes divided. On this question I would ask my Honourable

friend to withdraw his proposed constitutional partition suit and let us remain a happy family, undivided on this Resolution.

Mr. K. P. Thampan: I move that the question be now put.

Mr. President: I think I will accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I have heard the argument that has been adduced by my Honourable friend who has just preceded me on the opposite side, and I am grateful to him for what he has said. I also realise the ocean of difficulty that lies in constitution-making; but at the same time I would invite the Honourable Member's attention to the wording of my Resolution. No doubt it is a three-line Resolution, as he has characterised it; but that does not take away from the fact that it is a mere recommendation that in any future constitution that may be framed, the High Court may be made a central subject. That is what I want. I am not going to enter into any controversy about unitary form of government or federal form of government or anything of that sort. In fact I have never been in favour of federation. I believe that a unitary system of government is best suited for India, but that is not to our present purpose.

I am also grateful to the Honourable the Home Member for the attitude he has taken on this question. Naturally as Home Member in charge of a very difficult department, so to say at the present moment, when the new constitution is being framed, he cannot accept the view we take, but at the same time he has brought his judicial mind to bear on this question and suspended judgment. He says that there are many things in favour of my Resolution, while there are also certain difficulties. I also appreciate that there are certain difficulties, but what I want of those constitution makers who have the honour at the present moment to sit at the Round Table Conference as the accredited representatives of the nation, some of whom have been chosen by the Government of India,—I think the Government think that they have sufficient intelligence to come to some conclusion on this matter—and therefore what I want of those constitution makers is that they should know our view on this question. Sir, the difficulties that have been pointed out are not insurmountable, but the whole thing requires some amount of study and deliberation.

Sir, I do not think I need enter into any discussion about the difficulties that lie in the way of provincial autonomy. I do not want to make a fetish of the words "provincial autonomy": in fact, I believe in Indian autonomy rather than in provincial autonomy, but those things are outside the scope of the present inquiry.

Then my friend, Mr. Azhar Ali, was pleased to observe that we had no definite knowledge about the future constitution. Certainly none of us can claim to have any knowledge of the future constitution, nor can we claim to know what the future position of the High Courts in India will be under the new constitution which is now being hammered out. But we have to decide whether the High Courts should be central or provincial subject, and so far as we can see, there are a good many advantages in having the High Courts

[Mr. Amar Nath Dutt.]

as a central subject, because that will preserve not only the dignity and independence of the courts, but they will be free from criticisms which we so often hear in the local Councils. I do not want to repeat those compliments that have been paid to Members of the Central Legislature by Members on the Treasury Benches on the other side in their memorandum, but I think those compliments are to a certain extent true, and we accept those compliments with good grace. With these few words I place this Resolution before the House, and I hope there will not be any opposition to it, because many may doubt Government's difficulties, but I do not expect that there will be any opposition to my Resolution. With these few words I commend the Resolution for your acceptance.

Mr. President : Does the Honourable the Home Member wish to reply ?

The Honourable Sir James Crerar : No, Sir.

Mr. President : The question is :

" That this Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India."

The Assembly divided :

AYES—28.

Aggarwal, Mr. Jagan Nath.
Anklesaria, Mr. N. N.
Brij Kishore, Rai Bahadur Lala.
Chandi Mal Gola, Bhagat.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Jadhav, Mr. B. V.
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.
Pandian, Mr. B. Rajaram.

Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Puri, Mr. Goswami M. R.
Raghubir Singh, Kunwar.
Rajah, Raja Sir Vasudeva.
Rajah, Rao Bahadur M. C.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. T. N. Ramakrishna.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.

NOES—19.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr. Muhammad.
Radi-uz-Zaman, Maulvi.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Ismail Ali Khan, Kunwar Hajee.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Morgan, Mr. G.

Muazzam Sahib Bahadur, Mr. Muhammad.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Rafiquddin Ahmad, Khan Bahadur Maulvi.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Sher Muhammad Khan Gakhar, Captain.
Studd, Mr. E.
Sykes, Mr. E. F.
Talib Mehdi Khan, Nawab Major Malik.
Yakub, Sir Muhammad.

The motion was adopted.

Mr. C. Brooke Elliott : May I make a brief personal explanation ? I was of course inaccurate in saying just now that Mr. Asquith was a Scotchman. My difficulty is this. I do not know whether I ought to apologise to Scotland, or to the members of the Asquith family ! (Laughter.)

RESOLUTION RE POWERS OF THE GOVERNOR GENERAL UNDER THE NEW CONSTITUTION.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I beg to move :

" This Assembly recommends to the Governor General in Council to convey to His Majesty's Government the opinion of this House that no constitution will be acceptable to the people of India in which the position of the Governor General of India does not closely approximate to that of a constitutional Governor General as that of Canada, thus removing from the Statute-book his ordinance-making and other extraordinary powers and placing the entire responsibility for the Government of India on the shoulders of the Indian Legislatures, Central and Provincial."

Sir, we take this course to strengthen the hands of His Excellency the Governor General and the delegates to the Round Table Conference in London, including Mahatma Gandhi, because the constitution at present is in the melting pot and the picture of the future constitution for India is in the process of being painted at St. James Palace in London. Surely, it is nothing but appropriate for this House that it should place its views on the subject before His Majesty's Government. Sir, His Excellency the Viceroy, soon after his arrival in India, made a memorable speech at the Chelmsford Club in the course of which he said :

" I venture to hope that all those concerned, when they go over to London in the near future, will hurry on towards the completion of their labours in regard to the constitutional reforms so that my life here may more closely approximate to the four happy years I spent in Canada as a constitutional Governor General, and that I may shortly be relieved of many of the administrative duties."

Sir, that speech was acclaimed and applauded throughout the country as a sincere desire on the part of the Government for the framing of a constitution for India on lines of Dominion Status. Sir, the other day, His Excellency the Viceroy was pleased to remark :

" We all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire."

Sir, the phrase " local affairs " is worth noting. What is the reason for the change in the policy of the Government and in their attitude ? The House will remember that when the first speech was made, Mr. Bann was His Majesty's Principal Secretary of State for India, and when the latter speech was made Sir Samuel Hoare, a die-hard Conservative, had taken over charge of Indian affairs. Sir, we were always under the impression that as regards Indian affairs there is no difference in the policy of the different parties in England. Now, however, we find that there is a difference between the attitude of the different parties in England as regards India's future. When the declaration of August, 1917, was made, it was also drafted by a Conservative Secretary of State, Sir Austen Chamberlain, though it was delivered by Mr. Montague in the House of Commons who had taken charge only two or three days before, and that was also

[Sirdar Harbans Singh Brar.]

couched in the same guarded language, and conceding less than the minimum at that time. So, as far as India is concerned, I may say that we stand by the Chelmsford Club speech, that is the Magna Charta of Indian rights. Then the position of the future Governors General will be like that of His Majesty the King Emperor, or more correctly, like that of the Governors General in the Dominions. The Governor General will have no powers of ordinance-making or even of certification. That is the position that India wants, and Mahatma Gandhi, in his opening speech at the Round Table Conference, published to-day, has made it clear that India will accept no less. The purpose of this Resolution is to strengthen alike the hands of the sole delegate representing the Indian aspirations, namely, Mahatma Gandhi, and those of the Government. We do not desire to go out of the Commonwealth of British Nations, but the only way to keep India within that Commonwealth is to make the Legislatures of this country sovereign bodies as they are in the other Dominions, where the Governor General, as His Excellency Lord Willingdon has truly prophesied in his Chelmsford Club speech, will occupy the same constitutional position as in Canada and other Dominions. We hope for the day when the era of ordinances will come to an end, and true democracy be ushered in for the greatest good of the greatest number.

With these few remarks, I move the Resolution standing in my name.

The Honourable Sir George Rainy (Member for Commerce and Railways) : It is not necessary for me I think to inflict a long speech on the House, but it is perhaps better that I should say what has to be said on behalf of the Government at the outset of the discussion. In one sense, Mr. President, this Resolution may be described as almost a truism. It is obvious that, until Dominion Status is attained, which, when fully developed will carry with it all the implications as to the powers of the Governor General—till that is attained, Indian aspirations will not be satisfied. That I think is clear to all of us. In the second place, I can go a little further. Till that stage is reached, the policy of His Majesty's Government will not have been fully carried out. But while that is true, the circumstances of the moment are somewhat different, for the immediate practical question is, not what is to be the ultimate solution, but what can immediately and practicably be done at the present moment. Now, on that question, Mr. President, it is obvious that the attitude of the Government of India is and must be that of His Majesty's Government as expressed in the Prime Minister's declaration of the 19th January last. I should like to read one or two extracts from that declaration :

“The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with guarantees as are required by minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advancement of India through the new constitution to full responsibility for her own government.”

I pass on omitting three paragraphs and then I come to this :

“Under existing conditions the subjects of Defence and External affairs will be reserved to the Governor General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor General must, as a last resort, be able in an emergency to maintain the tranquillity of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes.”

Now, in that scheme as set forth in the declaration of the Prime Minister, on the one hand there is to be responsibility to the Legislature both in the provinces and at the centre and on the other hand there are to be reservations and safeguards. If one can judge by the reception which the Prime Minister's declaration received both from the members of the Conference and public opinion in India, I think it may be said that the declaration did represent a considerable consensus of agreement at the Conference. Also I think it may be said that it was generally accepted as a basis on which the structure of the new constitution could be reared. In the light of the situation as it exists to-day, after the declaration of His Majesty's Government and when the Federal Structure Committee has reassembled and is engaged at the present moment in the task of constitution-building, the question I would ask is what exactly does this Resolution mean ? Is it intended to be of the nature of instructions to the delegates to the Round Table Conference as to what they are to do ? Does the Assembly really think that these eminent men, who faithfully represented the interests of India at the first sittings of the Conference, require special instructions ? I would like to put another question. Does the Resolution mean that there should be no transitional period, no reservations and no safeguards ? Is it meant that there ought to be no reservations or safeguards as regards defence, external affairs or as regards the protection of minorities ? I put the last point specially because it has so constantly been impressed upon the Government of India and upon His Majesty's Government from Indian quarters that in the new constitution there must be those safeguards, and it has very frequently been put in the form of special powers which ought to be in the hands of Governors and of the Governor General for that purpose. Therefore what I should like to put before this House is this. The attitude of the Government of India, as I have said, is and must be that which was clearly explained in the declaration of the Prime Minister in January last. Therefore, as this Resolution, as it stands, is clearly inconsistent with that declaration, the Government of India could not support it. On the other hand there is no desire on our part to prevent free expression of opinion, and the Government have decided that in all the circumstances it is better that they should not take part in the voting on this Resolution. But what I would ask Honourable Members to consider is this. This is a very important and grave crisis in the affairs of India. Much depends upon the decisions to be taken in a short time, and much depends upon the attitude of all those who can influence the course of the discussions. I would ask Honourable Members, before they decide what their attitude is to be as regards this Resolution, to consider with themselves what the effect is likely to be, and whether on the whole the passing of this Resolution would assist the attainment of a peaceful and harmonious settlement by agreement in London, or whether it would tend to make such a result

[Sir George Rainy.]

less probable. I do not believe there is smallest difference of opinion in all sections of the House as to what they desire. We all desire to see that peaceful and harmonious settlement. It is not for me to dictate to other Members as to the best means of bringing that about, but I do ask them to consider seriously whether in the face of the declaration of His Majesty's Government, an expression of opinion, apparently intended not as to the result which people hope to see come about in a few years time, but as a result to be achieved immediately, whether such a Resolution would assist the work of the Conference or render it more difficult.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I am very grateful to the Honourable the Leader of the House for having put the case of the Government with the same grace and the same restraint that we have always learnt to associate with him. I may at the very outset assure him that so far as this side of the House is concerned, we have nothing dearer to our heart or nearer to our ambition than to make a harmonious settlement between the two countries possible ; and, Sir, I believe that the Honourable the Leader of the House was perhaps a little worried about what he was pleased to describe as the capacity of this Resolution. I know that the capacity of this Resolution can only be measured in the terms of the ambition of the Indian people which he was pleased to define as a truism. Sir, it is not a mere truism ; it is something more than a truism ; it embodies in itself the concentrated agitation which the Indian people have carried on in a constitutional way ever since the founding of the Congress. It has behind it the opinion of an overwhelming majority of the Indian people—an opinion which found recognition in the pregnant words uttered by His Excellency the Viceroy at the Chelmsford Club. Those words, Sir, were uttered by His Excellency the Viceroy, who knows the feelings and aspirations of the people, and who drew on his recent experience in Canada in the very first speech that he was pleased to deliver in India. And as Sirdar Harbans Singh, the Mover of this Resolution, truly said, those memorable words will live in history as the great charter of Indian rights and liberties, Sir, generations yet unborn will be grateful to His Excellency for having uttered those noble words. I am quite willing to grant that if the Mover of the Resolution had read some more quotations from the speech, it would appear that His Excellency did not immediately contemplate a complete transference of power, but at the same time he did contemplate a transference of power and the assimilation of the position of the Governor General of India to that of the Governor General of Canada within a very short period. Sir, His Excellency said :

" If I am right in what I have said, then will come nearer the vision. I have always had before me the ideal for which I have always worked during long years of public service, a great commonwealth of nations "—

a better phrase for the old Empire, an expression, which we are pleased to observe, the sole delegate of the National Congress himself has endorsed in his speech, published in this morning's papers, at the Round Table Conference :

" consisting of great countries spread all over the world, grown up and developed to the full strength and justly administered by the citizens of each particular country, comprising many different races, colours and creeds, bound together by one common tie

of loyalty to our King-Emperor, King George, and, by the example of their administration, exercising an overpowering influence in securing peace and goodwill among all the nations of the world."

Sir, I propose to interpret this Resolution in the light of that observation ; and I am perfectly certain that when I interpret this Resolution in the light of that observation, the Honourable the Leader of the House will think that the capacity of this Resolution is quite reasonable ; that it is reasonably limited. His Excellency concluded his speech with these pregnant words hoping that providence might give us all hope, optimism and the true Christian Spirit :

" I use the word ' Christian ' in its widest and most catholic sense."

He was speaking of working together in the true Christian spirit of mutual confidence and good-will for the benefit and welfare of this great country. He was speaking in an optimistic way :

"before my term of office is over, I may be a much more nearly a constitutional Governor General, and that this great country ere long may once again be on its way to assured and increasing prosperity."

Those words, Sir, mean—and the Honourable the Leader of the House will agree with me—responsibility in the Central Government, complete control or authority—not merely in provincial or rather local affairs.

I do not think that the Honourable the Leader of the House should think that we were trying to draw red herring across the path of the delegates to the Round Table Conference. Sir, the Honourable the Leader of the House was saying, " Are we thinking of issuing instructions to the Round Table Conference ? ". Sir, we are not aspiring to issue instructions to the delegates to the Round Table Conference. We feel however we have a more representative capacity in this House than even the delegates to the Round Table Conference, who, after all, are the nominees of somebody, separated from us by half the world. (Laughter.) Sir, as between the delegates to the Round Table Conference, and the Members of this House, the Honourable the Leader of the House I am sure, will appreciate the fact that the Members of this House have a more representative capacity. I expected, Sir, that he would express a little appreciation that a Resolution of this kind had been tabled and that he would go still further and say that the debate in this House would be communicated to His Majesty's Government. After all, this House has got some right to say something about its future, about the country's future. No doubt the Round Table Conference people are constitution-making. But this House was not called upon to elect representatives to that Conference, and among the new Members of this House, I believe there was only one swallow and that could not be said to make a political summer.

Sir, I do not think that the Honourable the Leader of the House would be justified in trying to belittle the importance of this House so far as its right to pronounce an opinion on matters which are being discussed in England is concerned. The Honourable the Leader of the House ought to know what this Assembly is here for. I think the Assembly has a right to say what kind of political institutions should be introduced into this country, especially in the light of the lead, the great lead that has been given by His Excellency the Viceroy.

[Mr. C. S. Ranga Iyer.]

I must confess I was extremely disappointed with the speech of the Honourable the Leader of the House. There was the usual politeness about his speech, the usual suavity which we all appreciate, but he did not appreciate our purpose, and not only that, he did not go a step further and say, "It is very good that a Resolution of this kind is being discussed, I hope this Resolution will not be pressed to a division but I do hope that the debate that is taking place here will be duly communicated to His Majesty's Government". Does the Honourable Member think that the Round Table Conference has got a better status than this Legislative Assembly? (*Cries of "Hear, hear."*) Some on this side of the House may even be inclined to challenge many members of the Round Table Conference to come and contest in a general election. With the solitary exception of Mahatma Gandhi, who represents the Congress which elected him as its sole delegate, every other member of the Round Table Conference is only an official nominee. I know that Mahatma Gandhi does not require any "instructions" from this Assembly because I think I am perfectly moderate when I say that Mahatma Gandhi has certainly a very large following in the country. But Gandhi and two of his associates excluded, I do believe that the delegates to the Round Table Conference, taken each by each, are not any better than any of the Members of this House in their representative capacity.

Sir, the Honourable the Leader of the House made some references to the Prime Minister's speech. This leads me to a statement that was made by the Law Member designate as he then was, Sir C. P. Ramaswami Aiyar, the moment the Viceroy's utterance was made at the Chelmsford Club. Sir, it was at that time that the notice of this Resolution was given, though it has come up for discussion only now. The purpose of this Resolution then was to strengthen the hands of His Excellency the Viceroy. At that time there was a great sensation in England; very unworthy comments were indulged in by a certain section of the irresponsible Press against His Excellency the Viceroy's speech. At that time one Tory Member, a die-hard I should think, had also tabled a motion in the House of Commons. At that time it was feared that there would be a discussion in the House of Commons on His Excellency's speech. At such a time it was felt necessary that we should arm ourselves as India's Parliament to reply to the debate in the House of Commons. Fortunately that debate did not take place on that motion. At that time Sir C. P. Ramaswami Aiyar made the following statement which may be appropriately applied to this Resolution itself. In a statement to the Associated Press he said regarding the proposed motion of Mr. Bracken a Conservative M. P. in the House of Commons:

"His Majesty's Government, through the Prime Minister unequivocally stated on January 19, 1931, that the view of His Majesty's Government is that the responsibility for the government of India should be placed upon Indian Legislatures, Central and Provincial."

And the Honourable the Leader of the House will find that the exact language has been almost copied in this Resolution. Our view is that the entire responsibility for the government of India should be placed on the Indian Legislatures, central and provincial.

Mian Muhammad Shah Nawaz (West Central Punjab: Mian Muhammadan): Subject to the rights and interests as required by the minorities. The Resolution is silent on that.

Mr. C. S. Ranga Iyer: I wish the Honourable Member had given notice of an amendment. He wakes up rather too late. However, as the Law Member designate said, "subject only to certain transitory provisions". He then continued:

"It is therefore most surprising that Mr. Bracken should have ventured to criticise His Excellency's speech which restates the same proposition in another form. I sincerely hope that the motion will not be pressed"—

The motion was not pressed; perhaps it was not even balloted, whereas the Resolution of my Honourable friend Sirdar Harbans Singh Brar was more lucky in the ballot:

"and I feel nearly certain that Mr. Baldwin will not countenance it"—

In that respect the Law Member designate was a prophet. Mr. Baldwin obviously did not countenance it:

"for I firmly believe that such actions and the mental attitude underlying the motion will assuredly give rise to that acute racial and political tension which all those who know Lord Willingdon also know he is most anxious to eradicate by a policy of wise conciliation."

He went on to say:

"I shudder to think of the consequences that may follow upon irresponsible speeches in the House of Commons on the lines of this motion and the repercussions they may have on the Round Table Conference and the Delhi Pact."

Therefore, Sir, we had forearmed ourselves with this Resolution and now I have only to say that so far as Indian aspirations go, the agitation in this country will go on until India is endowed with what Mahatma Gandhi was pleased to describe at the Round Table Conference as partnership. (*Hear, hear.*)

Finally, Sir, I should say that the present position of the Governor General of Canada is mentioned in "Canada and World Politics" by Mr. Smith and by Mr. Corbett.

Mr. President: I should like to draw the Honourable Member's attention to the fact that his time is up. I will allow him only two minutes more.

Mr. C. S. Ranga Iyer: That is, Sir, why I said "finally" though I am very thankful to you for drawing my attention to the time limit. I wanted to conclude with this quotation which sums up the goal to which we aim, and that is a goal which even the Leader of the House has admitted is a legitimate goal. This is what Mr. Corbett and Mr. Smith say in "Canada and World Politics":

"The Conference of 1926 gives formal recognition to this development of the Governor General's position by recommending that in future he should be furnished with copies of the more important despatches, the actual communications being exchanged direct between the two cabinets concerned."

I do not put it so highly for the next stage at all, but I would rather put it as His Excellency put it, that his position should nearly approximate to that of the constitutional Governor General of the self-governing Dominions.

The Honourable Sir George Rainy : Sir, I am sorry that I did not make it clear that the Government of India are perfectly prepared to forward to His Majesty's Government in England not only this Resolution as it is passed but the full report of the debate.

Mr. C. S. Ranga Iyer : Thank you. I can assure you on that assurance that the motion will be withdrawn after the debate and I have the permission of the Honourable the Mover to say so.

Mr. Arthur Moore (Bengal : Europeans) : Sir, I am very glad to hear Mr. Ranga Iyer's statement that the motion will be withdrawn. In that case I feel that it cannot be said that the debate has been entirely useless. I should certainly have deprecated any attempt to divide the House upon this point, because I feel fully the force of the argument advanced by the Honourable the Leader of the House that in view first of all of the attitude taken up at the previous session of the Round Table Conference, and secondly the fact that the further sessions of the Round Table Conference have in a sense already begun, this is not a propitious moment for us to debate such a Resolution. There is the further point that any vote, either for this Resolution or against it, is open to the most serious misinterpretation because there is a profound contradiction between the first and the second halves of it. Therefore any vote can be misinterpreted. The first part of the Resolution is a recommendation that the position of the Governor General of India should closely approximate to that of a constitutional Governor General as in Canada. Now, Sir, I think with that wording none of us would desire to quarrel. But the Resolution singles out the Dominion of Canada. I think probably the explanation for that is that our present Viceroy has come to us directly from filling the distinguished post of Governor General of Canada, and that in a recent speech at the Chelmsford Club he expressed his very natural aspiration, in view not only of his well-known views but of the settled policy of His Majesty's Government, that as soon as possible he would be able to find himself more or less in the position of a constitutional Governor General, such as he was in Canada. But when we go on beyond that, the whole aspect of the question changes, because if we were to examine the constitutions of the various Dominions—Canada, Australia, New Zealand, South Africa and Ireland—we should find that there are very very striking differences between them ; and in the case of India, there is no reason at all why we should be tied to the Canadian model. And when we reach the last sentence of the Resolution, it says that the entire responsibility for the Government of India shall be placed on the shoulders of the Indian Legislatures, central and provincial. Now, what about the electorate ? Is it not the duty of the Governor General in all these constitutions to defend the electorate against the encroachments of the Legislature ?

Mr. C. S. Ranga Iyer : But the Legislature will be responsible to the electorate.

Mr. Arthur Moore : May I remind my friend, Mr. Ranga Iyer, that Lord Willingdon's predecessor, Lord Byng, a very few years ago refused the Canadian Prime Minister a dissolution on the ground that the electors had been recently consulted and that it was not reasonable to consult them again after such a short interval ? May I remind Mr. Ranga Iyer further that the present Premier of New South Wales has met with a refusal—not from the Governor General of the Australian Commonwealth,

but from the Governor of New South Wales—that he has more than once been met with a blank refusal to do certain things which he, as the responsible Premier of that Australian State, has suggested ?

Mr. C. S. Ranga Iyer : Will the Honourable Gentleman allow me to interrupt him because he has put a question I can easily answer ? The Honourable gentleman invited my attention to Lord Byng's refusing a dissolution requested by the Canadian Liberal Government. I am quite aware of it, but I think the fact should be known to him that since then the power of the Governor General has been very much limited, and the Governor General of Canada for that matter is now not even the official channel of communication between the Prime Minister of Canada and the Prime Minister of England as he used to be. I do not want to take up his time ; but if he wants I could give him a quotation in this matter from " Canada and World Politics " by Corbett and Smith, at page 148 and subsequent pages.

Mr. Arthur Moore : I am afraid I cannot agree with my Honourable friend that the Governor General of Canada has in any way lost the right of direct communication with the Home Government. To return to the question of Australia, which I was trying to impress upon Mr. Ranga Iyer—I would mention that a Governor of a State—not even the Governor General—has repeatedly refused to agree to the request of the responsible Premier, because he felt that he was defending the interests of the electorate. I can remember an occasion a few years ago when Mr. Lang, the present Premier of New South Wales, sent a special representative home—one of his ministers—to appeal to the Colonial Secretary over the head of the Governor, because the Governor had refused to grant his request to create a large number of senators in the Upper House, and on that occasion the Colonial Secretary and His Majesty's Government entirely supported the action of the Governor of New South Wales. Therefore it seems to me that this second part of the Resolution goes beyond the actual facts and involves us in a contradiction ; and for that reason I find myself unable to vote for it.

Sirdar Harbans Singh Brar : Sir, the Leader of the House suggested that perhaps we were giving instructions to the delegates to the Round Table Conference. That was not the aim. This Assembly as the only elected representative organ of the constitution has the right to express its opinion on the future constitutional reforms to be given to India ; and that is how we mean it to be, because the delegates are after all the nominees of the Government, except Mahatma Gandhi and his two associates ; and in that view we desire that the expressed view of the elected representatives in this House may be conveyed to His Majesty's Government for guidance and to the Round Table Conference delegates for consideration. My friend, Mr. Shah Nawaz interjected " safeguards for minorities ". I myself belong to one of the smallest and most important minorities which do need some protection no doubt and have been claiming it for some time ; but I believe that the greatest safeguard any minority either could have or should have is the goodwill of the majority, and that only, can protect it. No constitution could protect a minority without the goodwill of the majority, and that is the best and the only safeguard which any minority could or should have.

Mian Muhammad Shab Nawaz : It is just the other way ; the majority should have the goodwill of the minority.

Sirdar Harbans Singh Brar : Both ways. Mutual goodwill only can remove friction. The transitional period has been going on for such a long time, and I am reminded here of the words of that bold statesman, the greatness of whose head and heart shed lustre upon all Europe, Mr. W. E. Gladstone, while speaking upon Irish Home Rule :

"Liberty alone befits men for liberty. This doctrine, like every other in politics, has its bounds, but it is far safer than the counter-doctrine of 'wait till they are fit'."

These are the words of that memorable statesman whose greatness nobody can deny ; and I think, given responsibility to the Indians, they will bear it and shoulder it with credit. And reference was made to Canada, because it is the Canadian constitution which is considered by most of the Indian constitutionalists as best suited to Indian conditions, and that is why we refer particularly to Canada.

Again, to impress upon the Government the desirability of giving up their present attitude regarding our fitness, that has never been questioned as regards any Central European States, who were in no way more civilized or more advanced than Indians, and therefore the question of fitness should not be raised when the question of reforms to India is under discussion. Mr. De Valera, speaking about India recently at New York, said :

"All people are necessarily backward, when you deliberately debar them from progress ; they are necessarily ignorant, when you keep them out from education and withhold knowledge from them ; they are necessarily lazy, when you deprive them of the means or the incentive to work. Nobody can swim if the water to swim in or the opportunity to enter it is denied."

Give us the opportunities, let us shoulder the burden, and India will prove quite fit to the occasion.

As regards the constitutional position of the Governor General which Mr. Moore questioned, I will read from this book a small quotation :

"The last prerogative which remained to the Governor General was that of Dissolution. We have seen that Sir Edmund Head exercised his own judgment in declining to dissolve Parliament at the bidding of Mr. George Brown. But this power of control seems since to have been abandoned like the rest. The Governor General now appears to feel himself bound to dissolve Parliament at the bidding of his Minister, without any constitutional crisis requiring an appeal to the country, or cause of any kind except the convenience of a Minister who may think the moment good for snapping a verdict."

With these few remarks, Sir, in reply to the debate and after the assurance of the Leader of the House to send the proceedings of this debate to His Majesty's Government, I beg leave to withdraw my Resolution.

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

RESOLUTION RE CONTROL OF MONEY LENDING AND RATES OF INTEREST.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move the following Resolution which stands in my name. It reads thus :

"This Assembly recommends to the Governor General in Council that he may be pleased to take up immediate legislation in order to control the money-lending and unrestricted usurious rates of interest in India."

Sir, the present financial stringency in the country and the general depression in trade have evoked a great deal of stir and emotion in India

and all possible avenues which may lead to bring about relief to the people are being earnestly searched and surveyed. Of all the problems which are now facing the country, the economic condition of the people is a source of great anxiety.

This state of affairs may be attributed to several causes but a thorough investigation will show that the money-lending system in India is to a very large extent responsible for the appalling condition of the landholder and the tenant, who form a large section of the people of this country. I was amazingly surprised at the interest which the public has shown in my Resolution and the amount of support which I have received from all quarters. Since it was published in the papers that I have given notice to move this Resolution, hardly a day has passed, when I have not received some letters and some cuttings of articles in some papers in support of the Resolution and the eyes of the whole country are fixed on the result of to-day's debate in the Assembly.

The problem of agricultural indebtedness has assumed such proportions that at the present time any attempt to better the lot of the landholders and the peasants, or to ease their distress must necessarily prove absolutely futile which fails to touch upon the problem of debt. Land revenue is only a very unimportant fraction of the sum which the landholders and the tenants part. Annually, in order to pay their debts, interest must be at least fourteen or fifteen times the multiple of the land revenue. How can the remission of land revenue alone bring relief when debts and the interest remain untouched ?

It is nearly impossible to find the exact figures of indebtedness in India, but scattered figures of indebtedness and statements available sufficiently go to prove the appalling condition of indebtedness in the country. In the Punjab the average debt per acre was estimated, about six years ago, at a figure of Rs. 31 per acre. Those supported by agriculture owed Rs. 76 per head. The indebted peasant proprietors owed Rs. 463 per head and of the total number of cultivators at least 83 per cent. were in debt.

The Punjab Zamindars Association was informed by the Honourable the Minister for Agriculture, recently, that the present total debt in the Punjab alone amounts to 150 crores, out of which 18 crores represent interest alone.

An account of the survey of rural indebtedness made by the 29 members of the Madras Youth League about certain villages shows that, excepting perhaps the very few who hold more than 10 acres or thereabouts, all the rest of the peasantry are involved in debt.

The land of practically every one of the small peasants is under mortgage. The rate of interest paid on loans raised on the mortgage of lands within the village itself ranges between 12 to 24 per cent. The rate of interest for loans raised outside the village, and from professional money lenders, in the city, ranges between 18 to 36 per cent. The Report of the Provincial Banking Committee of Madras, published about the end of 1930, shows that the maximum in any particular year of the total debt of the people over the province is in the neighbourhood of 150 crores of rupees and that the debt which continues from year to year is at present about Rs. 70 crores.

[Sir Muhammad Yakub.]

Some time ago an application was made to His Excellency the Governor of Bengal on behalf of the people of Darjeeling, in which it was stated "that the money lenders of Darjeeling charged an exorbitant rate of interest from their creditors, so that after it is once incurred the moveable and immoveable property of the debtors is taken possession of by the creditor in a short time. Thus the people of Darjeeling become poor and do not get sufficient food to eat".

I am sorry that figures of indebtedness about my own province, the United Provinces, are not available, but a recent investigation made by Mr. Mudie, about the indebtedness in Agra Pargana and Fatehpur Sikri, the best and the worst areas in Agra District, shows how in one of the best Districts in the United Provinces the Bania is strangling agriculture. No less than 69.3 per cent. of the cultivators and 55.6 per cent. of the zemindars are indebted in Agra Pargana, while the corresponding averages of Fatehpur Sikri are 93.4 and 93.4. The average debt for all the tenants is 135 per family in Agra and the average for indebted families is Rs. 210 per family in Agra, while the corresponding figures for Fatehpur Sikri are Rs. 246 and Rs. 266. Mr. Mudie notes :

"In Agra the indebted tenants owe practically the whole value of the crops. The agricultural debt of the indebted cultivator who cultivates less than 2.5 acres is 2½ times the value of the produce of his fields and it is not till holdings of more than five acres are reached that agricultural debt is less than the produce of the fields of the debtors. The agricultural debt of tenants in Fatehpur Sikri is slightly higher than the value of the produce of the land they cultivate."

The average rate of interest in Agra is 20.1 per cent. and in Fatehpur Sikri 20.5 per cent. respectively. It is thus obvious that a sum of money exceeding three times the land revenue annually passes into the hands of Banias in these places. No remission of land revenue or rent only can touch the problem of agricultural poverty when such a millstone hangs round the neck of the people, in one of the best districts of the United Provinces. Mr. Mudie's calculations are that :

"The Banya brings his natural ingenuity to conceal his assets. They take no account of the numberless perquisites, in the shape of ghee, sugar and fruits, which are from time to time given to the banya and his clerk to keep them from withdrawing the loan unseasonably and of the constant manipulation of accounts, in which the banya indulges under an Evidence Act which accepts the account kept by the lender, and on account of the illiteracy of the borrower, who cannot calculate the interest, and who often forgets what he borrowed. One of the result of unrestrained usury is that a large amount of property is passing into the hands of the Banias, who are the worst landholders possible. The tenant never knows how much he owes for rent and how much for interest and capital and the money-lending landlord can screw the last penny from him by crediting payment to the loan account and then suing for ejection for arrears of rent.

The condition therefore of the cultivator, who is compelled to borrow at such ruinous terms to meet a net demand fixed in cash out of a crop the value of which is exposed to fluctuations in world markets and the quantity of which varies with the vagaries of the monsoon, is one of appalling poverty."

To this may be added the menace of "Saway" system which generally prevails in the United Provinces. By this operation, the cultivator is compelled to pay back to the money lender on an average of 27 seers of wheat for 8 seers borrowed about six months before, i.e., 250 per cent. for six months use or 500 per cent. per annum.

In the part of United Provinces known as the Doab no less than 75 per cent. of the cultivators are subjected to the "Saway" system. In

Rohilkhand, where the Mussalmans owned a very large percentage of landed property, during the last thirty years they have lost not less than 75 per cent. In the district of Furrakhabad the Thakurs have lost 50 per cent. of their landed property and the Mussalmans 40 per cent., on account of indebtedness. The Settlement Report of Badaun district shows that during a period of thirty years the Thakurs lost 50 per cent. and the Mussalmans 40 per cent. of their landed property.

Three years ago an investigation was made by an order of the Local Government in the districts of Badaun, as regards the indebtedness of the zamindars and the tenants, and the officer who was deputed to conduct the enquiry reported that the zamindars were on the verge of ruin on account of the heavy burden of debts. As regards the tenants, he says that the rate of interest was at least 37.5 per cent. per annum and that there was hardly any tenant who was free from the clutches of the money lender.

The position in the United Provinces is that, owing to a fall in the prices of the products, and scanty crops during the last two years, both the zamindars and the tenants have exhausted their resources and are totally unable to pay revenue and rent respectively. This afforded a unique opportunity to the money lender of extending his fleecing operations and about 75 per cent. of the landholders, as well as the tenants, had to borrow money on very exorbitant rates in order to pay what they could not avoid paying. During the last *rabi* crop the Government had to remit land revenue of about 70 lakhs, and the amount of the rent which the zamindars had to forego was nearly 2.5 crores, and if there is no improvement in the condition of the world prices, during the coming *kharif* the Government will have to make a further reduction of about a crore and a half in revenue and the zamindars about four crores of rupees in rent. And if prompt steps are not taken by the Government to protect the zamindars and the tenants from the clutches of the money lender the position will become impossible.

Taking the Banking Inquiry Committee's figure as the basis of reckoning, debt would now work out at rupees 48.9 per acre, Rs. 119.9 per head of those supported by agriculture, and Rs. 730.3 per peasant proprietor of the province. About five years ago the total agricultural indebtedness of India was 600 crores, out of which sum about 60 crores was owed in the Punjab alone. It may be mentioned that the compound interest system and the abuses connected with money lending were almost the sole cause of the increase. The Banking Inquiry Committee in 1930 registered a further increase of 52 crores in the debt in a period of approximately five years. Prices of agricultural produce had also fallen to about one-third of what they were in 1925, which made the increase all the more serious.

The Royal Commission on Labour in India has devoted in its Report one full chapter to the question of indebtedness in the country. They say in their Report, on page 224, that :

"Among the causes responsible for the low standard of living of the worker, indebtedness must be given high place. Here, as elsewhere, we are confronted with an absence of reliable statistics, but there is general agreement as to the main fact, and we are satisfied that the majority of industrial workers are in debt for the greater part of their working lives. Many indeed are born in debt and it evokes both admiration and regret to find how commonly a son assumes responsibility for his father's debt, an obligation which rests on religious and social but seldom on legal sanctions."

[Sir Muhammad Yakub.]

Further they say :

"It is estimated that in most industrial centres the proportion of families or individuals who are in debt is not less than two-thirds of the whole."

They then proceed on to say :

"A debt of even one quarter of a year's wages is a heavy burden particularly to a man whose income is little more than sufficient for bare necessities. But the burden is aggravated out of all proportion by the rate of interest which has to be paid. A common rate is 'one anna in the rupee', i.e., one anna per month on every rupee borrowed and this was a rate frequently cited to us in our tours. This is 75 per cent. per annum, without allowing for the effect of compound interest."

They then say :

"The Bombay working class Banking Inquiry of 1921-23 gave the usual rate of interest as one anna in the rupee per mensem; a recent inquiry which was much more limited in scope states, 'While in a few cases no interest had to be paid on the money borrowed, at least in one case the rate of interest was as high as 150 per cent. In 29 per cent. of the cases the rate of interest varied from 72 to 78 per cent. and in 19 per cent. of the cases it varied from 24 to 30 per cent. This relates to families; of 49 single persons in debt, the Report observes, 'The most usual rate of interest is from 18 to 30 per cent., although in fourteen cases it was as high as 75 per cent.' The enquiries made for us into the standard of living in the U. P. gives 75 per cent. as commonest rate at Cawnpore, the next commonest rate being 37.5 per cent. In Lucknow and Gorakhpore, the higher rate is exceptional; this appears to be due in part to a number of the workers being members of co-operative societies. The inquiry made for us into the standard of living of jute mill workers in Bengal gives the average of interest as at 78 per cent. The report on this inquiry and the evidence given to the Bengal Banking Inquiry Committee by the Indian Jute Mill Association both mention as the highest rate 325 per cent. annually (one anna in the rupee weekly) on small sums. Rates in the Punjab appear to be much lower, but particulars are not available to distinguish loans from money-lenders from those of the co-operative societies, and here, as in other places, low rates seem to be associated with repayment by monthly instalments. The inquiry made into the standard of living on the South Indian States shows 'More than 80 per cent. of the loans are obtained from the money-lenders whose usual rate of interest ranges from one anna in the rupee or 75 per cent. to two annas in the rupee or 150 per cent.'"

There can be no doubt that the money lender in India owes his present position to the British Government. During the early days of their administration, the East India Company protected the European British subjects in India by enacting the Regulation Act of 1774 which fixed the maximum rate of interest at 12 per cent. per annum. In course of time similar Regulations were passed for Bengal, Madras, and Bombay Presidencies and this continued to be the legal rate of interest until the Usury Law Repeal Act 28 of 1855 was passed. As far back as 1852 Mr. Wingate, Revenue Commissioner, Punjab, in his report about agriculture in that province remarked that the power which the money lenders wielded in that province was greater than was possessed by them in the Indian States, and that this power was due to the laws made by the British Government, according to which a debtor could obtain a decree according to the terms of the contract and had the power to execute his decree by attachment and sale of all the moveable and immoveable property of the debtor. During the reign of our predecessors, namely, the Mahrattas, says Mr. Wingate, the creditors power to realise his debt by assistance of the court of law was almost nil.

The Usury Laws Repeal Act removed all restrictions on the rate of interest and required the courts to award interest at the rate agreed upon between the parties. The result was that the courts had to award interest at the stipulated rates, however exorbitant the demand and however unconscionable the bargain. The mischief which then arose ruined many

prosperous families in a few years time and decrees for fabulous amounts were passed by the civil courts in India, although the principle amount was very small and trifling. A feeble effort was made on the part of the Government to give the court some discretionary power, and section 16 of the Contract Act was amended by adding section 19. This attempt having failed to give any relief to any debtor, another attempt was made by passing Usurious Loans Act of 1918. This Act enables the court to grant relief to borrowers in cases where (a) the rate of interest is excessive, (b) the transaction sued upon is substantially unfair. This measure has also failed to afford any substantial relief to the debtor and the Act has remained practically a dead letter. The expressions "excessive" and "substantially unfair" are so vague and indefinite that it is left to the sweet will of the court to exercise the power contained in the Act.

In 1922 Khan Sahib Moulvi Abdul Qadir tried to move in this Assembly a Bill to amend the Interest Act of 1839, but it was opposed by the Government at the very first stage and the motion to move the Bill was negatived. In 1923 the same Honourable Member again sought leave of the House to introduce the same Bill but on the assurance given by the Government, that Government would cause inquiry to be made into the grievances, the Honourable Member was persuaded to withdraw his motion. But the assurance which was solemnly given by the Government on the floor of this House produced no result. In 1927 I made an attempt to renew the same Bill, but it also received the same fate. The conditions are now quite different from what they were in those days and the situation in the country has become extremely grave and critical. I have abstained from moving any other Bill to control the unrestricted money lending system in India, nor have I suggested any definite methods in my Resolution to stop the evil, but I leave the matter entirely in the hands of the Government and wish to give them a free choice in adopting the measures which they consider reasonable and proper to meet the contingencies of the situation.

When Rome was faced with a similar problem, though on a much smaller scale, a solution was sought in a cancellation of debt. The State took courage in both its hands and did the thing. Remission of land revenue only is not what is required, but rather the steps that were followed in Rome. If the welfare of the cultivator, the labourer as well as landholder is desired let all money-lenders in India be asked to cancel the debt of all debtors in India. (6) Volume V, No. 9, dated 17th September, 1931, page 657, line 14 from the bottom, for the words "law reform" read "law reform".

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : I shall not follow the good example of my Honourable friend from Moradabad, whom I take this earliest opportunity of congratulating on his knighthood, by reading out a long speech. I am rather disappointed that he should have brought forward a Resolution of this kind in these hard days when money is very difficult to get. Money lenders, if he had only tried to borrow, would have refused him altogether. My friend the Raja of Kollengode and my friend Mr. Thampan, who are big zamindars from South India, will be able to tell you how difficult they find it to sell the raw produce of their estates. My friend the Raja of Kollengode cannot even sell his elephants, I am told. The hills in his estate abound in wild elephants. At such a time as this when we are faced with

[Mr. C. S. Ranga Iyer.]

a financial crisis the Honourable Member for Moradabad is bringing forward a Resolution calling upon the Government to put some difficulties in the way of the money lenders. I think, Sir, if he had moved his Resolution a year ago, or if he were to move his Resolution two years hence, when I suppose the monetary conditions in this country will have improved, he might get a little more sympathy in this House and perhaps practical support from the Government. Incidentally I may tell him that the money lenders are a very useful institution. There are among the money lenders all the world over Shylocks for whom no one could have any sympathy. There are also among them some very good people. If you were to read that fascinating book of Mr. Winston Churchill, "My Early Life", where he speaks about his life in Bangalore, you will find how he found the money lenders to be extremely useful when the remittance from his father, the late Lord Randolph Churchill, did not reach him in time. Sir, every one of us from our experience will say that the men who lend money are not after all so bad as some people are sometimes willing to brand them; and if you go to the villages, the people there will tell you that their present difficulty is to get money at all. I am not a money lender myself, though some of my relations at any rate do some banking work in the south, but apart from that I know from the life of the villagers that they find it awfully difficult to get money from money lenders; and if my Honourable friend, Mr. Rajaram Pandian, were asked to stand up in this House and make a speech, he would be able to tell you why his numerous relations in the south refuse to lend money today, whatever the rate of interest promised. In these circumstances, Sir, I am afraid we are proposing to give my Honourable friend, notwithstanding our sympathy with his Resolution, cold shoulder should he decide to press it to a division.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I am surprised to hear that my Honourable friend, Mr. Ranga Iyer, states that the time is not opportune for bringing a motion of this kind up for the consideration of this House. To me it seems, Sir, that this is eminently a time when a motion of this kind should be discussed by this House, as it is a time when the distress among the agricultural classes is very very great indeed. (Hear, hear.) Sir, the catastrophic fall in the price of food grains has brought them to the verge of ruin; they are prepared to borrow money on any terms, they are hard put to it to keep body and soul together, and so they have to go to the money lender. Is this the time for us to say to the borrower, "You want money from the money lender. Let him give it to you on whatever terms he demands; the future will take care of itself"? Or is this not the time when this House should do all that it can to safeguard the interests of the impoverished cultivator? The Honourable the Mover of this Resolution after giving a very elaborate and extremely interesting account of the indebtedness of the agriculturists in this country—an account with which the House is very familiar because two or three days ago a similar motion was debated in this House—did not suggest any particular legislation, nor did he propose any particular remedy but he left the matter entirely in the hands of Government to take such measures as the Government thought fit. Well, I do not know what the attitude of the Government is in this matter, but I venture to think, most respectfully, that what we want is not fresh legislation but that the legislation already on the Statute-book should be given effect to, and that the recommendations made by the

several Royal Commissions and Committees appointed by the Home Government and the Government of India should be given effect to. The Honourable the Mover stated that the existing piece of legislation, *e.g.*, the Usurious Loans Act (Act X of 1918, as amended by Act XXVIII of 1926), has been found perfectly useless. But may I tell him from my long experience in the administration of civil justice both as an original as well as an appellate court that I have never once across a case where the provisions of the Act have been availed of. Sir, there is no doubt that it is an extremely useful Act for the purpose of relieving the indebtedness of the cultivator and of relieving him from the consequences of a bad bargain. The Royal Commission on Agriculture which investigated this question made the following remarks at page 439 of their Report :

"The evidence we received as regards the Usurious Loans Act showed conclusively that the Act is practically a dead letter in all provinces, but as we heard no evidence from civil Judges we are not in a position to offer any opinion as to the reasons why so little use has been made of its provisions. We therefore recommend that in every province an inquiry should be made into the causes of the failure to utilize the Act, that adequate steps should be taken to ensure its application in the future, and that a special detailed report on its working should be included in the annual reports on the administration of civil justice. We consider that our recommendations under this head are warranted by the potential importance of the Act. If its provisions were fully utilised, this would go far to relieve the country of some of the worst evils of uncontrolled usury and would facilitate remedial action by Co-operative Societies."

If, then, Sir, the potentialities of this Act are so great, instead of pressing for fresh legislation, may I ask whether it is not the duty of the lawyers of very great eminence like the Honourable the Mover and those who devil for them to take up the case of agricultural debtors who are too poor to pay for their services? Judges find it very difficult to go into the merits of cases which are not argued before them; may I suggest that my Honourable friend and others similarly situated should take up cases of indebtedness of agriculturists holding pauper briefs for them so that the debtor may get full advantage of the Usurious Loans Act?

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : In the face of the Privy Council ruling?

Dr. F. X. DeSouza : Sir, there is another very important recommendation which has been made to the Government by a Committee known as the Civil Justice Committee on which I had the honour to serve under the presidency of Sir George Rankin, now Chief Justice of Bengal. The Committee went throughout the length and breadth of India and Burma; we explored whatever avenue there was for the relief of agricultural indebtedness, and we came to the conclusion that the main cause of debt in this country was the hereditary nature of the debt. In other countries, Sir, on the death of a person, the debts of the deceased are not transmitted to his heirs in their entirety because the law is that only such debts as are covered by the estate of the deceased are transmitted to the heirs and the rest are irrecoverable; but in this country, owing probably to the idea that a son is bound by the debts of his father unless they are immoral or for any other special reason, the debts are virtually hereditary, and the result is that they go on accumulating at compound interest and there is absolutely no salvation for an agricultural debtor who has once got into the clutches of the money lender. We proposed, Sir, in Chapter XIV of our Report that this question should be very soon taken in hand; and in order to clear this load of accumulated debt, we recommended that the law as to insolvency should be modified as the Provincial Insolvency Act was adapted for the relief of the mercantile and not of the agriculturist classes and some

[Dr. F. X. DeSouza.]

legislation should be taken in hand to serve as an effective rural Insolvency Act. But, Sir, I am sorry to say that on that recommendation too nothing has been done, and I believe our Report lies upon the shelves of one of the Departments of the Secretariat of the Government of India. Only this morning the Report of the Banking Inquiry Committee has been published. I have not had access to the Report itself, but I find from the papers that more than half of the Report of that Committee is devoted to the solution of the problem of agricultural indebtedness. That Committee does not recommend any fresh legislation; but it draws attention of the Government of India to the several recommendations made by previous Commissions and adds a large number of recommendations of its own. Among others it recommends, on the lines of the Report of the Civil Justice Committee, that Boards of Conciliation should be appointed for the purpose of bringing about an understanding between the agriculturist debtor and the creditor, and also that the Usurious Loans Act, which I have just discussed, should be more freely applied. I only hope that the recommendations of this Committee also will not be shelved by the Government of India like those of so many other committees. I venture to think that the Government of India are obsessed by two considerations. They are obsessed by the idea of the sanctity of contracts; and secondly, they are obsessed by the idea to which Mr. Ranga Iyer has just given expression, *viz.*, that there will be difficulties in obtaining credit if restrictions on free money lending on the creditor's own terms are imposed.

As regards contracts between creditor and debtor which the Government of India consider so sacrosanct, taking what I may call a Chancery Lane view of the law, may I remind the Government of India that even Chancery Lane itself has recently relented? If Chancery Lane has relented, Simla should not remain adamant. We all know that the British Parliament passed in the year 1900 an Act that is known as the Money Lenders' Act, which strikes at the very root of the sanctity of contracts because it enables the court to go behind the bond, and if it is an unconscionable document, it enables the court to fix a rate of interest different from the interest agreed upon between the parties. Nay, more; the British Parliament has gone even further. To the English lawyer a restraint upon trade is an abomination. But the British Parliament has sanctioned a measure in restraint of trade with regard to money lenders because we see that in the most recent Act of the British Legislature, namely, the Money Lenders' Act of 1927, Parliament has directed that no man should be able to carry on the trade of a money lender unless and until he obtains a licence; and besides obtaining a licence he is obliged to keep a register of the amount advanced and the rate of interest accruing from time to time, and he is obliged by law to give a receipt to the debtor whenever called upon to do so. Sir, I make all these observations with a view to show, not that fresh legislation is necessary, but that the legislation already in force and the recommendations of committees already submitted to the Government of India should be carried out. It is useless to dwell upon the appalling nature of the problem or upon the menace which this state of things discloses. It is not only that the agriculturist classes forming eighty per cent. of the population are threatened with ruin but there is a menace to the stability of the social order and the safety of the Government. Therefore with all the earnestness, of which I am capable, I beseech the Government to take up the solution of this problem with the least possible delay.

Mr. G. Morgan (Bengal : European) : Sir, while having every sympathy with the Resolution brought forward by my Honourable friend, I very much doubt whether the objects, that he desires, would be obtained by this Resolution. My Honourable friend, Mr. Ranga Iyer, stated the position correctly when he said that the rate of interest is not the only thing that influences money lenders. You cannot force a money lender to advance you money, and even if the Government of India were to pass legislation laying down that no money lender can charge more than 5 per cent., I do not think anybody, even the Members of this Honourable House, would be able to get any money at the present moment. We all know of the indebtedness in this country; that need not be laboured. Every Honourable Member of this House knows that intimately. A mere fixing of the rate of interest will not get over the difficulty. My Honourable friend, Sir Muhammad Yakub, will not attain his object by merely reducing the rate of interest.

Sir Muhammad Yakub : I never suggested that.

Mr. G. Morgan : I took the Resolution to mean that, though I may have been wrong. But I would draw the attention of Honourable Members to the Whitley Report at page 230 and onwards where it goes into the question of a new Act to relieve the situation arising from this terrible indebtedness. I am not going to worry the House by reading out extracts except one. That Report says at the bottom of page 230 :

"In our view the evils associated with the practice are so serious that the possibility of even a substantial amount of evasion should not deter the legislature from enacting measures which would strengthen to an appreciable extent the forces operating in favour of the freedom of the worker."

I refer Honourable Members to these pages of the Whitley Report which give the whole idea of what the new Act should be. I am perfectly certain that the Government of India will study this part of the Report of the Whitley Commission as soon as they possibly can, and bring in legislation on the lines recommended in that Report. I would ask my Honourable friend the Mover—unless I am wrong in my interpretation of the Resolution—not to press the Resolution but to impress upon Government the necessity of legislation at as early an opportunity as possible on the lines recommended by the Labour Commission.

The Honourable Sir James Crerar (Home Member) : Mr. President, at this late hour, the House will, I am sure, neither expect nor desire that I should endeavour to traverse at any great length a field which is of almost illimitable extent, and which has on many previous occasions been the subject of prolonged examination and debate in this House. I should like however to say at the outset of the few remarks I have to make that I have personally no grievance at all against my Honourable and learned friend, Maulvi Sir Muhammad Yakub, in having brought this Resolution before the House. It is perfectly true, as one speaker observed, that though the general question underlying this Resolution has very frequently engaged our attention, the distress among the agrarian population, due to the grave fall in the prices of food-stuffs, has so complicated and accentuated the trouble, that no one requires any excuse for pressing it prominently upon the notice of the Legislature and the Government. I admit also that the evil to which the Resolution refers is one by no means confined to the

[Sir James Crerar.]

agricultural classes, though doubtless it is in that field that the evil is most widespread. As the Honourable the Mover has himself pointed out, the industrial classes of India are also victims of this evil.

Now, my Honourable and learned friend from Bombay in his very thoughtful and useful speech pressed very strongly upon the attention of the House and the Honourable the Mover the question whether, in the immediate needs of the position after an examination of the potentialities of the expedients of the law already on the Statute-book, there was any necessity for new legislation. He pointed out, and he did so on the basis of very wide experience as a Judge, that the potentialities of the Usurious Loans Act had not been exploited to anything like the extent that was possible. I have no doubt that that is a fact, and that statement is repeated, after very full inquiry, in the Report of the Royal Commission on Agriculture. What precisely the reason is, I confess, I do not entirely know. But when the Honourable Member from Bombay on a somewhat critical note appeared to incline to impute it to some, I will not say malfeasance, but perhaps some misfeasance, on the part of the Government of India, I did not think that he was right. Because after all the most important contribution that the Central Government can make to problems of this kind is to induce the Legislature to enact legislation; and it was the Honourable Member's own point that there was legislation on the Statute-book already, which if it were effectively used by members of that distinguished profession, which he himself greatly adorned, and by that other branch of the profession of which the Honourable the Mover himself is a conspicuous ornament, much that is now in default might be remedied. At any rate I think that it is on those lines that the question can in the first instance probably most fruitfully be attacked. The Honourable the Mover and other Honourable Members who support his general point of view will, I have no doubt, recognise that from the administrative point of view, probably nine-tenths of the problem must necessarily be dealt with and discharged as an administrative problem by the Local Governments who are primarily concerned, and therefore I think the Honourable the Mover will not expect a literal compliance with his Resolution, which asks the Government of India for an undertaking to embark upon immediate legislation. I think he will be less inclined to insist on the demand because, as more than one speaker has pointed out, he did not himself endeavour to make any definite and constructive suggestions, on however narrow lines, as to the particular directions in which he thought that the law ought to be amended. I do not, however, desire to proceed either in a defensive or critical vein. I desire to assure the Honourable the Mover that the purpose which he has in mind in moving this Resolution is one with which the Government of India have the greatest sympathy, and I think that the time is now opportune when further inquiries might be set on foot. I am perfectly prepared to address Local Governments in the light of this debate and ask them, in the first instance, for a report upon the working of the Usurious Loans Act; and if it is found that that Act has not been employed in the manner and to the extent to which it was intended to employ it and in which it can be employed, we shall ask them to endeavour to discover the reasons. It may be that instructions by the various High Courts to courts subordinate to them might be of considerable effect in this direction. I shall also ask Local Governments to consider whether any amendment—I will recall to the recollection of the House that as recently as 1926 this Act was amended—nevertheless I shall

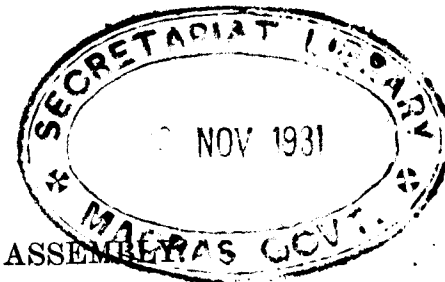
ask Local Governments to consider whether any amendment of the Act could usefully be made, and finally whether any other remedies can be evolved. With this assurance I trust that the Honourable the Mover will not consider it necessary to press his motion to a division.

An Honourable Member : I move that the question be now put. (Some Honourable Members got up to speak.)

Mr. President : As there are more speakers desirous of addressing the House, I will adjourn the House to 11 o'clock on Monday morning.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st September, 1931.

L203LAD



LEGISLATIVE ASSEMBLY

Monday, 21st September, 1931.

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

*MEMBER SWORN.

Rao Bahadur B. L. Patil, M.L.A. (Bombay Southern Division : Non-Muhammadan Rural).

QUESTIONS AND ANSWERS.

COMMUNAL CONSIDERATIONS IN RETRENCHMENT OF STAFF IN GOVERNMENT DEPARTMENTS.

543. *Mr. Jagan Nath Aggarwal (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that there is a great resentment amongst certain communities on account of the policy of Government of turning out permanent servants belonging to certain communities in preference to temporary employees of other communities ?

(b) Will Government be pleased to state clearly its policy in regard to communal considerations on retrenchment of staff and also lay on the table a copy of the instructions issued to various Departments in this behalf ?

The Honourable Sir James Crerar : (a) The reply is in the negative.

(b) In regard to services under the control of the Government of India, certain principles have been laid down for observance where it is necessary to carry out retrenchment of personnel. One of these principles is that in each category of service which comes under retrenchment in a particular office or branch of an office the ratio between the various communities represented by their present numbers in the category should be maintained to the nearest practicable figure. Another is that the above principle shall apply both to permanent and temporary staff, but separately to each. I regret that the orders cannot be laid on the table, as they are departmental orders ; but I shall be glad to furnish any further information which the Honourable Member may desire, provided it is not of a confidential nature.

REPORTS OF RETRENCHMENT COMMITTEES.

544. *Mr. Jagan Nath Aggarwal (on behalf of Lala Hari Raj Swarup) : (a) When do Government expect that the various retrenchment committees will submit their reports ?

(b) When do Government expect the reports to come up before the Assembly ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the reply given to part (b) of Mr. Gaya Prasad Singh's question No. 329 on the 15th instant.

Mr. Gaya Prasad Singh : May I know, Sir, whether the Report of the Retrenchment Committee will be laid before the Assembly and an opportunity given to the Members to express their opinions before action is taken thereon by the Government ?

The Honourable Sir George Schuster : I would ask the Honourable Member not to press me on that point this morning. I am fully alive, Sir, to the views held by a number of Honourable Members on this question, and I can assure them that we are giving it the fullest consideration, and we are anxious to meet their wishes.

Mr. Gaya Prasad Singh : Thank you.

REVENUE REALISED BY THE GOVERNMENT OF INDIA.

545. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) How have the finances of the Government of India progressed during the five months of the year that have passed ?

(b) Do their incomes under various heads come up to the estimated amounts ? If not, how much deficit do Government expect under the various heads ?

The Honourable Sir George Schuster : (a) and (b). The progress of actuals up to date indicates that the budget expectations, particularly as regards Customs, will not be realised. I will refrain from giving at this stage figures which would purport to be an exact estimate of the receipts under the various heads.

COST OF THE LEE COMMISSION'S RECOMMENDATIONS IN THE CENTRAL GOVERNMENT AND THE PROVINCES.

546. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the total amount of money payable yearly as a result of the Lee Commission's recommendations in :

(a) the Central Government, and

(b) the Provinces ?

The Honourable Sir George Schuster : Information is being collected.

INTRODUCTION OF COMPULSORY PRIMARY EDUCATION IN AJMER-MERWARA.

547. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Anwar-ul-Azim) : With reference to starred question No. 999 asked in this House on the 18th March, 1931, by Rai Sahib Harbilas Sarda (regarding introduction of compulsory primary education in Ajmer-Merwara) and the reply given thereto, will Government please now state the action, if any, taken by them on the report of the Primary Education Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Government of India have examined the report of the Primary Education Committee and the various recommendations made therein. They recognise, with regret, that until the financial situation improves it is not possible to give effect to such recommendations of the Committee as involve additional expenditure. They see no reason, however, why proposals of reorganisation which do not involve such expenditure should

not be examined and adopted. With these remarks the report has been commended to the Local Administrations concerned, which have also been asked to study carefully the facts and figures which the Committee collected, and the opinions which they formulated, with a view to their submitting schemes for putting into effect, as soon as the financial position improves, recommendations on which action has now necessarily been postponed. The Local Administrations have been further informed that the Educational Commissioner with the Government of India, who was Chairman of the Committee, will be glad to give them any assistance that he can in their examination of the report.

HYDRO-ELECTRIC INSTALLATIONS IN BRITISH INDIA.

548. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) the names of the places where there are hydro-electric installations in British India ;

(b) whether all the hydro-electric installations in British India are financed by and are under the direct control of the Central Government ;

(c) whether the hydro-electric scheme at the Pykara Falls in the Nilgiris has been financed by them and is under their direct control and management ;

(d) whether facilities for learning practical work are afforded to non-provincial engineering students from recognised colleges outside the province under that scheme ; and

(e) whether Bihari, Punjabi and Bengali qualified electrical engineers will be acceptable for service in that scheme on the same terms as equally qualified Madras engineers ?

Mr. J. A. Shillidy : Government are not in a position to give the information asked for under (a), (d) and (e) as the replies to (b) and (c) are in the negative.

PROSCRIPTION OF A BOOK ENTITLED "THE CASE FOR INDIA" BY DR. WILL DURANT.

549. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether the book entitled "*The Case for India*" by Doctor Will Durant of the U. S. A. has been proscribed either by the Central Government or by any Provincial Government ;

(b) if so, the particular Gazette or Gazettes in which such notice of proscription on behalf of the Central Government or the Provincial Government appeared ;

(c) whether they are prepared to lay a copy of the book on the library table for the perusal of the Honourable Members ;

(d) whether they are aware that copies of the book could be bought in the book-shops in Bombay in April and May last ; and

(e) whether it has been brought to their knowledge that some people who ordered that book from America direct did not get its delivery from the Indian Post Offices although advice

of its despatch had duly arrived to them from book-sellers abroad ?

The Honourable Sir James Orerar : (a) and (b). The book entitled "*The Case for India*" has not been proscribed as such but, as it contains substantial reproductions of the matter contained in the book entitled "*India in Bondage*", it falls within the scope of the Government of India, Finance Department Notification No. 26, dated the 12th July, 1930, published in the Gazette of India of that date.

(c) The facts being as stated above, I regret that I am unable to comply with the Honourable Member's request.

(d) and (e). I have no information.

FACILITIES FOR INDIAN STUDENTS JOINING UNIVERSITIES IN ENGLAND.

550. ***Mr. Bhuput Singh :** Will Government be pleased to state :

(a) whether their attention has been drawn to the complaints made by Mr. J. C. Chaudhury in the Senate meeting of the Calcutta University held on the 15th August, 1931, regarding the High Commissioner who has just vacated that office and his agents putting obstructions in the way of and creating no facilities for Indian students going to England to join the Universities there ;

(b) whether their attention has also been drawn to what Dr. S. N. Das Gupta, Principal, Sanskrit College, Calcutta, said on that occasion in support of Mr. Chaudhury's allegations ;

(c) whether they are prepared to cause an inquiry to be made on the subject matter of the complaint and let the Honourable Members know the result thereof at an early date ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Government have seen newspaper reports on the subject.

(c) The matter will be considered on receipt of a copy of the minutes of the Senate meeting, which have been called for.

APPOINTMENT OF INDIANS AS MANAGERS OF MILITARY DAIRY FARMS.

551. ***Nawab Naharsingji Ishwarsingji :** (a) Will Government be pleased to state :

(i) how many military dairy farms are there in India ;

(ii) out of these how many dairy farms are managed with Indians as Managers ;

(iii) if the number is small what is the reason for it ;

(iv) whether Government do not get qualified Indians to take up that post ;

(v) if so, whether Government are prepared to take up qualified hands if obtainable ; and

(vi) what is the highest qualification required for a Manager's post ?

(b) Are Government prepared to reserve 25 per cent. of the posts referred to in part (a) (i) for Indians ?

Mr. G. M. Young : (a) (i) 27 dairy farms, 12 branch dairies, 5 young stock farms, 3 branch young stock farms and 2 creameries.

(ii) 10 dairy farms, 11 branch dairy farms, and all young stock farms, branch young stock farms and creameries.

(iii) If all kinds of dairy farms are included, the number is not small.

(iv) Indian Managers are not recruited direct. They are generally taken in the grade of "Apprentices" and are trained in Government dairies. Those who pass the prescribed examinations and are found suitable are promoted to Managers.

(v) Does not arise.

(vi) No academical qualification is required.

(b) 63 per cent. of the posts are already held by Indians.

APPOINTMENT OF SIKHS AS HEAD CLERKS ON THE NORTH WESTERN RAILWAY.

552. ***Sardar Sant Singh :** Will Government kindly state the total number of posts of Head Clerks and Sub-Heads on the North Western Railway ? How many of these posts are held by the Sikhs ? How many of the Sikhs are permanent and how many officiating ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 552, 553 and 558 together. The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

Sardar Sant Singh : Will the Honourable Member kindly place a copy on the table ?

Mr. A. A. L. Parsons : It is a voluminous document, and I don't think it would be desirable to print it along with the records of the House.

APPOINTMENT OF SIKHS AS TRAFFIC INSPECTORS, ETC., ON THE NORTH WESTERN RAILWAY.

553. ***Sardar Sant Singh :** Will Government kindly state the total number of Traffic Inspectors, Claims Inspectors, Commercial Supervisors on the North Western Railway ? How many of these posts are held by Sikhs in each cadre ?

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

554. ***Sardar Sant Singh :** (a) Will Government kindly state the total number of the Assistant Superintendents (Senior Sub-Heads) and Sub-Heads in the Accounts Department of the North Western Railway in all its branches, viz., General Traffic, Stores, Workshops and Constructions ?

(b) How many of these appointments are held by Sikhs in each branch ? How many Sikhs are permanent and how many are officiating in each branch ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : With your permission, Sir, I shall answer questions Nos. 554, 555 and 556 together. For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†555. ***Sardar Sant Singh :** Will Government kindly state the number of posts in all the three grades of clerical establishment of the Accounts Department of the North Western Railway in all its branches and the number of appointments held by the Sikhs in each ?

APPOINTMENT OF SIKHS IN THE CLEARING ACCOUNTS OFFICE.

†556. ***Sardar Sant Singh :** Will Government kindly state the total number of posts filled up by the recruitments from the Punjab from 16th November, 1925 to 31st December, 1928, in the Clearing Accounts Scheme ? How many of these new recruits were confirmed in Classes 1, 2, 3 and Office Boys ? How many of them were promoted to the posts of Sub-Headship ? What was the number of Sikhs ? How many Sikhs were confirmed for each Class ? How many of them were promoted to the post of Sub-Headship ?

APPOINTMENT OF SIKHS AS STAFF AND ASSISTANT STAFF WARDENS ON THE NORTH WESTERN RAILWAY.

557. ***Sardar Sant Singh :** (a) Will Government kindly state the total number of posts of Staff and Assistant Staff Wardens in the North Western Railway and how many of these posts are held by Sikhs in permanent and also in officiating capacity ? What is the number held by other communities ?

(b) Is it a fact that the posts of Staff and Assistant Staff Wardens were created with a view to watch the interests of the staff ? Is it a fact that no Sikh has been appointed so far ? Who watches the interests of the Sikhs in these days of retrenchment ? Are Government aware that all communities are making efforts to watch their respective interests ? Do Government propose to appoint immediately a Sikh to watch the interests of his community ?

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b) The reply to the first part is in the affirmative. Government have no information with regard to the second part. With regard to the remainder of the question, staff officers and wardens are required as a part of their duties to watch the legitimate interests of all railway employees, irrespective of race or community, and Government do not propose to appoint immediately a Sikh specially to watch the interests of his community.

†For answer to this question, see answer to question No. 554.

APPOINTMENT OF SIKHS AS CONTROLLERS ON THE NORTH WESTERN RAILWAY.

†558. ***Sardar Sant Singh :** Will Government kindly state the total number of Controllers on the North Western Railway ? How many posts are held by Sikhs in this cadre ?

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

559. ***Sardar Sant Singh :** Is it a fact that Muhammadans form a majority community in the Punjab and the Sikhs are a minority community ? Are Government prepared to instruct the North Western Railway authorities to treat the Sikhs as a minority community in all its appointments and promotions and the Muhammadans as a majority community on the North Western Railway ?

Mr. A. A. L. Parsons : The Honourable Member's attention is invited to my reply on the 11th September to his question No. 219.

CLERKS TRAINED AT THE TRAINING SCHOOL FOR ACCOUNTANTS AT CALCUTTA.

560. ***Sardar Sant Singh :** (a) Will Government kindly state how many clerks were sent for training to the Training School for Accountants at Calcutta in 1928, and 1929 ? How many of them were permanent, how many temporary, and how many were newly recruited ?

(b) Is it a fact that the lien of the temporary clerks so deputed was kept in the various offices under the special instructions of the Railway Board (*vide* their letter No. 5217-F., dated 7th August, 1928. Extract of para. 12, Auditor General's Note) ?

(c) Is it a fact that with the exception of new recruits all clerks, whether temporary or permanent, were given the same post for which they were drawn from their respective offices ?

Mr. A. A. L. Parsons : (a) 18 permanent, 33 temporary and 8 outsiders were sent in 1928 and the examination was held in 1929.

(b) and (c). Under the rules temporary clerks can retain no lien on any posts, but temporary men on return from the Training School were re-appointed to the temporary posts which they held before they went to Calcutta. Permanent clerks, of course, retained a lien on their posts and returned to them.

RETRENCHMENT OF A SIKH FROM THE AGENT'S OFFICE, NORTH WESTERN RAILWAY.

561. ***Sardar Sant Singh :** (a) Is it a fact that in the compilation of the Agent's office on the North Western Railway there are 135 posts out of which only 5 are held by the Sikhs ?

(b) Is it a fact that out of those 5 Sikh incumbents, one has been brought under reduction on the score of juniority ?

(c) Is it a fact that 3 days later a Muhammadan was to be brought under reduction on the score of juniority when he was retained on the ground that he belonged to a minority community ?

(d) Is it a fact that the said Sikh clerk made representations of his belonging to a minority community, which were ignored ; while in the case of a Muhammadan the same ground was upheld ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b), (c) and (d). Government have no information. I regret that I cannot undertake to give information as to the effect of reductions in individual offices.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether it will be very difficult for the Honourable Member to take out an extract from these big books and lay it on the table ?

Mr. A. A. L. Parsons : Yes, Sir. (Laughter.)

PROTECTION OF SIKH INTERESTS ON THE NORTH WESTERN RAILWAY.

562. ***Sardar Sant Singh :** Will Government kindly state if it is a fact that on the North Western Railway most of the Sikh employees were taken after 1928 and hence they are junior in service ? If so, do Government propose to take steps to protect Sikh interests in the coming reductions ?

Mr. A. A. L. Parsons : As regards the first part, Government have no information. As regards the second part, Government have already issued instructions that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of communities not adequately represented in railway services.

I should like to add that we watch these figures very carefully in the Railway Board, and the last figures that we have got show that the proportion of Sikhs on the North Western Railway remains exactly the same after retrenchment as before.

RETRENCHMENT OF A SIKH FROM THE TRAFFIC ACCOUNTS BRANCH OF THE NORTH WESTERN RAILWAY

563. ***Sardar Sant Singh :** Is it a fact that Bawa Gian Singh, a clerk in the Traffic Accounts Branch on the North Western Railway, was senior to six persons of his office ? Is it a fact that he has been brought under reduction while his juniors in service have been retained ? If so, why ?

Mr. A. A. L. Parsons : Government have no information.

Sardar Sant Singh : Will the Honourable Member be kind enough to try and verify the facts mentioned in this question ?

Mr. A. A. L. Parsons : I would ask the Honourable Member to excuse me. If I undertook to supply information in the case of all individuals who have been brought under retrenchment, the amount of work that would be thrown on my own office as well as on that of the Railway would be almost intolerable. If any individual has any particular grievance, because he has been retrenched in place of another, he always has the right of appeal.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

564. ***Sardar Sant Singh :** Is it a fact that in the Audit and Accounts Departments of the Government of India, out of a total strength of 139

gazetted officers in the office of Auditor General in India, only two are Sikhs ? Is it a fact that there is no Sikh in the office occupying the post of Superintendent and Assistant Superintendent in the same office ? Is it a fact that the two Sikhs are mere clerks in the same office ?

The Honourable Sir George Schuster : The information is being collected and will be communicated to the Honourable Member in due course.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

565. ***Sardar Sant Singh :** (a) Is it a fact that in the Audit Accounts Office of the Government of India out of the total strength of 774 there are only 14 Sikhs ? What is the total amount of salary drawn by all the hands in that office ? What is the total amount of salaries drawn by the Sikhs ? Is it not a fact that the Sikhs are not adequately recruited in this particular office ? If so, what steps do Government intend to take in order to increase the representation of the Sikhs in this particular office ?

(b) Do Government intend to effect retrenchment in this office ? If so, what steps have been taken by Government in order to protect the Sikh interest at the time of retrenchment ?

The Honourable Sir George Schuster : (a) On the supposition that the Honourable Member refers to the Office of the Accountant General, Central Revenues, the information is being collected and will be communicated to the Honourable Member in due course.

(b) Government are now considering the possibility of reducing the strengths of all Audit Offices on the basis of the Report of the Retrenchment Sub-Committee which has been investigating the matter. General orders have already been issued that reductions in staff should be so regulated as to preserve, as far as may be, the proportion existing in each grade between the majority and the sum of minority communities in that grade.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

566. ***Sardar Sant Singh :** (a) Will Government kindly state the total number of (i) Europeans, (ii) Anglo-Indians in the Commercial and Engineering Superior Services of the North Western Railway in the years 1920 to 1924 ?

(b) What university educational qualifications were prescribed to be essential for direct recruitment to the aforesaid service before 1922 ?

(c) How many Indian graduates, under-graduates and matriculates were thus recruited before 1922 ?

(d) What were the starting pay and the annual increment ?

Mr. A. A. L. Parsons : (a) A statement giving the information for the years 1923 and 1924 is laid on the table. That for earlier years is not readily available.

(b) As a rule candidates were required to possess for appointment to the superior service of the Traffic Department in India, B.A. or B.Sc. degree of an Indian University. Recruitment in the Engineering

Department was made through the Roorkee and Sibpore Engineering Colleges.

(c) During the decade preceding the year 1922-23 Indians were recruited for the superior service in the Traffic Department, almost all of whom were graduates. As I have mentioned, recruits for the Engineering Department were taken from two engineering colleges and not from the Universities.

(d) Selected candidates for the Traffic Department started as probationers on an initial pay of Rs. 200 and the annual increment was Rs. 50 per mensem. In the Engineering Department selected candidates were recruited as apprentices on Rs. 150 per mensem and after a year's training they started on an initial pay of Rs. 300 in the time scale.

Statement showing the number of Europeans and Anglo-Indians in the Traffic and Engineering Departments of the Superior Service on the North Western Railway on the 1st April, 1923 and 1st April, 1924.

	Engineering.		Traffic.	
	1923.	1924.	1923.	1924.
Europeans	78	76	47	44
Anglo-Indians	9	7	1	1

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

567. *Sardar Sant Singh : I. Is it a fact that :

- in the response to Indian demand for Indianisation of the Commercial and Engineering Superior Services of the North Western Railway, a new scheme named the Local Traffic Service, etc., on Rs. 150—50—250 and Rs. 30 annual increment was created in or about the year 1922 ;
- university degree qualifications, success in an oral examination by a selection board and two years' training were made necessary for recruitment and confirmation ;
- the salaries of the Anglo-Indian subordinates were much higher than the salaries of the said Indian entrants ;
- these Indian confirmed officers performed the same duties as their colleagues in the Superior Service did ;
- what was the number of Hindus, Muhammadans and Sikhs recruited under the said Local Traffic Services during the period 1922—25 ?

II. Are Government aware that the said anomalous and unsatisfactory condition, etc., of the said Local Traffic Services roused strong protest ?

Mr. A. A. L. Parsons : (i) (a). The Local Traffic and Provincial Engineering Services were introduced in 1921 on a scale of pay of

Rs. 250—20—750. Selected candidates were appointed as apprentices in the first instance for a period of two years in the Traffic and one year in the Engineering Department, and the allowance given to apprentices was Rs. 150 in the first year and Rs. 200 in the second year in the Traffic Department, and Rs. 150 in the Engineering Department. These services were intended to man sub-district charges, and their introduction had nothing to do with the demand for Indianisation.

(b) Candidates with suitable qualifications, academic and professional, were selected by the Railway Board after an interview and had to undergo a two years' training.

(c) Only the minimum of the scales of pay of these services was lower than that of certain grades of upper subordinate staff, whether Indian or Anglo-Indian.

(d) They performed similar duties to those performed by officers in the junior scale of the Superior Service.

(e) 7 Hindus, 4 Muslims, and 1 Sikh.

(ii) It is correct, I think, to say that the services were not popular and they have now been abolished.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

568. *Sardar Sant Singh : (a) Is it a fact that in order to show that the Local Service Indian Officers of the North Western Railway, were members of the Superior Service, their number was actually shown to the Lee Commission in proof of Indianisation of the Superior Service and that the said Commission has shown it as such in their report ?

(b) Is it a fact that in pursuance of the object referred to in part (a) the annual quota of Indians to the said Superior Services as laid down by the Lee report and accepted by Government was not filled, nor was direct recruitment for the purpose resorted to for about two or three years ?

(c) Is it a fact that Local Traffic Indian Officers were led to believe that they would be drafted into Superior Service on confirmation ; if so, how many of them were in fact so drafted and how many were not ?

(d) How many of the remaining of the said Local Traffic Indian Officers have been promoted to the Superior Service, viz., how many Hindus, Muhammadans and Sikhs, respectively ; and in what years ?

(e) What starting salary on this promotion was fixed and who fixed it ?

Mr. A. A. L. Parsons : (a) The number of officers of the Local Traffic and Provincial Engineering Services was communicated to the Lee Commission, but not as a part of the cadre of the Superior Services.

(b) Recruitment, both in India and from the United Kingdom, was suspended only for the Superior Service of the Transportation (Traffic) and Commercial Departments, as the question of revising the rules of recruitment for those departments was then under consideration.

(c) The answer to the first part is in the negative ; the second part does not arise.

(d) and (e). A statement showing the number of officers of the Local Traffic Service promoted to the Superior Service and the initial pay allowed in each case is being sent to the Honourable Member. The initial pay in each case was fixed by Government.

SALARIES OF LOCAL TRAFFIC SERVICE OFFICERS.

569. *Sardar Sant Singh : (a) Is it a fact that about two years ago, immediately on promotion, the initial salary of two Muhammadan and some Anglo-Indian Local Traffic Officers was fixed at Rs. 450 per mensem ?

(b) Is it a fact that the salary of Hindus and Sikhs promoted along with the former or later on, has not yet been fixed ? Has the Railway Board received any representations on the matter ?

(c) Will Government be pleased to state the reasons for this discrimination ?

(d) When do Government intend to fix the initial salary of such officers ?

(e) Will Government kindly lay all papers connected with it on the table ?

(f) Is it a fact that the said initial salary of promotion of the aforesaid two Muhammadan and Anglo-Indian Officers was fixed by the Railway Board itself ?

(g) Is it a fact that the Auditor General took the objection that under the cumulative effect of Fundamental Rules 8 and 19 the matter was beyond the competence of the Railway Board ?

(h) Is it a fact that the said initial salary has still been maintained in spite of the objection ?

Mr. A. A. L. Parsons : (a) Two Muslim officers of the Local Traffic Service promoted to the Superior Service in 1928 were allowed an initial pay of Rs. 450 per mensem. No such case of an Anglo-Indian has occurred.

(b) The initial pay of officers of the Local Traffic Service promoted in 1930 and 1931 and of officers of the Provincial Engineering Service promoted in 1928, 1930 and 1931 has not yet been finally fixed. Certain representations have been received on the subject.

(c) The delay in the cases referred to above was caused by the necessity of framing proper rules on the subject which would be fair both to direct recruits and to promoted officers.

(d) Government expect to issue orders very shortly.

(e) Government do not propose to lay the papers asked for on the table.

(f), (g) and (h). The initial pay of the Muslim officers referred to in reply to part (a) was fixed by Government. No objection was taken by the Auditor General.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state what effect has been given to the representations on the subject referred to in part (b) of the question ?

Mr. A. A. L. Parsons : They are under consideration.

POWERS OF THE RAILWAY BOARD OF FRAMING RULES FOR THE DETERMINATION OF SALARIES.

570. *Sardar Sant Singh : Will Government kindly state what legal authority and power the Railway Board possess for framing rules regarding determination of initial salary, seniority, etc. ? Have the copies of these rules been supplied to any subordinate officers or departments ? If so, when ? If not, why not ? Will Government be pleased to lay a copy of these rules on the table ?

Mr. A. A. L. Parsons : It is presumed that the question relates to persons promoted to superior services. The initial pay of such persons on promotion is fixed in accordance with the Statutory Rules. Rules regulating the seniority of officers promoted to the superior services have been drawn up, but are not yet in final form and have, therefore, not yet been communicated to Railway Administrations. Until they are finally settled, Government are not prepared to put copies in the Library.

ABOLITION OF THE LOCAL TRAFFIC SERVICE AND CREATION OF A NEW SERVICE.

571. *Sardar Sant Singh : (a) Is it a fact that the Local Traffic Service on the North Western Railway has been abolished ; and that a new service, with much better emoluments than the said service has been created ? Why was this done ?

(b) Will Government kindly lay on the table copies of the despatch to the Secretary of State regarding the abolition of the former and creation of the latter on the table ?

Mr. A. A. L. Parsons : (a) and (b). The Local Traffic Service has been abolished in consultation with the Central Advisory Council for Railways and a Lower Gazetted Service with a slightly better scale of pay introduced to afford deserving subordinates a fair prospect of advancement to the gazetted rank. The reasons for the change are stated in paras. 5—8 of the Government of India Despatch No. 1-Ry., dated 18th January, 1930, a copy of which is being placed in the Library.

ALLEGED FAVOURITISM OF ANGLO-INDIAN OFFICERS AND SUBORDINATES ON THE NORTH WESTERN RAILWAY.

572. *Sardar Sant Singh : (a) Is it a fact that recently several senior Indian subordinates officiating as A. T. Os. on the North Western Railway have been reverted, but junior Anglo-Indians kept on ?

(b) What residential Government bungalows occupied by Subordinate Anglo-Indians were not taken away in spite of their reversion ?

(c) Will a list of such reversions and bungalows taken away during the first two months in Lahore, Ferozepore, Multan, and Delhi divisions be laid on the table ?

Mr. A. A. L. Parsons : I have called for certain information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

METAL RAILWAY PASSES LOST OR MISUSED.

573. *Sardar Sant Singh : (a) Since when has the privilege of metal passes been enjoyed by the gazetted officers of the North Western Railway ?

- (b) How many of such passes were lost during the period ?
- (c) Who were the officers who lost them and what amount, if any, under the pass rules was realized as penalty ?
- (d) How many of the said passes were misused and how much penalty for them has been charged, and what are the names of the officers who so misused them ?
- (e) How many of the officers referred to in parts (b) and (c) were Europeans and Anglo-Indians and Indians, respectively ?
- (f) Will Government be pleased to lay on the table a list of the passes so lost and misused with the names of their holders, which was sent to the Auditor General from time to time, as required by the pass rules ?

Mr. A. A. L. Parsons : (a) Metal passes have been issued to gazetted officers of the North Western Railway for many years, but the actual year from which these passes have been issued is not readily ascertainable.

(b) A census of metal passes taken in 1929 on the North Western Railway showed that 189 could not be accounted for.

(c), (d), (e) and (f). The compilation of the information asked for would involve a considerable amount of work which would not be commensurate with any use to which the information could be put. I would add, however, with reference to the latter portion of part (f) of the Honourable Member's question, that there is nothing in the Pass Rules requiring the submission to the Auditor General of a list of passes lost and misused.

DEFINITION OF "FAMILY" IN THE NORTH WESTERN RAILWAY PASS RULES.

574. *Sardar Sant Singh : Is the definition of "family" in supplementary Rule No. 2 (8) binding on the Railway Board ? If so, is its definition in North Western Railway pass rule 25 authorised ? Are Government aware of the Indian feeling that the said variation has been interpreted to grant greater privilege and concession to Europeans and Anglo-Indians and denial of the same to Indians ?

Mr. A. A. L. Parsons : The definition of "family" in Supplementary Rule No. 2 (8) is binding on the Railway Board in cases which come under the Supplementary Rules. There is no reason why a different definition should not be adopted in an entirely different set of rules ; and the definition adopted in the North Western Railway Pass Rules is authorised. In fact this is the definition adopted by the Indian Railway Conference Association to govern the issue of passes over foreign railways. As it applies to all classes of railway employees on the North Western Railway, I am unable to see how it can be held to give greater privileges and concessions to Europeans and Anglo-Indians than to Indians.

CHANGE OF RULES FOR METAL PASSES.

575. *Sardar Sant Singh : (a) Is it a fact that the Railway Board intends to change the rules regarding metal passes ? If so, will these changes affect Indians alone or equally Indians, Europeans and Anglo-Indians ?

(b) If the answer to part (a) is in the affirmative, what are the grounds for such a step ?

Mr. A. A. L. Parsons : (a) The question of revising the rules for the issue of passes, including metal passes, is under consideration. The revised rules, if and when issued, will apply equally to all communities.

(b) The reasons for the contemplated changes are the possibility of a metal pass being used by a person not entitled to it and the necessity for restricting the number of metal passes issued, as it was found that a large number of those issued had been lost.

POWERS OF ASSISTANT TRAFFIC SUPERINTENDENTS.

576. *Sardar Sant Singh : (a) What were the powers of the Assistant Traffic Superintendents, before 1922, regarding promotion, appointment, transfer, suspension, fine, etc., of their subordinates ?

(b) Have these powers been affected on the introduction of the new rules ? If so, in what way ?

(c) If these powers have since been taken away, what are the reasons for the step ?

Mr. A. A. L. Parsons : Government have no information. Such matters are within the competence of Railway Administrations.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

577. *Sardar Sant Singh : (a) Is it a fact that probationers (Transportation and Commercial Departments) on the North Western Railway have hitherto been paid travelling allowance when sent to outside stations for training ? Has it now been stopped ? If so, under what authority ?

(b) Is it a fact that it is still paid to them on the Eastern Bengal Railway and the Great Indian Peninsula Railway ?

(c) What is the number of such probationers—Indian and European, respectively—posted to the North Western Railway since January, 1931, for such training ?

Mr. A. A. L. Parsons : (a) Yes. It has not been stopped.

(b) Yes.

(c) Two Indians and one European.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

578. *Sardar Sant Singh : (a) Is it a fact that the probationers on the North Western Railway posted to the Lahore and the Rawalpindi Divisions, were sent to small wayside stations for training for days varying from 5 to 25 days but that the Railway Board have been informed that that period exceeds one month in each station ; and that their travelling allowance should be stopped as the period of stay exceeds one month ?

(b) Will Government be pleased to lay on the table a statement of the postings of each of the said probationers on various outside stations with the period at each station ?

Mr. A. A. L. Parsons : (a) The Agent of the North Western Railway has informed the Railway Board that Transportation (Traffic) and Commercial probationers have been posted to wayside stations for training for over one month, and has asked what travelling allowance they should get during that period.

(b) Government regret that they cannot undertake to collect this information.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

579. ***Sardar Sant Singh :** (a) Is it a fact that the probationers on the North Western Railway will, when confirmed as officers, have the facilities of a reserve carriage, a chaprasi, free porters, etc., and will also get travelling allowance when out on tour to such outside stations ?

(b) Is it a fact that, as probationers, they have no such facilities and the proposal is to stop their present travelling allowance ?

(c) Is it a fact that, in many cases, these probationers cannot take their families with them to such small stations and have to maintain a separate establishment for them at the Headquarters ?

Mr. A. A. L. Parsons : (a) Railway officers are allowed a peon, and, if and when circumstances permit, a carriage and are eligible for travelling allowance under the rules, when travelling on duty.

(b) Probationers under training are treated under the rules applicable to them which Government consider liberal.

(c) Government have no information.

DIFFERENCE IN PAY OF LOCAL TRAFFIC SERVICE OFFICERS.

580. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Board gave Rs. 450 per mensem to Mr. B. A. Khan, Local Traffic Service Transportation Officer, when promoted to the Superior Service about two years ago ?

(b) Is it a fact that the Agent, North Western Railway, has called the attention of the Railway Board to this fact and has asked them to give Messrs. Berry, Kaul, Puri and Shah, promoted this year, the same amount of Rs. 450, minimum, as their initial pay but that the Board proposes to make it at Rs. 400 only but Rs. 800 per mensem in the case of two subordinates, Messrs. Chandwani and Petrie, promoted also this year direct to the Superior Service ?

(c) Will the Railway Board be pleased to state the reasons for the said distinction between the said three cases ?

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

(b) and (c). The Honourable Member has apparently been informed of the contents of a letter sent by the Agent to the Railway Board, which is a privileged document, and is still under their consideration. I am not prepared to supply the information for which he asks, and shall be grateful

if he will let me know the source of his information so that necessary action can be taken.

PROMOTION OF ANGLO-INDIAN SUBORDINATES TO THE SUPERIOR REVENUE ESTABLISHMENT.

581. ***Sardar Sant Singh :** (a) How many subordinates, Anglo-Indian and Indian respectively, have been promoted to the Superior Revenue Establishment since 1920 ; and how many of them have been placed in seniority above Indians recruited direct to the gazetted Local Traffic Service or to the Superior Service since the same year ?

(b) What is the number of such Anglo-Indian subordinates on all the State Railways ?

(c) Is it the intention that the said precedent of comparative seniority followed in the case of the said promoted subordinates will be followed in the case of the other Anglo-Indian subordinates on promotion ?

Mr. A. A. L. Parsons : I regret that I cannot agree to impose on Railway Administrations the very laborious task of compiling all the information for which the Honourable Member asks, but I can assure him that the rules regulating the seniority of officers promoted to the superior services, which the Railway Board have drawn up, will be applied to both Anglo-Indian and Indian subordinates without any differentiation.

CONCESSIONS AND PRIVILEGES ALLOWED ON STATE RAILWAYS TO ANGLO-INDIANS AND INDIAN SUBORDINATES.

582. ***Sardar Sant Singh :** Will Government be pleased to lay on the table a statement of the various concessions and privileges allowed on all State Railways to (a) Anglo-Indian, and (b) Indian subordinates ?

Mr. A. A. L. Parsons : Apart from pay and allowances, leave, provident fund and gratuity, the principal concessions allowed to the subordinate staff on State Railways, consist in the grant of free passes and privilege ticket orders, free medical attendance, assistance towards the education of their children, grants to institutes and under certain conditions free uniforms and free quarters or an allowance in lieu. These concessions are given to both Indians and Anglo-Indians.

APPOINTMENT OF SIKHS AS DEPUTY POSTMASTERS-GENERAL AND POSTMASTERS.

583. ***Sardar Sant Singh :** (a) Will Government kindly state if there has ever been any Deputy Postmaster General belonging to Sikh community ? If not, why not ?

(b) Is it a fact that out of the Postmasters in the grade of Rs. 800 and Rs. 850 there is not a single Sikh ? If so, why ?

Mr. J. A. Shillidy : (a) Government regret that they are not prepared to undertake an investigation of all the old records necessary to enable them to reply to the first part of this question. There is no Deputy Postmaster-General at present who is a Sikh. Appointments to posts of Deputy Postmaster-General are made by the promotion of senior officers who are considered suitable from the lower eligible ranks and not on communal considerations.

(b) There is no grade of Rs. 800—850 amongst the Postmasters. No Sikh holds the rank of a gazetted Postmaster.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

584. *Sardar Sant Singh : (a) What is the total strength of non-gazetted Postmasters in the Punjab, in the grade of Rs. 150—10—250 and how many of them are Sikhs ?

(b) Will Government kindly state the number of Inspectors, in the Punjab, in the grade of Rs. 160—10—250 and the number of Head Clerks in the same grade ? What is the strength of the Sikhs in this grade ?

(c) Will Government kindly state the number of clerks on time-scale pay in the grade of Rs. 35—5—135 and Rs. 45—5—145 ; and how many of them are Sikhs ?

Sir Hubert Sams : (a), (b) and (c). The information is being compiled and will be supplied to the Honourable Member when ready.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

585. *Sardar Sant Singh : (a) What is the total number of clerks in the grade of Rs. 45—5—145 (selection grade), in Lahore post offices, Postmaster General's Office, and Dead Letter Office ? How many of them are Sikhs ?

(b) Is it a fact that Sikhs are not represented in the postal services in proportion to their population even ?

Sir Hubert Sams : (a)

	Total number of clerks.	Number of Sikhs.
Lahore Post Office ..	231	21
Postmaster-General's Office, Lahore ..	134	8
Dead Letter Office, Lahore ..	52	4

The scale of pay of Rs. 45—5—145 is not a selection grade, as stated by the Honourable Member.

(b) Recruitment is not made on a population basis.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

586. *Sardar Sant Singh : Is it a fact that circulars have been issued to make up the proportion of the Sikhs in the higher services ; if so, will Government kindly state the number of Sikhs taken in these services during the last two years ?

Mr. J. A. Shillidy : On the assumption that the Honourable Member refers to the higher services in the Posts and Telegraphs Department, the reply to the first part is in the negative and the latter part does not arise.

SAFEGUARDING OF THE INTERESTS OF SIKHS IN THE POSTAL SERVICE.

587. *Sardar Sant Singh : (a) Will Government kindly state what steps do Government propose to take to safeguard the interests of Sikh employees in the Post Office in the coming retrenchment ?

(b) Is it a fact that in Rawalpindi Post Office all the Inspectors so far belong to the Muhammadan community ? If so, why ?

(c) Is it a fact that one Hindu was appointed as an Inspector of Post Offices in Rawalpindi but the powers of filling the vacancies enjoyed by Muhammadan Inspectors was taken away from him ? If so, why ?

Mr. J. A. Shillidy : (a) Pending receipt and consideration of the recommendations of the Retrenchment Advisory Committee, Government are not in a position to make any statement.

(b) Government have no information. Postings of Inspectors are made by Heads of Circles according to the exigencies of the service and not on communal considerations.

(c) Government have no information. If the official concerned has a grievance, it is open to him to represent it through the proper official channel.

POSTMEN AND PACKERS EMPLOYED AT THE RAWALPINDI POST OFFICE.

588. *Sardar Sant Singh : Will Government kindly state the number of postmen and packers employed in the Rawalpindi Post Office ? How many of them are Hindus, Muhammadans and Sikhs ?

Sir Hubert Sams : 77 postmen, of which 17 are Hindus, 59 Muhammadans and 1 Sikh ; 11 packers, of which 3 are Hindus, 7 are Muhammadans and 1 is a Sikh.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

589. *Mr. Jagan Nath Aggarwal : (a) Is it a fact that tenders for roofing of the Shanan Power House, Jogindarnagar, were invited by the Indian Stores Department ?

(b) If the reply to part (a) be in the affirmative, will Government please state whether the tenders called for were public or private ?

(c) If the tenders were open to public, will Government be pleased to name the newspapers and journals in which the call was published ?

(d) If on the other hand the tenders were called for privately, will Government state reasons for their doing so, and give the name of the firms to whom the tenders were issued together with the quotations received from them ?

Mr. J. A. Shillidy : (a) Yes.

(b) and (c). Tenders were not called for by advertisement in the Press, but thirteen selected firms were invited to tender.

(d) The demand could not be advertised in the ordinary way, because the indenting officer required the roof most urgently.

The names of firms invited to tender were as follows :

- (1) Messrs. Balmer Lawrie and Company, Calcutta.
- (2) Messrs. Jesop and Company, Limited, Calcutta.
- (3) Messrs. Richardson and Cruddas, Bombay.
- (4) Messrs. Asbestos Cement (India) Limited, Bombay.
- (5) Messrs. B. R. Herman and Mohatta, Karachi.

- (6) Messrs. Williams Jacks, Karachi.
- (7) Messrs. T. Cosser and Company, Karachi.
- (8) Messrs. Ellerman's Arracan Rice and Trading Company, Limited, Calcutta.
- (9) Messrs. Heatly and Creshman, Limited, Calcutta.
- (10) Messrs. A. and J. Main and Company, Howrah.
- (11) Messrs. Burn and Company, Limited, Howrah.
- (12) Messrs. The General Engineering Supply and Utility Company, Lahore.
- (13) Messrs. Craig Adams, Lahore.

Three tenders only were received as follows :

- (1) Balmer Lawrie and Company tendered price Rs. 49,900.
- (2) Asbestos Cement (India), Limited, tendered price—
Alternative A—Rs. 49,981.
Alternative B—Rs. 41,063.
- (3) The General Engineering Supply and Utility Company tendered price—
Alternative A—Rs. 29,800.
Alternative B—Rs. 33,100.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

590. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that there was a difference of about Rs. 20,000 between the lowest and the highest tenderer for roofing of the Shanana Power House, Jogindarnagar ?

(b) Is it also a fact that the order has been placed with the firm who quoted Rs. 20,000 or 80 per cent. higher than the lowest tendering firm ?

(c) If the reply to part (b) be in the affirmative, will Government please explain why the order has been placed at such a big difference, ignoring the lowest tender ?

Mr. J. A. Shillidy : (a) and (b). Yes.

(c) The lowest tender did not comply with the specification. The class of material offered as an alternative to that specified was not considered suitable for the purpose.

ROOF OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

591. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that an order has been placed for a teak under-roof for the Shanana Power House, Jogindarnagar and that an alternative under-roof of asbestos or any other similar material was specified in the tender ?

(b) If the order has been placed for teak under-roof, will Government please state reasons for this selection ? Will it not cost an extra Rs. 20,000 ?

Mr. J. A. Shillidy : (a) Yes.

(b) The order was placed for a teak-wood under-roof as it was decided that an under-roof of asbestos or similar material would not serve the

purpose so well nor give the same assurance of continuous and satisfactory service.

The engineer responsible for the construction of the building was consulted before the order was placed and the three tenders were submitted to him for his examination. He decided that a teak-wood under-roof would be the most satisfactory type of construction to adopt.

The extra cost incurred by the acceptance of the teak under-roof in place of the alternative asbestos sheet under-roof amounted to Rs. 8,918.

PROVISION OF A CHILDREN'S WARD IN THE PESHAWAR HOSPITAL IN MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

592. ***Bhai Parma Nand :** (a) Is it a fact that on the sudden death of the wife and two children of S. Ganga Singh, Supervisor, Military Dairy Farm, Peshawar Cantonment, by the bullet shot of a soldier, the Chief Commissioner had made it known that a children's ward would be constructed to commemorate them ?

(b) If the answer to part (a) is in the affirmative, what practical steps, if any, have been taken to fulfil that promise ? If so, what are those steps ?

Mr. E. B. Howell : (a) and (b). No, Sir, the wife of Sardar Ganga Singh was not killed, as suggested in the Honourable Member's question. In this connection I would invite the Honourable Member's attention to the reply (which was laid on the table) to Mr. B. R. Puri's question No. 266, dated the 2nd February, 1931.

RESTORATION OF PROPERTY LOST IN THE AKBARPURA DACOITY.

593. ***Bhai Parma Nand :** (a) Is it a fact that after the Akbarpura dacoity during the last summer the Deputy Commissioner, Peshawar District, had assured the Hindus of the place, whose loss exceeded forty thousand, that the dacoits have been traced and that the plundered property would be restored to the owners ?

(b) If the answer to part (a) is in the affirmative, what practical steps have been taken in the matter ?

Mr. E. B. Howell : (a) and (b). The Hindus of Akbarpura were given no assurance that the dacoits had been traced, nor is it established that the loss was as high as is alleged. The complainants were informed that suspicion rested on a certain transborder tribe and were urged to co-operate in the investigation. This they failed to do ; and no evidence sufficient to establish a *prima facie* case against anybody has yet been secured. Efforts to trace the offenders are, however, still being made.

COMMUNITIES AFFECTED IN REDUCTIONS MADE IN THE FOREST RESEARCH INSTITUTE AND THE SURVEY OF INDIA DEPARTMENT AT DEHRA DUN.

594. ***Bhai Parma Nand :** (a) How many Hindus and Muhammadans have been brought under reduction in the Forest Research Institute, Dehra Dun, as a retrenchment measure ?

(b) Is there any one belonging to the depressed classes among those thus brought under reduction ?

(c) How many Hindus and Muhammadans have been brought under reduction in the Survey of India Department, Dehra Dun ?

(d) Are there any members of the depressed classes among those thus brought under reduction ?

(e) If the answers to parts (b) and (d) are in the affirmative, will Government please say what special concession is shown to protect the rights of the depressed classes in getting them into the public services ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) None.

(b) No.

(c) and (d). So far 15 Hindus, 8 Muhammadans and 2 members of the depressed classes have been discharged as a retrenchment measure in the various superior and inferior establishments of the Geodetic Branch, Survey of India, Dehra Dun.

(e) None in connection with this retrenchment of personnel.

TRANSFER OF CONTROL OF THE CIVIL ADMINISTRATION OF ADEN FROM THE GOVERNMENT OF BOMBAY TO THE GOVERNMENT OF INDIA.

595. *Sir Cowasji Jehangir : (a) Is it a fact that the Government of India are considering the question of the transfer of control of the civil administration of Aden from the Government of Bombay to the Government of India ?

(b) If the answer to part (a) above is in the affirmative, will Government be pleased to state the reasons underlying such a proposal ?

Mr. E. B. Howell : (a) Yes.

(b) I cannot do better than repeat in this House the answer given by the Bombay Government to a similar question in the Bombay Legislative Council on 1st August, 1931 :

“ In reply to a question put by Mr. Husseinbhai Laljee in the second session of the Bombay Legislative Council, 1929, on the subject of the transfer of Aden control he was informed as follows :

‘ The question of the transfer has been mooted and is under discussion with the Government of India. While no decision has been arrived at regarding it, the Government of Bombay consider that from the point of view of the administration of Aden and of the finances of the Presidency the scheme has considerable advantages.’

Since then the Government of Bombay have been in correspondence with the Government of India on the subject. The administrative difficulties with which the Resident at Aden and the Government of Bombay have been confronted are summarised in paragraphs 2 and 6 of the memorandum on the Civil Administration of Aden, copies of which have been supplied to the Members of the Legislative Council, the Press and certain public bodies in Bombay. A copy of the memorandum is now placed on the Council table.

After consideration of various alternatives, the Government of Bombay have come to the conclusion that the most direct and satisfactory solution of the difficulties arising from divided control is that Aden while retaining its special connection with the Bombay Government to whom it would look, as in the past, for a supply of officers and administrative personnel, should cease to form part of the Bombay Presidency, and should be formed into a Chief Commissionership under the direct control of the Government of India.

Before taking definite steps in this direction it was considered desirable to place all the implications of the position before the public specially interested in the matter and to that end the memorandum on Aden referred to above was prepared and issued to the Press, to all Members of this House and the Associations and bodies concerned both here and in Aden. Apart from the administrative difficulties which the present arrangement entails, and which are discussed in the memorandum, one of the main considerations for the Government of Bombay at the present time is dictated by the

extreme financial stringency which makes it difficult to view with equanimity the probability of an extra two lakhs or more of expenditure being transferred almost immediately from Central to Provincial Revenues under the existing constitution. The delay in placing the full facts before the House has been mainly due to the fact that Aden has no separate budget and that it has been found necessary to prepare special *pro forma* accounts for the purpose.

Now that the financial position has been clarified the Government of Bombay, supported by all responsible opinion in the Presidency, propose to press for the transfer of Aden at once under the powers vested in the Governor General in Council with the approval of the Secretary of State, under section 59 of the Government of India Act.

The Government of India have nothing to add to this reply except that they are in entire accord with the Government of Bombay. The memorandum referred to in it is placed on the table and has already appeared in the Press.

Memorandum on the Civil Administration of Aden.

1. *Introductory Remarks.*—Some years ago considerable excitement was aroused in political circles in India by the rumour that the connection between Aden and India, which began in 1839, was to be severed by order of His Majesty's Government and that the control of Aden affairs was to be transferred to the Colonial Office. Assurances were consequently given both in the Legislative Assembly at Delhi and the Bombay Legislative Council that no change in the position affecting Indian interests would be made until an opportunity had been given for discussion of any project which might be under consideration.

2. The connection between Aden and British India began in 1839 when an expedition under Major Baillie took possession of what was then only a barren rock, and founded a Settlement there. This was treated as part of British India and included for administrative purposes in the Presidency of Bombay. But since the Settlement commanded the harbour, which is the natural centre of trade for the adjoining parts of Arabia and Africa, it was impossible for its affairs to be conducted without relation to the Arab tribes dwelling in the hinter-land. The Resident at Aden consequently entered into relations with these tribes and with the rulers of remoter places such as Makalla and Shehr, Socotra, etc. To the tribes of the hinterland were extended guarantees of favour and protection in return for reciprocal undertakings. In those days Turkey claimed sovereignty over nearly the whole of the Arabian Peninsula and the development of relations between Aden and the adjoining peoples and rulers consequently brought His Majesty's Government into contact with the Turkish Empire. As a result of prolonged negotiations a joint Anglo-Turkish boundary Commission was appointed and in 1904-05 the boundary of the Hinterland or Protectorate, as it now began to be called, was demarcated. It was agreed on the one side that the Aden authorities should have no dealings with any indigenous ruler under Turkish suzerainty beyond the boundary then fixed, and on the other, that the Turks should not concern themselves with affairs inside that boundary. Matters continued thus until the outbreak of the Great War in 1914, when the Turks invaded the Protectorate and endeavoured to blockade the Settlement. For strategic reasons the direction of operations against this menace was transferred from Army Headquarters in India to the London War Office in 1917 and control of political relations with the Aden tribes and rulers necessarily accompanied this strategic transfer. The civil Administration of the Settlement as part of the Bombay Presidency was in no way affected by this change. After the war it was suggested that this too might be transferred, but the Indian Government objected and the project was dropped. Matters remained there, until 1927, when after much correspondence about the incidence of Aden expenditure, the arrangements of 1917, originally adopted as a war measure, were confirmed, and administrative as well as strategic control of the units composing the Aden garrison was also vested in His Majesty's Government. The present position, therefore, is :

- (1) the Aden Settlement to which Indian interests are confined, remains part of British India, included in the Bombay Presidency,
- (2) the affairs of the Protectorate, in which India is not concerned, are dealt with by the Resident, who is also chief executive officer of the Settlement and Commander-in-Chief of the forces, under orders from the Colonial Office in London.

- (3) administrative and strategic control of the military and air forces in Aden is under the War Office in London.

The Resident is consequently under three authorities, namely :

- (1) the Government of Bombay,
- (2) the Government of India, and
- (3) His Majesty's Government in London,

an arrangement which makes smooth and efficient working very difficult.

3. The area of the Settlement of Aden is 75 square miles, the population in 1921 was about 53,000. The racial composition of the population is as under :

Arabs	31,612
Indians	5,594
Jews	4,408
Somalis	6,551
Miscellaneous	4,867
Total	53,032

The Island of Perim has an area of about 5 square miles and a population of 2,075. The Aden Protectorate comprises an area of about 9,000 square miles and has an estimated population of 656,400.

4. *Administration.*—The chief executive officer (i.e., the Resident and Commander-in-Chief) has under him three Assistant Residents, the first and the third being officers of the Indian Political Department, and the second, an officer appointed by the Colonial Office in London, who is also the Protectorate Secretary. Judicial work is performed by a Judicial Assistant who is a member of the Indian Civil Service and is an Additional Sessions Judge. The Police are under the control of an officer of the Indian Police Service. The Island of Perim is also under the administration of the Resident. The civil administration generally follows the lines in force in India.

5. *Finances.*—Until 1900 the entire civil and military expenditure in connection with Aden was borne by India, although as early as 1886, the Government of India urged the propriety of the expense of Aden being divided between Great Britain and India. In 1895 the Welby Commission was appointed to examine the question. They recommended that the equity of the case would perhaps be met if the United Kingdom were to contribute one-half of the military charges. As a result of these recommendations His Majesty's Government made with effect from the 1st April, 1901 a net annual contribution of £72,000 to Indian revenues towards the military charges of Aden, which continued up to 1927. With effect from 1st April, 1927, His Majesty's Government have become responsible for the whole of the political and military expenditure of Aden, subject to an annual contribution of £250,000 from the Government of India for the first three years, to be reduced thereafter to £150,000 or a third of the total cost whichever may be less.

Civil expenditure in Aden is borne partly by the Government of Bombay and partly by the Government of India. The figures of revenue and expenditure (Provincial and Central) are as follows :

(a) *Provincial.*

	Accounts.		Revised Budget.		Average.
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	4,29,900	4,73,100	5,20,000	4,78,000	4,75,300
Expenditure	3,74,000	4,78,400	4,94,400	5,22,400	4,67,300
Surplus	55,900	—5,300	25,600	—44,400	8,000

(b) *Central.*

	Accounts.		Revised Budget.		Average.
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	3,16,600	6,12,700	6,29,600	5,54,600	5,28,400
Expenditure	9,95,200	7,44,600	6,72,600	8,75,900*	8,22,100
Deficits	6,78,600	1,31,900	43,000	3,21,300	2,93,700

*Includes Hospital Scheme not in budget.

In the above figures "Interest on ordinary Debt"—Central—has been excluded, and due allowance made for pensionary liabilities accruing against Government and for items of expenditure in 1930-31 sanctioned after the Budget was passed.

The Provincial expenditure includes a sum of Rs. 2.26 lakhs (roundly) on police, in addition to which His Majesty's Government have agreed to contribute a sum of £8,000 per annum and the Government of India a sum of Rs. 42,000 per annum towards the reorganised police force. This point will be adverted to later.

The expenditure charged under 'Central' includes at present certain heads such as Education, Medical, Public Health and General Administration. These items are being booked under the head '29—Political'. The amount involved in these items varied approximately Rs. 2,26,000 to Rs. 3,63,000 during the years 1927-28 to 1930-31. The propriety of debiting to the Central Government items of expenditure which are really 'Provincial' in nature is under consideration, and the adjustments which may become necessary will convert the small precarious Provincial surplus to a substantial deficit varying from 2 to 3 lakhs or more.

6. *Difficulties of the position.*—As already explained the relation of the Resident to three different authorities leads to delay and diffusion of energy. Moreover the strategic and political importance of Aden renders it obligatory from an Imperial point of view that a high standard of civil administration should be maintained there. It is necessary to spend on the Police, in view of the isolation of Aden from the rest of India, and its peculiar geographical position, considerably more than would have been required had Aden been on the mainland of India. A contribution towards this expenditure has no doubt been secured from His Majesty's Government and the Government of India, but the administration of the force involves unnecessary correspondence, as the Resident has often to obtain the sanction of three different authorities. Proposals for aid from Central Revenues are constantly put forward and although the Government of India are convinced in some of these cases that there is justification for regarding a portion at least of the expenditure as of Central rather than provincial concern, difficulties arise under the present constitutional arrangements as the Government of India cannot incur expenditure on provincial subjects. Experience has shown that the overlapping of responsibilities and functions under the present system can only lead to delay and has resulted in what one authority called 'the stagnation of Aden'. It is unfair to expect the Government of Bombay, whose interest in Aden arises largely out of historical association, to spend their provincial revenues for the improvement of a distant but-post and raising its administration to a standard befitting a nodal point of the Empire. The present small surplus which the Government of Bombay secures from Aden is doubtful and is likely to be converted into a substantial deficit as a result of the investigation into the classification of some of the items of expenditure now charged to Central Revenues. With the growing demands of Aden, Aden is therefore bound to become an increasing burden on provincial revenues.

Sir Cowasji Jehangir : Have the Government consulted the Indian mercantile community of Aden ?

Mr. E. B. Howell : Not directly, Sir. They published the memorandum.

Sir Cowasji Jehangir : Are Government aware that the Indian mercantile community at Aden are strongly against the transfer of the administration of Aden from the Bombay Government to the Government of India ?

Mr. E. B. Howell : I have seen the memorandum from the body to which the Honourable Member alludes.

Sir Cowasji Jehangir : Will Government then consider the matter in view of the opinion expressed by the Indian mercantile community of Aden, which is supported by the Indian mercantile community at Bombay ?

Mr. E. B. Howell : Government will give full consideration to all expressions of opinion from all quarters, directly interested or not.

Sir Cowasji Jehangir : Before coming to a decision ?

Mr. E. B. Howell : Certainly, Sir.

Mr. Gaya Prasad Singh : May I know to what specific points the control of the Government of Bombay will be limited over Aden after this arrangement is effected ?

Mr. E. B. Howell : I am afraid I do not quite follow the question.

Mr. Gaya Prasad Singh : To what specific points will the control of the Government of Bombay over Aden remain after this arrangement is effected ?

Mr. E. B. Howell : No control at all will remain with them.

Mr. Gaya Prasad Singh : Absolutely none ?

Mr. E. B. Howell : None.

Mr. H. P. Mody : Is it the policy of the Government of India that if a district or area under the jurisdiction of a Provincial Government is a drag on the revenues of that Government, the Provincial Government should on that account be at liberty to transfer that area or district to the Government of India ?

Mr. E. B. Howell : I am not aware of any such policy.

Mr. H. P. Mody : Then on what grounds can the Government of India justify the Government of Bombay's decision to transfer Aden to the Government of India, in spite of the undoubted feeling against the transfer on the part of the commercial community most concerned, and to which Aden owes a great measure of its prosperity ?

Mr. E. B. Howell : The Honourable Member is perhaps aware that Aden is separated from the rest of the Bombay Presidency by about 1,800 miles of salt water, which does not apply to any other part of Bombay.

Mr. H. P. Mody : Do I understand that the Government of India really think that they will be able to administer Aden from Simla and Delhi better than the Government of Bombay would from Bombay. (Hear, hear.) Does the Honourable Member know that Aden is separated from Simla not only by 1,800 miles of salt water but by an additional thousand miles of dry land ? I should like an answer to that question, Sir.

Mr. E. B. Howell : What the Government of India thinks must be a matter of opinion.

Mr. H. P. Mody : But surely it must be based on some reasoning which might appeal to this House. I should like to have an answer to that question. Do the Government of India think that it will tend to administrative convenience if Aden is administered from Simla and Delhi rather than from Bombay ? (Hear, hear.)

Mr. E. B. Howell : Sir, under the proposed arrangement Aden will be administered by a Chief Commissioner on the spot ; and the Government of India have no doubt that the future arrangements will be in every way more satisfactory than they have been up-to-date.

Mr. B. Das : May I inquire if the financial commitments of the Government of India will be confined to the two lakhs of rupees after the creation of the Chief Commissionership of Aden ?

Mr. E. B. Howell : I am afraid I can give no prediction on that point, Sir.

Mr. B. Das : May I inquire from the Honourable the Finance Member if he can enlighten me on the point whether the financial commitment of the Government of India will be confined to 2 lakhs of rupees if Aden is transferred to the Government of India and a Chief Commissionership is created for that area ?

The Honourable Sir George Schuster : I am afraid I must ask for notice of that question.

Mr. B. Das : May I ask if any Member of the Government of India can answer that question as to whether they considered that aspect of the case before issuing that memorandum which the Foreign Secretary has placed on the table ?

(No answer was given.)

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if any public opinion or the opinion of the several institutions in Bombay has been collected on this point of transferring Aden to the Government of India ?

Mr. E. B. Howell : One institution in Bombay has expressed its opinion and the object of issuing this memorandum is to secure expressions of opinion from all other quarters.

Mr. Lalchand Navalrai : Which is that one institution ?

Mr. E. B. Howell : The Indian Merchants' Chamber.

Mr. H. P. Mody : Is it or is it not a fact that the only reason for the transfer is the question of a couple of lakhs of rupees which is involved in it ?

Mr. E. B. Howell : It is not a fact.

Sir Cowasji Jehangir : Have Government considered this question from the point of view of making up this suggested loss to the Government of Bombay in some other way and therefore relieving the Government of Bombay of the further burden of these two lakhs and keeping the administration of Aden with the Government of Bombay ?

Mr. E. B. Howell : Yes, Sir ; that has been considered.

Mr. H. P. Mody : Have the Government of India received applications from any other Provincial Governments to transfer parts of their territories to the Government of India on the score of financial considerations ?

(No reply was given.)

DEGREES IN MECHANICAL ENGINEERING AND METALLURGY.

596. ***Mr. Bhuput Sing :** Will Government be pleased to furnish a list of colleges or universities in India that confer a degree in mechanical engineering as well as metallurgy, and state :

- (a) whether any of those institutions have prescribed an honours course in their two branches of studies ; and
- (b) whether they have knowledge and information that in England an English student trained in America or in the Continent is treated with more preference than one trained locally ?

Mr. J. A. Shillidy : The following Universities in India confer a degree in Mechanical Engineering :

Madras, Bombay, Calcutta (Mechanical and Electrical Engineering), Benares (Civil, Mechanical and Electrical Engineering), Mysore, Patna (Civil, Mechanical and Electrical Engineering), Rangoon (Civil, Mechanical and Electrical Engineering).

The Benares Hindu University is the only University in India which confers a degree in Metallurgy (Mining and Metallurgy), though the Calcutta University confers a degree in Mining Engineering.

- (a) No.
- (b) Government have no information.

DEPUTATIONS TO SOUTH AFRICA ON BEHALF OF INDIAN SETTLERS.

597. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the number of times a deputation or delegation was sent out to South Africa in order to intercede on behalf of or plead for the rights and privileges of Indian settlers residing there during the last two decades ;
- (b) the names of the persons Indians or Europeans who led each of such deputation or delegation ; and
- (c) the results that were achieved by each of such delegation or deputation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The Government of India have sent four official deputations to South Africa during the last two decades. In 1914 Sir Benjamin Robertson, K.C.M.G., K.C.S.I., C.I.E., I.C.S., was deputed to watch the proceedings of, and to give evidence before, the Indian Enquiry Commission which was appointed by the Union Government to hold a public judicial enquiry into the disturbances in connection with the strike of Indians in Natal. Effect was given to such recommendations of the Commission as required legislation, in the Indian Relief Act of 1914. Sir Benjamin Robertson was deputed again in 1920 to give evidence before the

Asiatic Enquiry Commission. A copy of the Commission's Report is available in the Library of the House. The third deputation was led by the late Sir George Paddison, Kt., C.S.I., I.C.S., and the results achieved by that deputation were set forth in a Press communiqué, dated the 23rd April, 1926. A copy of the communiqué has been placed in the Library of the House. Towards the end of 1926 a delegation from India was sent to the Round Table Conference at Cape Town. It was led by Sir Muhammad Habibullah, K.C.I.E., Kt. The conclusions reached by the Conference were announced to this House on the 21st February, 1927.

REPORT OF THE INDIAN SANDHURST COMMITTEE.

598. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : Will Government place on the table the Report of the Indian Sandhurst Committee along with the minutes of the members in minority ?

Mr. G. M. Young : The report, with the minutes, was published in India and in England on Saturday, September 19th. Copies have been supplied to all Honourable Members through the Legislative Assembly Department.

SUPERSESSION IN THE BOMBAY CURRENCY OFFICE.

599. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state if they are aware of the supersession that took place in Bombay Currency Office as stated in the *All India Currency Union Bulletin* of May, 1931 ?

(b) Is it a fact that claims of several efficient seniors were overlooked without giving them a probation chance to work on the post ?

(c) Is it also a fact that some clerks, whose claims were overlooked, had already worked as Assistant Treasurers for even over a year and the same men were also considered fit to work on the same posts after their juniors were promoted ?

(d) Is it a fact that an interview was not granted to the Honorary Secretary of the Association by the Deputy Controller of Currency, Bombay ?

(e) Will Government be pleased to lay on the table the copies of the correspondence between the Deputy Controller of Currency and the Currency Association ?

(f) Are Government prepared to instruct the authorities of the Bombay Currency Office to avoid such supersessions in future ?

The Honourable Sir George Schuster : (a) Government have seen the bulletin in question.

(b) and (c). The posts in question are selection grade posts which cannot be filled on grounds of seniority alone. The Deputy Controller of the Currency, Bombay, selected the men whom he considered the best in consultation with the officer in immediate charge of the Currency Office. It is a fact that some clerks who were passed over for permanent promotion had already worked as Assistant Treasurers and have since worked as such. It was not considered that their work was sufficiently good to justify their permanent promotion before the clerks actually selected. The latter were considered not only fitted for work as junior Assistant Treasurers

but also able to act as senior Assistant Treasurers in due course. This was not considered to be the case with the clerks who were passed over.

(d) The Deputy Controller of the Currency, Bombay, refused very properly to discuss the merits of individual members of the staff with representatives of the Currency Association.

(e) I do not consider that any useful purpose would be served by laying copies of the correspondence on the table.

(f) No favouritism has occurred and no instructions are required.

INTRODUCTION OF A NEW GOVERNMENT PROVIDENT FUND SCHEME.

600. *Sardar G. N. Mujumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether Government are now ready with the provident fund scheme as promised in February last? If so, will it be brought into force before the end of this year? If not, why not?

(b) If Government are not prepared to give effect to the scheme before the end of this year as promised, how long do they still intend to keep this important question pending?

(c) Will Government be pleased to lay on the table for the information of the House a statement showing the progress made in that direction during the course of the last seven months?

The Honourable Sir George Schuster : (a) The promise given by Government in the Council of State on the 18th February, 1931, was that they would come to a decision on the question of modifying the existing pension system within a year, and, so far as can be foreseen at present, that promise will be fulfilled.

(b) Does not arise.

(c) Certain tentative conclusions have been arrived at and a detailed examination is now proceeding with a view to the modification of the pension system at as early a date as possible.

REVISION OF THE PENSION RULES OF INFERIOR GOVERNMENT SERVANTS.

601. *Sardar G. N. Muzumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether it is a fact that the question of permanent revision of the pension rules of the inferior servants under the Government of India was under consideration since 1923 and was deferred till the report of the Royal Commission on Labour was available? If so, what action have Government taken to revise the rules since the report was out?

(b) Is it also a fact that the question of temporary increase in pensions of these servants was postponed for a further period of two years which expires on the 31st October, 1931? If so, what are the new pensionary benefits which Government intend to give to these inferior servants from the 1st November, 1931?

The Honourable Sir George Schuster : (a) Consideration of the question of revising the rules governing the pensions of inferior servants serving under the Central Government was postponed till the report of the Royal Commission on Labour became available. In the present financial

emergency further postponement is inevitable till the Report of the Retrenchment Advisory Committee is received.

(b) Temporary increases in small pensions were continued for two years from 1st November, 1929, and the period of their continuance has recently been extended up to 29th February, 1932. The question of the further continuance, or otherwise, of the temporary increases will be examined before that date.

ISSUE OF FIDELITY BONDS BY THE BOMBAY CURRENCY OFFICE CO-OPERATIVE CREDIT SOCIETY.

602. *Mr. S. G. Jog : (a) Will Government be pleased to state whether they are aware of the fact that there is a provision in the bye-laws of the Bombay Currency Office Co-operative Credit Society to issue fidelity bonds?

(b) If so, are Government prepared to accept fidelity bonds of the Currency Office Co-operative Credit Society as is being done in the case of Post Offices?

(c) If the answer to part (b) is in the negative, will Government be pleased to give reasons?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The total amount of the fidelity bonds obtained under existing arrangements is in the neighbourhood of Rs. 2½ lakhs, while the aggregate paid-up capital of the Co-operative Credit Society in question is rather less than Rs. 16,000. The Society is still too small to be able to undertake responsibilities of the kind suggested.

CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND AND INDIA AND THE STRAITS SETTLEMENTS.

603. *Mr. S. C. Mitra : (a) Will Government be pleased to lay on the table copies of agreements between the Government of India and the P. and O. and B. I. S. N. Companies for conveyance of mails between India and England and India and the Straits Settlements?

(b) Will Government be pleased to state the amount which is paid to them annually as subsidy for carrying mails between India and England and India and the Straits Settlements?

(c) Will Government be pleased further to state as to when the present agreement will terminate?

(d) Is it a fact that although the Government of India pay to the P. and O. and B. I. S. N. Companies the required subsidy for carrying mails between India and England and India and the Straits Settlements, Governments of Great Britain and the Straits Settlements also pay them an equal amount of subsidy?

(e) Is it a fact that very recently the fact mentioned in part (d) above was brought to the notice of the Government of India and the matter is now under correspondence with the Managing Agents of the steamship companies?

(f) Will Government be pleased to state who is responsible for this double payment for the same work and what was the total amount paid to the companies during the last 10 years?

(g) Do Government propose to invite competitive tenders for this purpose before entering into any further agreement with these companies?

Sir Hubert Sams : (a) Mails between Burma and Penang are conveyed by the British India Steam Navigation Company as part of an agreement with the Government of India for the conveyance of mails by the Company on a number of services in the Bay of Bengal, Arabian Sea and the Persian Gulf and between Bombay and Durban. A copy of the agreement will be shown to the Honourable Member if he will kindly call at my office. The agreement for the conveyance of mails by the Peninsular and Oriental Steam Navigation Company is between His Majesty's Postmaster-General and the Company and it is accordingly not open to the Government of India to make it available.

(b) The subsidy payable to the British India Steam Navigation Company is for all the services covered by the agreement and no portion of it is specified as being for the conveyance of mails to Penang. In respect of the mails sent from India by the Peninsular and Oriental Steam Navigation Company, India pays to the British Post Office an approximate proportionate contribution, the amount of which is at present about £23,700 per annum.

(c) The agreement with the British India Steam Navigation Company is not due to expire before the 1st February, 1934. The Government of India understand that the agreement between the Peninsular and Oriental Steam Navigation Company and the British Post Office is not due to expire before the 31st January, 1934.

(d) As will be evident from the replies to the previous parts of this question, the case is not as stated by the Honourable Member. The Straits Settlements, also, are not parties to the agreement between the British India Steam Navigation Company and the Government of India and it is not known what amount is paid by them for the services rendered to them by the Company.

(e) and (f). The fact that the same steamers of the British India Steam Navigation Company convey mails as provided for under the agreement with the Government of India and also mails under an arrangement made with the Company by the Straits Settlements Administration has come to notice and the subject is under examination, pending which no conclusion can be arrived at.

(g) So far as services such as those now performed for the Government of India by the British India Steam Navigation Company are concerned, the Government of India propose to call for tenders in the open market as they did before the present agreement with that Company was concluded.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

604. *Mr. S. C. Mitra : (a) Will Government be pleased to state as to how many departmental telegraph offices were converted into combined offices during the years 1928-29, 1929-30, 1930-31, in the Bengal and Assam and Burma Circles?

(b) What was the total number of telegraphists in Bengal and Assam and Burma Circles during the years mentioned above?

(c) Is it a fact that although several departmental offices were converted into combined offices not a single telegraphist was absorbed in vacancies but they have been kept as floating staff in the Central Telegraph Offices of Calcutta and Rangoon?

(d) If so, why is so much excess staff kept and for what purpose?

Sir Hubert Sams : (a).

		Bengal and Assam.	Burma.
1928-29	..	2	3
1929-30	..	4	2
1930-31	..	no conversions but 2 offices worked by Postal men instead of Departmental Telegraphists.	1

(b)		Bengal and Assam.	Burma.
At the end of 1928-29	..	511	227
At the end of 1929-30	..	498	208
At the end of 1930-31	..	487	213

(c) and (d). The position is not as stated by the Honourable Member. Owing to the fall in traffic there is an excess staff. Any excess can be utilised to advantage in a large telegraph office and it is for this reason that the strength of the staff in the Calcutta and Rangoon offices does not show a considerable reduction.

TRANSFER TO ANOTHER VILLAGE OF THE CHOTKHAND SUB-POST OFFICE.

605. *Mr. S. C. Mitra : (a) Will Government be pleased to state as to whether it has been proposed to shift the Chotkhand Sub-Post Office (Burdwan) to another village, from its present location?

(b) If so, will Government be pleased to state the reason of its shifting to another village?

(c) What is the name of the village?

(d) Is the present post office departmental; if so, how will this building be disposed of?

Sir Hubert Sams : (a), (b), (c) and (d). Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of the question is being sent.

REPORT OF THE POSTS AND TELEGRAPHS ACCOUNTS ENQUIRY COMMITTEE.

606. *Mr. S. C. Mitra : (a) Is it a fact that the Posts and Telegraphs Accounts Enquiry Committee have finished their business and submitted their report on the 17th April, 1931?

(b) If so, will Government please state why their report has not yet been published?

(c) Will Government be pleased to state what is the cause of the delay in publication of the same and by what time its publication may be expected?

Mr. J. A. Shillidy : (a) to (c). The report was received by Government on the 4th July. It was released for publication on the 10th July.

LOWEST SELECTION GRADE EXAMINATION FOR THE POSTS AND TELEGRAPHS DEPARTMENTS.

607. *Mr. S. C. Mitra : (a) Will Government be pleased to state whether the Director General, Posts and Telegraphs, intends to hold the lowest selection grade examination in this year ?

(b) If so, when will the examination be held and what will be the syllabus of the examination ?

(c) Will Government be pleased further to state whether junior candidates will be allowed to appear at this year's examination ? If so, what percentage of such candidates will be selected ?

Sir Hubert Sams : (a) and (b). The question is still under my consideration. In reply to the second half of (b) the syllabus for the next examination will be the same as for the last examination, viz., that notified in Director General's Circular No. 16 of 18th August, 1930.

(c) The reply to the first part is in the affirmative. The reply to the second part is that it is under consideration.

PROMOTION IN THE POSTAL DEPARTMENT.

608. *Mr. S. C. Mitra : (a) Has the attention of Government been drawn to their orders No. 279-Est. 29, dated the 24th January, 1930, laying down that future appointments to posts of Accountants or Assistant Accountants included in selection grades should be confined to men who have passed the Accountant's test but that this arrangement should not interfere with the promotion to the highest selection grade of men holding posts in the lower selection grade and employed on work connected with accounts, if they are considered fit for such promotion ?

(b) Have Government defined the scope of men on work connected with accounts ?

(c) What is the number of such men connected with accounts in the post offices at Presidency towns and what is their sanctioned strength ?

(d) How have Government determined the position of all qualified Inspectors of Post Offices or Head Clerks to Superintendents of Post Offices, Head Postmasters in the grade of Rs. 160—250 or men who have worked in this capacity up to the 24th January, 1930 ?

(e) Were their duties connected with accounts on the 24th January 1930, and if so, are these men held eligible for higher posts in the Accounts Branch ? If not, why not ?

(f) Why is this date fixed in granting promotions to men who have not passed the Accountant's test as a time limit for exempting such men from the above rule ?

Sir Hubert Sams : (a) Government issued the letter cited by the Honourable Member and it included *inter alia* the orders stated by him except that these spoke of the "higher" and not of the "highest" selection grade.

(b) The scope is indicated in the letter just referred to.

(c) Government have no information.

(d) The question of so determining their position did not arise in the present connection.

(e) No, they do not come within the purview of the letter referred to in (a).

(f) In order to render the purpose of the orders in the same letter effective within a reasonable time.

PROMOTIONS IN THE POSTAL DEPARTMENT.

609. *Mr. S. C. Mitra : (a) Are Government aware that the departmental examinations held in the Accountant General's office prior to the introduction of the Fundamental Rules did not disqualify men for higher promotions on the ground that the new curriculum including the Fundamental Rules came into force ? If so, will Government please state whether men in the Post Office already qualified in departmental examinations of Inspectors and Head Clerks to Superintendents of Posts Offices held prior to the introduction of the Fundamental Rules, have been excluded from getting promotion to Accountant's posts on Rs. 250 ? If so, on what grounds ?

(b) Do Government propose to go through the Director General's circular No. 41, dated the 6th November, 1930, with his orders No. A.E.-285/27, dated the 5th May, 1927, and issue clear orders on the points ?

(c) Do the words "men holding on the 24th January, 1930, posts in the lower selection grade and employed on work connected with accounts" exclude men on work connected with accounts prior or subsequent to the 24th January, 1930 ? Is it not in contravention of the Director General's orders No. A.E.-285/27-Ruling, dated the 5th May, 1927 ?

(d) Are Government aware that several anomalies have been caused on account of the working of these orders ? If so, are Government prepared to consider the deletion of the words "on 24th January, 1930" with a view to redress the genuine grievances and, if necessary, to adjust the promotion ?

Sir Hubert Sams : (a) Government have not the information referred to in the first part, but even if the fact were as stated by the Honourable Member it would constitute no ground for treating the Inspectors' and Divisional Head Clerks' examination, which continued to be held after the introduction of the Fundamental Rules, as answering the special requirements of the Postal Accountants' examination, which was introduced before the abolition of the Inspectors' and Divisional Head Clerks' examination.

(b) The Director-General's circular cited by the Honourable Member was based on the Government letter referred to in part (a) of the Honourable Member's starred question No. 608. These orders superseded all previous rulings on the subject.

(c) Does not arise in view of the reply to the preceding part and also of the replies to parts (e) and (f) of the Honourable Member's starred question No. 608.

(d) The reply to the first part is in the negative. The second part does not arise.

IMPORT OF AFRICAN COAL TO INDIA.

610. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of coal that was shipped from South Africa to Bombay in each of the 5 years ; 1925-26, 1926-27, 1927-28, 1928-29 and 1929-30 ;
- (b) since when and under what circumstances African coal was first begun to be imported into this country ;
- (c) whether it is a fact that the Union Government of South Africa grant some sort of bounty to the coal mining industry in that country ;
- (d) the freight per ton that the shipping companies charge for the African coal from Capetown to Bombay ;
- (e) whether it is a fact that the shipping companies carrying the coal allow some deferred rebates upon the total weight carried on behalf of a certain firm during a particular period ;
- (f) if the answer to part (e) is in the affirmative, the rate of such rebates allowed per ton shipped ; and
- (g) whether Government are aware that the unrestricted import of African coal has prejudicially affected (1) the indigenous industry, and (2) the railway revenues ?

The Honourable Sir George Rainy : (a) Imports of South African coal into the Presidency of Bombay were :

Year.	Tons.
1925-26	87,513
1926-27	73,989
1927-28	130,060
1928-29	87,135
1929-30	166,661

(b) African coal was imported into India in small quantities as long ago as 1891. Government are unaware of any special circumstances in which these imports began.

(c) An indirect bounty in the shape of a rebate on railway freight is understood to be granted by the South African railways in respect of coal shipped as cargo overseas beyond South or South-West Africa.

(d), (e) and (f). Government have no information.

(g) No, Sir.

BENGAL AND BIHAR COAL SENT TO BOMBAY.

611. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of Bengal and Bihar coal that was sent to Bombay in each of the five years from 1925 to 1930 ; and
- (b) the freight per ton of coal per goods train from Dhanbad to Bombay (1) via the Bengal-Nagpur Railway and (2) via the East Indian and Great Indian Peninsula Railways ?

Mr. A. A. L. Parsons : (a) I regret that the information is not available.

(b) (1) Rs. 12-8-0.

(2) Rs. 12-6-0.

UNIFORMS OF POSTAL AND TELEGRAPH PEONS AND SORTERS.

612. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the amount that is spent on uniforms and liveries for Post and Telegraph peons and sorters in British India ;
- (b) the total amount that is spent for liveries and uniforms for Post and Telegraph peons and sorters in the three Presidency towns of Calcutta, Bombay and Madras ; and
- (c) whether in the interests of economy, they are prepared to consider the question of the withdrawal of the uniform and livery from all peons and sorters for the next five years substituting therefor some metal badges only ?

Sir Hubert Sams : (a) and (b). Sorters are not supplied with uniforms or liveries. It is regretted that the other information asked for is not available and could not easily be collected.

(c). Pending the examination which is being made for the purpose of economy in the Posts and Telegraphs Department as a whole by the Retrenchment Advisory Committee, Government would prefer to make no statement.

COST OF MILITARY STUDENTS AT THE CALCUTTA MEDICAL COLLEGE.

613. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the number of military students that are studying in the Calcutta Medical College at present ;
- (b) the number of (1) white drill, (2) khaki drill, (3) warm khaki suits and (4) sports uniforms that are allotted to each military student in a year ;
- (c) the amount that it costs Government for the boarding and lodging for each military student month by month ;
- (d) the total amount that is defrayed on the head of military medical students normally in a year ;
- (e) whether their travelling expenses to and from their homes when coming to College and going home are borne by Government ;
- (f) whether in case of illness, when a change is prescribed, the expenses for the change for a military student are borne by Government ;
- (g) whether the Superintendent of the hostel, in which the military students are housed, gets free boarding and lodging besides his pay ;

- (h) whether the amount that is spent on the military medical students is charged to Government of India revenues ;
- (i) if the answer to part (h) is in the affirmative, whether it is chargeable to the civil or military budget ; and
- (j) whether for the sake of economy, Government propose to suspend the recruitment of military students for that medical service for the next five years ?

Mr. G. M. Young : (a) 46.

(b) The Honourable Member is referred to Appendix E of the Prospectus of the Assistant Surgeon Branch of the Indian Medical Department, a copy of which will be found in the Library.

(c) A messing allowance of Re. 1 a day is paid to each student. The students are housed in a Government building the capital cost of which, including servants quarters, etc., is about Rs. 2,79,000. Upkeep charges amount to about Rs. 3,840 per annum.

(d) The annual expenditure on each student is about Rs. 2,150.

(e) On selection for admission to the College, each candidate is given a railway warrant from his home to Howrah, and when he passes out of the College, another railway warrant is given from Howrah to the station to which he is posted. No such concession is given while a student is in residence at the College.

(f) No, Sir.

(g) The Superintendent gets free lodging, but not free boarding.

(h) Yes.

(i) Army Estimates.

(j) Stoppage of recruitment to the Assistant Surgeon Branch of the Indian Medical Department would adversely affect the efficiency of the service, as there is already a shortage in the sanctioned strength of that Branch.

EXPORT OF MONKEYS FROM INDIA.

614. ***Kunwar Raghubir Singh** (on behalf of Mr. C. S. Ranga Iyer) :

(a) Will Government please state if there is a regular monkey traffic between India and foreign countries ? If so, what foreign countries ?

(b) If the answer to part (a) is in the affirmative, have Government kept a census of the monkeys transported from India across the seas ?

(c) How many monkeys were sent from India to America and Germany last year ?

The Honourable Sir James Crerar : (a) Monkeys are exported mainly to Germany and America, but they are also exported in small numbers to the United Kingdom, Belgium, the Straits Settlements, Java, Hongkong, Japan, Ceylon, Netherlands, New South Wales and Italy.

(b) and (c). The approximate number of monkeys exported in 1930-31, was 16,220 of which 6,224 and 5,178 were exported to Germany and America, respectively.

EXPORT OF MONKEYS FROM INDIA.

615. ***Mr. C. S. Ranga Iyer :** (a) Will Government please state if they are aware that the conditions of monkey-traffic between India and abroad are far from satisfactory ?

(b) Are Government aware that during the transit often times these monkeys die (i) because of the scorching heat of the Red Sea, (ii) because of the unhygienic conditions at docks connected with the consignments, (iii) because of want of proper accommodation on board the ships, and (iv) because of conditions of internal transit in India ?

(c) Is it a fact that in cargo ships carrying monkeys from India to America each monkey is allotted only one cubic foot of space and that nearly two dozens are crowded into each crated cage ? Is this in accordance with the regulations that govern the accommodation for animals on board the ships ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer questions Nos. 615 to 618 together. There is much in them on which I have not the requisite information. They raise a general question which I desire to assure the Honourable Member, evokes my sympathy, and I should like to give the Honourable Member a fuller answer than I am at present in a position to give him. The subject is strictly one for Local Governments in most of its aspects, but I will make enquiries and send the Honourable Member a reply to his questions as early as possible.

Mr. K. P. Thampan : May I know, Sir, how we are interested in the export of monkeys ?

The Honourable Sir James Crerar : An Honourable Member has raised the question and I am prepared to make inquiries.

EXPORT OF MONKEYS FROM INDIA.

†616. ***Mr. C. S. Ranga Iyer :** (a) Will Government please state if they are aware that monkeys are exported to New York only to serve the purpose of victims for the laboratories of vivisectionists and for the supply of monkey glands for the new fashion in medicine connected with thyroid glands ?

(b) Will Government please state if they are aware that the monkeys are held sacred by the Hindus ?

(c) Are Government prepared to stop the export of monkeys from India ?

(d) Until the monkey traffic is stopped, do Government propose to take proper steps to see that the export of monkeys is done under hygienic conditions and that torture and death that take place during transit is avoided ?

EXPORT OF MONKEYS FROM INDIA.

†617. ***Mr. C. S. Ranga Iyer :** (a) Have any correspondence and letters or representations been received by Government from societies

†For answer to this question, see answer to question No. 615.

or individuals drawing their attention to the question of Indian monkeys taken out for torture ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

EXPORT OF MONKEYS FROM INDIA.

†618. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the article entitled " Indian monkeys taken out for torture ", " Caught in Sri Rama's Place ", " Terrible life in transit and after ", by Margaret E. Cousins published in *New India* and reproduced by the *Sunday Times*, Madras, dated Sunday, August 9th, 1931 ?

(b) Have Government drawn the attention of the Steam Ship Companies to the conditions disclosed in that article by Mrs. Cousins ? If not, why not ? If yes, when ?

(c) Are Government aware of the widespread indignation in the country against the treatment accorded to the monkeys as disclosed in the said article ?

(d) Has any communiqué been issued by the Publicity Department of the Government of India in regard to the torture of monkeys during transit ? If not, why not ?

UNSTARRED QUESTIONS AND ANSWERS.

OVERWORKED POSTAL STAFF.

55. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) if they are aware that the subordinate staff of the postal and R. M. S. are over-worked, and the application of Mr. Bewoor's time-test shows the necessity for supply of a large number of additional hands to the postal and R. M. S. offices ;
- (b) if it is a fact that Government are unable to undertake a general revision in the subordinate staff in the postal and R. M. S. according to Mr. Bewoor's time-test due to present financial stringency ;
- (c) if it is a fact that Government have sanctioned in the Budget for the year 1930-31 (Demand No. 23) 234 additional telegraphists who were recruited during 1930-31 ;
- (d) if this sanction was made in spite of the fall in telegraph traffic ; and
- (e) why the Telegraph Department should be given a treatment different from the treatment given to the Postal Department ?

Mr. J. A. Shillidy : (a) Government are not aware that the case is as stated by the Honourable Member.

(b) The Honourable Member's attention is invited to the reply given on the 17th March, 1931, to part (b) of Mr. S. C. Mitra's starred ques-

†For answer to this question, see answer to question No. 615.

tion No. 981 in the Legislative Assembly, as well as to the reply given on the 20th March, 1931, to parts (b) and (d) of the Honourable Member's own unstarred question No. 343 in this House.

(c) The fact is not as stated by the Honourable Member. In anticipation of normal traffic requirements, the recruitment of telegraphists was opened in 1929-30, and 147 candidates from outside the Department and 51 candidates from within the Department were engaged for training. As the training of a telegraphist takes a year, provision for the employment of the above number of telegraphists was made in the Budget for the year 1931-32.

(d) No. As stated above, the recruitment was made in 1929-30, before the fall in traffic in 1930-31 could be foreseen.

(e) Does not arise.

RETRENCHMENT IN THE POSTAL SERVICE.

56. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) if it is a fact that the Director General, Posts and Telegraphs, has decided to retrench 3 Superintendents, 42 assistants, 2 Head Clerks, and 24 clerks in his office and the office of the Post Master General, Bengal and Assam ;
- (b) if it is a fact that provision was made in the Budget for 1930-31 for a substantial increase in the scales of pay for one Deputy Director-General and all Postmasters General ;
- (c) whether in the despatch to the Secretary of State for sanction of this revision, it was specifically stated that the savings arising from retrenchment of clerical staff mentioned in part (a) would be available and sufficient for giving effect to the revision ;
- (d) if so, whether Government intend retrenchment in the subordinate staff only ;
- (e) whether Government contemplate further increase of pay of the highly paid officers ; and
- (f) whether Government have no intention to effect economy ?

Mr. J. A. Shillidy : (a), (b) and (c). The Honourable Member's attention is invited to the reply to parts (c), (a) and (b) of Mr. S. C. Mitra's starred question No. 173 in this House on the 11th September, 1931.

(d), (e) and (f). No.

NECESSITY FOR POST OF PUBLICITY OFFICER IN THE POSTS AND TELEGRAPHS DEPARTMENT.

57. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) the reasons for maintaining the post of the Publicity Officer in the Posts and Telegraphs Department ;
- (b) whether the Publicity Officer has been able to secure sufficient advertisements to cover the cost of his appointment and his travelling allowance ; and

- (c) whether they have considered the question of entrusting the work of canvassing advertisements, etc., to the local officers of the department at their respective places?

Mr. J. A. Shillidy : (a) and (b)... The post of Publicity Officer has recently been created as an experimental measure with the approval of the Standing Finance Committee in order to exploit and utilise the advertising resources of the Indian Posts and Telegraphs Department to their fullest extent. It is not possible to estimate at present the amount of additional revenue likely to be derived, but it is hoped that it will be substantial. After less than five months' working, including a large amount of spade-work, the Publicity Officer has been able to place orders for Rs. 10,000 and has orders for another Rs. 8,000 in view, against an estimated cost of approximately Rs. 13,000 per annum.

(c) Yes.

OFFICERS OF THE INDIAN BROADCASTING COMPANY MAINTAINED BY GOVERNMENT.

58. **Mr. C. S. Ranga Iyer :** Will Government please state :

(a) whether a subsidy of 2 to 3 lakhs is given to the Indian Broadcasting Company ;

(b) whether Government also maintain a set of officers for the same ;

(c) whether they propose to abolish the latter : if not, why not ?

Mr. J. A. Shillidy : (a) No : the Company went into liquidation last year.

(b) Yes : Government are at present conducting the broadcasting service which they took over from the Company.

(c) The question is understood to be engaging the attention of the Retrenchment Advisory Committee, and Government do not propose to make any statement pending the receipt and consideration of the Committee's Report.

REDUCTION OF SUPERINTENDENTS OF POST OFFICES.

59. **Mr. C. S. Ranga Iyer :** Are Government aware of the following observations of a Superintendent of Post Offices with 17 years of service in the cadre, in the May 1931, issue of *Monthly Notes*, the official organ of the Postal Officers' Association, India ?

"Then, postal divisions are unequal, some have six districts (and some Indian States to boot) and some have only three. One Superintendent is busy with work another works for only two hours a day. With our inspections cut down to an average of one inspection a month or even less, and our feet chained to headquarters, can we not control more offices ? But it is against our grain to say we are underworked. Anyway, I do know that here one division with all its paraphernalia of Head Clerk on selection grade, three time-scale clerks, two peons, house rent, hot weather establishment, etc., can easily be done away with. Result saving of about Rs. 12,000 a year."

(b) Do Government propose to reduce the total number of Superintendents ?

Mr. J. A. Shillidy : Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government prefer to make no statement.

POSTAL SIGNALLERS AND DEPARTMENTAL TELEGRAPHISTS.

60. **Mr. C. S. Ranga Iyer :** Will Government please state :

(a) if the postal signallers are not doing the same work as Station Service telegraphists ;

(b) if the total percentage of mutilations generally is not smaller in the messages signalled by the combined offices than in those signalled by the departmental telegraph offices ;

(c) what was the opinion of the committee formed by Mr. Booth, Mr. Ryan, and Mr. G. P. Roy, the late Director-General, as regards the percentage of mutilations ;

(d) if the percentage of mutilations is smaller in combined offices, why should there be a differentiation in pay, prospects and promotions between the postal signallers and the departmental telegraphists ;

(e) why do not Government recruit postal signallers into the Telegraph Department in Station Service instead of continuing direct recruitment ;

(f) if any recruitment to the Telegraph Department has been done from the postal signallers till now ; if so, how many ; if not, why not ; and

(g) where is the necessity for direct recruitment ?

Sir Hubert Sams : (a) The fact is not as stated.

(b) Such statistics as are available tend to show that the percentages of mutilations in combined offices are less than in departmental offices owing probably to the fact that there is a much greater pressure of work in departmental offices than is the case in combined offices.

(c) The opinion was that there was no appreciable difference.

(d) The different scales of pay were sanctioned in consideration of different kinds and conditions of work. All these questions, however, are embraced by the examination which is being made by the Retrenchment Advisory Committee.

(e) and (g). There is a considerable difference in the qualifications of departmental telegraphists and postal signallers and the direct recruitment of some men is essential.

(f) Recruitment of specially selected postal signallers to the Telegraph Branch is made. The number of postal signallers recruited as telegraphists in 1930-31 was 35. Information in respect of previous years is not readily available.

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LEGISLATIVE ASSEMBLY. [21ST SEPTEMBER 1931.]

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

61. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if it is a fact that as per annual report of the Posts and Telegraphs of India, 1923-24, conversion of 12 departmental telegraph offices into combined offices effected a saving of Rs. 33,696 ; and
- (b) if so, why Government did not convert rapidly many such small departmental offices ?

Sir Hubert Sams : (a) Yes.

(b) The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. C. Mitra's starred question No. 180 on the 11th September, 1931.

TENDERS FOR THE CONVEYANCE OF MAILS BETWEEN BOMBAY AND ENGLAND.

62. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if they ever called for tenders for the conveyance of the foreign mails between Bombay and England ;
- (b) if the P. and O. Company is the only company that is given the sole monopoly of the foreign mails ; and
- (c) whether they propose to call for tenders and try the lowest tender ; if not, why not ?

Mr. J. A. Shillidy : (a) No. The conveyance of mails between Bombay and England is effected by the steamers of the Peninsular and Oriental Steam Navigation Company under contract with His Majesty's Postmaster-General who called for tenders.

(b) No. Mails for other foreign countries from India are also carried by the British India Steam Navigation Company's steamers under contract with the Government of India as well as by other steamers.

(c) Tenders will no doubt be called for and be considered on their merits by the authority dealing with the matter when occasion for entering into fresh contracts arises.

FUEL ALLOWANCE FOR THE KODAIKANAL OBSERVATORY POST OFFICE.

63. **Mr. C. S. Ranga Iyer** : (a) Are Government aware that the firewood allowances for the Kodaikanal Post Office and Kodaikanal Observatory Post Office have been reduced from eight months to five months ? If so, why ?

(b) Are Government aware that Kodaikanal is very cold for eight months in the year and that it is exposed both to the North-East and South-West monsoons ?

(c) Are Government prepared to restore the old fuel allowance for eight months for both the offices ?

Sir Hubert Sams : (a) to (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

WITNESSES EXAMINED IN BOMBAY BY THE POSTS AND TELEGRAPHS RETRENCHMENT SUB-COMMITTEE IN BOMBAY.

64. **Mr. C. S. Ranga Iyer** : Is it a fact that the sittings of the Posts and Telegraphs Retrenchment Advisory Committee were held *in camera* at Bombay ? If so, why ? If not, was scope given to the representations of the All-India Postal and R. M. S. Union and were any witnesses examined by the Committee as representatives of the Union and the subordinate staff ? If so, how many witnesses were examined ?

The Honourable Sir George Schuster : The sittings of the Posts and Telegraphs Sub-Committee of the Retrenchment Committee (like those of the other Sub-Committees) were not public. This was in accordance with the decision of the main Advisory Committee that the Sub-Committees should in no case publish or disclose their recommendations which must be kept for the consideration of the full Committee. The All-India (including Burma) Postal and Railway Mail Service Union, along with other Associations of Posts and Telegraphs employees recognised by Government, was invited to submit suggestions for economy and retrenchment. The Sub-Committee also issued a questionnaire to these Associations and received replies to it. Seven representatives of the All-India (including Burma) Postal and Railway Mail Service Union were examined orally on the 31st August, 1931.

PAY OF OFFICERS AND STAFF OF THE POSTS AND TELEGRAPHS DEPARTMENT.

65. **Mr. C. S. Ranga Iyer** : (a) Will Government be pleased to state if it is a fact that the following proportion exists between the average pay of officers and that of the subordinate staff in the Posts and Telegraphs Department :

DESIGNATION.	AVERAGE PAY.
<i>Officers—</i>	<i>Rs.</i>
Director-General	3,750
Postmaster-General	2,500
Deputy Postmasters-General	1,250
Assistant Directors-General	1,375
Superintendents of Post Offices	550
Divisional Telegraph Engineers	1,000
Superintendents, Telegraph Traffic	550
<i>Subordinate Staff—</i>	
Postal Clerks and Sorters	87
Postman	28
Lower grade staff	14

(b) Are Government aware that considerable feeling exists among the subordinate staff as to the disproportion between the average pay of officers and themselves ?

(c) Will Government be pleased to state if they propose to curtail the number and salaries, etc., of the high officers ?

Mr. J. A. Shillidy : (a) No. The average pay shown in the question is not correct either in the case of the officers or in that of the subordinate staff. The Honourable Member has omitted from his statement the higher grades of the non-gazetted staff.

(b) No.

(c) Government are not prepared to make any statement on a question which may come within the scope of the investigation of the Retrenchment Sub-Committee.

RETRENCHMENT OF TELEGRAPHISTS.

66. Mr. C. S. Ranga Iyer : (a) Did the Indian Retrenchment Committee of 1922-23 in their Report on page 94 point out that the Telegraph Department has an excess of staff ?

(b) Has the attention of Government been drawn to the following observations of the Inchcape Committee :

“ The basis on which staff is fixed is one telegraphist for every 42,000 signalling operations representing an average hourly out-turn of messages per operator during day and night, taking the busy and slack seasons together. On this basis the number of telegraphists required for 100,455,194 signalling operations would be only 2,392 *plus* the standard leave reserve of 17½ p. c. making a total of 2,810 whereas the actual number employed is 3,436, an excess of 626.”

(c) Will Government be pleased to state if it is not a fact :

(i) that in 1924-25 there were 325 Telegraph Masters and 3,092 telegraphists ;

(ii) that in the year 1930-31 there were 3,014 telegraphists and 326 Telegraph Masters ;

(iii) that the number of telegraph offices is decreasing year by year, and the number of telegraphists and Telegraph Masters does not show a corresponding decrease ; and

(iv) that while the number of selection grade appointments in the post offices is only 7 per cent. it is nearly 16 per cent. in the Telegraph Branch ?

(d) Will Government be pleased to state whether they will be in a position to carry out the recommendations of the Inchcape Committee quoted in part (b) ? If so, when ; if not, why not ?

Sir Hubert Sams : (a) It pointed out that it had, at the time, an excess of signalling staff.

(b) Government are aware of the observations.

(c) (i). The Annual Report for 1924-25 shows that on March 31st, 1925, there were 352 Telegraph Masters and 3,092 departmental telegraphists.

(ii) The figures are being verified and the result will be intimated to the Honourable Member separately.

(iii) and (d). Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government would prefer to make no statement.

(iv) The facts are not as stated.

REDUCTION OF NUMBER OF DEPARTMENTAL TELEGRAPH OFFICES.

67. Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state if they contemplate reducing the total number of departmental telegraph offices to combined offices in accordance with the recommendations of the Tupper Committee, so that the departmental telegraph offices will be reduced to half the existing number ?

(b) If so, by when do Government hope to bring about the said reduction ? If not, why not ?

Sir Hubert Sams : (a) and (b). The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. C. Mitra's starred question No. 180 on the 11th September, 1931.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

68. Mr. C. S. Ranga Iyer : Will Government be pleased to state if their attention has been drawn to the memorandum submitted by the All-India Postal & R. M. S. Union to the Chairman of the Retrenchment Advisory Committee regarding Posts and Telegraphs, and, if so, what steps do Government propose to take to fulfil the recommendations in that memorandum ?

Mr. J. A. Shillidy : With your permission, Sir, I propose to reply to questions Nos. 68 and 69 together. Pending receipt and consideration of the Retrenchment Advisory Committee's recommendations, Government are not in a position to make any statement.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

†69. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to the following observations in para. 113 of the memorandum submitted by the All-India (including Burma) Postal and R. M. S. Union, Delhi, to the Chairman, Posts and Telegraphs Retrenchment Advisory Committee, on the 10th July, 1931, as reproduced in page 216 of the *Madras Circle General Letter* of the Union of August, 1931 :

“ The progressive fall in Postal and Telegraph traffic during the past two years is manifestly due to trade-depression ascribed by Sir Montague Webb and others to the introduction of the 18d. ratio which by impoverishing the agricultural classes has considerably reduced their purchasing power.”

(b) Do Government propose to take any steps to change the ratio ? And, if so, when ?

(c) Have Government examined the correctness of the statement of the said Postal memorandum that the acceptance of their recommendations

†For answer to this question, see answer to unstarred question No. 68.

would mean a saving of, speaking approximately, Rs. 1,15,86,900, per year ?

(d) Has the attention of Government been drawn to the approximate savings which could be effected by way of retrenchment in the Postal and Telegraph Department ?

(e) Do Government propose to accept those suggestions, if not, why not ? If yes, to what extent ?

ALLOWANCES OF THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA OFFICES IN DELHI.

70. Mr. Muhammad Anwar-ul-Azim : Will Government please state :

- (a) when, and the consideration on which, the following allowances were sanctioned for the ministerial staff of the Government of India :—(i) the separation allowance ; (ii) the Delhi conveyance allowance ; and (iii) the Delhi house-rent allowance ;
- (b) whether those considerations still operate ;
- (c) whether Government have since modified the scale of any of these allowances ;
- (d) the reasons for the modifications ;
- (e) whether they propose to make any further modifications therein, and the grounds therefor ; and
- (f) whether Government will announce their decision sanctioning these allowances for the next Delhi season at an early date, at least along with the allotment of quarters for the next winter in New Delhi ?

The Honourable Sir James Crerar : (a) (i). The separation allowance was originally granted in 1912. It is given to men who, for want of accommodation, do not bring their families to Delhi, and is intended to be compensation for the inconvenience and extra expenditure involved in maintaining a dual establishment and also for transporting the family to some place other than Delhi.

(ii) Conveyance allowance was originally sanctioned in 1918 and is given to those who apply for, but are not provided with, accommodation at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance.

(iii) House-rent allowance was originally sanctioned in 1918 and is granted for the inconvenience and extra expenditure entailed in engaging private accommodation. It is given on the basis of the excess that a man pays over 10 per cent. of his emoluments and is subject to a maximum.

(b) Not to the same extent.

(c) and (d). Yes, the scale of conveyance allowance was reduced last year by 12½ per cent. as a measure of economy.

(e) and (f). The question is under consideration and any changes that may be made, will be intimated as early as possible

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. President : I have received a notice from Mr. S. C. Mitra that he proposes to ask for leave to make a motion for adjournment of the business of the House

12 NOON.

to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ The shooting to death of two detenues and severely wounding 20 other detenues in the Hijli Detention Camp.”

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir James Crerar (Home Member) : Sir, I regret that I must raise an objection to this motion. I should like to inform the House that the circumstances of this occurrence are not yet fully known either to the Local Government or to the Government of India. An inquiry is now proceeding, and I hope to hear very shortly from the Local Government about the result of their inquiry and their own views upon it. Until that is done it is impossible for the Government of India to form its own views. In these circumstances, I submit to the House that a debate on the motion for adjournment while the question is still under investigation would not be a proper course to take, and I trust the House will not grant permission.

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.

(Not less than 25 Members rose in their places.)

As not less than 25 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.

THE INDIAN PRESS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir James Crerar (Home Member) : Sir, I present the Report of the Select Committee on the Indian Press Bill.

STATEMENT ON THE FINANCIAL POSITION.

The Honourable Sir George Schuster (Finance Member) : With your permission, Sir, I wish to make a very short statement on the financial position. In view of the announcement that His Majesty's Government have decided to relieve the Bank of England of the obligation to sell gold, which was received this morning, it was decided that it would be in the public interest to provide for a temporary suspension, until the situation becomes clearer, of the statutory obligation of the Government of India to sell sterling or gold against rupees. An Ordinance suspending, until further notice, the operation of the appropriate section of the Currency Act, 1927, was accordingly signed by His Excellency this morning.

Mr. Arthur Moore (Bengal : European) : May I ask, Sir, in view of the Honourable the Finance Member's very important statement whether he is in a position to tell us if steps will be taken to link the rupee with sterling during the period when it may be temporarily divorced from gold ?

The Honourable Sir George Schuster : I hope the Honourable Member will excuse me if I make no statement on the matter this morning. We only received the news of this event this morning. We have not had time to settle our detailed plans, but I would like to take this opportunity to assure everybody that, as far as we know anything of the situation, there is no cause for panic or anxiety of any kind. It is probable that arrangement will be made for the suspension of business in London, New York and other important centres for two or three days while discussions on the situation proceed. It is obviously, I think—and I hope all Honourable Members will agree with me—right for the Government of India to allow nobody to take advantage of the situation until it is possible to make a definite plan. Our first duty at the present moment, as we see it, is to preserve intact the reserves of the Government of India which still stand at a very substantial figure, particularly our gold reserves, and I would remind Honourable Members that, although we have lost a certain amount of our currency reserve in the last two months, we have not lost a single penny of our gold reserves and that our actual gold reserves stand at about £7 millions sterling higher than they did about a year ago, owing to receipts of gold from up-country.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : In view of the enormously important implications of the policy just announced by the Honourable the Finance Member.....

Mr. President : I should like to bring to the notice of Honourable Members that no discussion will be allowed on the statement : but if any Honourable Member wishes to ask questions to elicit further information I will certainly permit him to do so.

Mr. H. P. Mody : Thank you, Sir : it was merely a question that I was going to put to the Honourable Member : I was asking him whether in view of the enormously important implications of the policy announced by him, will he be pleased to make a detailed statement some time later, in the course of this week, on the effects of the policy just announced on Indian trade and industry and the position generally ? I think it is due to the House that the Honourable Member should put the House and the country in possession of the full facts, because as I have said already, the policy announced just now may have very far-reaching consequences which are not contemplated at the moment.

The Honourable Sir George Schuster : I shall do my best to comply with the Honourable Member's wishes, though I am sure he will understand that I cannot make any definite promise now ; but I entirely appreciate his desire to have an opportunity for discussing this matter, and I think he is quite justified in asking the Government to make some sort of statement on the position. As regards the facts, I can only assure him that he is in possession of all the facts of the case. There are no facts to be further disclosed. What has to be considered is what is to be the future policy.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I know whether the purchase of gold that is made just now at the Mint will be stopped ?

The Honourable Sir George Schuster : No, the purchase of gold will not be stopped. The only obligation which is temporarily suspended by the Ordinance to which I have just referred is the obligation to sell gold or sterling.

Mr. B. Das (Orissa Division : Non-Muhammadan) : May I know if the Honourable Member is going to allot a day and make a statement on the financial and economic position arising out of the Ordinance which he has just mentioned and the assurance he gave previously that he will make a statement on the economic and financial position of the country and which was foreshadowed in the speech of His Excellency the Viceroy.

The Honourable Sir George Schuster : I think the question asked by my friend is identical with that asked by Mr. Mody. I have already informed the House that I shall do my best to comply with that request.

THE HEAVY CHEMICAL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to provide for the protection of the heavy chemical industry be taken into consideration.

The original application from certain manufacturing firms, which was referred to the Tariff Board was in respect of three acids and eight salts, and of these salts the basis is sulphuric acid. In chapters I to VI of their Report the Tariff Board have considered what is desirable and necessary so far as these particular products are concerned, and they have made certain definite recommendations. But there are four other chapters in the Report which enter into a wider field and which at first sight might seem not directly relevant to the applications which the Board was investigating. Chapter VII deals with the question whether the manufacture of artificial manures in India, and particularly of superphosphates, should be encouraged by the grant of bounties, and Chapters VIII to IX discuss a possible reorganisation of the industry by which the manufacture, instead of being carried on in 6 or 7 different places, would be carried on at one centre in order to bring about a reduction of manufacturing costs. In this connection, the Board has discussed the reduction of transport charges which would be necessary if such a plan, were to be contemplated.

Any Honourable Member who has read the Report will have appreciated the fact that, so far as the manufacturing of these chemicals in India is concerned, it is the cost of making sulphuric acid that is the key of the whole position. The Board have devoted a large part of their Report to that question, and they constantly revert to it. It is indeed the vital point in their investigation of the cost of production. The Board make it clear that sulphuric acid (and the same is true of the other two acids) requires no protection by way of duties because it enjoys the natural protection arising from the fact that the transport of acids in bulk is a difficult and expensive matter. But when you come to the salts which are made from the sulphuric acid the position is quite different.

[Sir George Rainy.]

They enjoy no such natural protection, and since the cost of making sulphuric acid is high in India to-day compared to the cost in other countries, the result is that the manufacturer of these salts has considerable difficulty in meeting competition from abroad.

If Honourable Members will examine the earlier chapters of the Tariff Board's Report, they will find that they make three separate estimates of the cost of production. In the first place, they took as their basis the actual production of one of the firms in Bombay in the year 1926-27. That production was equivalent to about 1,200 tons of sulphuric acid, but they estimated the overhead charges on an output of 2,000 tons because they held that an estimate based on 1,200 tons would be unreasonable, since the small output was due not only to the competition from abroad but also to the internal competition between the Indian firms themselves. The result of that calculation was to show—Honourable Members will find a summary of it in paragraph 48 of the Report—that the acids required no protection, but that the various salts did require protection the amount of which varied from 20 and 200 per cent. The Board said definitely and at once that they could not consider recommending protection on that scale. At page 30 they say :

" It will be seen that the lowest duty required is over 20 per cent. and the highest over 200 per cent. Even in the case of a key industry we could not contemplate the imposition of protective duties on this scale, nor would it be fair to the numerous industries dependent on the use of chemicals to inflict so heavy a burden on them."

In Chapter IV, the heading of which is " Estimate of Future Costs ", the Board make a second calculation, this time of the probable cost of production if a firm could attain an output equivalent to 4,000 tons of sulphuric acid in a year. A firm in Bombay manufacturing on that scale would not be in a position to supply the whole of the needs of the Bombay market, but it would be possible for it by concentrating on a few of the salts,—given economical production and subject to the imposition of duties—to capture the Bombay market in these salts. I am not going into the details of the calculation, Mr. President ; indeed it would hardly be possible to do so on the floor of this House. But the final results of the calculation are to be found in paragraph 68 of the Report. The sum and substance of it is this, that given an output of 4,000 tons of sulphuric acid a year, the Board believed that a moderate scale of duty would be all the protection required. I will revert to this particular matter in a moment, but before I do so, I would like to mention briefly the third calculation. The Board having shown that a moderate scale of duties would give the protection which could reasonably be given to the manufacturer, they had still to show that eventually the industry could dispense with protection and meet world competition unaided, for this was one of the conditions laid down by the Fiscal Commission. For that purpose, they estimated what the cost of production would be if the amount of sulphuric acid produced in a year could be raised to 8,000 tons, and they show—I think successfully—that if this could be done, there would be every reason to expect that for the great majority of these salts no protection would be required and that if some protection was still necessary in one or two cases, it was not very heavy. On the assumption that an annual output of 8,000 tons of sulphuric acid is possible, I think the Board have made out their case that the conditions laid down by the Fiscal Commission are satisfied, and therefore, on that assumption there is a good case for protection.

If Honourable Members will turn to paragraph 68 of the Report, they will find that their conclusions are as follows. On copper as no protection at all. On all the acids and two of the salts, the Board recommended nothing beyond such protection as might be afforded by the 15 per cent. revenue duty. On three salts, the duty recommended by the Board, on the prices at the time the Report was written, varied from 17 to 19 per cent. *ad valorem* and on only three others was the duty at all substantial. These three are sodium sulphide, where the specific duty was equivalent to 24 per cent., zinc chloride, 34 per cent. and Epsom salts, 44 per cent.

While I am on this subject I might mention that, since the Board reported, there has been a drop in the price of chemicals. As far as we have been able to ascertain, the fall is entirely due to the fall in the prices of raw materials. The effect of that fall of course is that the specific duties recommended by the Board, if taken *ad valorem*—on the value—become a higher percentage. On the other hand, last March a general surcharge of 5 per cent. was added to the 15 per cent., so that the revenue duty for the time being is 20 per cent. and not 15 per cent. Substantially the position is not very much changed. There are still three of the chemicals on which the protective specific duty recommended by the Board will be substantially higher than the duties which would be leviable under the revenue tariff. I might perhaps mention that we worked out, on the basis of the Tariff Board figures as regards these three chemicals, what the burden on the consumer would be and on the quantity which the Board found to be the probable consumption in the year the total burden on the consumer in respect of the three duties was only about Rs. 1,50,000.

Now, Sir, let me very briefly sum up what I have been saying. First of all the Board estimated the cost of production on the basis of an annual output of 1,200 tons. They found that the cost was enormously high and on that basis, the duty required would be so exorbitant that they could not recommend protection on that scale. Then they examined the question again and found on the basis of a production of 4,000 tons, a moderate scale of duty would suffice. Finally, they examined the question a third time on the basis of a production of 8,000 tons and found that practically no protection was needed. The point I want to bring out is this, that in the case of this industry it is absolutely vital to get production on an adequate scale if you are to have a reasonably low cost. It is an industry in which small and scattered firms can have very little prospect of success, and if the industry wants to establish itself firmly, then that cannot be done except on the basis of production, at any rate, on a reasonable scale, up to say, 8,000 or 10,000 tons of sulphuric acid a year, although the Board themselves point out that ; in Europe and America, even an output on that scale would be regarded as comparatively small.

Now, I should like to draw attention to two paragraphs in the Board's Report, which are very significant. The first is on page 9, paragraph 20 :

" One of the most important aspects of the problem before us is the possibility of so organizing the chemical industry as to admit of the production of sulphuric acid at an economic cost and, since in modern conditions, the chemical industry perhaps more than any other depends for its success on large scale production, it is necessary to consider the market available in India for the class of chemicals at present manufactured in this country."

[Sir George Rainy.]

And the other passages occur on page 30, paragraph 49 :

"We wish to say definitely that in our opinion the chemical industry in India can have no future so long as that manufacture is carried on in small units with low production."

That is to say, the Board condemn unhesitatingly the present organisation of the industry, which means production by units too small to be economic, and it looks forward to some drastic reorganisation of the industry in the future if the industry is to establish itself successfully. I thought that point worth emphasising, Mr. President, because it must be decisive with any one who seriously approaches the question, and it supplies an answer to an inquiry which Honourable Members may have felt disposed to make—why did the Board, who were not bound under their terms of reference to do so, discuss the manufacture of artificial manures and the lowering of transport charges in order to make it possible to manufacture the whole of the country's demand at a single centre? It also supplies an answer to the question why Government have placed their proposals before the House in the precise form embodied in the Bill. Why did the Board having proposed their scale of duties, not leave the matter there, and why did they go on to other matters? Well, the plain fact of the matter is that with Indian consumption on the scale it is today, 8,000 tons is not a possible output for any firm in Calcutta or Bombay or in other area, even if there were only one firm at each centre. The consumption of these chemicals is not large. I have examined the growth of consumption during the last few years, and found that there has been some increase, but it is not very rapid, and apart from things which we cannot foresee, such as the possible manufacture of artificial silk in India, it is not likely that the consumption will expand at all quickly. Therefore, the Board were faced with this difficulty. They could show that on a production of 8,000 tons a year, the industry would eventually be able to dispense with protection. But they could not show, on the basis that there must be one firm in Bombay, one firm in Calcutta and possibly a firm in Madras, they could not show that any one of them could attain a production of 8,000 tons, because the demand for their products to that extent did not exist. And that was a very serious difficulty, because the one thing that protection cannot do for an industry is to create a demand for its products. Therefore, the Board, faced by this difficulty, had to consider the matter again from a somewhat wider point of view; and they found that there were two ways in which the difficulty might be overcome. If the manufacture of super-phosphates in India could be undertaken successfully, then, making allowance for the probable growth of consumption of this form of manure, it would enable the chemical manufacturer to increase his output of sulphuric acid and in that way to bring down his costs. For example, if he could find in his own area a market for 5,000 tons of super-phosphates every year in addition to the other chemicals to be manufactured, that would absorb 1,750 tons of sulphuric acid. On that basis it might not be a very long time before a firm in Bombay or a firm in Calcutta could obtain an output of 8,000 tons; and since super-phosphates are used most largely in the Southern part of India, that might enable the industry to establish itself at Madras also.

The other solution which suggested itself to the Board was this. The total consumption in India of the chemicals with which they were con-

cerned was the equivalent of some 12,000 tons of sulphuric acid a year. Let us suppose that the manufacture of these chemicals could be concentrated in the hands of a single firm at one centre, then at once you would have an economic unit of production. But India is a very large country, and it is practically impossible to supply the entire public demand for any commodity from a single manufacturing centre because the transportation costs are prohibitive. Therefore, they went on to say that, in order to bring down the cost of transport, it would be necessary to make a very heavy reduction in railway freight rates not only on the manufactured chemicals but also on the various raw materials which the industry would have to use. It is impossible, I think, Mr. President, to consider the Board's proposals in isolation from each other. You cannot say properly, "we will first consider the question of the duties proposals; we will decide about that. Then there is a separate question which we will consider about super-phosphates; and finally, we will consider the question about the railway freight rates". They are all integral parts of a single scheme, the point being that, if the attempt is made now, by protection, to encourage the control of this industry, the protection will have to be continued for a very long time unless we can find a solution in one or both of the two directions which the Board have explored, that is, the manufacture of artificial manures, on the one hand, which might enable the manufacture to be carried on successfully at two, three or four centres, or, in the alternative, that the industry should be so organized that the whole of India's requirements would be produced at a single centre.

Now, Sir, the House will see that Government was confronted with a somewhat difficult problem in deciding what the right line to take was in connection with the proposals of the Tariff Board. If we imposed the duties and simply left the matter at that, I do not contend that the burden on the consumer would be very high, but the advantage to the country would be very small. All that it could serve to do would be to perpetuate this imperfect organization of the industry, which in the opinion of the Tariff Board it is absolutely necessary to change if the industry is to have a chance of success. Therefore the question was, what was to be done about the other two branches of the Board's proposals? First of all, as regards the grant of bounties to encourage the manufacture of super-phosphates in India, what Government felt about it was this. It will be a somewhat difficult thing to put forward a scheme of bounties to encourage the development of an industry which does not yet exist, and that proposal definitely offends against one of the canons laid down by the Fiscal Commission. The underlying reason for that is that, until production has been started and it has been going on for some little time, you can get no really satisfactory data as to what the cost of production is likely to be. Therefore, it was clearly impossible I think for Government to adopt that part of the proposal at the present juncture, and the matter requires further exploration, especially in two directions. We want to get further information, and I believe we can, by consulting experts who exist in India, as to the probable cost of manufacturing super-phosphates from rock phosphates. That has not yet been tried in India before; a small quantity of super-phosphates has been made in India from bones but not from rock phosphates as the Tariff Board recommend. In the second place, there is another side of the question to be explored, namely, what the prospects are of a reasonably rapid growth in the demand for super-phosphates in India; and that

[Sir George Rainy.]

is complicated in this way, that whereas what the Board hoped to see was the combined use of ammonia sulphate and of super-phosphates to supply the deficiencies in the soil, in quite recent years there has been a new development in chemical manufacture by which what are called compound fertilisers have been put on the market, and these contain both elements which the soil requires, that is, both nitrate and phosphorus. If it were found that these compound fertilisers were the more satisfactory and the more acceptable to the cultivator, that would put the whole question entirely in a new position. For then, we could not expect that the demand for super-phosphates would develop. Another point which has got to be explored is the question, how far the Board are justified in hoping that if the manufacture were established in India, it would lead to lower prices and so would benefit the cultivator. I have every hope that we shall have the co-operation of the Council of Agricultural Research in exploring that side of the question.

But that brings me to the point why we have proposed in the Bill that the duties recommended by the Tariff Board should be imposed for a period of 18 months only. Before the end of that period, our inquiries ought to be complete, and we ought to be in a position to form a definite judgment as to the prospects of the successful establishment of a manufacture of artificial manures in India. Until we have that information, a final decision as to whether the industry should be protected can hardly be taken. But in the intervening period the imposition of the duties will give for that period to the industry the amount of assistance which the Tariff Board thought would be justified without putting a heavier burden on the consumer than they thought was reasonable. This interval of 18 months also will give time for the firms engaged in the industry to consider the very cogent argument,—as I think they are—which the Tariff Board have advanced in support of the view that, if the industry is to have any success at all, it will have to reorganise. The firms will I think be well advised to get together to discuss and consider the matter and to see whether any scheme of the kind contemplated by the Tariff Board is a practical proposition.

And that brings me to the very little I have to say to-day about the question of the reduction of railway rates. I think the view of the Government has been very clearly stated in the Resolution. If the authorities responsible for the management of the railways had before them a definite proposal for the establishment of the manufacture of chemicals at a suitable centre, and were satisfied that the firm in question had adequate capital, proper financial backing and adequate technical advice, then the question of reduction in freight rates becomes a pure matter of business. And just as the railways did at the time when the steel works were first established at Jamshedpur about the years 1910 to 1912 when substantial reductions of railway rates were given then for perfectly sound business reasons, so the authorities responsible for the railways, I have not the least doubt, if a concrete proposition were presented to them, would be prepared to consider it on the same lines. But what we have explained we cannot do is to reduce the railway freights in the manner recommended by the Tariff Board on the off chance of a hypothetical capitalist turning up to take advantage of it, because there the loss to the railways is certain and the advantage to anybody else is entirely problematical. We have explained also in the Resolution that a close examination of the figures

shows that, although the Tariff Board hoped that the reductions in freight which they recommended would be sufficient to bring about the reorganisation of the industry at one centre, it is pretty clear, I think, that in themselves these reduction would not be adequate. A firm manufacturing on a large scale in the coalfields might still find it impossible to get into the Bombay market, because the Bombay firm, even though its costs were a little higher, would still have enough in hand to compete owing to the difference in the freight. Therefore it does not appear that the reorganisation advocated by the Board would in fact result from the reductions of railway freights in themselves. Therefore what the Government have put before the House to-day, Sir, so far as the chemicals dealt with in the Tariff Board's Report on the chemical industry are concerned, is the imposition of the duties recommended by the Board for a period of 18 months. And before the end of that period it will be necessary to take a final decision in the light of the inquiries to be made into the manufacture of super-phosphates, and any discussions that may take place between the manufacturers or between the manufacturers and Government as to the possibility of a reorganisation. All that the House is being asked to do to-day is to agree provisionally, for a comparatively short period, to these duties leaving a final decision to be taken at a later period.

Before I sit down, Sir, I must refer very briefly to another chemical which is included in this Bill, namely, magnesium chloride, although the recommendations about it are contained in a different report of the Tariff Board. The question whether magnesium chloride should be protected was considered at an earlier period by the Board at a time when I was connected with it. The Board then found that the case for protection was not made out, and the Government of India accepted that recommendation. But the re-examination of the question by the Board has I think made it clear that the firm engaged in the manufacture has succeeded in bringing down its costs to a point at which we may reasonably expect that at all normal periods when the prices have not been depressed for abnormal reasons it will in the long run be able to dispense with assistance. For that reason Government have accepted the recommendation of the Tariff Board as to the rate of duty which should be imposed and as to the period of years for which it should continue in force. I do not think that I need at this stage enlarge further upon that.

Sir, I move.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I feel I must congratulate the Honourable the Commerce Member on the exceedingly sympathetic speech which he has made on the protection of heavy chemicals. Sir, I must confess that I came in a very militant mood when I came to this House to-day, but the Honourable the Commerce Member has silenced most of the arguments that I wanted to put forward against his inaction for so long. Sir, I must trace back the history of the agitation of chemical manufacturing in India, and the Honourable the Commerce Member has said that the Tariff Board Report was submitted in 1929. At that time, the chemical industries were most anxious for protection and wanted some assurance of protection from Government. We on this side pressed upon Government to publish the Reports of the Tariff Board. Government took two and a half years or nearly three years to publish these books. I wonder if Government would at all have published these books had not the Honourable

[Mr. B. Das.]

the Finance Member come to the rescue of the Honourable the Commerce Member by putting on the heavy revenue duties that he did in the last Budget Session to meet his heavy deficit Budget. Then my Honourable friend, Sir George Rainy, found that it was no use shelving these Reports, as by these revenue duties which the Finance Member raised on heavy chemicals, there would be no objection on the side of those who objected to the grant of protection to the chemical industry in India, and therefore Government thought it worth while to publish these books.

I find that this protection that has been granted brings in only Rs. 1½ lakhs to the Government exchequer : that is a very small sum, not crores and crores as the steel protection brings to the exchequer. I am not going to quarrel with that small sum of money ; nor am I going to ask that that sum should be devoted to the development of chemical industries in India because it is a paltry sum.

In his masterly analysis the Honourable the Leader of the House said that Government have kept it in view that they will encourage the manufacture of super-phosphates and nitrates that are of so much use to the agriculturists. Of course the Tariff Board has pointed out that the soils in different parts of India vary and require different chemicals ; but whether the application of chemicals as manure will properly benefit and develop agricultural resources the Tariff Board is still doubtful. Whether the Agricultural Research Institute has got necessary staff with them and whether the different agricultural colleges in India are properly equipped to come to definite conclusions as to the utility of chemicals, phosphates and nitrates, as manures, it will take time for them to arrive at decisions and conclusions, and I still have my own doubts whether any standardised manure can be used all over India owing to the variations in soil. Yet I am glad that my friend, the Honourable the Leader of the House, has admitted that after one and a half years Government are going to look into the matter after they receive reports from the Agricultural Research Institute, and other experts, to give effect to that part of the recommendations of the Tariff Board ; and I do hope that financial conditions will permit the Honourable the Finance Member to reduce the heavy revenue duty that he put on last session, and that the Honourable the Commerce Member will see his way to introduce a Bill again in 1933 to allow the specific duties on heavy chemicals to continue, as has been done in the case of magnesium chloride, till 1939.

As to the observations of the Honourable the Commerce Member about the railway rates, although I have sympathy with him, running as the railways do at present at a loss, that he cannot induce the Railway Board or command them to reduce rates on the prospect that the new industry will be started and then certain revenue will come to the railways, I would only ask him to concede to this House and to the country the principle that the railways are public utility concerns and that whenever for the primary interest of the development of Indian industries, rates are to be reduced to the minimum, it should be the principle of the Government to reduce rates as it is done in British railways. If that is done, then I have no quarrel with him. I think the Tariff Board somewhere have mentioned that the British Government have placed a certain sum of money at the disposal of railways in England, whereby that sum goes to meet the lowering of rates in the case of chemical industries. I do hope in time, if owing to the economic crisis on the railways the Government cannot see their way

for the present to reduce the rates, the money collected through the protective duties on the heavy chemicals and magnesium chloride will be set apart and funded and that it will go to reduce the railway rates for the heavy chemicals.

Neither the Tariff Board nor the Honourable the Commerce Member is yet sure how the development of the chemical industry will take place in India. As far as I can see the future, I think the development will take place in three areas, Calcutta, Bombay and Madras. I do not think there is any possibility of Bombay selling all its chemicals to the Calcutta market or Calcutta selling all the chemicals manufactured there in the Bombay market. As provincial autonomy develops and as the economic development of the provinces gets localised, it will be difficult in future for one province or town like Bombay, situated as it is two thousand miles from Calcutta, to try to cater for the Calcutta market. So in the future development of protection of chemical industries and also fertilisers Government should so frame their protective policy that they will try to develop the chemical industries in localised centres ; and from what I know of Calcutta chemical industries, I find that chemical firms with small amounts of capital have worked very successfully and they are making both ends meet. Whether they will come up to the standard which the Commerce Member laid down, of manufacturing 8,000 tons of sulphuric acid, that point has yet to be seen. But from what I can foresee, the chemical industries will develop on a small manufacturing scale in every province, especially in Bombay and Calcutta.

With these few observations, I finally entreat the Honourable the Commerce Member that he will not, after one and a half years, drop the matter—I know he will not be here then—but whoever his successor may be, I hope the Government of India will not drop the idea of giving full effect to this Report of the Tariff Board on heavy chemicals. In the past we have had experience that unless a Report is given effect to in all its complementary parts, protection does not become effective. My friend, Sir George Rainy, has himself admitted that

1 P.M.

unless all the recommendations of this Report are treated as a whole, no good will come out of it. I hope he will leave sufficient notes for his successor to give effect to these recommendations when the time comes for it.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I am afraid, Sir, the House does not seem to be frightfully interested just now in the heavy chemical or any other industry. The only reason why I am constrained to inflict myself on the House is that I would like to point out to Government that the duties proposed in this Bill are not calculated to help the heavy chemical industry. I make an exception in the case of magnesium chloride which if passed with the amendment I am going to propose will certainly help that industry, but as regards the other industries, I am afraid the protection proposed by Government will fail to meet the situation.

Sir, the position is that, as the Government of India have pointed out in the communiqué on the Tariff Board Report, sulphuric acid is the basis of all the chemicals which are mentioned in the Bill before us. Under present conditions the production of sulphuric acid is on an uneconomic basis because of the limited quantity which is being manufactured.

[Mr. H. P. Mody.]

Therefore, what will happen will be that the chemical industry will find itself absolutely unable, until such time as it pushes up its production of sulphuric acid, to manufacture any of those other salts and chemicals for which additional duties are recommended. It was on account of this that the heavy chemical industry urged the Tariff Board to give them a bounty of Rs. 30 per ton on the production of sulphuric acid for a definite period. The Tariff Board unfortunately does not seem to have endorsed that demand and Government have not thought fit to come forward with that grant themselves. Therefore, the position is that so long as the various companies engaged in the manufacture of chemicals are in a position to make sulphuric acid on an economic basis, it will be impossible for them to manufacture the various salts and chemicals for which protection has been proposed. The period of protection is 18 months within which Government expect some sort of reorganization. I am afraid, Sir, that that period is much too short for the industry to organise itself in, and I hope that Government will not at the end of that period want to know what has actually been achieved in the way of reorganization, but what steps are being taken during this period to move towards a reorganization of the industry. If Government had thought fit to give the bounty of Rs. 30 per ton on sulphuric acid, then within the next few months the various companies engaged in the chemical industry would have found it possible to reduce their cost of sulphuric acid by increasing their production. It would have been a very substantial help to them, and that help would have materially assisted them in manufacturing the other chemicals for which sulphuric acid is the basis. That not having been done, I am afraid the heavy chemical industry is not going to derive any benefit immediately from the proposals now placed before us. It is really a matter of deep regret that Government could not see their way to help the heavy chemical industry by proposing a bounty of Rs. 30 per ton on the production of sulphuric acid, without which the industry will not be able to progress in any direction.

Mr. C. Brooke Elliott (Madras : European) : Sir, I have a few words to say, and an appeal to put to Government though I have not embodied it in the shape of a formal amendment, nor am I going to vote against the Bill. The reason why I wish to make an appeal is this. You will observe that in the Preamble to the Bill it is stated that it is expedient in pursuance of the policy of discriminating protection of industries in British India "*with due regard to the well-being of the community*," to provide for the protection of the heavy chemical industry. Sir, amongst my constituents there is the Planting Community in Southern India which at the moment is very badly hit in rubber and is not too prosperous in tea just now. Sir, there is a chemical substance, namely, sulphate of copper embodied in the Schedule of this Bill with which I have personally not much acquaintance, but which affects large classes of Planters in Southern India. That substance is imported into Madras in considerable quantities. I might perhaps say that such information as I already possess I have placed at the disposal of Government in advance so that I should not be taking up a point for which they might be unprepared. I find that this substance is used practically for the sole purpose of spraying tea and rubber as a germicide. Any one who knows anything about the tea and rubber industries and natural products will know that they are subject to a number of pests.

In fact tea and rubber like human beings are full of disease. Sir, the object of spraying rubber and tea is not so much as to cure sickness as to procure health. That is the system in China, where you only pay the doctor when you are well and do not pay him when you are ill ; and that is the guiding principle which is adopted by Planters in Southern India. Now, Sir, this copper sulphate which has been imported in considerable quantities cannot, I understand, be used for any other purpose. I cannot imagine any one going to a Planter's bungalow and asking him for a drink, saying, " I would like a small copper sulphate ". Therefore, I don't think there is that danger. I am not inviting any one to allow this product in free of duty so that it may become more common for any purpose except as a germicide. I believe, so far as my information goes,—and that information is in the possession of Government Departments,—that this substance is used to a small extent in one or two minor industries. But, practically speaking, so far as copper sulphate is concerned, it comes into Madras in considerable quantities only as a germicidal agent. Of course when I say Madras I mean Southern India in general, and I think, coming to figures, it amounts roughly to a few hundred tons per annum. At the moment I am going to ask Government to favourably consider the cry of the distressed Planter, not merely because he is a Planter, but because he employs a great deal of labour, and at the present moment when a good deal of labour is being dispensed with on their estates in Southern India, anything which will enable a Planter,—and labour is employed to a considerable extent in spraying,—to employ labour will be a relief to that excellent person, the Tamil coolie of Southern India, to whom I always take off my hat, as he is a very fine example of what an agricultural labourer should be and one who has contributed enormously to the benefit of Ceylon,—I was in Ceylon for a long time—and also to that of Southern India. Sir, I am not going to move an amendment, nor am I going to vote against the Bill. I am only going to put in an earnest plea and invite Government to give our Planters an assurance that they will consider sympathetically this question of exempting from duty this chemical substance which is almost entirely used as a germicide. I do not know what quantity of copper sulphate is being manufactured in India. My information is that if anything, it is very small. I have read very carefully all that was said about it in the Report of the Tariff Board, but that was some time ago ; but apparently even then it was not regarded as a substance which was to be manufactured in any large quantity. Even so, if it is manufactured in Bombay or Northern India, I am informed that the cost of carriage, by sea or the railway freight, on these chemical substances from Bombay or Karachi or from any other place in Northern India to the planting districts in Southern India work out to as much as from 40 to 60 rupees per ton. That is also a matter which I would like to bring to the attention of the Honourable the Leader of the House. My appeal is simply this. This Act is merely tentative. As the Leader of the House has very clearly put it to us, the whole question is under consideration, and I would merely ask whether the Government in this time of unparalleled stress and distress in the rubber industry will give us some substantial relief, possibly under the provisions of the Sea-Customs Act, or by some other form of administrative action with which the Leader of the House is much better acquainted than I am myself. The planter is quite ready to pay the duty under ordinary conditions and do his bit to establish the chemical industry in India ; we are heartily in support of the whole of that policy,

[Mr. C. Brooke Elliott.]

and this is only a plea put in by me owing to the very real stress and distress under which the planting industries in southern India to-day are labouring.

One last point—and that is this. The rubber tree is the most magnificent vegetable product in the world, and if you injure these valuable trees and disease sets in,—and disease *does* set in, as I have seen on many rubber and tea estates both in Ceylon and in Southern India—and if disease is allowed to go on unchecked, because people cannot afford to buy copper sulphate for spraying purposes, an enormously valuable asset for future Chancellors of the Exchequer in India is going to waste. For if disease really settles in and pests once become securely established, when rubber rises again and tapping is resumed, you may find that it is not possible to recondition your most valuable asset, namely, the bark on the tree, or the tea-bushes, from which you ordinarily can get such excellent results, if the estates are healthy.

I apologise for the length of my remarks, but I have had a very urgent representation made to me to press this point upon the Government of India by the Planters in Madras, and that is my apology, if apology were needed, for pressing the claims of Madras upon the Government and for occupying the time of this House, and for asking finally for what I might perhaps call a “gleam of Rainy Sunshine” in our hour of sore trial.

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. K. P. Thampan (West Coast and Nilgiris, Non-Muhammadan Rural) : I wish to make a few observations on this Bill from the viewpoint of the agriculturists, but before doing so I may at once say that I associate myself with my Honourable friend, Mr. Mody, in the remarks that he made regarding the manufacture of sulphuric acid. Sir, anyone who has read the report of the Tariff Board on the chemical industry will find that the minimum quantity of chamber sulphuric acid on the basis of which they have calculated these figures is 4,000 tons. So far as I know, there is not one single factory in the whole of this country which is at present manufacturing that minimum quantity. When the Tariff Board made their inquiries, there was only one factory in Bombay, I believe it was Dharmsey Morarjee and Co., which manufactured about 1,200 tons of sulphuric acid and they worked at an enormous loss. As long as there are no manufacturing units which turn out the minimum quantity, namely, 4,000 tons of chamber sulphuric acid this duty will not give any kind of protection. What the Government ought to do therefore is to foster that industry as it is the basis of all chemical industries, either by giving bounties or some other kind of financial help. If that is not done, the measure before the House can be treated only as one for revenue purposes.

Coming to the subjects that are of interests to agriculturists in this country, there are two kinds of artificial manures dealt with in the Report

of the Tariff Board—ammonium sulphate and super-phosphate. I am myself a practical agriculturist and I have tried demonstration plots with these two manures. They are both very useful things. I must, however, say, that with reference to ammonium sulphate, the attitude of the manufacturers towards the ryot is not fair and warranted. The cost of manufacturing one ton of ammonium sulphate is only about Rs. 100, but it is distributed at the rate of Rs. 160 a ton. Over and above this, the ryot in the villages has also got to pay trainage from the nearest port of entry and incur the charges for carrying it from the railway station to the village. I am told that in England the price of one ton of ammonium sulphate is only Rs. 136. The whole distribution is entrusted to a combine and it is they that do the mischief. There is no reason why this should be allowed and until and unless the Government interfere in the matter and make the manufacturers concerned distribute the manure at a favourable rate, they would not deserve any kind of protection at all. That is, Sir, my humble opinion.

With reference to super-phosphate, the Government in their Resolution say that :

“It is by no means certain that the super-phosphate represents the best or the most economical form in which Indian salt deficiency in phosphates can be supplied.”

The Directors of Agriculture in the provinces have tried experiments with this, as also the fertiliser companies. I have tried them myself. The net results are shown in Appendices 4 and 5 of the Report. There is a minimum increase in the nett profit of more than Rs. 13 per acre on paddy cultivation. In my own experiment I got, after deducting the cost of fertilisers, a nett profit of Rs. 23 per acre. There are 8 million acres under paddy cultivation in this country, and you can easily imagine the benefit the nation will get if these manures are made available at a cheaper rate. At present it is beyond the reach of the ordinary ryot to go in for these artificial manures. In this unfortunate country we have been raising crops without applying sufficient manure and depending upon the bounty of mother earth. On account of deforestation that is going on on a large scale and the increasing area under cultivation, the ryots find it difficult to get an adequate supply of green manures or farm manures, and the only solution of our agricultural indebtedness is a sufficient supply of artificial manures. Until and unless the manufacture of these artificial fertilisers is encouraged and fostered, a measure of this kind will not benefit the nation. The Honourable the Leader of the House said that in the absence of any factory that makes super-phosphates in the country Government would not be justified in offering any bounty. I beg to differ from him. It is quite the other way. It is the bounty that will encourage this industry. If the Government undertake the payment of bounties at the rate of 12 annas per cwt. as recommended by the Tariff Board, then I am sure the factories will certainly take to the manufacture of super-phosphate. There are also other methods of help and unless the Government take up the matter seriously and explore all avenues for the development of this industry, as early as possible, they will not be justified in calling a Bill of this kind a measure for the protection of chemical industries.

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : I beg to offer some remarks on this motion of the Honourable the Leader of the House. It is stated that the case for protection of the national chemical

[Mr. Bhuput Sing.]

industry rests primarily on sulphuric acid, for it is of supreme national importance. It is said that the civilisation of a country is measured by the consumption of sulphuric acid in that country. As a key industry whose products are used in many other local industries, it is indispensable for purposes of national defence and it provides an essential foundation for chemical research in industries, such as artificial silk, dyes and many other industries and also in agriculture. It is also stated that the market in India is sufficiently large for the production of chemicals locally on an economic scale. Again, it has been said that India possesses several of the raw materials required for the chemical industry. Again the machinery used for the manufacture of chemical products is simple in operation and can be easily handled by Indian labour. Also fuel which is an important item in the cost of many chemicals is found here in abundance, especially near coalfields and the places near them are in a position of considerable advantage. But notwithstanding all these facts, the Government have for the present turned down the recommendations of the Tariff Board in the matter of the protection of the heavy chemical industry of this country by a recent Resolution of their own. The Government have instead introduced their own proposals and have indicated some lines in which they need further light and information on the subject. The Government proposals for placing protective duties on some of the heavy chemicals enumerated in the list will, I am afraid, prove no great incentive either to the reorganization or to the development of the Indian chemical industry. Protection may for the time being afford some relief to the national industry in the competition market, but the extent of that relief will not be so great as to be widely appreciated in the present struggling position of that industry. To my mind if the proposal of the Tariff Board by which they advocated the subsidisation of the industry by reduction of railway or inland steamer freight charges were accepted, it would have gone a great way towards the reorganization of the industry, as that would have proved an impetus to the combination of the manufacturing firms at one or two big centres, from where the reduced freight charges were to have been afforded and thus have enabled the manufacturing firms to distribute their products *only* from those places. But as that proposal yet remains an uncertainty, the impetus to their combination proves quite effectual for the time being.

Next, Sir, in the present distressing condition of our finances I cannot bring forward before the House the question of giving a bounty to the industry, although I feel convinced from a study of the Report of the Tariff Board that its regeneration is impossible without direct State-aid. I hope the Honourable the Leader of the House will consider the proposal of a bounty when better times come, and will agree to some form of bounty being given to those industries.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I should like to claim the indulgence of this House just for a few moments in connection with this Bill. I would associate myself with the plea put forward by my Honourable friend, Mr. Elliott, asking for the exemption of copper sulphate from the proposed tariff. As he told this House, copper sulphate is very largely used in the planting districts as a germicide. He confined his remarks mainly to rubber and of tea. But, Sir, he did not mention that with

regard to office, which is another very valuable planting product in Southern India, copper sulphate is more than a germicide ; the latest experiments in the Coffee Experimental Firm in Mysore show that it is a virtual panacea for all the diseases to which the coffee tree is liable. It is a preventive against leaf diseases ; it is a preventive against black rot ; it is a preventive against die back. More than that, it is a fertiliser of the highest value. Applied as a spray, experiments during the last few years show, according to Dr. Leslie Coleman, that it has the effect of increasing the production by 2 cwt. per acre. The price of coffee is about Rs. 50 per cwt., and you can imagine, Sir, that an increased production of 2 cwt. per acre means an increase of profit by Rs. 100 per acre. Sir, the results of these experiments have been so widely advertised, thanks to the efforts of the Agricultural Department in Mysore, that the effect of propaganda in favour of spraying has been that whereas the acreage which was sprayed three years ago was as low as 500 acres, to-day it is as high as 5,000 acres. Sir, when copper sulphate is so extensively employed as a curative and a fertiliser, and the planter by its means is unable to tide over a period of distress, is this the time to add to the tariff by 1 think Rs. 3 per cwt. ? The United Planters' Association in Southern India assembled in Bangalore....

Mr. S. G. Jog (Berar Representative) : On a point of order, Sir. Has any amendment been moved ?

Mr. President : No amendment has been moved, but that does not take away the right of Honourable Members to criticize the Bill.

Dr. F. X. DeSouza : Sir, I do not wish to vote against the Bill, but I simply want Government to take into consideration the case of coffee, in which a large number of planters in Southern India are interested. Well, Sir, the Planters' Association of Southern India, assembled in a meeting last month, I think, in Bangalore, unanimously passed a resolution praying the Government of India that they should remit the *ad valorem* import duty. I believe that their resolution and the representation which they have made to the Government of India are on the files of the Secretariat of the Government of India. While therefore the planters of Southern India are anxiously waiting for a favourable reply to their representation that the *ad valorem* duty should be removed, the Government of India are going to answer them by levying an extra duty of Rs. 3 per cwt. ! Sir,....

Mr. B. Das : There is no extra duty. This duty is already on.

Dr. F. X. DeSouza : I take it, Sir, that this tariff is to be over and above the import duty ?

The Honourable Sir George Rainy : No, Sir, I think perhaps I should make the matter plain to the Honourable Member. The specific duty proposed by the Tariff Board will be an alternative to the *ad valorem* revenue duty, and whichever is the higher will be imposed. According to my information, the two duties are almost identical in amount at present.

Dr. F. X. DeSouza : Whether it is higher or lower, the Planters' Association assembled at Bangalore asked that the import duty, whether it is *ad valorem* or protective, should be remitted. They have asked for bread, and will the Government of India give them a stone ? That is all I wish to say.

Mr. C. Brooke Elliott : I rise to make a personal explanation only. I spoke before on behalf of Planters connected with tea and rubber. But

[Mr. C. Brooke Elliott.]

I should not like it to be thought that I only spoke on behalf of tea and rubber, because I did not enumerate the other products. I spoke on behalf of all Planters and all products affected by the duty on sulphate of copper in the Madras Presidency.

The Honourable Sir George Rainy : Sir, there are only a few points in this discussion to which I need reply. My Honourable friend, Mr. Das, expressed the hope that the duties imposed on chemicals would be funded and used in aid of a reduction of railway freights on the analogy, I think he said, of what was done in the United Kingdom when the local and municipal rates on railway property were remitted on the condition that the railways passed on the benefit to certain industries in the shape of a reduction of freight. Well, I think my Honourable friend himself recognizes that the Honourable the Finance Member might find certain difficulties at the present moment in agreeing to a proposal of that kind. But in any case I am afraid that the extra revenue we are likely to get from the duties will only be a drop in the bucket compared with what we should lose if we reduced freights on the lines recommended by the Tariff Board. I am afraid therefore that at the moment it is not a practical proposition. Then my Honourable friend made it clear that he thought that it would be on the whole better if the industry remained localised rather than become centralised so that we should have not one manufacturing firm at one centre, but a number of firms established at two, three, four, five or six different centres. The only reply I can make is to repeat again what the Tariff Board said, namely, that they had no hope for the future of the industry if that state of things continued. At any rate this much is true that if we are to proceed on those lines, then almost everything depends on the practicability of manufacturing super-phosphates in India, so as to get a larger output of sulphuric acid. In that case the question of the reduction of railway rates loses a great deal of its importance.

My Honourable friend, Mr. Mody, pressed the view that the Bill would do very little to help the manufacturing firms, and what he wanted was a bounty of Rs. 30 per ton on the production of sulphuric acid. Whatever the merits of that proposal may be, they certainly did not commend themselves to the Tariff Board, for I do not find that the Tariff Board had much, if anything, to say on the subject. I know my Honourable friend will recognise that it is impossible for Government to adopt an entirely new plan of this kind in substitution for what the Tariff Board has recommended. Another point that he made was that he doubted whether, within a period of 18 months, the industry would have sufficient time to reorganise itself on the lines suggested. That I think is very likely true. But what I hope to ascertain during that period is whether the will to reorganise is present. If it appears that there is a real desire and intention to reorganise, subject no doubt to certain conditions as to the assistance that Government might be in a position to give, then the position would be hopeful; and whoever may fill my place when that time comes would, I have very little doubt, take that view.

Now, Sir, my Honourable friend, Mr. Thampan said—and he emphasised a point taken by my Honourable friend, Mr. Mody—that there was very little hope that these duties would do much good to the industry because these duties implied that the manufacturing firm could reach an output of 4,000 tons a year of sulphuric acid, and that no firm could do that at present. But the point I should like to put is this. What is the reason why

no firm in Bombay can reach that output? As far as I can see, the reason is that there are more firms than one. If there was only one firm efficiently managed, and they pushed their production, they could reach that output, and on that basis the Tariff Board made their recommendation. The protection was not calculated on the scale of keeping two or three firms alive in an area where there is room for only one.

Then again my Honourable friends, Mr. Thampan and Mr. Bhuput Singh had a good deal to say about manures and criticised Government for not taking immediate action to grant a bounty to the manufacturers wherever possible. I should like to explain in a sentence or two why I am doubtful whether this scheme for the manufacture in India would result in lower prices for the cultivator. The point is this, that if you start on the basis that Government assistance is required to enable a firm in India to carry on manufacture at all, obviously in the interests of their shareholders the Directors must try to obtain the highest prices they can for their products. And, therefore, unless competition comes from some other quarter, it does not seem very likely that the bounty scheme will result in a reduction of prices.

Finally, I must turn to the point which was raised by my Honourable friend, Mr. Brooke Elliott and was also touched upon by my Honourable friend, Mr. DeSouza. I think it would be extraordinarily difficult in connection with this Bill to agree to an amendment leaving copper sulphate out of the scheme. And I say so particularly for this reason that we have to consider not only the new specific duty which is definitely protective, but also the old *ad valorem* duty, but it is quite definitely revenue. That duty has been in force for a long time. Undoubtedly any industry is entitled to come to Government and say that this particular duty is pressing hard upon them and ask Government to see if they can do anything to lighten the burden, and most certainly it is the duty of Government to give such representations the fullest consideration. But in connection with this particular Bill, if I were to accept any suggestion for removing the duty now, I should certainly be interfering with the protective scheme, and I should also be giving up revenue which Government can ill spare.

My Honourable friend, Mr. DeSouza referred to a Resolution of the United Planters of Southern India, and I can promise him that that will be fully considered, but to the best of my knowledge and belief it has not yet come before me while I am clear that the question cannot be dealt with in connection with this Bill, I can certainly promise that the matter will be very carefully and fully considered, for we recognise that the rubber industry at present is in special difficulties and no one desires that the rubber plantation should fall into a condition which would make it very difficult for them to start again if there was a recovery in the price of rubber. I cannot say more than that at present, but I do promise that the matter will be fully considered.

Finally, as I have already explained in reply to my Honourable friend Mr. DeSouza, so far as this particular chemical is concerned, the addition in the tariff schedule of the specific duty to the revenue duty makes practically no difference at all in the level of the duty at present prices.

Mr. President : The question is :

“That the Bill to provide for the protection of the heavy chemical industry be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. H. P. Mody : Sir, I beg to move :

" After clause 3 of the Bill, the following new clause be inserted :

" 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that magnesium chloride chargeable with duty under item No. 141B, as above inserted in the second Schedule to the Indian Tariff Act, 1894, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the *Gazette of India*, increase such duty to such extent as he thinks necessary."

I bespeak the sympathy of the House for my amendment and I hope the very feeling heart of my Honourable friend, the Commerce Member, will respond actively to my appeal on behalf of an Indian industry. I should like to make it clear that the increases which have been sanctioned this afternoon in the heavy chemical industry and the particular increase in the duty on magnesium chloride will affect the industry which I represent in that it will send up the price of such chemicals and acids as the mill industry is using. But I must recognise, as every millowner

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does, that if the mill industry comes before the House on occasions to plead for a measure of protection, other industries have a like claim, and even though the mill industry may be affected to a certain extent by such claims on behalf of other industries, it has to pay the price, and has to support such claims.

Sir, all that my amendment seeks to do is to carry out the recommendation of the Tariff Board and to make the protection proposed by my Honourable friend the Commerce Member effective. The Tariff Board say at page 13 of their Report :

" But more important than the imposition of a substantial protective duty is the necessity of providing against violent fluctuations in import prices, whatever may be their cause. As we have already indicated the course of future prices is entirely uncertain, and we therefore recommend that as we have proposed in the case of the heavy duties to offset any decline in import prices."

The position is briefly this : that there is a very powerful organisation which controls the output of chemicals. That organisation is established in India, as it is established throughout the world, and its position is impregnable. That organisation since the establishment of the magnesium chloride industry in India has continually brought down its prices, with a view to offset the competition of the Indian industry ; and as a matter of fact it will interest the House to learn that the price charged in Great Britain by the same combination is much higher than the price charged in British India, in spite of the fact that the freight and other charges to Great Britain should ordinarily be much less than those which would apply to imports into British India. I will read one or two extracts from the Report of the Tariff Board : the first one says :

" It will be observed that the price in India is by far the lowest and it appears not improbable that an abnormally low price has been fixed in India in order either to destroy or to bring to terms the Indian industry."

And they say further on :

" We have been informed by the representative of the Haverlo Trading Company that the present price of imported magnesium chloride is not a remunerative price to the manufacturer and it is doubtful whether a c. i. f. price of £3-19-0 per 1,000 kilos leaves the manufacturer any margin of profit. This is borne out to some extent by the

proposal contained in the draft agreement, dated September, 1927, between the Haverlo Trading Company on behalf of the Syndicate and the Pioneer Magnesia Works."

Still further on they say :

" We are, however, satisfied that the price is considerably below what would be charged, were it not considered necessary to restrict the activities of the Indian industry."

The sum and substance of these and other expressions of opinion on the part of the Tariff Board is that the price in India is regulated by the necessity of meeting Indian competition, that in Great Britain and other places it is much higher, and that the powerful organisation which is in control of magnesium chloride and other chemicals is in a position not only to bring down its price to Rs. 3-4-6, but even to Re. 1-4-0, if it so chooses, which would be a matter of very little moment to them, but would be a matter of life and death to the Indian industry. Further, if Members have studied this Report, they will find that in a very recent case this has actually happened, when the foreign manufacturers submitted to a firm outside Bombay a price which was ruinous, and to which the Indian industry had to bring itself down in order to retain its custom. Therefore, all that my amendment seeks to do is that in the event of dumping, in the event of this combination bringing down its price in order to snuff out of existence the Indian industry, the Government of India should have the power without further reference to the Legislature to raise the duty to the extent of the reduction in price. I am not suggesting anything very novel. That precedent has been established in the case of a much bigger industry, namely, the steel industry ; and I think it is very essential, if the Government of India desire that the protection that they are seeking to offer to the magnesium industry should be effective, that they should also have the power to prevent dumping. As the House is aware, it is not possible for the legislature to take early action in the event of ruinous prices being quoted in the Indian market ; and under those circumstances I plead that the House, and more particularly in this case the Honourable the Commerce Member, will see not the slightest objection to my amendment which seeks to make effective the protection which is being offered to the magnesium chloride industry.

Mr. B. Das : I rise, Sir, to second the amendment which my Honourable friend, Mr. Mody, has moved. He has advanced such well reasoned arguments in support that I have nothing to add. I hope my Honourable friend the Leader of the House will accept it.

The Honourable Sir George Rainy : Sir, I am deeply touched by the great confidence the Honourable the Mover and his supporter have in the wisdom of those of us who sit on these Benches, and their belief in our capacity to administer a power which most Legislatures would jealously reserve for themselves. It makes me feel that some of the attacks which we occasionally hear are intended in a purely Pickwickian sense and that we need not take them too seriously.

I am not going to oppose this amendment on any ground of principle. It would be impossible for me to do so. The power to impose additional duties first found a place in the Steel Industry (Protection) Act, 1924, and a recommendation was made to that effect by the Tariff Board when I was the President of the Board. It is a power that has only once been used in connection with steel, when an additional duty was imposed on galvanised sheets last year. I was not very sure from the debates which then took

[Sir George Rainy.]

place whether a number of Members did not think that the power had not been wisely used. However there it is. But I would like to make this clear to the House, that it is not a power that the Government are anxious to have in their hands and they think it is better that the power should not find a place in the Act, unless there are very cogent and convincing reasons why they should have that power. One main argument in support of vesting a power of that kind in the executive Government is that irreparable damage might be done to an industry by a sudden fall in the prices before the Legislature could be assembled to deal with the matter. It is quite true that in the past in the case of magnesium chloride there have been very wide fluctuations in prices. But I believe that during the last three years the prices have been comparatively steady, and that there have been very few changes. Also Government took into account the fact that the magnesium chloride industry is not one in which irreparable damage can be inflicted by a comparatively brief period of low prices, and since the Indian Legislature commonly meets twice in the year, the longest period that could elapse would be about six months. I should like to read a very brief extract from the Report of the Tariff Board in 1925 on this subject. In paragraph 28 it is said :

“ Nor can it be pleaded that the continuance of the industry is necessary on national grounds. If, for any reason, supplies from Germany were cut off, there would be no difficulty in re-starting the industry at short notice. This was abundantly proved in 1915-16, and there is no part of the necessary plant which could not readily be improvised from materials obtainable in India.”

It is a comparatively minor industry in which the amount of capital invested is quite small. As the Tariff Board said, even if it had to shut down for a year or two, it could easily start again.

Now, having said so much, I do not feel that I can fully accept my Honourable friend's amendment. But I will say this that if it is the shown by the result of the division, Government will accept the decision of the House.

Mr. S. G. Jog : Sir, though the subject under discussion before the House is not in my line, yet I have been taking an interest in magnesium chloride, and I have brought myself into line with the subject. So far as the amendment moved by my Honourable friend, Mr. Mody, is concerned, it is a very good provision, and it has been recommended by the Tariff Board. In fact, the recommendation of the Tariff Board is the soul of the recommendations that have been proposed. The Government of India have readily accepted the first and the second proposals, but they have rejected the third one. Now, I find from the sympathetic attitude of the Honourable the Commerce Member that if the House agrees, the Government will have no hesitation in incorporating in the Bill the power of making inquiries from time to time as circumstances arise, and this is very satisfactory indeed. I must particularly thank the Commerce Member for this attitude, because on the last occasion the Assembly desired that in any of Government's measures the Government, who are often described as the wicked Government, or the wicked executive, should not reserve to themselves the executive powers of interfering with other things. Now an amendment has been brought forward by an Honourable Member from the popular side, by a prominent commercial magnate, and when he makes the proposal that such a power should be reserved to the executive Government, I think the Government ought to accept the proposal, and even in this

wicked Government I am prepared to put my faith so far as the incorporation of this measure goes. If the Government are actuated by the real motive of giving protection to this industry, let the protection be real and effective. If you will read the Report of the Tariff Board, you will find what sort of attempts have been made by foreign companies to crush the Indian industries. It is a story worth reading, worth studying, as to how these foreign companies have tried to crush the small industries, and the necessity of Government coming forward and granting liberal and real protection to these small industries is all the greater. I have no hesitation, therefore, in requesting the House to support the amendment of my friend, Mr. Mody, particularly when the Government are also willing to accept it.

Mr. President : The question before the House is :

“ That after clause 3 of the Bill the following new clause be inserted :

“ 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary that magnesium chloride chargeable with duty under item No. 141B as above inserted in the second Schedule to the Indian Tariff Act, 1894, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks necessary.”

The amendment was adopted.

New clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

The motion was adopted.

THE PROVISIONAL COLLECTION OF TAXES BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise, be taken into consideration. This, Sir, is a Bill which amends and replaces the existing Act on the subject. I have already explained that the chief purpose of the Bill is to extend the period during which collection can be made provisionally at enhanced rates from 30 days, which is the period under the present Act, to 60 days. I have already explained to the House the reasons for asking for this extension, and I trust that Honourable Members from their own experience will agree with us that the extension is desirable.

Apart from this, the Bill effects certain very minor changes in the existing law. There are four changes effected by the Bill. In the first place, the existing Act could be applied to a complete Bill, but not to individual provisions of the Bill, or when I say the existing Act I should have said the original Act of 1918. By an amendment of 1923 a new section was introduced to enable the Act to be applied to individual provisions. The present Bill is drafted so as to make that particular provision clearer. It defines a “ declared provision ” in clause 2 and provides for the immediate effect of any declared provision that is provided in clause 3. That is the first point.

[Sir George Schuster.]

The second point is that in the present Act "immediate effect" implies effect from the date of introduction, and there has been some doubt as to the exact legal meaning of the words "from the date of introduction". Therefore, in the present Bill we make it clear that "immediate effect" means effect immediately on the expiry of the date of introduction. There was, as I say, some doubt on the subject. It was formerly held that "from the date of introduction" included the actual day on which the Bill was introduced, but two years ago a contrary interpretation was given, and it was held that the expression excluded the actual date on which the Finance Bill was introduced. We wish now to clear up any possibility of doubt on the subject, and therefore we have made it quite clear that from the date of introduction means from the next day to the day on which the Finance Bill is introduced. That is the second point.

The third point is that the existing Act, if applied to all the provisions of a Bill, as in fact it must be applied if the Bill is declared to be a Bill for application under the Act,—if so applied it affects any imposition or variation of a tax so that it would give immediate effect to a reduction of a tax as well as to the increase of a tax. It is inconvenient that the reduction of a tax should come into effect at once, and there is no reason from the revenue point of view that it should be so. So, in the new Bill the provision is designed only to apply to the imposition or increase of a tax; the provision reducing a tax cannot be made a declared provision. That is my third point.

The fourth point is that under the existing Act, if a Bill is so modified in the Legislature as to reduce the tax to a rate lower than that which was in force prior to the introduction of the Bill, refunds are made on the basis that the tax had been reduced on the date of the introduction of the Bill to that lower level. Under the new Bill, refunds are limited to the difference between the rate proposed and the rate actually in force when the Bill was introduced. That again is a provision the reasons for which would be apparent to every one. That, Sir, is all that I need say in explanation of the Bill at this stage. I therefore move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

The motion was adopted.

THE FOREIGN RELATIONS BILL.

Mr. E. B. Howell (Foreign Secretary) : Sir, I beg to move that the Bill, to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of Foreign States, be taken into consideration.

It always seems to me, Sir, that when the force of circumstances compels the representative of the Foreign and Political Department to come before the House with a request, as I do now, he must necessarily appear before them at a considerable disadvantage. If I may, I will try to explain why he is at a disadvantage. He stands before them as the representative of the Foreign and Political Department. I should like with your permission to examine that departmental label a little more closely. Let us take the second half first, Political.

The word has, somehow, in current usage in this country, acquired a somewhat sinister connotation. (Laughter.) That connotation is, as I think, wholly undeserved, but the fact is undeniable. The word has passed into other languages, and in some of these this tinge stands out perhaps more clearly than it does in English. If I have your permission, I would like to give an instance or two. In that delightful dialect which is spoken in the streets and *mohallas* of Peshawar city and, so far as I know, is practically confined to them, if one man says of another "O Vada political shakhas hai", the expression is highly defamatory. I cannot put it into English otherwise than bluntly. It means, "He is a great rogue". (Laughter.) If the House will bear with me, I will give one other illustration, drawn from my experiences in Iraq. An Arab Shaikh of my acquaintance in that country, whom I knew well, once regaled me with a recital of the steps by which he had gradually risen to the position that he then held, that of the head of his tribe. It was, impartially considered, an appalling catalogue of blood and treachery, but he did not seem to think that it required any apology. He brought his narration to a crisis in his fortunes, when he had induced a party of very doubtful supporters to follow him into action against a band of undoubted opponents. Battle had been joined and the bullets had begun to fly. At that point he made a dramatic pause in his story. I said—in the funny Arab—i.e., that obtains in Mesopotamia—*Wa ba'd dhâlik enta 'she suwait, ya Shaikh?* It means, "Well, Shaikh, what did you do then?" He replied, "*Ana Suwait politik, Amhazamat*". That means, "I did a great political stroke, I ran away". (Laughter.)

Well, Sir, there may be no moral turpitude in the act of running away, but it is not the sort of thing about which most of us, especially in such circumstances as those depicted, would care to boast. So much for Political. But before I leave that half of my label, I should like to explain that the Bill to which I have the honour of standing sponsor has nothing whatever to do with the Indian States and in no way affects the publication of any statements regarding their rulers.

Having thus disposed of Political, we now come to Foreign. Well, Sir, what does the average citizen of this country or any other country in the British system know or care about foreign affairs except that if he wishes to travel abroad he has to acquire a thing called a passport? He does not understand the necessity for this, and he thinks that it is rather a nuisance. Having got his passport, he has to go through other formalities in connection with the procuring of endorsements and *visas*, to obtain admission to the countries to which he desires to go. As I say, these things generally seem to him unnecessary, tedious and vexatious. But if he should make up his mind that there is perhaps more in this matter of foreign affairs than this and try to learn about them and take

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an intelligent interest in them, I am bound to admit that this House, under its present constitution, he finds very little encouragement. The rules of the House do not permit him to put a question or frame a Resolution in any way affecting foreign relations—or for that matter political relations with Indian States either—and yet though he has thus been as it were warned off the ground, and perhaps has learnt to look askance at those who tread on it, the high priest of these mysteries apparently thinks himself justified in coming forward, as I am compelled to do on the present occasion, and in the name of foreign and political relations, extending to him a bland invitation to do something of which he has had no opportunity to judge the expediency for himself and which he may be not naturally disposed to do. That, Sir, is the position and that is why I feel myself at a disadvantage on the present occasion. I will be completely frank, for that, I think, is the best remedy for this state of affairs and by adopting an attitude of complete frankness I shall, I hope, be able to dispel the fog of suspicion which I think,—I hope I may be wrong—I see hanging over some of the Benches in this House.

In the first place let me explain that according to constitutional theory, if I understand it correctly, diplomacy and foreign relations are an appanage of the Crown, and technically all foreign relations, no matter to what extent they may be conducted through or guided by the views of a high officer like the Viceroy and Governor General of India, are the foreign relations of His Majesty and of His Majesty's Government, and fall within the sphere of His Majesty's Principal Secretary of State for Foreign Affairs. If I may anticipate for a moment, Sir, under the new constitution of India, as foreshadowed at the Round Table Conference, it was agreed that external affairs should for a time be a reserved subject for which, as for defence, the Governor General should be responsible, but that he should have a representative in the Federal Chamber for the exposition of his policy and his views on this subject. The Prime Minister himself declared that it would be a primary concern of His Majesty's Government to see that the reserved powers were so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government. In this debate therefore and in calling upon Members of this House, as they must in weighing the Bill before them, to take into account considerations of foreign policy, I am as it were asking them to take a mortgage on the future and to anticipate the expressed intentions of His Majesty's Government.

Next, let me run through the provisions of the Bill. It is a very simple measure containing only five clauses, and the effect of them is to render liable to prosecution, but only on the complaint of Government, any person who publishes any statement likely to promote unfriendly relations with foreign governments. Any person convicted of this offence may be sentenced to undergo two years imprisonment and to fine, and any published matter which may be declared to promote such relations may be forfeited and its passage through the post may be prevented. The last clause of the Bill makes it take effect from the 6th April last,

the date on which the Foreign Relations Ordinance, which it supersedes, was promulgated. The Bill contains no provision for the taking of security, for the suppression of any newspaper or the confiscation of any press.

In a recent debate in this House, my friend the Honourable Mian Sir Fazl-i-Husain pointed out to an Honourable Member, whom I see sitting opposite, following my remarks with an attention, which I suppose means that he is shortly going to challenge everything that I have said,—Sir Fazl-i-Husain pointed out to that Member that if he were suddenly told that he had been condemned to death, the Honourable Member would, as they say in cinema circles, probably register resentment and annoyance. But if he were merely told that death is the common lot of humanity in which he and all of us must share alike and that we together with “Golden lads and lasses must, like chimney sweepers, come to dust”, he would probably accept being condemned to death in this sense quite good-naturedly and contentedly.

Well, Sir, the same is the case with regard to the provisions of this Bill. It is based upon the common law of England which, so I am told, usually prevails in the Dominions and Colonies. I speak with diffidence on this aspect of the matter, as I am no lawyer, and there are others in the House who will deal with the legal issues in a far more competent fashion than I can. I have however been more than once asked by Honourable Members of this House in conversation “Under what statute would such action as the Bill now before the House proposes to penalise be punishable in England?”. To this I can only reply that there is no statute in England which deals with this, but it is none the less an offence punishable under the common law. The absence of a statute does not mean that the offence is regarded as trivial or negligible. There is no statute in English law, I believe, making punishable the offence of murder which, I suppose, is the most serious crime that any human being can commit. Part of the common law of England has been reduced to statute form, but part has not, and the fact that any given offence, such as the making of malicious attacks upon the head of a foreign government or committing murder does not figure in any statute, does not mean that these acts are regarded as trivial or unimportant. The common law of the United States of America is the same as that of the United Kingdom. In Canada the common law has been reinforced by specific enactment, which was brought into force so recently as 1927. As regards foreign countries, I have found that similar provisions exist in the legal systems of Brazil, China, Columbia, Costa Rica, Egypt, Finland, France, Greece, Guatemala, Holland, Italy, Japan, Persia, Portugal, Rumania, Siam, Sweden and Yugo-Slavia. I do not pretend for a moment that this list is exhaustive. If I had had more time I could have produced one double as long, but these instances are perhaps enough for my purpose. For it must be remembered that it is only the more advanced countries which require a statute of this nature.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadian) : You are paying a compliment to India by bringing this forward ?

Mr. E. B. Howell : Precisely so. In the many countries in which the powers of the executive are undefined and the Press consequently

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has no liberty, the need of these powers is not felt. The desired object can easily be secured without them.

In a good many of the countries above mentioned the law is based on reciprocity. Protection will only be given to those Governments which in turn accord it. Nor is the safeguard one of those obsolete or obsolescent weapons of which plenty are to be found in the legal armoury of most States. As I said above, Canada made specific provision for this offence as recently as 1927. Even more recently Egypt, Greece, Persia and Turkey—all national Governments—have done something similar. I have not full details about the other three countries, but Persia affords an interesting example. In May of this year Article 81 of the Persian Penal Code was amended as follows :

“ Article 81. Whosoever in any way slanders the Head of the State will be condemned to correctional imprisonment for a period of from three months to three years.”

“ Part II : Whosoever in any way openly slanders the Head of a Foreign State or the diplomatic representative of a Foreign State in Persia will be condemned to correctional imprisonment for a period of from three months to two years, subject to the condition that the Foreign State accords reciprocal treatment in such matters to Persia.”

You see, Sir, that, subject to the condition of reciprocal treatment, the Persian Government affords practically the same measure of protection to foreign Governments as to itself. There is a difference only of one year in the maximum sentence.

So, Sir, if this measure spells death and martyrdom to the Indian Press, as no doubt we shall be told before the debate is finished, we shall at least be going to the stake in good company.

And now, Sir, having concluded my review of what other countries have done and are doing, let me turn to our own country. It is true that for many years we got on without a measure of this nature. The Press Act of 1910 contains nothing of the same content as the present Bill. But I submit, Sir, that of late years circumstances have entirely changed. It is only recently that any portion of the Indian Press has devoted attention to foreign affairs. Of late years, with the growth of such a Press, the growth of interest in what is being done in other countries, the advance of literacy and the promotion of means of communication, the inconvenience, not to use a stronger word, of this lacuna in our legal system has been more and more acutely felt. I need not dwell on any earlier instances, but I may perhaps call to mind that only three years ago my distinguished predecessor, Sir Denys Bray, introduced in this House a Bill for the amendment of section 505 of the Indian Penal Code, of which the effect, had it become law, would have been pretty much the same as this Bill is designed to achieve. That Bill, Sir, did not become law. I am, I think, betraying no secrets when I say that it was allowed to drop, partly at least because of the stubborn opposition which it was anticipated it would encounter in this House. That opposition, Sir, I should characterise, for reasons which will shortly appear, as no less short-sighted than stubborn. (Hear, hear.) However that may be, Sir, the measure was allowed to drop. And now, Sir, mark a curious circumstance. When the Bill was introduced, a certain potentate was sitting on the throne of an adjoining country. If that Bill had

become law, he would have derived the benefit of the protection which it afforded. But it did not become law. Since then the wheel has turned and now three years later there is another Ruler sitting where the potentate, to whom I have just alluded, formerly sat. I submit, Sir, that this is clear proof that, as I said when I introduced the Bill, it is not designed for the protection of any particular person.

The Bill, then, Sir, is a general measure. It constitutes no doubt some restriction on the Press, and as such might be described by some persons as an evil. But it is not intended to stifle reasonable criticism or the temperate expression of adverse opinions. Nor is it intended to have any bearing upon the utterance of sentiments expressed on the course of *bona fide* religious controversy. You may be sure, Sir, and the House may rest assured that it will never be used for any such purpose. And, Sir, I would ask you and I would ask the House to consider and weigh carefully, against this small measure of restriction, the very much greater evils to which this lacuna in our system, to which I have alluded, might at any time give rise. Speaking with full responsibility and weighing my words carefully, I warn the House that the lack of means to prevent attacks of such a nature on a foreign Government or the Head of a foreign State might, in circumstances which may be easily imagined, but which I will ask you to excuse me from attempting to depict, mean either an outbreak of civil war in an adjoining country, which is a sufficiently serious calamity for us, or at the worst it might even lead to international war, the destruction of numerous lives and the waste of incalculable treasure, perhaps even to an overthrow of the whole ordered state of things which we know. I would ask the Members of this House one question. Do they think it worth while that we should maintain good relations with our neighbours or not? If not, they have no right to grumble at the high cost of the military Budget. If so, let them swallow my prescription and support this Bill, without which the maintenance of good relations is, as I can assure them, rendered more difficult and in some cases well nigh impossible.

But, Sir, some Honourable Member may say, “ He has made out a fairly good case for his Bill. But why is there such a hurry? Why is it necessary that it should be brought into force at once? Why can we not have a little time to look round before placing a measure of this nature permanently on the Statute-book? ” Sir, we are here treading on delicate ground, even more delicate than that over which I have hitherto been trying to pick my way. If any Honourable Member should feel scruples such as these, I would remind him that the Foreign Relations Ordinance expires on the 5th of next month. Government would be reluctant to renew that Ordinance, but circumstances, as they did last Spring, might again compel such action. During the period for which the Foreign Relations Ordinance has been in force, six prosecutions against journals—all of them published in Lahore—have been instituted on the complaint of Government. In three of these the case in the Court of first instance has reached its conclusion, but the period of appeal has not yet expired. All these cases are therefore still *sub judice* and no discussion of them can be undertaken in this House. It is, however, I believe in order for me to refer to publications which appeared before the Ordinance was brought into force. I will not quote from these at

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length. But if any Member of this House has sufficient curiosity on the subject, he can refer to the files of certain journals published in Lahore and to the matter which appeared in them on various dates in March last. He will see there appeals of a most inflammatory nature purporting to emanate from a claimant to the throne of an adjoining and friendly country. These are addressed primarily to the subjects of that country, but also secondarily to all and sundry, and the gist of them is to urge the readers of the paper to take part in a concerted movement against the ruler of that country, who is assailed with every sort of abuse and against whom the paper makes all the most damaging insinuations that the editor can think of, and attempt to drive him from the throne. That ruler, Sir, has been adopted as King by the suffrages of of his countrymen. He has been recognised by foreign Governments as the *de facto* and *de jure* head of his nation. What right has any foreigner to take sides in a domestic quarrel and urge the subjects of that monarch to rise and revolt against him?

What I have said, Sir, may perhaps leave the impression that this Bill, though apparently of general scope and purport, may yet be intended for application to the affairs of one particular country and for the benefit of one particular person. I assure the House that it is not so. I have already shown strong evidence against any such supposition, but I will add here and now that one of the six cases above mentioned was undertaken at the request of the representative in India of another and a totally different country. That case has not yet been concluded and I cannot therefore do more than refer to it in general terms.

I should like to add, Sir, a word of caution and to ask you to use your authority to induce the Honourable Members who may follow me in taking part in this debate to imitate also my example and to avoid the use of names in their references to certain subjects, lest quite inadvertently they may cause offence where I am sure it is not their intention to do so.

Finally, Sir, before I resume my seat, I would like to recapitulate certain points. The Bill has nothing whatever to do with the Indian States, nor has it any bearing on statements made with regard to the rulers of those States. In adopting this measure, India, so far from striking out a new line of repression for herself, will only be following the general example and putting herself in line with all the more important civilised countries of the world. An attempt was made to do this three years ago, but abandoned. If that attempt had succeeded, the benefit of it would have been reaped by the very person whose propaganda has recently come within the mischief of the Ordinance at present in force, which the Bill is intended to replace. The Bill is of general scope, adequately provided with safeguards and of a very gentle character. It has no provision for the taking of security, the suppression of any paper or the confiscation of any Press. It is not intended to stifle reasonable criticism or the utterance of opinions expressed in the course of religious controversy. In so far as it is a restriction upon the liberty of the Press, the subject matter of the Bill will no doubt give rise to regret in certain quarters. Yet it is a restriction which the Press in many other countries has found extremely tolerable, the obligations

of which should be no more irksome to the editor of a well-conducted journal than the obligations of public decency are to a normal individual. The absence of such a measure on the other hand might at any time have disastrous consequences, and in asking the House to weigh these, I am asking them to assume responsibilities perhaps more appropriate to a time when external affairs will come more fully within the purview of this House than they do at present. Finally, Government have no option but to press on with this measure with all speed, since the lapse of the Ordinance, if it is not replaced by a statute, will inevitably lead to fresh outbursts. The Press of India, to its great credit, has in general abstained from offending in this way. The imposition of the restriction will therefore do them no harm. The mischief which can be done by the few irresponsible journals who have thus smirched the reputation of the Indian Press as a whole is however so great that I confidently appeal to the House, and through them to all responsible members of the great profession of journalism, to rise above the parochial outlook, to take up the mortgage of the future and to give an earnest of their capacity to deal with external affairs. Let them think internationally and if they will do that, Sir, I have no fears for the measure which I now advocate.

Sir, I move that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States be taken into consideration. (Loud applause.)

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932.

Perhaps India is the only unfortunate country where the liberties of the Press have been very much restricted by the legislature. I think my Honourable friend, the Foreign Secretary, can create no parallel of such severe enactments in any other country.

Sir, I tried my best to know something about similar enactments in other countries. The small library below could in no way help me in doing so. And after all efforts of mine, I came to know that this is an unwritten law of England, that is, English common law. Then, Sir, may I ask my Honourable friend why should it be a written law in India?

Sir, let us take it, for a moment as the Honourable Member said, that such a law is in force in England. But then this cannot make us forget that there is a world of difference between the political condition of England and that of India. England is governed by the representatives of the masses. The ministry there consists exclusively of those who owe their office to the people and who are personally responsible to their electors for voicing their sentiments. In short the friends of the Government are nevertheless the friends of the public. There the Government is of the people and for the people. In India the state of affairs is just the contrary. The interests of Government are often in conflict with those of the people. On many occasions the interests of Indians are very much in jeopardy, the Government having the upper hand in every matter.

Sir, coming to the Bill itself we have many causes which compel us to oppose its enactment into law.

Mr. President : Order, order. In view of the adjournment motion to be now discussed, the Honourable Member should continue his speech on the next official day.

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Mr. President, I move that the House do now adjourn to discuss a matter of urgent public importance, that is to say, the death of two detenues and the mortally wounding of five others, and also injuring 15 other detenues at Hijli, in the district of Midnapore, in Bengal. Before I deal with the case, I must say that I do not know the full details of the occurrence ; and in fact the Honourable the Home Member opposed my motion at the very beginning on the ground that he had to get more facts. The occurrence happened at 9-30 P.M. on the 16th instant. To-day is the 21st ; full five days have passed and in the meantime the Government, if they wished, could certainly have put the House in possession of all the facts. We have tried in our own way to get them ; but all our efforts have been frustrated owing to limitations being put on visits to that place and on seeing those people. I think you will find later on that the Honourable the Home Member is in possession of more facts than he professed to have.

I find a statement in the *Pioneer* that it is understood that, "The official inquiry into the shooting at Hijli is expected to be completed to-day by the District Magistrate of Midnapore, who will shortly submit his report to Government". Of course, it is for the Home Member to say whether he has got the report or any more details ; and if he does not, I must claim that he is only to be blamed and that it is not through any fault of mine, because I have given him twenty four hours' notice of this motion and I expected, if he had not got all the facts of the case, that he would explain the reasons that stood in his way. I shall now read the communiqué issued by the Government of Bengal, whence I got some of the facts :

"Shortly after 9 P.M., on Wednesday, the 16th September, determined attacks were made on four sentries by bands of detenues at Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants and another sentry was with difficulty saved by the timely approach of a patrol. The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp. Two detenues were killed and twenty injured four being seriously injured. Three police officers were also injured. Order was restored in less than half an hour. An inquiry is being held by the District Magistrate of Midnapore."

Hence the House will see that there was an inquiry on the 17th—I understand there was an inquiry twenty-four hours after the event, and this communiqué is so laconic that we cannot get much of the facts out of it. One thing is however clear. There is no charge from the Government side that these people attempted to get out of their camps. If my time were not limited, I could explain to you the policy of the Government underlying all these events. I could give a description of this camp itself. As I say, I hold the Government of India responsible, because the Home Member went all the way to Calcutta only the other day and instructed the Bengal Government deliberately to follow this course. I do not care whether we win or lose, but the House must be told what is happening in Bengal. That Government's policy is now determined at the instigation

of the Anglo-Indian Press. I must say that I do not hold the other European members of the mercantile community responsible for that ; we have no quarrel with them. We know that if we get a better constitution it is to our mutual interest to help each other ; but unfortunately they are now being led by people who are unlike their predecessors like Sir Darcy Lindsay and others. They are now instigating the Government. I can quote passage after passage to show that it is at the instigation of the Anglo-Indian Press that the Government of India are now determined to have a policy of crushing down these people.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

The other day the House was resounding with the eloquence of these people against the principle of assassination. I quite agree with that ; but I wish they had the courage of their conviction and condemned assassination whether it came from the emissaries of law and order or others. I shall see how they vote on this motion and how far they carry their principle of condemning assassination whether it comes from the Government or from the young misguided youths.

I shall show from the communiqué that it is clear that under the rules and regulations this detention camp having barbed wire all round and sentries.....

Mr. B. R. Puri (West Punjab : Non-Muhamadan) : Are you speaking from experience ? If so, you had better explain to the House.

Mr. S. C. Mitra : Yes, I am speaking from experience, and I am glad that I have this opportunity to explain the position. I know these places even better than the Home Member.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhamadan) : You are an authority on this matter.

Mr. S. C. Mitra : This occurrence took place at night. There is not the least doubt that these people were wholly unarmed—because they are in a detention camp—and there were sentries posted round the fences of electrified barbed wire on a raised platform, with guns loaded. What is the reason then for the discreet silence of the Government on this point ? Ordinarily these young men are locked up at night before 9 by these sentries. I thought the Honourable the Home Member would enlighten us on these points, but if he has got nothing more to say than the communiqué, I can only say that the communiqué is discreetly silent on this point. We next hear that within less than half an hour, to be accurate—within ten minutes—everything was quiet. During this period, two detenues were killed outright. According to the papers one detenu's hand had to be amputated ; one more had a bullet lodged in his abdomen ; three more are in an extremely precarious condition. And what happened to the police ? "Three police were also injured." How much are they injured ? What is their injury ? There is no mention about it whatsoever.

I shall now tell you who these people are. They are not ordinary convicts. They are not convicted of any crime. It has been stated in this House by the predecessor of the Honourable the Home Member that these are not penal sections under which our boys are detained ; they are merely preventive. It is merely on police suspicion that these young men are arrested ; if they have no case to take them before a regular court, they are kept in this sort of detention. It is needless to say that this sort of detention should be abhorrent to any gentleman,

[Mr. S. C. Mitra.]

to any Englishman. The idea is certainly abhorrent to me that these people should be kept day after day, month after month in jail without any trial whatsoever. Perhaps the Honourable the Home Member may say that they are charged; I can say from my personal experience that that is not the case. What are the charges? It is a misnomer to call them charges. Any lawyer can tell you they are not charges. They say, "You are a revolutionary". That is one charge. How can you disprove it? Another charge is, "You are an associate of some revolutionary or public man"—in my case it was, "You are an associate of Mr. Subhas Chandra Bose and Professor Anil Baran Roy". In some cases they are charged with having attempted to smuggle arms between the years 1922 and 1925. No date is given. I appeal to the lawyer Members of this House to say according to what code of law these can be called charges. It may not be known to the administrative officers, but there are rulings of the Privy Council that the charges must be definite and such that a man can answer them. These so-called charges are brought against these people behind their backs, and they are asked to explain; and a decision is given that so and so will be put for an undefined term under restraint. This is what happens. Assuming but not admitting that in this case there was some provocation, are these people justified in killing in a cowardly fashion these unarmed detenus? I ask you to consider the matter dispassionately and to look at the psychological aspect of their mind. Any man would tell you that if a person is kept for a long time under restraint, it naturally strains his nerves. Even in ordinary cases that is so; if a man is kept for a long time under restraint even a reasonable man becomes, to a certain extent, unreasonable. If a man is convicted and knows that he will be released, say after two or four or five years, then even his temper becomes bad. But if he is kept on for an indefinite time and he never knows when he is going to be released or if he is going to be released at all, it is bound to tell upon his nerves and make an ordinarily reasonable man unreasonable to a certain extent. I appeal to the House to go into the matter. There is nothing in the communiqué; but assuming there was some provocation, are these sentries entitled to kill these young men, who were never convicted of any offence, who were detained merely because some police took it into their heads that these men were suspects, and to kill them like pariah dogs. Is that civilised Government? Are these the ways to be adopted by a civilized Government? You are speaking of incitement to murder and assassination. I say to the House that it is the Government which is inciting people to commit murders and assassinations. Sir, I warn the Government through you that it is Government itself which is creating or provoking people to commit murders and assassinations. It is not the writings in the press or the speeches on the platform which are responsible for these evil deeds, but it is this Government that is provoking people or inciting people to commit murder and assassinations. Our Anglo-Indian friends might say that Government are investigating these things. It is otherwise about the Anglo-Indian Press and blood is thicker than water, and therefore I put a question to the Honourable the Home Member the other day why the *Statesman* should not be prosecuted under section 153-A, for setting class against class and he bluntly replied "No". I shall just quote a passage from the *Statesman* to prove how they incite people,—but section 153 is meant for only the coloured people and not

for the Anglo-Indian papers. On the 30th July the *Statesman* wrote this in its columns: "A vigorous policy of reprisals and summary punishments will for ever drive terrorism."

Mr. Arthur Moore (Bengal: European): Will the Honourable Member kindly read the context?

Mr. S. C. Mitra: It has appeared in your paper dated the 30th July. My time is limited, and so you will please excuse me.

Sir, with your permission, I may warn the Honourable Member, I mean also my friend, Mr. Arthur Moore, not to speak of reprisals. India is not Ireland. India is not made up of a handful of people. Do you think you can crush the Indian people in that manner? I may tell the House that even in Ireland the Government have failed to crush the people, and here they are sure to fail to their complete ruination when they would realise the results. Now then it is said that the criminal law was insufficient and they press for more repressive laws. I say, Sir, the Criminal Law Amendment Act has failed. The Honourable the Home Member will be able to tell the House the total number of the young men who have been thrown into jails, and yet he says that these things are occurring every day. According to his own admission, therefore, the Criminal Law Amendment Act has failed, and in spite of getting hold of young men and throwing them into jail and indirectly provoking them, activities of anarchists are matters of almost daily occurrence. One would have desired that the Government had exercised greater judgment in dealing with Indians, had they dealt with the public in a more reasonable and statesmanlike manner as the Congress suggested—but as the Government are not amenable to reason,—we Indians are naturally anxious to have Dominion or self-government which is the only cure for all our present ills and troubles.....

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): The Congress says you must not be violent.

Mr. S. C. Mitra: My idea of non-violence is much better than yours. Then as regards these two young men who have been killed, I may say just one word. One man is Mr. Santosh Mitra—a brilliant Graduate, he was an accused in the Alipore Conspiracy trial. After a prolonged trial, he was acquitted because nothing was proved against him. When he was coming out of jail, he was again arrested immediately and put under restraint, though he was in jail for the prolonged period during which his trial took place. Yet as soon as he came out, he was arrested under the Criminal Law (Amendment) Act. Then what happened? He was put in a Darjeeling jail. Then the Governor of Bengal—Lord Lytton was the Governor,—though he was a short-sighted politician, was a sympathetic person, he had a sympathetic heart. He talked with this young man and permitted him to sit for the examination. He appeared for the examination in the jail and passed the M. A.

Mr. S. G. Jog (Berar Representative): M. A. means a member of the Alipore conspiracy (Laughter).

Mr. S. C. Mitra: Then the young man was released after a time, and he married and settled in life.

Then as regards the other man, I find from the papers that he comes from Barisal and he was arrested for picketing a *ganja* shop, a very humanitarian object. But I may tell the House what is the policy underlying the actions of this soulless Government. They have no definite

[Sir James Crerar.]

the bayonet and abused him. He fired a third time whereupon the group of detenus retreated. Either the same body as attacked sentry No. 7 or another body advanced on sentry No. 8, who was posted close to the south-east corner of the main building. This sentry states that he saw 15 or 20 detenus coming towards him armed with brickbats and iron mosquito curtain poles. The sentry thinks a considerable number of those approaching him came from the main building. However that may be, brickbats were thrown at him and he challenged them and called them to halt. In his own words he quotes their reply as 'Sala hum tum ko jan marega. Tum hum par goli chalao'. He had not up to this fired but then fired one round. This sentry carries the mark of an injury from a brickbat.

All the three sentries and the two patrol constables think their shots caused no casualties. From examination of the ground this would appear to be true.

The Guard on duty is stationed outside the main gate of the camp. They turned out on the warning of the gate sentry, who had heard the call for assistance from sentry No. 3. As soon as the warning to turn out was received the Guard Havildar turned out the Guard, sounded the alarm and ordered the second Havildar to go with latter took his party there and found that a number of the alarm party, that is to say, men not on guard duty, but present in the lines had already assembled there. He went back and reported this to the senior Havildar in the Guard Room. The senior Havildar ordered him to remain in the Guard Room, and proceeded himself to the main entrance. On arrival there he found some 30 to 40 men between the gates and also a third Havildar. This last mentioned Havildar ordered the inner gate to be opened and the whole body doubled into the compound and proceeded up the road leading to the main building. The Guard Havildar being at their rear. The other Havildar instead of staying with the constables whom he had led into the compound moved off in the direction of sentry No. 7 whose bayonet had been seized. The Guard entered the compound just after sentry No. 8 had fired his shot.

What follows is drawn from the statements of the Guard Havildar and the sepoys of the main body. They declare that there was a large crowd of detenus outside the south-east corner of the main building armed with mosquito curtain poles with which they struck at several of the constables, inflicting minor injuries. The constables were also greeted with a shower of missiles, including at least two chairs, mosquito curtain poles, soda water bottles and brickbats. A struggle ensued and fire was opened. The question of the control of this firing is one of those now under investigation. It was of very brief duration and the Guard Havildar states that he ran up and ordered the constables to cease firing, which order was immediately obeyed. He at once ordered the whole party back to the Guard Room and recalled the other Havildar. The whole outbreak from start to finish appears to have lasted at the most ten minutes.

Investigation goes to show that few, if any, serious injuries were inflicted on the detenus outside the main building. The gunshot cases appear to have occurred among persons who were standing in the verandah over-looking the affray, the fire of the constables being towards the main building. There is nothing to indicate that fire was specifically aimed at persons on the verandahs.

At the time of the outbreak the Commandant was in Kharagpur, and the Assistant Commandant in his quarters but sick. The Commandant was summoned by telephone on the alarm being sounded, and together with Inspector Marshall reached the camp within ten minutes. He entered the camp with the Inspector and found that everything was quiet. The sentries were at their posts and the Guard was back outside the camp. They had gone some distance on their rounds before they received intimation that any detenu had been seriously injured, a detenu calling to them to ask for medical assistance. Reports indicate that this was at once rendered. The Commandant himself went to the Railway Hospital to get the assistance of the Chief Medical Officer. The latter being out on the line, he brought back Dr. Majumdar and the injured were removed in motor cars to the Railway Hospital, where such as were seriously injured have been detained and the remainder after treatment were returned to camp.

The Local Government will consider action to be taken on receipt of Magistrate's report."

Now, Sir, I suggest that the Honourable Member would be well advised not to press his motion in view of the fact that this investigation is not yet complete and we cannot be in full possession of the facts until it is completed. But some of the expressions which fell from the Honourable

Member compel me to make one or two remarks before I conclude. It is very unfortunate that I should be compelled to deal with allegations in a matter which is still in a sense *sub judice*. I must point out to the House.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : If the subject is *sub judice*, can it be referred to ? My Honourable friend took no exception when the Member was speaking. My point of order is this. The Honourable Member states that it is *sub judice*. He did not raise his objection at that time. According to his own admission.....

Mr. President : How is it a point of order ? Certain statements have been made and a reply is being given.

The Honourable Sir James Crerar : What I said was that these matters were in a certain sense *sub judice* and that it would be highly inadvisable, and I venture to say highly improper, on the part of this House to express any opinion at this stage. It is a course of action which I myself would certainly decline to take—to pronounce a decision while the matter is still under inquiry. Nevertheless I think I must point out that the *prima facie* facts of this case indicate that the police officers acted only on two grounds, namely, they acted in the discharge of their immediate duty of maintaining peace and order in this place. They acted promptly, and fortunately a situation which might have proved even more serious was checked at an early stage and consequences which might otherwise have taken place were averted. In the second place on the *prima facie* aspect of the case, which is the only aspect before the House, it appears that they acted in discharge of the lawful privilege of private defence. Beyond that I do not intend to go. I say that these are *prima facie* inferences that can reasonably be drawn from the provisional account, which is all that I can at this stage lay before the House. I say that no further inferences can reasonably be drawn than that and I once more suggest to the House that while this inquiry is proceeding it would be highly undesirable for us to come to any conclusions which might incriminate either the officers concerned or the other parties concerned in this affair. It would be extremely inadvisable for the House to arrive at any conclusion whatever on this matter.

Mr. Amar Nath Dutt : Sir, I rise with a sense of grief to support the motion. I shall not use any words of anger or any words that are likely to offend any one. I shall in the first place lay the facts before this House. From Chittagong to Hijli is a far cry though the interval of time is too short. It is only the other day that we had the painful story of depredation and murder by the licensed *goondas* in Bengal. Now, comes the same sorrowful tale from Midnapore. It seems to me Chittagong and Midnapore have more attention from the Government which happens to rule this country at the present moment. Let me read to you the *communiqué* which has been issued by the Government of Bengal, which is vague in the extreme. It reads :

"Shortly after 9 P.M." (*I ask the House to mark these words*), "on Wednesday, the 16th September, determined attacks were made on four sentries."

Now it is not mentioned what sort of attacks they were. It simply says determined attacks. "Determined attacks were made on four sentries by bands of detenus." With an imperfect knowledge of the English, I understand, that the word "bands" is used only for bands of ruffians

[Mr. Amar Nath Dutt.]

or hooligans. It is never used for respectable people. We never say, "bands of Executive Councillors". I would not use the word in that sense. These detenus are as respectable as any of us here. They are men of culture, and education with a lofty sense of patriotism and love of their Motherland. The *communiqué* states :

"Determined attacks were made on four sentries by bands of detenus at the Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants."

We do not find anything which brings it within the purview of the Indian Penal Code or any other penal code in the world :

"Another sentry was with difficulty saved by the timely approach of a patrol." I do not know how he was attacked :

"The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp."

How was it grave? That is not mentioned. You condemn murder as any of us, yet you do not take heed of these things and you want us to believe that our countrymen are always in the wrong and that you are always right and therefore we must co-operate with you.

The Honourable Sir James Crerar : Sir, on a point of order, I think that the Honourable Member's suggestion that I was deliberately endeavouring to mislead this House—"mislead" is, I think, the word he used—is entirely unwarranted in face of the account that I read out to them, which was the purport of the latest information I received from the Local Government on the subject. (Hear, hear.)

Mr. Amar Nath Dutt : The Honourable Sir James Crerar thinks that we are to take him at his word and that we are to believe every word which he receives through the wires from interested individuals. Sir, there is a limit to human credulity. Let me refer to his exact words ; these are the words he used :

"Would any reasonable man believe that * * * * these are provisional details, they may be correct or they may not be correct."

Sir, besides those documents, I have other documents in my hand. If you will have a little patience, I shall convince you and the Honourable the Home Member if he wishes to be convinced that the whole wrong was on the side of those men who fired and killed the unfortunate detenus.

Mr. S. C. Mitra : Yes.

Mr. Amar Nath Dutt : The *communiqué* further states :

"Two detenus were killed and 20 injured * * * The situation was grave."

Two detenus were killed ! Alas !

"Three police officers were also injured."

Three police officers were injured ! The gravity of the situation lies here. Of course we do not know the nature of their injury.

"Order was restored in less than half an hour."

After these unfortunate men were shot, it was long, long after that they were given any medical aid. Here it is :

"The Commandant wanted an assurance from these detenus that they should remain silent and create no disturbance and before they could be given medical aid"—
"and the occurrence took place at 9-30 a.m. and medical aid was given at 8-30 p.m.—
"two of them were dead."

Here are two lines in that much-maligned paper *Advance* to which I invite the Honourable the Home Member's attention ; let him prosecute the Editor if he thinks the account is false :

"It now transpires that S. J. Santosh Mitra was nursing S. J. Satyendranath Basu of Faridpur who was ill of high fever in the latter's room when on hearing reports of firing he came out to see what the matter was. As he stood before the door, he was shot dead." ! !

Here are two stories ; one published in the newspapers widely, another submitted to higher officials who are far away from the scene of occurrence by interested parties. If I am right, Sir James Crerar was once a Judge ; and as a Judge, would he believe the statements of the nature which have come to him ? He should certainly not.

The Honourable Sir James Crerar : As a Judge, I should defer my judgment until I heard the evidence.

Mr. Amar Nath Dutt : Sir, I appreciate Sir James Crerar's judicial frame of mind, and I wish him to retain it in this discussion too. When I give my facts from newspapers, he says "Wait, let the full particulars come up here". It is very nice, but, Sir, he forgets that there are Standing Orders and rules governing the procedure of this House that if we are to censure the Government—it is nothing but a censure, the moving of a motion for adjournment—it must be a definite matter of recent occurrence, and it must not be too late. My Honourable friend asks us to defer our judgment, so that after fifteen days he may employ other weapons which are in his hand and then say, "Oh, you are too late, it is not urgent and of immediate importance". Sir, I only wish Sir James Crerar to remember it.

Sir, I shall not relate the pathetic scene of the poor widow and of the old parents when their corpses were brought to Calcutta. I hope you have all read, in the Calcutta newspapers, a description of the pathetic scenes when their dead bodies were brought from Midnapore to Calcutta. I do not speak in anger, Sir James, excuse me ; all we would like to submit to this House is that such things should not be allowed to occur. Sir, it were better if the Honourable the Home Member had come before the House and said : "The reports I find in the newspapers are certainly heart-rending and will be inquired into". He made a promise of an inquiry but a magisterial inquiry, to whitewash the very men who were responsible for the tragedy. That is a thing with which we will not be satisfied. I expected something better from you, Sir James ! Sir, I see that my time is going to be up and therefore I shall hurry up. Sir, it has been said that there are obligations resting on well-conducted journals. No doubt, Sir, that is so, but there are also obligations resting on a civilized administration too. So I ask you, Sir James, to start a competent and impartial committee of inquiry which will command respect and confidence of all.

Mr. President : The Honourable Member should address the Chair.

Mr. Amar Nath Dutt : Sir, both of us have come to co-operate with the Government. We on this side offer our criticisms, and they on that side suggest constructive methods. At times we have to use hard words no doubt, and anyhow.....

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Mr. President : The Honourable Member's time is up.

Mr. Arthur Moore : Sir, it seems to me very unfortunate that whenever there is an outbreak of violence in this country, some attack upon the maintenance of law and order and authority, and whenever some action has to be taken in consequence, there is always some Member of the House who comes forward, without even waiting for the evidence, to condemn the Government, and thereby to indicate his sympathy with the outbreak of murderous violence. We had an example of this in the last session in Delhi, when riots broke out in Cawnpore because the Congress volunteers tried to enforce a *hartal* on account of the execution of Bhagat Singh. I do not think that, looking back on the debate that took place, Members of this House can feel any great pride or satisfaction, in the light of all the facts that were subsequently revealed, at some of the speeches that were made.

Mr. B. R. Puri : Which incident is the Honourable Member referring to ?

Mr. Arthur Moore : I was referring to the Cawnpore riots. But, Sir, with reference to to-day's motion, had my Honourable friend worded it in a more non-committal fashion, I am not at all sure that he might not have enlisted the vote of the European Group against the Government, but for entirely opposite reasons, and because we take this question of the detenu camps very seriously. We have had an outbreak, and we feel that there may be more outbreaks and I would remind the House that the Bengal Government sent us a Bill in the beginning of last session asking for powers to extern these detenus outside Bengal. In view of the first results of the Round Table Conference, the Government, instead of pressing that Bill, agreed to send it for circulation,—a dilatory motion. It was sent for circulation. The opinions of other Local Governments are naturally hostile, in so far as they fear that the detenus of Bengal may be sent to them. But the situation in Bengal itself is becoming an impossible one, and while we recognise that it is not fair to ask that other Governments in India should be asked to take charge of these detenus, we feel that they should be sent outside Bengal, and outside the main land of India. According to our information these detenu camps are simply dangerous revolutionary clubs.

Mr. Gaya Prasad Singh : Have they been proved to be so ?

Mr. Arthur Moore : I would remind my Honourable friend, Mr. Gaya Prasad Singh, of what view the Government themselves take of these men.

I understand that subsequent to the Delhi settlement every single one of these men would have been released unless in every case there was reason to connect him with a terrorist organisation or with violence ?

Mr. S. C. Mitra : Why don't you bring them to trial ?

Mr. Arthur Moore : I believe the case of every one was in the first instance reviewed by two Sessions Judges, and that therefore the authorities at any rate have convinced themselves that these men are of violent tendencies. Our information is that it is impossible to exercise proper control over them, and I must say that the report which was read out to-day gives us some insight into the Government's difficulties. They are always in touch with their friends outside. My Honourable friend has apparently in some way diverted the attack to the European community, or rather to the Anglo-Indian Press. My Honourable friend

appears in some way to blame the Anglo-Indian Press, because Indian sentries when attacked in large numbers by these detenus defended themselves. It seems to me that these Indian sentries are rather like the European community, and like a certain animal of whom it was once said, "This animal is very wicked ; when he is attacked he defends himself". And I should like my Honourable friend genuinely and sincerely to understand that when he attempts to draw a distinction between the European community and expressions of public opinion which are supposed to represent their views, he is himself making a profound mistake. I wish to assure him, and I wish him genuinely to understand, that the feeling in the European community throughout Bengal, with regard to the present situation and the apparent inability of Government to preserve law and order and to protect its own servants, is far greater, far deeper, and far more determined than he realises. Only this morning I was looking at report summarising the European views from different parts of Bengal, and the expression there used was that they were reaching a point at which their feelings could no longer be controlled. I would point out that only this week the European Association of Chittagong in a series of Resolutions has demanded the application of the summary Frontier law to Bengal ; and I would remind Honourable Members that they are not doing that merely as a gesture, but they do mean what they say, and that it is not possible for us to go on continually in this atmosphere of suggested violence.

Sir, I oppose the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to offer my deep sympathy to unhappy and unfortunate Bengal. Sir, I am a neighbour of Bengal and I feel at every stage the repercussions that my Bengal friends undergo at the high-handedness of the Government of Bengal. Sir, everybody knows, non-official India knows, and the public knows that the Government of Bengal have become panic-stricken. I never thought that the panic would invade the Government of India. Sir, my Honourable friend the Home Member was describing the incidents inside the barriers where the detenus are kept at Hijli. I was surprised, I was amazed, I was astounded, to hear that sentries were placed inside those compounds. If these detenus illuminated the place, Government could have put the sentries on the top of those houses. Why does a Government which calls itself civilised adopt systems which were known only in the barbaric days of Roman civilisation ? In those days a prisoner was kept in one cell and a sentry was put near that cell. That was what the Bengal Government adopted in this case. They put sentries inside that barrier and those sentries were allowed unlimited power. On the Honourable the Home Member's own reading of the telegram from the Government of Bengal, it is clear that while a dozen detenus were moving about, the sentries fired ; and we have heard what my Honourable friend Mr. Amar Nath Dutt read out from the first *communiqué* of the Government of Bengal which was issued in quite a different spirit. What has happened to the Government of India and the Provincial Governments that they should be so panic-stricken ? I know the Government have enough cause to be panic-stricken ; they have introduced the Press Bill ; we heard what the Finance Member said to-day of the financial bankruptcy of the Government of India and the Gov-

[Mr. B. Das.]

ernment of England. That does not mean that the Government should be so bankrupt that they should take a back place among the civilised nations; that they should put sentries inside a jail to shoot down innocents who are kept there without trial under the Bengal Criminal Law Amendment Ordinance—I call it an ordinance because this House did not pass it. I respect my friend, Mr. Arthur Moore's feeling as a European that they are undergoing a severe strain in Bengal through the terrorist movement. No doubt he voices the sentiment of Bengal Europeans, but he could not say one word as representative of a civilised nation, as an Englishman, as a Britisher, that he condemns this attitude of the Government of Bengal in putting sentries inside the jail compound to shoot down innocent persons. If the Bengal Government wanted that there should be no illumination or anything of that sort by these young men who are kept there day and night without any trial, who have no amusements, it may be that they played a few pranks. But that is no excuse for putting sentries there inside the compound and shooting them down. As we have heard from Mr. Amar Nath Dutta, while a detenu came out from the sick bed of his friend to see what was happening, he was shot down. Is that civilised government? Will even the present national Government in Britain, consisting mostly of Conservatives, condone the action of the Bengal Government? Will the Honourable the Home Member condone that action of the sentries and the policy of the Bengal Government? My Honourable friend the Home Member spoke of an inquiry, and my friend Mr. Mitra suggested that there should be an impartial inquiry; but nobody in India believes that any inquiry by a District Magistrate is an impartial inquiry. Who are the two parties to this case? The detenus on one side and the sentries and Commandant on the other. Either the detenus should be at once removed from that place to another place under another Commandant and another batch of sentries, or the Commandant and sentries of that place should be changed. I am not passing any remarks upon the attitude of the Commandant or the sentries. But unless the two sides are kept separate, no impartial tribunal can give any judgment. My Honourable friend the Home Member is smiling. I am not condemning the Commandant or the sentries; I am condemning the policy of the higher authorities, the Government of Bengal; and if the Government of India are a party to that policy which the Government of Bengal are adopting, then I am condemning that policy. I am not interested in the sentries or the Commandant.

The Honourable Sir James Crerar : What is the policy which the Honourable Member is condemning? I have not been able to make out quite what policy he is referring to.

Mr. B. Das : The policy that sentries should be placed inside the jail and that sentries should be allowed to shoot, that sentries should be the final arbiters of the policy of the Government of Bengal and of the Government of India and of the British Government. (Mr. K. Ahmed here made an interruption.) We would all like to hear what my friend, Mr. K. Ahmed, as a representative of Bengal will have to say on the subject, and the House would welcome his views in the matter. If he does not feel offended, insulted, humiliated by what has been done to his Bengal countrymen, then I am ashamed that another Bengali should,

while his nationals are being brutally shot down, feel amused at it. I am not for challenging this motion to a division. I would be very glad if the Honourable the Home Member or the Honourable the Leader of the House gives us an assurance that there will be an inquiry by impartial judges. They must be High Court Judges, because we still have some faith in the Judges presiding in our High Courts. Let them take up this inquiry, and I from this side of the House will not challenge this motion to a division.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to deal merely with this incident and not to enter upon the question of policy regarding these detenus. So far as the incident is concerned, the facts available are these. There were these detenus confined in a building surrounded by electrified barbed wire and on the 16th September at 9 o'clock at night this incident took place as a result of which two of these detenus were killed and a number of others wounded, and two or three police officers are also alleged to have received injuries. This affair undoubtedly is a most serious one. I take it these detenus were unarmed men. They were confined in a place which was strictly guarded, and I take it that the shooting that took place can only have been justified if they tried to escape or to overpower the sentries. The Honourable the Home Member has quite rightly refused to express any opinion one way or the other on the merits of the matter. He says that all the facts are not before him, and the matter is receiving inquiry at the hands of the District Magistrate. He treats it as *sub judice*, and I should like to know—I believe the House would like to know from him whether this is a judicial inquiry.

The Honourable Sir James Crerar : No.

Sir Abdur Rahim : It is not a judicial inquiry. It is an inquiry of an executive nature by the District Magistrate, in whose jurisdiction this occurrence took place. The demand on this side of the House is that there should be a proper inquiry into this incident, and I think the Honourable the Home Member ought to give us a definite assurance whether there will be a proper judicial inquiry into the matter or not. As regards the inquiry that is now going on, it is merely departmental, and I understand that the detenus have refused to take any part in it. They are in fact on hunger strike. Their excuse is that this is not a proper inquiry, that it is merely an executive departmental inquiry. They want a judicial inquiry, an independent and impartial inquiry. I do think on the facts of a case like this, the inquiry ought to be one which will command the general confidence of the public. A departmental inquiry is between the District Magistrate of the place and the Government. But when an incident of such serious character has occurred, surely it is only right that there should be a proper judicial inquiry in which all the evidence on both sides should be sifted so that it may command the confidence of the public. I believe if the Honourable the Home Member is in a position to assure us that there will be a proper judicial inquiry of the kind we have suggested as soon as possible, my friend Mr. Mitra will not press his motion to a division. I think it is a fair request, and I would ask the Honourable the Home Member to accede to it.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, coming as I do from the fortunate or unfortunate, as my friend Mr. Das might call it, province of Bengal, which has been

[Pandit Satyendra Nath Sen.]

made the special target of oppression by the benign Government, I feel it my duty to stand up and take part in the discussion of this important subject. While the province could not yet shake off the troubles of the atrocities committed during the riots at Chittagong which are believed to have been inspired by the Government themselves, the sympathetic Government have come forward to add another injury to the injury, and not insult to the injury as is usually the case, by the shooting incident at Hijli. The Honourable the Home Member has supplied the House with some details, but there are other details which have been published in most of the Calcutta papers except perhaps in the "Friend of India"—(An Honourable Member: "The Friend of India?"), and these details stare us in the face, and I am afraid they will fire up the blood of even the most callous individual.

Mr. K. Ahmed : What have they published in the other papers ?

Pandit Satyendra Nath Sen : If I am allowed to read it out.....

Mr. K. Ahmed : It can be expunged.....

Pandit Satyendra Nath Sen : My time is short. I am not going to take the risk.

President : Order, order.

Pandit Satyendra Nath Sen : It is a well known fact that there are ample police precautions in these detention camps and the police generally far outnumber the detenus. The police could easily overpower the detenus physically if there was any necessity for it. Therefore, even assuming that the first offence was given by some of the detenus, can the action of the Government be justified by any right-thinking man ? The Government have thrown into prison these young men without any trial, and, in some cases, young men who have been honourably acquitted by law courts. Are they not bound to treat them as human beings ? Are they justified in treating them as cats and dogs ? I do not think such an occurrence could take place in any other civilized country. The accounts to hand tell us that most of the detenus were eating their meals at the time and were at a distance from the actual scene of occurrence. We are also told that the lights were put out by the attendants and that no further shooting could go on. If the lights had not been put out, one could imagine that the casualties might have been much more appalling. Some of these detenus are brilliant young men who might shed lustre on any country. We know that this vote of censure can have no effect on this callous Government, but still we insist on having it passed for maintaining the prestige of this House which they are sometimes pleased to describe as the National Assembly of Indians. Sir, I hope that the Government will yet take a warning and appreciate the true spirit of these motions of adjournment and realise that true patriotism cannot be suppressed by indiscriminate shooting.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I cannot bring myself to agree to the proposition enunciated by the Honourable the Home Member. He said that, unless we had the evidence of witnesses at the inquiry, we would not be in a position to form a judgment as to who has been in the wrong, whether

the detenus or those who killed the detenus. It is an acknowledged fact that where the detenus were stationed there were also sentries stationed. If it is contended that the number of sentries stationed for guarding the detenus was not sufficient, then the fault lies at the door of the Government ; but if on the other hand it is held that there were a sufficient number of sentries, then it means that a number of unarmed detenus were attacked by armed men with the result that two have been killed and about 20 wounded. The very fact that two have been killed and 20 wounded shows that there has been a predetermined attack by the sentries, and unless very good reasons are forthcoming, which I can say can never be forthcoming from the circumstances placed before us, I must say that these sentries had taken the law into their own hands in a most unwarranted manner, and the Government should take a note of their action. I cannot conceive of a situation where, without the orders of a Magistrate or of any other judicial authority, sentries placed in the position they were could take the law into their own hands and go the length of shooting down two of the detenus who had not been armed and who were helpless, and as has been brought to our notice, at a time when they were taking their meals. Sir, I suggest that the action of the sentries is wholly unwarranted, and I am sure the Honourable the Home Member will take every necessary step to see who are actually responsible and deal with them adequately and in a manner which might serve as an object lesson to other officers.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I wish to add a few words to those that have fallen from my friend Sir Abdur Rahim. I feel with him that this side of the House would be fully satisfied if the Honourable the Home Member would give us an assurance that there would be an impartial inquiry into this unfortunate occurrence. It is true that a departmental inquiry is being made, but it is equally true that that does not command the same confidence that an impartial and judicial inquiry is likely to command. We are not in a position to commit ourselves, and we do not know as to whether the shooting was justified or whether it was not. We are as much in the dark as the Honourable the Home Member, and I think therefore that it will be conducive to the ends of justice that the Honourable Member should advise the Government of Bengal that, because there has been the shooting down of two persons and the maiming of 20 and at the same time 3 police sentries have been wounded, it is necessary that the enquiry should be by an outside agency rather than by the head of the district police. I think that is the crux of the whole question and the Honourable the Home Member should have no difficulty in meeting us on that point.

Sir, I support the request made by the Honourable the Leader of the Independent Party.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, I wish to associate myself with the motion made by my Honourable friend Mr. S. C. Mitra. Sir, that those sentries whose duty is to protect the camp and the lives and liberties of the inmates there,—that those members of the police placed on duty there should have taken the law into their own hands and that the Government should be silent, as a matter of fact for five days depending on a report of 100 or 200 words

Mr. S. C. Mitra : I wish only to say a few words. I find that my Honourable friend Mr. Arthur Moore is not here. I should like to tell him in one word that the High Court of Calcutta refused to appoint two Judges for examining the cases of these detenus only because they said it was not according to their idea of propriety to arrive at a judgement on untested evidence. I have no time and I shall say only one word to the Honourable the Home Member. My only ground is that this inquiry is only an inquiry in name. The men concerned, as has been said by my learned leader, refused to have any connection with this inquiry and they are on hunger strike. So this inquiry is a shame. The Home Member said more than once that he had not got all the details. In fact we have all the details and I repeat that I shall be grateful if there is an impartial inquiry. If such an assurance is given, I shall withdraw my motion. Otherwise I shall press it to a division for the verdict of this House.

The Honourable Sir James Crerar : Mr. President, I must confess that the course of this debate, though I followed it with great attention and endeavoured in my own mind to give it some substance of consistency, has nevertheless left a very confused impression upon my mind. The Honourable Member opposite, my Honourable friend from Bengal, Mr. Amar Nath Dutt, in the course of his eloquent and moving speech, appealed to me to adopt a judicial attitude. At the same time it was quite apparent that his conception of a "judicial attitude" was that I should arrive at certain presumptions and certain conclusions without having before me the evidence to enable me to do so. I think he rather betrayed himself when he pathetically pointed that, even though the matter was not yet ripe, I will not say for decision but hardly even for discussion, he felt that he could not resist the luxury of taking part in a motion for the adjournment of the House and the opportunity of exercising those rhetorical, poetical and imaginative qualities with which we are so familiar. But I do put to the Honourable Member that the present is not an occasion for the exercise of imagination but for a reasonable suspension of judgment. An Honourable Member has made an appeal to the House, that since the passing of a motion of adjournment would be of no effect.....

Mr. Amar Nath Dutt : On a point of personal explanation, I may be permitted to point out that I did not speak from imagination. I quoted from newspapers facts about which no contradiction has been published even in any other newspaper. I only suggest that these are as much trustworthy as, if not more than, the papers read out by the Honourable Member. I did not say a single word from my imagination. Of course, I was deeply moved at the unfortunate occurrence.

The Honourable Sir James Crerar : I think that was the effect of an operation of the imagination. An Honourable Member threw out the suggestion that the House would be well-advised to pass this motion and that that would also add to its prestige, because the motion would be of no effect. I do not think that that is an argument which ought to appeal or which will appeal to the House. A motion for the adjournment of the House is a censure upon Government; and, if the House passes a motion of that kind, either on entirely unsubstantial grounds or against the weight of evidence, or at an

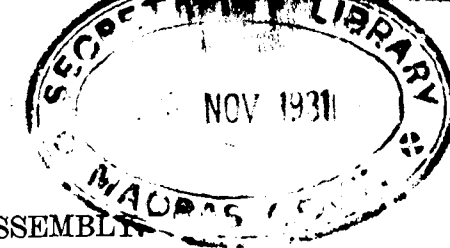
entirely premature stage, then I do not think that the majority of this House would consider that, in taking that course of action, they would be adding to their authority or to their prestige. Now, Sir, an appeal has been made to me to adopt a judicial attitude. I intend to adopt a judicious attitude. But I do not think it is very reasonable to make an appeal of that character to me; at any rate it does not lie very gracefully in the mouth of Honourable Members who have such expressions in this debate as "heinous deeds of assassination" and so forth. I only desire, Sir, in conclusion to deal with one point which was raised by the Honourable and learned gentleman from Bengal, Sir Abdur Rahim, and by the Honourable the Leader of the Nationalist Party. The appeal was made to me that I should give an assurance to the House that a judicial inquiry should be set on foot.

Sir Abdur Rahim : I think I said "judicial or impartial inquiry".

The Honourable Sir James Crerar : Well, Sir, in the first place I cannot admit that the Magistrate of the District, one who is placed in that position of authority, is an officer who is incapable of conducting an honest and impartial inquiry (Loud applause from the Official Benches). Indeed, Sir,—and I am sure Honourable Members sitting behind me will endorse my assertion—I think that there is no more common experience of a District Magistrate than a constant succession of applications from various persons aggrieved to hear their cases himself (Ironical cheers from some non-official Benches, and applause from the Official Benches). Now, Sir, I will make this reply to Sir Abdur Rahim. It is with some diffidence that I make the suggestion which I make to an Honourable Member who has occupied a distinguished position on the Bench; but I think, if he will examine his own mind a little bit closely, he will realize that it involves a presumption and a prejudice which cannot properly arise upon the facts before Government or the facts before this House. I have little doubt myself that if the results of this preliminary executive inquiry are of a character to indicate that offences have been committed which require a judicial investigation, I have no doubt myself that that step will be taken. But I do say that it is premature, it is unreasonable, and it is not logical to ask me or Honourable Members on this side of the House, on the basis of the statement of affairs which I frankly and fully read out before the House, to draw premature presumptions or to deal with the case with a premature and unwarranted prejudice. (Applause.)

Sir Abdur Rahim : May I ask one question of the Honourable Member? Will there be an open, public inquiry into this matter, or is it merely departmental?

The Honourable Sir James Crerar : I think, Sir, I have already made it clear to the House that I cannot at this stage make any premature presumption or act upon any prejudice. It is impossible for me to say whether the results of this preliminary inquiry will lead to a judicial inquiry or not, nor can I commit the Local Government or the Government of India to any such premature judgment of the position. (Applause.)



Mr. President : The question is :

“ That the House do now adjourn.”

AYES—38.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhri.
Jadhav, Mr. B. V.
Kyaw Myint, U
Lalchand Navalrai, Mr.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur Mr. Muhammad.
Murtuza Sahab Bahadur, Maulvi Sayyid.
Pandian, Mr. B. Rajaram.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath
Shah Nawaz, Mian Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Tun Aung, U
Ziauddin Ahmad, Dr.
Zulfiqar Ali Khan, Sir.

NOES—58.

Ahmed, Mr. K.
Allah Baksh Khan, Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Fazl-i-Husain, The Honourable Khan
Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lal Chand, Captain Rao Bahadur.
Lall, Mr. S.
Leach, Mr. F. B.
Montgomery, Mr. H.

Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. K.
Parsons, Mr. A. A. L.
Puri, Mr. Goswami M. R.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur
Makhdum Sved.
Rama Rao, Rai Bahadur U.
Rastogi, Mr. Badri Lal.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakbar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd September, 1931.

LEGISLATIVE ASSEMBLY

Tuesday, 22nd September, 1931.

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

QUESTIONS AND ANSWERS.

MARRIAGES REGISTERED UNDER THE SPECIAL MARRIAGE (AMENDMENT) ACT.

619. *Raja Bahadur G. Krishnamachariar : Will Government be pleased to lay on the table a statement showing year by year and province by province the number of marriages registered under the Indian Civil Marriage Act (Act III of 1872), from the year 1912 under the Special Marriage (Amendment) Act (Act XXX of 1923) since it was passed ?

The Honourable Sir James Crerar : The Government of India have not the information asked for ; Registration of marriages is under the Devolution Rules a provincial transferred subject.

ADMISSION TO THE LOWEST SELECTION GRADE EXAMINATION OF JUNIOR OFFICIALS FROM THE CENTRAL POSTAL CIRCLE.

620. *Rai Sahib Harbilas Sarda : (a) Will the Director General of Posts and Telegraphs kindly state how many junior officials from the Central Circle were allowed to appear in the lowest selection grade examination held last year ? If none, why ?

(b) Is a similar examination going to be held this year too ? If so, will the junior officials of the Central Circle be allowed to appear in accordance with the provisions of the Director General, Posts and Telegraphs' Circular No. 16, dated the 18th August, 1930 ?

Sir Hubert Sams : (a) None. There were not sufficient vacancies in the lowest selection grade to admit of the selection of any junior candidate.

(b) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's question No. 607 of the 21st September, 1931.

INSURANCE WITH FOREIGN COMPANIES OF THE PROPERTY OF THE MADRAS PORT TRUST.

621. *Mr. Jamal Muhammad Saib : Will Government be pleased to state :

- what value of property of the Madras Port Trust is insured against fire damage each year ;
- which are the companies by whom the amount has been assured and in what proportion ;
- how many of them are foreign companies and how many registered in India with rupee capital ;

- (d) whether up to the end of 1928, the amount was shared between 14 foreign companies and one Indian company and thereafter owing to protest by the Southern India Chamber of Commerce one more Indian company was taken ;
- (e) why the Madras Port Trust does not insure its properties in Indian companies ; and
- (f) whether all the foreign companies publish independent balance sheets and, if so, whether they will be placed on the table ?

The Honourable Sir George Rainy : The Government of India have no information but have made inquiries in the matter and will communicate the result to the Honourable Member.

RELEASE OF CERTAIN PRISONERS SENTENCED FOR LIFE UNDER MARTIAL LAW.

622. ***Mr. K. P. Thampan** (on behalf of Bhai Parma Nand) : (a) Will Government kindly state what is the exact extent of the period which a life sentence signifies ? What is the extent of the period for persons who were convicted under martial law in 1919 ?

(b) If this period amounts only to 14 years, including period of remission, how is it that the two well-known convicts of Martial Law at Amritsar, Mahashe Rattan Chand and Chaudheri Bugha, have not been yet released ?

The Honourable Sir James Crerar : (a) and (b). As I have explained in reply to part (a) of the Honourable Member's unstarred question No. 18 of the 7th September, 1931, a sentence of transportation for life, is literally a sentence for life and its limitation to any lesser period is a matter within the discretion of the Local Government concerned, but they are required under executive orders to review the cases after 14 years. There is no distinction in this respect between a life sentence passed by martial law tribunals and by ordinary courts of law.

APPOINTMENT OF SADHU SINGH, AN ELECTRICIAN, ON THE NORTH WESTERN RAILWAY.

623. ***Sardar Sant Singh :** (a) Is it a fact that the Agent, North Western Railway, issued instructions to be observed at the time of reduction of establishment ?

(b) Will Government kindly lay those instructions on the table ?

(c) Does the case of Sadhu Singh, electrician of Multan Division North Western Railway, fall under any of the conditions laid down by the Agent ; if not, why was S. Sadhu Singh brought on the surplus list ?

(d) Is it a fact that the Agent was instructed by the Railway Board to give preference to and absorb the men brought under reduction ? If so, why has not the said Sadhu Singh been absorbed so far in service ?

Mr. A. A. L. Parsons : (a) and (b). I have called for information and will communicate with the Honourable Member on its receipt.

(c) Government have no information.

(d) Instructions were issued to the Agents of State Railways in respect of staff other than workshop staff, that persons discharged should be preferred to outsiders in future recruitment. Government have no information regarding the second part of the question.

POLICY OF COMMUNAL REPRESENTATION ON THE NORTH WESTERN RAILWAY.

624. ***Sardar Sant Singh :** (a) Is it a fact that a Divisional Personnel Officers' Conference was held in Lahore from 7th to 9th of May, 1931 ?

(b) Is it a fact that in the said conference a certain policy of communal representation was laid down ?

(c) Is it a fact that that policy related to the necessity for safeguarding the minority communities ; if so, do Government regard Sikhs to be a minority community in the Punjab ?

(d) Do Government regard the Muslim community in the Punjab as a minority community or a majority community ?

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

(b) As a result of this Conference it was decided, with a view to safeguarding the interests of communities not adequately represented in the service, that the retrenchment of staff should be carried out so as to leave the proportion of such communities to the total staff unaltered.

(c) The first part is answered by the reply to (b). With regard to the second part I would refer the Honourable Member to my answer to parts (a) and (b) of his question No. 219, asked on the 11th September, 1931.

(d) Muslims are numerically the largest community in the Punjab.

RESULT OF THE DIVISIONAL PERSONNEL OFFICERS' CONFERENCE AT LAHORE.

625. ***Sardar Sant Singh :** Will Government kindly lay the result of the Divisional Personnel Officers' Conference held in Lahore from 7th to 9th May, 1931, on the table ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to my reply to part (b) of his previous question.

RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.

626. ***Sardar Sant Singh :** (a) Will Government kindly state the strength of the Sikhs on the North Western Railway in various cadres drawing Rs. 30 and above on the following dates :—(i) 28th February, 1931 ; (ii) 31st May, 1931, and (iii) 31st July, 1931 ?

(b) Is it a fact that the Sikhs have not been recruited in adequate numbers in clerks' posts in the Divisional Offices on the North Western Railway ?

Mr. A. A. L. Parsons : (a) The exact information asked for is not available but the number of Sikhs in the subordinate grades on the North Western Railway on the 31st March, 1931, was 1,706 while on the 30th June, 1931, it was 1,648.

(b) Government regret that they are not prepared to supply figures of communal representation in individual offices or classes of offices.

RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.

627 ***Sardar Sant Singh :** Will Government be pleased to state the number of Sikh clerks in each Divisional Office and the Headquarters

of the North-Western Railway separately on the following dates :—
(i) 1st January, 1925, (ii) 1st April, 1928, (iii) 28th February, 1931, and
(iv) 31st July, 1931 ?

Mr. A. A. L. Parsons : Government regret that they are not prepared to supply figures of communal representations regarding individual offices or classes of offices.

SAFEGUARDING THE INTERESTS OF SIKHS ON THE NORTH WESTERN RAILWAY.

628. ***Sardar Sant Singh :** Have Government fixed any percentage on the North Western Railway for various communities in the services ; if so, what percentage has been allotted to the Sikh community ?

Mr. A. A. L. Parsons : The answer to the first part is in the negative, the second part does not arise.

ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

629. ***Sardar Sant Singh :** Has the attention of Government been drawn to an article in the *Railway Herald* published at Karachi, dated 15th March, 1931, under the heading " Serious allegations against Mr. Smith, Divisional Electrician, Multan " ? If so, what steps have Government taken to inquire into the serious allegations made by B. Jodh Singh, ex-electric cooly, against the said Mr. Smith ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 629 and 630 together and to refer the Honourable Member to the reply given by me on the 17th September in answer to question No. 537 put by Sirdar Harbans Singh Brar.

ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

†630. ***Sardar Sant Singh :** (a) Have Government read the pamphlet published by B. Jodh Singh under the title " To all God fearing and righteous souls " ? If so, have the Railway Board instituted any departmental inquiry into the serious allegations of bribery and extortion levelled against the said Mr. Smith in the pamphlet ? If so, with what result ?

(b) Has Mr. Smith been asked to clear himself in a court of law ? If so, who is bearing the expenses of the prosecution lodged by Mr. Smith ?

(c) Will Government kindly state what has been the result of the case ?

(d) Have Government suspended Mr. Smith from service ; if not, why not ?

COMPENSATION TO SARDAR GANGA SINGH FOR THE SHOOTING OF HIS CHILDREN AND WIFE.

631. ***Sardar Sant Singh :** Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that

†For answer to this question, see answer to question No. 629.

Sardar Ganga Singh whose two children were killed and wife seriously wounded by a British Lance Corporal on the last day of May 1930 at Peshawar was to be compensated and, if so, was he offered anything in cash or kind, and if so, how much ? Did Sardar Ganga Singh accept or refuse the offer and the reason for his doing so ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 631, 632 and 633 together.

I would invite the Honourable Member's attention to the answer given to question No. 304, asked in this Assembly by Mr. S. C. Mitra.

CONSTRUCTION OF A CHILDREN'S WARD AT THE PESHAWAR HOSPITAL IN MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

†632. ***Sardar Sant Singh :** Did the Honourable the Chief Commissioner sanction the amount of Rs. 15,000, to build a children's ward in memory of the children of Sardar Ganga Singh ? If the answer is in the affirmative, will the Honourable Member please state when it will be built ? Did the public ask something more than this as suggested in the *Daily Milap*, dated the 30th August, 1930, and are Government prepared to consider this suggestion ?

MEMORIAL TO THE CHILDREN OF SARDAR GANGA SINGH.

†633. ***Sardar Sant Singh :** Has the attention of Government been drawn to the Public demand, *vide* the *Tribune*, dated 14th January 1931 and the *Hindu Herald*, dated 15th January 1931, that something should be done in memory of the shooting of peaceful and innocent processionists and carriers of the bier of the children of Sardar Ganga Singh ? If so, what steps do Government propose to take to do the needful ?

REPRESENTATION OF INDIANS ON PUBLIC BODIES IN FIJI.

634. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that there are about 75,000 Indians in Fiji, but they have not got even a single member in the Municipal, Legislative, or Executive Councils of the Colony ?

(b) What is the system of election to the various public bodies in Fiji, and why have Indians been excluded ?

(c) What is the approximate number of Englishmen and Europeans in Fiji, and what is their total representation in the various public bodies in the Colony ?

(d) Is the principle of a common franchise under a common electoral roll not in existence in Fiji ? If so, why ?

(e) What steps have Government taken so far, or propose to take now, to secure adequate representation of Indians in the various public bodies and institutions referred to in part (a) above, and the introduction of a common franchise and a common electoral roll in Fiji, and with what result ?

(f) Is it a fact that there is no Indian Agent in Fiji, similar to the one in South Africa, but there is a retired I.C.S. Englishman in Fiji, who is designated as Secretary for Indian Affairs ? What is his name and salary ; and is he paid out of Indian revenues ?

†For answer to this question, see answer to question No. 631.

(g) Why have not Government taken steps to appoint a capable Indian Agent in Fiji, to look after the rights, interests, and welfare of the Indian settlers there ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. The estimated population of Indians on the 31st December, 1929, was 73,121.

(b) and (d). I presume that by "public bodies" the Honourable Member means Municipal and Legislative Councils. For elections to Municipal Councils there is a common electoral roll, and every male elector, who is a natural born or naturalised British subject and is not otherwise disqualified, is capable of being elected a member of the Council. There is no bar against Indians. As regards the Legislative Council the constitution provides for the election of Indian and European members on the basis of a communal franchise. This system has apparently been considered necessary in the special circumstances of the colony.

(c) The estimated European population on 31st December, 1929, was 4,726. Separate figures for Englishmen are not available. There are 13 nominated and 6 elected European members on the Legislative Council. As regards the Municipal Councils, the names of the members given in the Blue Book of Fiji for 1929 show that they were all Europeans. The Government of India have no later information.

(e) As stated by me in reply to the Honourable Member's question No. 270 on the 2nd February, 1931, Government are giving their most careful consideration to this matter.

(f) There is no Agent of the Government of India in Fiji. The post of the Secretary for Indian Affairs, who is an officer of the Colonial Government, is occupied at present by Mr. J. R. Pearson, C.I.E., a retired member of the Indian Civil Service. His salary, which according to the Dominion Office and Colonial Office List, 1931, is £1,000 per annum, is not met from Indian revenues.

(g) I would invite the Honourable Member's attention to the papers published with the Department of Education, Health and Lands, Resolution No. 24-Overseas, dated the 12th January, 1927.

Mr. Gaya Prasad Singh : I should like to know what steps the Government of India propose to take to secure representation of Indians in the Legislative Council of Fiji.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I suppose persuasion is the only step we can take.

Mr. Gaya Prasad Singh : How far have they succeeded in their efforts of persuasion ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Not with signal success yet.

REPRESENTATION OF ABORIGINES OF BIHAR AND ORISSA AT THE ROUND TABLE CONFERENCE.

635. ***Mr. Gaya Prasad Singh :** (a) Have Government received any report of a Resolution passed by the Bihar and Orissa Legislative Council, with the concurrence of the Local Government, urging the representation of aborigines in the Minority Sub-Committee of the Round Table Conference ?

(b) What is the approximate population of the aborigines of Chota Nagpur (Bihar), and is it contemplated to treat Chota Nagpur as a distinct non-regulated area ? If so, why ?

The Honourable Sir George Rainy : (a) Yes.

(b) The approximate population of the aborigines in Chota Nagpur according to the latest census is 29½ lakhs.

Government are not in a position to make any statement in reply to the latter portion of this part of the question.

NON-RESTORATION TO THE CONGRESS OF THE ASHRAM IN THANA BIHPUR IN BIHAR.

636. ***Mr. Gaya Prasad Singh :** Will Government kindly state if they have received any report as to why the lands and property of the Congress Ashram in Thana Bihpur, District Bhagalpur, in Bihar, which was seized under Ordinance IX, has not yet been restored to Congress ?

The Honourable Sir James Crerar : Yes. I invite the Honourable Member's attention to item (3) under Bihar and Orissa in Schedule "A" to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

Mr. Gaya Prasad Singh : May I know why this delay has occurred in restoring the property to the Congress people ?

The Honourable Sir James Crerar : If the Honourable Member would be good enough to refer to the statement which I have quoted he will find the reply to his question.

OFFICER OF THE WOMEN'S MEDICAL SERVICE LENT TO THE INDIAN RED CROSS SOCIETY.

637. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state whether it is a fact that the Countess of Dufferin's Fund has lately given to the Indian Red Cross Society the loan of the services of one of the senior officers of the Women's Medical Service ? If so, on what terms and conditions have her services been lent ?

(b) Will Government also state how the gap thus created in the W. M. S. cadre has been, or is contemplated to be, filled in ? Are the pay, leave and provident fund allowances of the lent officer still a charge on the W. M. S. funds ?

(c) Is it a fact that the pay and allowances of W. M. S. officers are met from a grant from the Government of India ? If so, have Government considered the question as to whether the duties performed by the officer lent to the Indian Red Cross Society fulfil the object for which the grant is made ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). It has been ascertained that in consequence of the incorporation of the Lady Chelmsford All-India League for Maternity and Child Welfare, the Victoria Memorial Scholarships Fund for the training of indigenous *dais* and the National Baby Week Fund into the Maternity and Child Welfare Bureau of the Indian Red Cross Society, the W. M. S. Officer who had hitherto been mainly concerned in the administration of these funds

was transferred for employment as Director of the Bureau. Her pay and allowances, other than Secretarial allowances, continue to be met from Women's Medical Service Funds. No vacancy in the Women's Medical Service was created by the transfer.

(c) Government make an annual grant of Rs. 3,70,000 to the Countess of Dufferin Fund towards the maintenance of the Women's Medical Service. They do not, however, exercise any control over the internal affairs of the Fund which fixes the strength and the conditions of service of the Women's Medical Service. The answer to the second part of the question is in the affirmative.

PROSECUTIONS OF SIKHS FOR THE POSSESSION OF "KIRPANS".

638. *Sirdar Harbans Singh Brar : (a) Will Government please state the total number of prosecutions of Sikhs for the possession of *kirpan* (sword) in different provinces of India ?

(b) Is it a fact that there has been a large number of prosecutions in the Bombay Presidency and are Government aware that there is widespread discontent in the Sikh community ? Do Government contemplate the exemption of Sikhs in possession of *kirpans* from the operations of the Arms Act throughout India ?

The Honourable Sir James Crerar : (a) I regret that the information asked for is not in the possession of the Government of India.

(b) I would refer the Honourable Member to the reply given in February last to question No. 405 put by Sardar Sant Singh. The Honourable Member will see from this, that in February last no Sikhs were undergoing imprisonment in the Bombay Presidency for contravention of the rules under the Arms Act. This does not suggest that there has been a large number of prosecutions in that Presidency, but I am ascertaining the facts and will communicate them to the Honourable Member.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if it is not a fact that Sikhs are allowed to wear *kirpans* of a certain size ?

The Honourable Sir James Crerar : The regulations vary in the various provinces of India.

Mr. Lalchand Navalrai : May I know if there are any prosecutions on account of the difference in size of *kirpans* or on any other account ?

The Honourable Sir James Crerar : I am not aware of any prosecutions.

Sardar Sant Singh : May I know why this difference is allowed in various provinces—a difference leading to prosecutions ? No size of *kirpan* is fixed in the Punjab.

The Honourable Sir James Crerar : As I have pointed out, the provinces have got powers to make rules of their own under the Arms Act. Those rules vary in different provinces. I cannot give a specific answer to the Honourable Member's question.

Sardar Sant Singh : May I know if the Government of India regard this differentiation in the different provinces with approval ?

The Honourable Sir James Crerar : I am not aware of any circumstances which would lead me to regard it with disapproval.

Mr. Lalchand Navalrai : I hope the Honourable Member regards all Sikhs as Sikhs of the Punjab, wherever they may be residing ?

The Honourable Sir James Crerar : We certainly regard them all as Sikhs, but whether we regard them as Sikhs of the Punjab is rather a different matter.

Mr. Lalchand Navalrai : My question is with reference to the Arms Act being applied to Sikhs residing in other provinces ?

The Honourable Sir James Crerar : The regulations relating to the Arms Act vary in different provinces.

Sirdar Harbans Singh Brar : Is the Honourable Member aware that three or four prosecutions have recently taken place in Sukkur alone ?

The Honourable Sir James Crerar : No, Sir ; I have no information. As I have already pointed out, I will make inquiries on that point and have promised to communicate the result to the Honourable Member.

Sirdar Harbans Singh Brar : If I submit the judgments to the Honourable Member, will he consider the matter ?

The Honourable Sir James Crerar : I will certainly consider the matter after the Honourable Member places the information before me.

POPULATIONS OF THE PROVINCES ACCORDING TO THE RECENT CENSUS.

639. *Sirdar Harbans Singh Brar : (a) Will Government please state the total population of the different provinces in British India according to the 1931 census by religion ?

(b) Is it a fact that in Bengal the Muslims have become a minority according to the 1931 census ?

(c) Is it also a fact that the Hindus have decreased in the Punjab by about 4 per cent. in the present census ?

The Honourable Sir James Crerar : (a) The Honourable Member is referred to provisional table D of the Resolution which appeared in the last issue of the Gazette of India.

(b) and (c). No.

RAILWAY OFFICERS DISCHARGED AND REAPPOINTED.

640. *Sirdar Harbans Singh Brar : (a) Will Government please state the total number of officers (permanent or temporary) of more than 3 years' service who have been discharged during the present financial year by different Railway Administrations ?

(b) What is the total number of those who have been newly appointed during the present financial year by different Railway Administration ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

NEW APPOINTMENTS CREATED BY GOVERNMENT OF INDIA DEPARTMENTS.

641. *Sirdar Harbans Singh Brar : (a) Is it not a fact that, while reductions are being carried out or are in contemplation, the different Departments of the Government of India like the Railways, Archaeology,

Posts and Telegraphs, etc., have made or are making new appointments to their superior establishments ?

(b) What action do Government propose to take to check this practice and to declare null and void all appointments made during the present financial year ?

The Honourable Sir George Schuster : The whole question of retrenchment is at present under investigation by the Retrenchment Advisory Committee. Pending the completion of their enquiries, all appointments to any posts, permanent or temporary, of persons not already in Government service are being made on a provisional footing that is to say, in an officiating capacity.

COMMUNITIES OF EMPLOYEES DISCHARGED FROM THE RAILWAY CLEARING HOUSE, DELHI.

642. ***Sirdar Harbans Singh Brar :** Will Government please state the total number of Hindus, Muslims and Sikhs in the establishment of the Railway Clearing House at Delhi on the 1st of January, 1931, and the total number of those who have been discharged or have been served with notices of discharge since that date and how many of them are Hindus, Muslims and Sikhs ?

Mr. A. A. L. Parsons : For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

COMMUNITIES OF EMPLOYEES DISCHARGED OR REDUCED IN CERTAIN NORTH WESTERN RAILWAY DEPARTMENTS.

643. ***Sirdar Harbans Singh Brar :** Will Government be pleased to state the total number of Hindus, Muslims and Sikhs in the superior revenue establishment (permanent or temporary) of the North Western Railway Engineering, Transportation and Commercial Departments on the 1st of January, 1931, and the total number of Hindus, Muslims and Sikhs who have been discharged or have been served with notices of discharge or have been reduced in rank since that date ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

QUALIFYING EXAMINATION FOR THIRD DIVISION CLERKS.

644. ***Sirdar Harbans Singh Brar :** (a) Will Government please state whether the standard of the qualifying examination held by the Public Service Commission this year for Third Division clerks was kept higher than the similar qualifying examination held last year ?

(b) What was the percentage of candidates who passed in both these examinations ?

(c) Are Government aware that some candidates who failed to pass this year's qualifying examination came out successful in the competitive examination ? What was the number of such candidates ?

(d) What was the object of holding a qualifying examination ?

The Honourable Sir James Crerar : (a) No qualifying examination for the Third Division was held last year. The question of comparison does not therefore arise.

(b) The percentage for 1931 was 18.4.

(c) Yes ; four.

(d) To give temporary clerks working in the Third Division an opportunity of qualifying for permanent employment in that Division.

SIKH CANDIDATES AT EXAMINATIONS FOR THE CLERICAL SERVICE IN GOVERNMENT OF INDIA OFFICES.

645. ***Sirdar Harbans Singh Brar :** (a) Will Government please state the number of Sikh candidates who passed in the qualifying and competitive examinations held this year for clerical service ?

(b) Is it a fact that soon after the publication of results the Public Service Commission exhausted the list of qualified Sikhs and were unable to nominate one for the office of the Director General of Indian Medical Service ?

(c) Did the Khalsa Young Men's Association, Simla, submit a representation drawing the attention of Government to the sad plight of Sikhs in the examinations held by the Public Service Commission ?

(d) What action did Government take on that representation ?

The Honourable Sir James Crerar : (a) Three, for the Third Division. No qualifying standard was fixed for the competitive examination for the First and Second Divisions.

(b) No.

(c) Yes.

(d) Government acknowledged the representation and explained their policy in the matter.

NUMBER OF SIKHS EMPLOYED IN CERTAIN OFFICES.

646. ***Sirdar Harbans Singh Brar :** (a) Will Government please state the number of permanent Sikhs now employed in the following offices as compared with the total staff :

The Director General, Indian Medical Service.

The Director General of Archaeology.

The Public Service Commission.

The Central Printing Office.

The Director of Contracts.

The Legislative Department.

The Railway Board.

The Imperial Council of Agricultural Research.

The Public Works Branch, Department of Industries and Labour ?

(b) What steps do Government propose to take to qualify a sufficient number of Sikhs for appointment in these offices as vacancies occur ?

(c) Did the Public Service Commission submit a proposal for holding a special examination for qualifying Muhammadans for appointment in the Government of India offices? If so, why was not a similar proposal made for qualifying Sikhs?

(d) Has this proposal been accepted? Will Government please lay the relevant correspondence on the table?

(e) Have Government instructed the Public Service Commission to qualify a large number of Muhammadans in the next examination pending which unqualified Muhammadans are to be retained in service?

(f) Do Government propose to issue similar instructions in regard to Sikh candidates? If not, why not?

The Honourable Sir James Crerar : (a) The figures as they stood on the 31st December, 1930, will be found in the statements showing the communal composition of the clerical staff of the Government of India offices for 1930, copies of which are in the Library.

(b) Government will pursue their policy of reserving a proportion of vacancies to be filled by members of minority communities for the redress of communal inequalities.

(c) The reply to the first part is in the affirmative. No such proposal was made in respect of Sikhs, as the number of Sikhs who qualified was sufficient to fill the vacancies for Sikh candidates.

(d) The proposal was not accepted. I regret I am unable to lay the correspondence on the table.

(e) No such instructions were given. Government informed the Public Service Commission that unqualified members of minority communities occupying vacancies earmarked for those communities would be retained in service until qualified members of those communities were available for appointment.

(f) Does not arise.

Dr. Ziauddin Ahmad : May I ask whether the Home Department accepted the recommendations of the Public Service Commission, if not, why not?

The Honourable Sir James Crerar : If the Honourable Member will consider the reply to part (e) of the question, he will find an answer to his question.

Dr. Ziauddin Ahmad : My question refers to part (e), Sir?

The Honourable Sir James Crerar : No, Sir, the proposal was not accepted for the reasons given in part (e) of my reply.

SAFEGUARDING OF THE INTERESTS OF SIKHS IN PAY AND ACCOUNTS OFFICES.

647. ***Sirdar Harbans Singh Brar :** (a) Is it a fact that the Government of India have decided to abandon the scheme of separation of Accounts from Audit?

(b) If so, will Government be pleased to state whether the interests of the Sikhs who are at present working in the Pay and Accounts Offices will be safeguarded?

The Honourable Sir George Schuster : (a) In view of the financial stringency, the Government of India, with the approval of the Secretary of

State, have decided to abandon the experimental scheme of separation of Accounts from Audit in Civil Departments.

(b) I would refer the Honourable Member to my reply to part (b) of Sirdar Sant Singh's starred question No. 565.

REPRESENTATIONS ON THE PLIGHT OF INDIANS IN BURMA.

648. ***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) :

(a) Will Government please state if they have received any representations from public bodies and individuals regarding the plight of Indians in Burma?

(b) If the answer to part (a) be in the affirmative will Government be pleased to state who are the representative bodies?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state what replies they have sent to the said representations?

(d) Will Government be pleased to publish the correspondence that has passed between representative public bodies in India and the Government of India on the Burmese situation?

(e) What steps have Government taken on the said representations and with what effect?

The Honourable Sir James Crerar : Representations have been received by the Government of India from the Bihar and Orissa Chamber of Commerce, the Federation of Indian Chambers, Madras, the Indo-Burma Labour Committee, Madras, and certain other bodies and individuals. These have been communicated to the Government of Burma, the writers being informed of the action taken. Government do not propose to publish the correspondence.

SERIOUS SITUATION OF INDIANS IN BURMA.

649. ***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) :

(a) Are Government aware that Burma has been for a long time the abode of a large number of Indians from all the provinces in India?

(b) Are Government aware that the reports appearing in newspapers and those received from private sources indicate that the situation is very serious for Indians living in Burma?

The Honourable Sir James Crerar : (a) Yes.

(b) I lay a statement on the table which gives the facts.

Statement.

The trouble between Burmans and Indians took an active form towards the end of February in the country lying on either side of the border between the Pegu and Toungoo districts. This local outbreak was not at first of a serious character, but communal feeling was inflamed by exaggerated accounts of it that appeared in the Press and elsewhere, and as a result a further outbreak occurred in this locality and later spread to Hanthawaddy district and to several districts of the Irrawaddy Division. The Local Government and the District Officers took all measures possible to cope with the trouble. It must, however, be understood that the local conditions make it a matter of great difficulty to deal promptly and effectively with sporadic acts of the nature that were committed. Lower Burma is comparatively sparsely populated. There are few villages, and these villages are separated by large tracts of paddy land. Dotted about among these paddy lands are small thatched huts occupied by cultivators of lands lying far from the village, and also stacks of straw which provide fodder for the cattle. It was, therefore, a simple matter for two or three Burmans to slip

out on dark nights into the paddy fields and to apply a torch to these field huts and straw stacks. Preventive action was a matter of great difficulty as was also the detection of the culprits. Moreover, owing to the rebellion the forces at the disposal of the Local Government were necessarily limited. Nonetheless the District Officers of the districts affected spent the greater part of their time on tour and did all that was possible to allay communal feeling. Military Police were placed at their disposal and, as a result of the measures taken, the trouble has been suppressed. Where this was considered desirable action was taken under the Village Act and collective fines were imposed on villagers.

Communal trouble has now largely died down and, although there are occasional attacks by Burmans on Indians and also on Chinese, there is reason to believe that the object of these attacks is not so much to satisfy communal feeling as to obtain loot. For the time being, confidence appears to have been restored among the Indian community, but they are naturally apprehensive in regard to what may happen in the future. The Local Government will take every possible precaution to prevent a further outbreak.

2. The figures collected by the police up to the end of August show that in the districts affected there were 107 cases of dacoity and 65 cases of murder, in which the victims were Indians as compared with 27 dacoities and 14 murders for the whole of 1930. The outbreak was, therefore, a serious one, though fortunately it did not attain the dimensions attributed to it by some sections of the Press. In particular, the effect on emigration of Indians from Burma has not been so large as is generally supposed. A careful comparison of statistics shows that during the first 7 months of this year 187,000 Indians left Burma in comparison to 184,000 in the corresponding period of 1929.

NUMBER OF INDIANS ASSAULTED, ROBBED, ETC., IN BURMA.

650. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish detailed statement of (a) the Indians, their number and names, assaulted, robbed, injured and murdered in Burma, (b) the extent of their loss of property, since the rebellion began, (c) the number of Indian emigrants from Burma since the outbreak, and (d) the amount of compensation given or proposed to be given to the said Indians ?

The Honourable Sir James Crerar : (a), (b), (c) and (d). I would invite the Honourable Member's attention to the reply given by me to his question No. 314 on the 15th September and to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September.

MILITARY WOUNDED AND MURDERED IN BURMA.

651. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish a detailed statement of (a) the number of the military, wounded and murdered in the Burmese rebellion, (b) the communities to which the military belong, and (c) the amount of compensation given or proposed to be given to those who were injured or to the heirs of those murdered since the outbreak ?

Mr. G. M. Young : (a) 13.

(b) The information has been called for and will be supplied to the Honourable Member on receipt.

(c) Disability and family pensions and gratuities will be granted under the conditions and at the rates laid down for field service.

PROCLAMATION OF MARTIAL LAW IN BURMA.

652. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state why martial law was not proclaimed in Burma ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer questions Nos. 652 and 653 together.

I would refer the Honourable Member to the statement by His Excellency the Governor General issued in a Gazette of India Extraordinary on the 1st August, 1931, in connection with the promulgation of the Burma Emergency Powers Ordinance (V of 1931).

PROCLAMATION OF MARTIAL LAW IN BURMA.

†653. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state if the Government of Burma sought their sanction for the introduction of martial law in Burma or whether the two Governments held any consultation regarding the introduction of martial law and, if so, why was martial law not introduced and what was the attitude of His Majesty's Government with regard to the introduction of martial law in Burma ?

DEVELOPMENT OF BURMA BY IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES.

654. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : (a) Will Government be pleased to state if it is not a fact that the people of Bihar and Orissa and of the United Provinces and other Provinces were encouraged in the eighties of the last century to migrate to Burma with a view to develop the country and its agricultural resources in jungle lands which were not till then yielding revenue to Government ?

(b) Will the Government be pleased to state whether it is not a fact that a large number of people from Bihar and the neighbouring districts of the United Provinces have settled in Burma in the course of these years and taken to cultivation or trade ?

The Honourable Sir James Crerar : With your permission, Sir, I will reply to questions Nos. 654, 655 and 657 together. The Government of Burma have been asked to furnish the necessary information and I will send the Honourable Member a reply in due course.

LOSSES OF IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES SETTLED IN BURMA.

†655. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

(a) whether the people from Bihar and the United Provinces, who have settled in Burma, have large monetary dealings in Burma and also trade with their mother country ; and

(b) whether any correspondence has passed between the Government of India and Burma and the respective Provincial Governments on the subject of the effect of the unsettled state of affairs in Burma on trade and the effect of the losses of the Bihar and United Provinces settlers in Burma on the economic conditions of the Province ?

†For answer to this question, see answer to question No. 652.

†For answer to this question, see answer to question No. 654.

SERIOUS SITUATION OF INDIANS IN BURMA.

656. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government please state whether the Bihar and Orissa Chamber of Commerce has drawn the attention of the Government of India to "the serious situation of Indians particularly of Biharis in that country" and urged that Government should take special measures to protect the lives of Indians in Burma? What special measures have been taken so far?

The Honourable Sir James Crerar : The answer to the first part of the Honourable Member's question is in the affirmative. With regard to the second part I would refer the Honourable Member to the reply given by me to his question No. 649.

PROTECTION OF INDIANS IN BURMA.

657. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether they have suggested to the Burma Government to depute armed guards to such parts of the country where Indian settlements are fairly large, particularly in Toungoo and Pegu districts ;
- (b) whether where the Indians are willing to contribute to the costs required for the purpose, any preference was sought in their favour by the Bihar Chamber of Commerce and, if so, with what result ;
- (c) whether licences of fire-arms to Indians were liberally granted and, if not, why not ; and
- (d) whether facilities will be given for the Indian population wherever it is scattered and scanty in order to bring them to large centres of Indian settlements ?

FINANCIAL AID FOR INDIANS IN BURMA.

658. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether Government have taken adequate steps to give Indians settled in Burma sufficient financial help ; and
- (b) if so, what are those steps and, if none, why ?

The Honourable Sir James Crerar : (a) and (b). I presume the Honourable Member's question has reference to conditions prevailing this year in Burma as a result of the rebellion. The only financial assistance which Government are in a position to grant is in the shape of loans to agriculturists. The Local Government have a large provision for this purpose in the current Budget.

EXPORT OF MONKEYS FROM INDIA.

659. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) if their attention has been drawn to an editorial paragraph in the *Times of India* and an article by Mr. W. G. Ward in the

† For answer to this question, see answer to question No. 654.

same paper reprinted in the *Calicut Champion* of August 28rd, under the title, "The Monkey Trade : Cruelty in Transit" ;

- (b) if it is a fact that the Railways refuse to take monkeys as freight during the months of March, April, May, June and July ; if so, why ;
- (c) if they are aware that during these hot months monkeys are transported in lorries to Bombay ; and
- (d) if they are aware that monkeys bound for the United States are used mainly for rejuvenation, while those bound for Hamburg go to the Manager of a large zoo ; if not, what are the facts ?

The Honourable Sir James Crerar : (a) Yes.

(b) On account of the heat, monkeys are not booked to Karachi by the North Western Railway during the months of March to September, and on other Railways there are no bookings during the months of March to July.

(c) The only official information Government have, is that contained in a communiqué issued by the Government of Bombay and published in the issue of the *Leader*, dated the 13th September, 1931.

(d) Government are not in possession of the facts.

EXPORT OF MONKEYS FROM INDIA.

660. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) if they are aware that monkeys are bought in India for Rs. 2 or 3 each and sold abroad for Rs. 10 or more each ;
- (b) if Government are aware that the export trade in monkeys is a profitable one ;
- (c) if they are aware of the conditions of transit within India of monkeys from the places of their capture to the ports of exportation and, if so, what are the conditions like ;
- (d) if they have informed provincial authorities to prevent the squeezing together of monkeys during transit ; if not, why not ; if yes, whether they will place the correspondence on the table ; if not, why not ; and
- (e) if, and when, steps will be taken to prohibit monkey-export ; if not, why not ?

The Honourable Sir James Crerar : (a) and (b). The Government of India have no information.

(c) Railways transport monkeys only in strong wooden or bamboo cages at least 2 feet in height. For a small sized monkey the minimum space must be $\frac{1}{2}$ cubic foot ; for a medium sized monkey 1 cubic foot ; and for a large sized monkey 2 cubic feet. Not more than 25 small, 20 medium and 10 large sized monkeys are loaded in one cage. Food and water are supplied for the journey and where the journey is over 12 hours an attendant must accompany the animals to supply them with food, etc.

(d) and (e). I will include a reply on these points if I can in the communication I have promised the Honourable Member in my answer to his question Nos. 615—618.

ANNUAL EXAMINATION FOR RECRUITMENT TO THE MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

661 *Mr. S. C. Mitra : (a) Is it a fact that Government have decided to hold annual examinations for recruitment to the ministerial establishment of the Government of India and its Attached Offices ?

(b) Do Government propose to hold this examination for the next recruitment year also ?

(c) Is it the intention that those persons who are axed as a result of the retrenchment proposals will have to be provided for in preference to others and that consequently the number of vacancies that it will be possible to throw open for external recruitment will be very small ?

(d) Is it a fact that there is still a large number of men who qualified for the various grades as early as 1920 and have not yet been permanently provided for ?

(e) Are Government prepared to consider the advisability of not holding any examination during the next recruitment year ?

(f) If the reply to the above is in the affirmative, are Government prepared to consider the advisability of filling the vacancies that may occur in the interval from the existing list of qualified men ? If not, why not ?

The Honourable Sir James Crerar : (a) Yes, provided there are enough vacancies to justify this.

(b) It is not yet possible to say whether an examination will be held next year.

(c) The possibility of finding alternative employment for retrenched officers whose work has been satisfactory will be duly considered. In so far as retrenched officers are given such employment, the number of vacancies for appointment otherwise will be reduced.

(d) The information available shows that in August, 1930, there were only five such men who had not been permanently provided for.

(e) and (f). The matter will be considered when the requirements are known.

AGRICULTURAL DEPRESSION AND AGRARIAN DISTRESS.

662 *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that the whole system of agricultural rent and land revenue has been disorganised under stress of the acute agricultural depression and there have been agrarian troubles in various provinces ?

(b) What steps have the Government of India taken to solve these difficulties ?

(c) Why do Government not appoint a small committee of officials and non-officials to go into the whole question of agricultural depression and agrarian distress ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Provincial Governments are taking necessary action.

The whole subject was thoroughly discussed in this House in the debates on the two Resolutions moved on the 10th instant, and there is no more to be added to what I stated then.

CAUSE OF FALL IN PRICES IN INDIA.

663. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Is it a fact that Government instituted an inquiry to investigate into the causes of the rise in prices in 1914 ?

(b) Do Government similarly propose to find out the causes of the present unprecedented fall in prices ?

(c) What steps do Government propose to take to investigate the causes of the present slump in prices ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The present fall in prices is not confined to India alone. It is due to world causes and the Government of India consider that no useful purpose would be served by instituting an enquiry in India.

FALL IN THE PRICES OF WHEAT.

664. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the price of wheat in India from month to month since the imposition of the import duty on wheat ?

(b) Is it a fact that in spite of the import duty there has been a continuous fall in the prices of wheat ?

(c) What further steps do Government propose to take in order to maintain the price of wheat ?

The Honourable Sir George Rainy : (a) I lay on the table a statement showing week by week the prices of Indian wheat f. o. r. Lyallpur since the imposition of the import duty.

(b) and (c). The attention of the Honourable Member is invited to my speeches in the Legislative Assembly on the 31st March, 1931, on the Wheat (Import Duty) Bill in which I explained that, apart from securing the Indian market for the Indian produce, the import duty was not likely to have any effect on the prices of wheat in India until the surplus existing in the Northern India markets was absorbed and that any action that could be taken would not have the effect of raising the level of prices. As will be seen from the statement laid on the table, there has not actually been a continuous fall in wheat prices since the import duty was imposed. The price has fluctuated and is not now much below the figure at which it stood immediately before the import duty became effective.

Price of wheat.						Per maund f. o. r. Lyallpur. Rs. a. p.
March,	19	..	..	..	..	1 15 0
	26	..	..	..	..	2 0 0
April,	2	..	..	..	..	1 14 0
	9	..	..	..	..	1 12 3
	16	..	..	..	..	1 13 6
	23	..	..	..	..	1 13 9
	30	..	..	..	..	1 9 6

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Price of wheat.

Per maund
f. o. r. Lyallpur.

Rs. a. p.

May,	7	..	..	..	..	1	11	0
	14	..	..	..	..	1	13	6
	21	..	..	..	..	1	13	3
	28	..	..	..	..	1	10	0
June,	4	..	..	..	..	1	9	6
	11	..	..	..	..	1	10	9
	18	..	..	..	..	1	9	6
	25	..	..	..	..	1	10	0
July,	2	..	..	..	..	1	9	0
	16	..	..	..	..	1	8	0
	23	..	..	..	..	1	9	6
	30	..	..	..	..	1	14	0
August,	6	..	..	..	..	1	12	6
	13	..	..	..	..	1	14	6
	20	..	..	..	..	1	13	6
	27	..	..	..	..	1	12	6
September,	3	..	..	..	..	1	11	6

Dr. Ziauddin Ahmad : Will the Honourable Member admit that on account of the unprecedented concessions given to some of the Bombay merchants at the time when we passed this Wheat Bill, a very large amount of wheat has been imported during the last few months ?

The Honourable Sir George Rainy : I have given, in reply to a previous question, the figures of actual importation of wheat.

RETRENCHMENT IN THE SALARIES OF SUPERIOR SERVICES.

665. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Has any correspondence passed between the Government of India and the Secretary of State on the question of retrenchment in salary of the superior services ? If so, will Government be pleased to lay on the table a copy of that correspondence ?

(b) Have they arrived at any decision on this question ? If so, what ?

The Honourable Sir George Schuster : Government are unable to make any statement at present.

GOVERNMENT POLICY IN REGARD TO CIVIL AVIATION.

666. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : In view of the various conflicting reports in the papers, will Government be pleased to state clearly its present and future policy with regard to civil aviation in India ?

Mr. J. A. Shillidy : I regret that no statement on the present and future policy with regard to Civil Aviation in India can be made until Government have reached a decision on the recommendations of the Retrenchment Committee.

LICENSES FOR CARRYING ON TRADE IN CANTONMENTS.

667. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the All-India Cantonments' Association had a lengthy correspondence with Government on the correct interpretation of section 210 (3) (a) of the Cantonments Act ?

(b) Is it a fact that the Association's reading of the section is :

(i) that it exempts persons carrying on trade before April, 1924, when the new Cantonments Act came in force, from applying for licenses for trades and occupations enumerated in section 210 (1) ;

(ii) that the above exemption cannot be withdrawn except for strong sanitary reasons ;

(iii) that the fact of an old shopkeeper applying for a licence in ignorance of the provision of the exemption, does not deprive him of the benefit of the same ?

(c) Will Government be pleased to state the views they have conveyed to the Association on the above points ? Did they consult their Legal Adviser before expressing their views ?

(d) Are Government aware that the practical result of Government interpretation of the section is to deprive the old shopkeepers of the above concession and that this has caused great discontent among them ?

(e) Do Government propose to take legal opinion in the matter and issue an authoritative ruling ?

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

(b) Yes.

(c) A copy of Army Department letter No. 794-R. (A. D.-4), dated the 1st December, 1930, on the interpretation of section 210 (3) (a) of the Cantonments Act, 1924, is placed on the table. This letter was issued in consultation with the Legislative Department of the Government of India.

(d) The Honourable Member will be able to see from the letter laid on the table in reply to part (c) that in the view of Government the section does not confer the supposed concession. Consequently no question of depriving any one of that concession arises.

(e) Government do not propose to take any further legal opinion. Any party aggrieved by the operation of the section as interpreted by Government is free to seek a remedy in the courts if so advised.

COPY OF A LETTER FROM DIRECTOR, MILITARY LANDS AND CANTONMENTS, TO THE HONORARY SECRETARY, ALL-INDIA CANTONMENTS ASSOCIATION, AMBALA, No. 794-R.A.D.-4, DATED THE 1ST DECEMBER 1930.

Interpretation of section 210 (3) (a) of the Cantonments Act, 1924.

In continuation of Army Department letter No. 713-R. (A.D.-4), dated the 1st November 1930, on the above subject, I am directed to say that in the opinion of the Government of India your assumption that a person who was carrying on his trade in the cantonment at the commencement of the Cantonments Act, 1924, cannot be required to apply for a licence under section 210 without "good reason" is not correct. The application of section 210 to such persons is differentiated from its application

to any other person by the provision of clause (a) of sub-section (3) and not otherwise. That clause provides special treatment for such person in the following respects :—

- (1) He is not bound to apply for a licence till he has received the requisite notice.
- (2) If the Cantonment Authority refuses to grant a licence, he is entitled to compensation.

The notice referred to in clause (a) of sub-section (3) is not a notice imposing an obligation to apply for a licence, but a notice informing the recipient of the existence of that obligation, and if a person not bound to apply for a licence till he receives such notice elects spontaneously to apply for a licence, whether in ignorance of the provisions of clause (a) of sub-section (3) or otherwise, the first element in that clause becomes spent and the applicant is to this extent placed on the same footing as an applicant for a licence under section 210 to whom clause (a) of sub-section (3) does not apply, i.e., his licence, if he obtains one, is valid for one year and must be renewed thereafter. Spontaneous application for a licence by a person to whom clause (a) of sub-section (3) applies does not of course deprive that person of the benefit of the second provision made in clause (a), namely, that if a licence is refused, the Cantonment Authority must pay compensation for any loss incurred by reason of the refusal.

AMENDMENT OF THE CANTONMENTS ACT.

668. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that in introducing the Cantonments Bill in the Legislative Assembly and the Council of State in 1923, the then Army Secretary made it clear that there was a possibility of many defects in the Bill coming to light in its actual working ?

(b) Are Government aware that the All-India Cantonments' Conference held in 1928 at Jubbulpore passed a resolution urging the desirability of a special committee of officials and non-officials being appointed to report about the amendments to be made in the Act in the light of actual experience of its working since its introduction in 1924 ?

(c) Is it a fact that the Army Secretary, Government of India, held out an assurance to a deputation of the All-India Cantonments' Association that met him in 1929 at Simla that the proposal of appointing a Committee will be considered by Government ?

(d) Is it a fact that the Government of India had to issue a large number of circulars about the interpretation and application of many sections of the Act ?

(e) Is it a fact that the volume of these circulars issued to explain various sections of the Act is as big as the Act itself ?

(f) Are Government prepared to appoint a committee of officials and non-officials at an early date to consider and to report what changes are necessary in the Act ?

Mr. G. M. Young : (a) The Honourable Member is referred to the official record of the speeches of the then Commander-in-Chief and Army Secretary on the Bill. I have not been able to find in them any statement to the effect suggested by the Honourable Member.

(b) A conference was held at Jubbulpore in 1929, and passed a resolution to the effect stated.

(c) The Army Secretary, on the occasion in question, stated that in his opinion no useful purpose would be served at present by constituting such a committee of inquiry. He promised, however, to consider the matter further.

(d) and (e). The answer is in the negative.

(f) No, Sir. Government consider that there is no necessity for the appointment of such a committee, which would moreover entail considerable expenditure. They are always willing to examine any defects in the working of the Act that may be brought to their notice, and have introduced and carried several amendments to the Act in this House during the past seven years.

APPOINTMENT OF PRESIDENT OF THE SECUNDERABAD CANTONMENT BOARD.

669. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that Lt.-Col. E. C. D. Thorne, Executive Officer, Mhow Cantonment, has been appointed as the President of the Secunderabad Cantonment Board ?

(b) Are Government aware that under section 20 of the Cantonments Act, the Commanding Officer of the Cantonment is the legally constituted President of the Cantonment Board ?

(c) Does Lt.-Col. E. C. D. Thorne occupy the position of the Officer Commanding of the Cantonment, if not, under what section has this appointment been made ?

(d) What are the reasons that have led Government to appoint a permanent President of the Cantonment Board ?

(e) In how many Cantonments has such an appointment been made or is proposed to be made ?

Mr. G. M. Young : (a) Yes, except that the officers' initials are A. C. D. not E. C. D.

(b) Government are aware of the legal position, which, in Secunderabad, is not as stated by the Honourable Member.

(c) Lieutenant-Colonel Thorne is not the Officer Commanding the Cantonment. His appointment has been made under sub-section 1 (A) of section 20 of the Cantonments Act, 1924, as applied to the Cantonment of Secunderabad.

(d) I do not know what the Honourable Member means by "Permanent President". Lieutenant-Colonel Thorne is a whole-time President, but his appointment is not more "permanent" than that of other Presidents. Government considered a whole-time appointment necessary, as Secunderabad is by far the largest cantonment in India.

(e) A similar appointment has not been made in any other cantonment, nor is there, at present, any proposal to that effect.

CREATION OF ELECTED BOARDS IN CANTONMENTS.

670. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state in how many cantonments having a civil population of 2,500 or more elected Boards have not been created ?

(b) Will Government please state in each case their reasons for not creating an elected Board ?

(c) Are Government aware that the people of Chakrata, Nowgong, Risalpur, have already expressed their grievance in this connection more than once ?

(d) Will Government be pleased to state the considerations that weigh with regard to their decision in the matter of creation of elected Boards apart from the consideration of population ?

Mr. G. M. Young : (a) 19. Of these, five cantonments, four of which are on the Frontier, have nominated Boards.

(b) and (d). The local conditions, financial position and the size and character of the civil population, which is mainly composed of persons of the follower class, do not justify the creation of elected Boards.

(c) Yes. Nowgong no longer contains troops, and will shortly be converted into a civil station when the Cantonments Act will be withdrawn. In Chakrata and Risalpur the civil population is only slightly above the prescribed minimum, and consists mainly of menial classes. The number of electors would be too small in either case to justify an elected Board.

ALLEGED REACTIONARY BYE-LAWS IN MARDAN CANTONMENT.

671. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Has the attention of Government been drawn to an article published in the *Cantonment Advocate* of August, 1931, under the heading 'Reactionary bye-laws in Mardan Cantonment' ?

(b) Is it a fact that the bye-laws contemplate leaving the inspection of municipal files by the public and the furnishing of copies of municipal papers to the public to the discretion of the Executive Officer ?

(c) Are Government aware that section 289 of the Cantonments Act already lays down specific documents, of which a copy can be given to the public ?

(d) Are Government prepared to draw the attention of the Cantonment Authority, Mardan, to the provisions of section 289 and direct them to reduce the fee proposed to be charged for inspection and giving copies ?

Mr. G. M. Young : (a) Government have seen the article.

(b) to (d). Government have called for a copy of the by-laws and will examine them on receipt.

DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.

672. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that under the present system, Government depute a Military Sub-Assistant Surgeon to hold charge of a hospital maintained by a Cantonment Board ?

(b) Are Government aware of the constant changes of the Sub-Assistant Surgeon due to transfers ?

(c) Is it a fact that the pay given to the Military Sub-Assistant Surgeon deputed by Government is sufficient to secure the services of an Assistant Surgeon, provided the Cantonment Board is authorised to make the appointment ?

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

(b) and (c). Government recently received a representation on the subject from the All-India Cantonments Association and have issued instructions to local military authorities to consult Cantonment Authorities

more freely in the matter of the selection, tenure, and removal of Sub-Assistant Surgeons in Cantonment hospitals.

DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.

673. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Board of Lucknow proposed to have its own doctor in charge of its hospital but this proposal was not carried, owing to the opposition of the official members, on the basis of a certain circular issued by the Government of India that the hospitals maintained by Cantonment Boards should as far as possible be controlled by military medical staff ?

(b) Will Government lay on the table a copy of this circular and state the reasons for issuing the same ?

(c) Are Government aware that there is a great disappointment among the people of the Cantonment of Lucknow at the inability of the Board to appoint its own doctor in charge of the Cantonment General Hospital ?

(d) Are Government prepared to withdraw any restriction that they may have imposed upon the freedom of the Cantonment Authority to make its own arrangement for running its own hospital ?

Mr. G. M. Young : (a) Government have no information.

(b) No, Sir.

(c) and (d). The Honourable Member is referred to the answer which I have just given to the preceding question.

FEES CHARGED FROM HAWKERS AT FAIRS IN CAWNPORE CANTONMENT.

674. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Authority, Cawnpore, has recently ordered that a fee of annas eight per day shall be charged from every hawkker on the occasion of a fair ?

(b) Is it a fact that in a Hindu fair, named *Guriyon ka Mela* held on the 19th August, 1931, in the Cawnpore Cantonment a fee of annas eight was charged from every petty hawkker ?

(c) Will Government be pleased to state under what rules this fee is being charged in the Cantonment of Cawnpore and, if the charging of such a fee be irregular, are Government prepared to consider the desirability of doing away with it ?

Mr. G. M. Young : (a) and (b). Government have no information.

(c) Such fees are leviable by means of by-laws framed under section 282 (13) of the Act. The latter part of this question does not arise.

DRAINAGE AND WATER SUPPLY SCHEME REQUIRED FOR CAWNPORE CANTONMENT.

675. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if any drainage and water supply scheme is under contemplation in the Cawnpore Cantonment ?

(b) Are Government aware that the bazar area of the Cawnpore Cantonment is in an insanitary state for want of a regular drainage?

(c) If no such proposal is under contemplation, are Government prepared to direct the Cantonment Authority, Cawnpore, to pay their attention to the above scheme in the interests of public health?

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

(b) No, Sir.

(c) Does not arise.

POLICE ACTION AGAINST TWO INDIANS IN TANGANYIKA.

676. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 27th July, 1931, in which it is stated that as a result of a simple quarrel between two Indians, a native Askari policeman arrested without warrant four Indians, under orders of the Labour Officer, Muhesa, beat them hard, tied their hands with ropes, and threw them into the native police lock-up, rejecting the surety offered by the accused; and next morning they were paraded hand-cuffed through the most trafficking part of the locality?

(b) What are the facts of the case and who is there to look after the interests of the Indians in such matters?

(c) Do Government propose to take any action in the matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Government have no information beyond what is contained in the article referred to by the Honourable Member. It is stated in this article that the Tanga Indian Association has approached the local authorities.

(b) and (c). If the Honourable Member wishes to know whether the Government of India have an Agent in East Africa, the answer is in the negative, and no action is at present contemplated.

GRANT OF SENIOR COMMISSIONS TO OFFICERS OF THE INDIAN TERRITORIAL FORCE AND THE UNIVERSITY TRAINING CORPS.

677. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- (a) whether the officers of the Army in India Reserve of Officers who have had some previous service in the Indian Territorial Force either as officers or as N. C. Os. are getting any advantage of their previous service;
- (b) whether the A. I. R. O. Officers are senior to senior officers of the Indian Territorial Force of the same rank;
- (c) whether it is a fact that officers of the Indian Territorial Force who are getting senior commissions in the I. T. F. are getting the advantage of their past services in the I. T. F.;
- (d) whether it is a fact that the recruitment in the I. T. F. in Bengal in the U. T. C. is delayed owing to the C. I. D. carrying out their inquiries;
- (e) whether they are aware of the fact that in the U. T. C. in Bengal the granting of the senior commissions to officers of the unit has been delayed too long; and

(f) whether they are aware also of the fact that in consequence of such delay there has been lack of enthusiasm in the unit both among officers as well as among cadets?

Mr. G. M. Young : (a) Not yet, Sir, but it has recently been decided that those who hold King's Commissions in the Territorial Force will be allowed to count such service for the purposes of seniority and promotion in the Army in India Reserve of Officers.

Service as a non-commissioned officer in the Territorial Force is not permitted to count towards promotion in the Reserve.

(b) No, Sir. Officers of the Reserve and senior officers of the Territorial Force of the same rank determine their relative seniority by the date of their appointment to that rank.

(c) Yes. Half the service in the rank of Subadar and a quarter of the service in the rank of Jemadar count towards seniority and promotion. This is subject to a maximum of three years.

(d) Recruitment to the Indian Territorial Force and to the Calcutta unit of the University Training Corps in Bengal is not progressing as it should; but this is due to the lack of satisfactory recruits.

(e) and (f). The answer is in the negative.

EMPLOYMENT OF STUDENTS OF THE BENARES ENGINEERING COLLEGE AS UNPAID APPRENTICES IN THE LUCKNOW RAILWAY WORKSHOP.

678. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- (a) whether it is a fact that two diploma students of Benares Engineering College were accepted for practical training as unpaid apprentices in the Lucknow Railway Workshop on payment of a premium in 1930;
- (b) if the answer is in the affirmative, the reason or reasons for which such premium was accepted from those students;
- (c) whether in consideration of the premium paid the workshop management has been pleased to give some sort of guarantee to the students for service after they take their diploma; and
- (d) whether or not it is a fact that the lands on which the Railway workshop in Lucknow stands was acquired by the Indian taxpayers' money?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISION.

679. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to the articles which have appeared in the *Muslim Outlook* of Lahore in its issue, dated the 26th June, 1931, *Alwahid* of Karachi, dated the 8th June, 1931, *Hamdard* of Hyderabad, Sind, dated the 8th June, 1931, and *Unity* of Karachi, dated the 4th July, 1931, 11th July, 1931, and 1st August, 1931, alleging mal-administration and favouritism,

etc., against the present Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) If the reply to the above be in the affirmative, will Government please state the action they have taken in the matter ?

(c) Has any inquiry been ordered into the allegations ; if so, what has been the result of such an inquiry ?

(d) Do Government propose to remove the Superintendent from his present appointment, and transfer him out of the Sind and Baluchistan Circle ?

(e) If the reply to part (d) above be in the negative, will Government be pleased to state reasons for it ?

Sir Hubert Sams : (a) to (e). Government have not seen the articles referred to, but officers who have a grievance in such matters should submit their appeals in accordance with the rules. Government do not propose to take any action.

NUMBER OF MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

680. ***Seth Haji Abdoola Haroon :** Will Government please place the following information on the table :—

(a) the total number of the clerical staff employed in the Lower Sind and Persian Gulf Division ;

(b) the number of the Muslim, and non-Muslim clerks working in the said Division ;

(c) the total number of postmen and packers in the Lower Sind and Persian Gulf Division ; and

(d) the total number of Muslims in the above cadre ?

Sir Hubert Sams : I propose with your permission, Sir, to reply together to questions Nos. 680 to 685, 693, 696, 700 to 702 and 707 to 709.

The information will be collected and will be sent to the Honourable Member when received.

MUSLIM CLERKS AND SUB-POSTMASTERS EMPLOYED ON THE MEKRAK COAST AND THE PERSIAN GULF.

†681. ***Seth Haji Abdoola Haroon :** (a) Will Government please state the total number of the Muslim officials, who were working in the Persian Gulf and on the Mekran Coast as clerks and Sub-Postmasters, etc., in the year 1926 ?

(b) What is the number of Muslim officials working there now ?

(c) Have any Muslim officials been removed from the Gulf and the Mekran Coast in the time of the present Superintendent ? If so, on what grounds ?

†For answer to this question, see answer to question No. 680.

EMPLOYMENT OF MUSLIMS IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

†682. ***Seth Haji Abdoola Haroon :** (a) Will Government please state whether it is a fact that there are about 45 lucrative appointments, carrying late fees, etc., in the Division of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) Is it a fact that out of these 45 appointments none has been given to Muslim officials ?

(c) Is it a fact that those Muslim officials, who have been given independent charges of such lucrative appointments have been posted in the hottest and the most sandy part of the Sind desert ?

NUMBER OF SAHITI HINDUS AND MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

†683. ***Seth Haji Abdoola Haroon :** Will Government please state :

(a) the number of the posts that fell vacant in the time of the present Superintendent of the Lower Sind and Persian Gulf Division and the number of the officials appointed to them by the Superintendent ; and

(b) the number of Sahiti Hindus entertained and the number of the Muslims that were recruited ?

NON-APPOINTMENT OF MUSLIMS TO THE RAILWAY MAIL SERVICE IN THE SIND AND BALUCHISTAN CIRCLE.

†684. ***Seth Haji Abdoola Haroon :** (a) Is it a fact that there are 9 record and sub-record offices of the Railway Mail Service in the Sind and Baluchistan Circle ?

(b) Is it also a fact that out of these 9 posts of Record Clerks in the R. M. S., only one is held by a Muslim and the rest by the Hindus ?

(c) Are there any Muslim officials of the R. M. S. who are eligible for the said appointments ?

(d) If the reply to part (c) above be in the affirmative, will Government please state the reasons on account of which Muslims have been debarred from holding these appointments ?

MUSLIMS EMPLOYED IN THE RAILWAY MAIL SERVICE, SIND AND BALUCHISTAN CIRCLE.

†685. ***Seth Haji Abdoola Haroon :** Will the Government please give the following information :—

(a) the total number of the staff employed in the Sind and Baluchistan Circle, Railway Mail Service, as sorters, (b) selection grade officers and (c) officers of the higher selection grade ? How many of each are Muslims ?

†For answer to this question, see answer to question No. 680.

NON-GRANT OF A HOLIDAY FOR THE RAMZAN ID AT THE KARACHI GENERAL POST OFFICE.

686. *Seth Haji Abdoola Haroon : (a) Is it a fact that the Muslim officials of the Karachi General Post Office and its Town Sub-offices were not granted a holiday on the occasion of *Ramzan Id* ?

(b) Is it a fact that the Muslim officials had informed the Postmaster, Karachi, that the celebration of the *Id* festival depends on the visibility of the moon, and that they had requested him to order the closing of the office accordingly ?

(c) Is it a fact that the Muslim officials had represented their grievances in this connection to the Director-General of Posts and Telegraphs ?

(d) If the reply to parts (a), (b) and (c) above be in the affirmative, will Government please state the reasons why no arrangements were made beforehand to close the Post Office, when the Circle office itself and all other Government offices were closed ?

(e) Did the Postmaster, Karachi, take any action on the application of the Muslims as stated in part (b) ? If not, why not ?

(f) What action was taken by the Director-General of Posts and Telegraphs on the representation made to him ?

(g) What steps have Government taken, or propose to take in order to avoid repetition of such incidents ?

Mr. J. A. Shillidy : (a) No. The holiday was notified for the 20th February, 1931, and given on that date.

(b) Yes.

(c) Yes.

(d) The Muslim clerks informed the Postmaster, Karachi, on the morning of the 19th February, 1931, that the moon was visible the previous evening. The Postmaster could take no action to close the office then as business had commenced, and he had no time to notify the public and the town sub-offices.

The Muslim clerks were given sufficient leisure during the day for their prayers.

(e) No, for the reasons given in reply to part (d) of this question.

(f) None, as the telegram was received from the Muslim staff of the Karachi post office on the 19th February, 1931, too late to allow of any action in connection with a holiday.

(g) The Honourable Member will see from the information given that the failure to allow the day in question as a holiday was entirely inadvertent and there is no reason to suppose the same mistake will be made again.

Mr. K. Ahmed : In view of the fact that only in that part of the country the authorities were not able to exercise their common sense, do Government propose to take steps to stop this irregularity in future ?

Mr. J. A. Shillidy : I have already stated that the mistake was due to inadvertence and there is no reason to suppose that the mistake will be made again.

HOURS OF WORK OF MUSLIM CLERKS IN THE KARACHI GENERAL POST OFFICE.

687. *Seth Haji Abdoola Haroon : (a) Is it a fact that the majority of the Muslim officials of the clerical cadre of the Karachi General Post Office are performing split duties in the sorting and delivery branches ?

(b) Will Government please state the number of hours which an official has to perform duty, under split duty system during one working day ?

Sir Hubert Sams : (a) Government have not the information.

(b) Ordinarily seven in the Karachi General Post Office.

RECRUITMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

688. *Seth Haji Abdoola Haroon : (a) Will Government please state if it is a fact that the Superintendent of Post Offices and the Postmaster, Quetta, are both Hindus, and brothers ?

(b) Has the attention of Government been drawn to various articles published in the *Postal Advocate*, Delhi, in which grave complaints regarding the recruitment, etc., of the Muslims, in the Baluchistan Division have been made ?

(c) Will Government please state if any orders were passed by Mr. George Burlingham, in his tenure of office as Director of Posts and Telegraphs, Sind and Baluchistan Circle, regarding the recruitment of the Muslims in the Baluchistan Division ?

(d) Do the orders mentioned in part (c) still hold good, if not, why not ?

(e) Is it a fact that the Superintendent did not carry out the orders of the Director ? If so, do Government propose to take any action against the Superintendent and do Government propose to renew the said orders ?

(f) Will Government please state the steps they propose to take for obtaining due share for the Muslims in the Baluchistan Division ?

Mr. J. A. Shillidy : (a) and (b). Yes.

(c), (d), (e) and (f). Government have no information, but an inquiry will be made.

ARTICLE IN THE "POSTAL ADVOCATE", DELHI.

689. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article in the *Postal Advocate*, Delhi, dated the 1st August, 1931, under the heading "A cry of distress" ?

(b) If the reply to the above be in the affirmative, will Government please state, if an inquiry into the allegations has been made and with what results ?

(c) If the reply to part (b) above be in the negative, will Government please state the reasons why no inquiry has been ordered and do they intend to make inquiries now ?

Sir Hubert Sams : (a) Yes.

(b) and (c). Government did not order and do not propose to order an inquiry. The matter is within the competence of the Head of the

Circles, and, if any official has a grievance, it is open to him to represent it through the proper channel under the rules.

RECRUITMENT OF STAFF IN THE QUETTA HEAD POST OFFICE AND THE BALUCHISTAN DIVISION.

690. *Seth Haji Abdoola Haroon : (a) Will Government please state if there are any orders of the Director-General of Posts and Telegraphs, that recruitment to the Postal Department should be effected from the Revenue Division ?

(b) Are Government aware that Paharis and Garhwalis are being recruited in large numbers in the inferior staff in the Quetta Head Post Office and the Baluchistan Division ?

(c) If the reply to part (b) is in the affirmative, will Government please state why the orders of the Director-General of Posts and Telegraphs, have been allowed to be set aside ?

(d) Who is responsible for not carrying out the orders of Director-General and what action do Government propose to take ?

Sir Hubert Sams : (a) Yes, but the orders are applicable only to the clerical cadre.

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

RECRUITMENT OF MUSLIMS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

691. *Seth Haji Abdoola Haroon : Will Government be pleased to state if, on the strength of rule 3 of the rules published in Director-General's special General Circular No. 16, dated 18th August, 1930, any junior time-scale clerk of the Muslim community was nominated to appear at the lowest selection grade examination held in 1930 in Bengal and Assam Circle ? If not, why not ?

Sir Hubert Sams : The reply to the first part is in the affirmative. The second part does not arise.

CONCESSION GRANTED TO MUSLIMS DURING THE RAMZAN.

692. *Seth Haji Abdoola Haroon : Are Government prepared to reinforce the concession granted to Muslims in respect of leaving the office at 16 hours during the month of Ramzan, by renewing their instructions in this behalf ?

Sir Hubert Sams : The Honourable Member presumably refers to Postal officials. The question will be examined.

APPOINTMENT AND LEAVE CASES DEALT WITH BY HINDU CLERKS IN CERTAIN POST OFFICES.

†693. *Seth Haji Abdoola Haroon : Will Government be pleased to state whether any Muslim clerk is dealing with the appointment and leave cases in the following Post Offices :—Delhi, Lahore, Amritsar, Simla, Rawalpindi and Peshawar ? If so, will Government state their names and the period for which they have held the charge ?

† For answer to this question, see answer to question No. 680.

CLERKS DEALING WITH APPOINTMENT AND LEAVE CASES IN THE POSTAL DEPARTMENT.

694. *Seth Haji Abdoola Haroon : Are Government prepared to consider the desirability of ordering that posts of clerks dealing with appointment and leave cases should be held in rotation by the Muslims and Hindu clerks for three years each and further that these posts should be held by Muslims for the next three years ?

Mr. J. A. Shillidy : Postings are not made on communal grounds, and Government cannot undertake to issue the orders suggested by the Honourable Member.

†695.

CLERKS APPOINTED BY MR. RAI IN THE ALIGARH POSTAL DIVISION.

†696. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the total number of candidate clerks entertained in the Aligarh Postal Division during the time Mr. D. Rai held charge of the Division ?

(b) Will Government be pleased to state separately the number of (i) Muslim and (ii) non-Muslim candidate clerks entertained during the time of Mr. D. Rai, Superintendent of Post Offices, Aligarh Division ?

APPOINTMENT OF TWO BROTHERS AS HEAD CLERKS IN THE DELHI GENERAL POST OFFICE.

697. *Seth Haji Abdoola Haroon : (a) Is it a fact that according to certain orders two or more near relatives should not be posted in one and the same post office ?

(b) If so, is it a fact that Messrs. Hiralal and Pannalal, two real brothers have been working side by side for several years as Head Clerks, Mail and Delivery in the Delhi General Post Office ?

(c) Is it a fact that the officials named in part (b) above, are working as Head Clerks superseding many of their seniors who are working as clerks in the same office ?

Sir Hubert Sams : (a) The rule is that it is desirable that members of the same family should not be transferred to the same office.

(b) and (c). Government have no information. If any official has a grievance, it is open to him to represent it through the proper official channel.

APPOINTMENT OF POSTMEN IN THE DELHI GENERAL POST OFFICE.

698. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state separately the number of approved candidates for postmanship and inferior service in the Delhi General Post Office and how many of them are (a) Muslims and (b) Hindus ?

(b) Is it a fact that from the date a Muslim Town Inspector was sent by the Postmaster-General to Delhi efforts were made by (i) Hindu Assistant Postmaster, Delivery, (ii) Hindu Accountant, (iii) Hindu Head

† This question was withdrawn by the questioner.

† For answer to this question, see answer to question No. 680.

Clerk, Delivery and (iv) Hindu Head Clerk of the office to deprive him of the appointment powers ?

(c) Is it a fact that the new Postmaster, Delhi, has entrusted these duties to the Town Inspector ?

Sir Hubert Sams : (a), (b) and (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Punjab and North West Frontier Province.

APPOINTMENT OF TEMPORARY POSTAL CLERKS AT DELHI AND SIMLA.

699. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the number of temporary and season postal clerks sanctioned every year for (i) Delhi, and (ii) Simla ?

(b) Is it a fact that the rules about entertainment in Government services apply equally to all appointments whether permanent or temporary or seasonal ?

(c) Is it a fact that Muslims do not get their due share in these appointments in Delhi and Simla ?

(d) Do Government propose to order that Muslims are given their due share to prevent preponderance of the members of any one community ?

Mr. J. A. Shillidy : (a) Government do not possess the information and do not propose to call for it in view of the reply to (b) following.

(b) No, only to permanent vacancies.

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

SUPERINTENDENTS AND POSTMASTERS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

† 700. ***Seth Haji Abdoola Haroon :** (a) Will Government please state how many Superintendents and First Class Postmasters, including non-gazetted Postmasters there are in the Sind and Baluchistan Postal Circle

(b) How many of these officers are Hindus ?

(c) How many of them are Muslims ?

NUMBER OF MUSLIM CLERKS AND HEAD CLERKS IN CERTAIN POSTAL DIVISIONS.

† 701. ***Seth Haji Abdoola Haroon :** Will Government please furnish the following information :—(a) the total number of clerks and head clerks employed in the office of the Superintendent of Post Offices, Baluchistan Division, (b) Superintendent of Post Offices, Upper Sind Division, (c) Superintendent of Post Offices, Lower Sind and Persian Gulf Division, (d) Office of the Superintendent, R. M. S., Karachi, and (e) the number of the Muslim clerks and head clerks in each office ?

† For answer to this question, see answer to question No. 680.

NON-TRANSFER OF HEAD CLERKS AND APPOINTMENT CLERKS FROM CERTAIN POSTAL OFFICES.

† 702. ***Seth Haji Abdoola Haroon :** (a) Is it a fact that many Head Clerks and appointment clerks in the head post offices and offices of the Superintendents have been holding their present appointments for more than three years ?

(b) If the reply to the above be in the affirmative, will Government please place on the table a list showing the number of such officials in respect of each office ?

(c) Are there any departmental rules which lay down that no head clerk to the Superintendent or Inspector of Post Offices should hold charge of an appointment for more than three years ?

(d) Do the Head Clerks, Correspondence, and the Accountant of the Karachi General Post Office come under the category of these officials, mentioned in part (c) ?

(e) If the reply to part (c) above be in the affirmative, will Government please lay on the table the reasons for not enforcing the said rules ?

(f) Do Government propose to transfer such officials from their present posts now ? If not, why not ?

DEATH OF MR. MOHAMMAD IBRAHIM, A CLERK IN THE DELHI POST OFFICE.

703. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to an article entitled " Heart-rending Tragedy " published in the May 1931 issue of the *Postal Advocate* of Delhi ?

(b) Have Government inquired into the circumstances in which Mr. Mohammad Ibrahim, clerk, Delhi Post Office, met his death ?

(c) What action, if any, has been taken by Government against the officer or officers responsible for refusing leave on Sunday to Mr. Mohammad Ibrahim ?

(d) Will Government be pleased to state whether a compassionate pension has been granted to the widow of Mr. Mohammad Ibrahim who died in harness after putting in long service ?

Sir Hubert Sams : (a) Yes.

(b), (c) and (d). The matter is being looked into.

REPRESENTATION OF MUSLIMS IN THE POSTAL AND RAILWAY MAIL SERVICE.

704. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to the figures of communal composition published on pages 4 and 7 of the *Postal Advocate*, Delhi, May 1931 issue ?

(b) Will Government be pleased to state whether the figures stated are correct and, if not, will Government be pleased to state the correct figures ?

(c) Are Government prepared to take such measures as may give the Muslims their due share in the Postal and R. M. S. Departments in all cadres ?

† For answer to this question, see answer to question No. 680.

Mr. J. A. Shillidy : (a) Yes.

(b) Government have no information whether the figures are correct.

(c) Orders to prevent the undue preponderance of any one community are already in force.

NUMBER OF MUSLIM CLERKS, ETC., IN CERTAIN POSTAL CIRCLES.

705. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state separately the total number of Muslim and non-Muslim (1) officials in selection grades, (2) clerks, (3) R. M. S. sorters, (4) postmen and (5) inferior servants employed on the 31st March, 1931, in the following Postal Circles and post offices :

(i) Bengal and Assam Circle, (ii) Sind and Baluchistan Circle, (iii) Madras Circle, (iv) Bombay Circle, (v) Central Circle, (vi) Punjab and North-West Frontier Circle, (vii) United Provinces Circle, (viii) Behar and Orissa Circle and in the General Post Offices of Bombay, Madras, Calcutta, Karachi, Delhi, Lahore, Nagpur, Lucknow and Patna ?

(b) Will Government be pleased to state separately the total number of approved candidates entertained during the year 1929-30 and 1930-31 for the cadres and circles and offices referred to in part (a) above ?

(c) Is it a fact that the remedial measures adopted by Government have been ignored by the officers empowered to recruit ?

Sir Hubert Sams : (a) and (b). Inquiry is being made and the result will be communicated to the Honourable Member separately.

(c) No.

EMPLOYMENT OF MUSLIMS IN THE POSTAL DEPARTMENT.

706. *Seth Haji Abdoola Haroon : (a) Are Government aware that the orders issued in the Home Department Memorandum No. F 21/2-30-Ests., dated 22nd March, 1930, about increased employment of Muslims are not followed in the Postal Department ?

(b) Is it a fact that Muslims, Sikhs, and other minority communities are taken together to distribute the third vacancies referred to in Government of India Memorandum No. F. 176/25-Ests., dated 5th February, 1926 ?

(c) Do Government propose to order strict enforcement of the instructions contained in their Memorandum, dated the 22nd March, 1930, referred to in part (a) above ?

Mr. J. A. Shillidy : (a) No.

(b) The fact is not as stated. In the Post Office third vacancies are filled from all minority communities, but chiefly from Muslims.

(c) Government see no reason to issue any further orders as they are satisfied that the orders referred to are being observed by the Post Office.

CORRESPONDENCE STAFF IN THE DELHI GENERAL POST OFFICE.

†707. *Seth Haji Abdoola Haroon : Will Government be pleased to state whether the following communal composition of the correspondence staff in the Delhi General Post Office is correct and, if not, will Government be pleased to furnish their figures as they stood on the 1st September, 1931 ?—

	Hindus.	Muslims.
(1) Head Clerk, correspondence ..	1	..
(2) Assistant correspondence clerk ..	1	..
(3) Money order correspondence clerks ..	2	..
(4) Parcel registration correspondence clerks ..	2	..
(5) V. P. and V. P. claims correspondence clerks ..	3	..

APPOINTMENTS IN THE DELHI GENERAL POST OFFICE.

†708. *Seth Haji Abdoola Haroon : Will Government be pleased to state whether the following appointments were held as stated below in the Delhi General Post Office on 1st September, 1931 ?

Appointment.	Hindus.	Muslims.
(1) Accountant ..	1	..
(2) Assistant Accountant ..	1	..
(3) Head clerks ..	6	..
(4) Assistant Postmasters ..	3	..

APPOINTMENT OF MUSLIMS IN THE DELHI GENERAL POST OFFICE.

†709. *Seth Haji Abdoola Haroon : (a) Is it a fact that there are altogether 3 selection grade and 20 time-scale Sub-Postmasters under the Delhi General Post Office ?

(b) Is it a fact that all the three posts of selection grade under Delhi General Post Office are held by Hindus and out of the twenty time-scale Sub-Postmasterships only five are held by Muslims and 15 by non-Muslims ?

(c) If so, are Government prepared to grant due representation to the Muslims ?

NON-REPRESENTATION OF THE PEOPLE OF CANTONMENTS AT THE ROUND TABLE CONFERENCE.

710. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that on the Round Table Conference there are no representatives of the people of the cantonments ?

(b) Is it a fact that the attention of Government has been drawn in the matter to get a chance of nomination to the resumed Round Table Conference ?

(c) Is it a fact that assurance was given by Government that the matter would receive careful consideration ?

†For answer to this question, see answer to question No. 690.

(d) Did Government actually recommend any of the cantonment residents to the Round Table Conference? If not, why not?

(e) With a view to remove the deficiency and to consider the due demands for constitutional advance in cantonment administration what arrangements do Government propose to make now? If not, why?

The Honourable Sir George Rainy : (a) to (e). I would invite a reference to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Sing's unstarred question No. 18.

ABOLITION OF PLURAL MEMBER CONSTITUENCIES FOR CANTONMENT BOARDS.

711. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that under the rules framed by Provincial Governments for Cantonment Board elections more than one member is returned from one ward in most cantonments?

(b) Are Government aware that the constitution of these plural member wards is such that all the seats allotted to that ward are captured by the majority party of that ward though in a particular section of that ward that minority is in absolute majority?

(c) Is it a fact that the tendency of all the reformed constitutional administrations is to do away with plural member constituency and to substitute single member constituency in its place?

(d) Are Government prepared to issue instructions to Provincial Governments that for a better representation of all classes in Cantonment Boards' plural member constituencies be abolished and single member constituencies be substituted?

Mr. G. M. Young : (a) to (c). Government have no information.

(d) The matter is within the discretion of Local Governments.

APPOINTMENT OF ADVISORY BOARDS IN CANTONMENTS.

712. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in small cantonments the system of administration is what is known as "Corporation Sole"?

(b) Is it a fact that under this system the Officer Commanding the Station is the Cantonment Authority and conducts the Cantonment Administration without having the advantage of being advised by the people as to their views on various problems of cantonment administration and their desires about the same?

(c) Did the All-India Cantonments Association suggest to Government the desirability of appointing Advisory Boards in such cantonments?

(d) Is it a fact that the Army Secretary endorsed the desirability of the proposal in an interview with the deputation of the Association that met him in June 1929?

(e) Are Government aware that in spite of this such an advisory committee has not been formed in any cantonment having a "Corporation Sole" administration?

(f) Will Government be pleased to state what are the reasons for not carrying out the above suggestions?

(g) In case Government are not prepared to consider the present suggestion, do they propose to abolish "Corporation Soles"?

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

(b) Yes, but in 1929 the local military authorities were asked to consider the advisability of consulting one or two representatives of the civil population in matters affecting their civil interests in such cantonments.

(c) and (d). No, Sir. The Honourable Member is referred to my reply to unstarred question No. 98 asked by Rai Bahadur Panna Lal on the 14th July, 1930. There was no question of appointing Advisory Boards or Committees.

(e) and (f). Do not arise.

(g) The answer is in the negative.

ISSUE OF A DISTRESS WARRANT AGAINST BISHAMBHAR DASS IN NOWSHERA CANTONMENT.

713. ***Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that the Cantonment Authority, Nowshera Cantonment, issued a distress warrant against L. Bishambhar Dass, for the alleged failure to pay the tax due from him on due date?

(b) Is it a fact that Lala Bishambhar Dass requested the Executive Officer to furnish him with a detailed account as to how he arrived at the amount said to be payable by him?

(c) Is it a fact that without furnishing such a statement of account the Executive Officer issued a distress warrant and subsequently forced entry into the house of L. Bishambhar Dass and attached articles in execution of the distress warrant?

(d) Is it a fact that this entry was made under section 245 of the Cantonments Act? Does that section come under the chapter 'Inspection' and empower the Executive Officer or duly authorised agent of the Cantonment Authority to enter into a dwelling house only in connection with the matter pertaining to conservancy and sanitation?

(e) If so, do Government propose to take suitable action against the Executive Officer and prevent him from forcibly entering into houses for the execution of distress warrants so in future?

Mr. G. M. Young : The facts have been called for, and will be communicated to the Honourable Member on receipt.

TAXATION IN CANTONMENTS.

714. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that some of the Commands have issued circulars to certain Cantonment Boards to submit proposals for increase in taxation threatening that in case of their not doing so the said Command will take action under sections 49 and 50 of the Cantonments Act?

(b) Are Government aware that the taxation in those cantonments is already in excess of that prevailing in the neighbouring city municipalities?

(c) Is it a fact that a fair portion of the revenue of the Cantonment Authorities concerned have been appropriated by Government in the shape

of one-fourth share of the income derived from leased land and receipts from A Class area?

(d) Are Government prepared to remit this one-fourth share of the income of the leased land to enable the Cantonment Boards of India to balance their budgets without making any increase in the existing taxation?

Mr. G. M. Young : (a) and (b). Government have no information, but are making inquiries.

(c) The position is that, in addition to their ordinary cantonment revenues, Cantonment Authorities have the management of certain Government lands, and are allowed to retain $\frac{1}{4}$ ths of the receipts from such lands. "A" class lands are not entrusted to Cantonment Authorities.

(d) No, Sir. But Government make grants-in-aid where necessary, to Cantonment Authorities, to enable them to balance their budgets.

STANDARD PLANS FOR HOUSES IN CAWNPORE CANTONMENT.

715. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that orders have recently been issued that all bungalows to be built in Cawnpore Cantonment must conform to the standard plans prepared by Government and deposited in the office of the Cantonment Authority for public inspection?

(b) Is it a fact that the above orders contemplate that any plan of building not conforming in any detail to the standard plan is to be rejected by the Cantonment Authority?

(c) Are Government aware that the standard plans in question involve considerable cost?

(d) Is it a fact that section 181 (c) of the Cantonments Act II of 1924 under which the order has been issued does not give the power to dictate a certain type of plan and design of bungalows but gives the power only to restrict the erection of buildings in places where there is great congestion in the interests of public health?

(e) Are Government aware that the house owners of the Cawnpore Cantonment consider the said order a serious interference with the rights of house owners to re-erect buildings according to a plan and design that suits their pockets?

(f) Are Government prepared to direct the rescinding of the above order?

Mr. G. M. Young : I have called for the information and will communicate with the Honourable Member on its receipt.

RECRUITMENT FOR THE POSTAL SERVICE IN THE MADRAS PRESIDENCY.

716. *Bhai Parma Nand : (a) Do there exist any recognised restrictions on the basis of communal or local differences in the matter of recruitment for Postal Service in the Madras Presidency?

(b) Is it a fact that Mr. Venkatesa Aiyangar, who has served the Postal Department for over 30 years, and is at present working as Postmaster, Ramnad, tried for the employment of his son, who is a graduate

in the department and the Postmaster General, Madras, informed him in his letter No. A.X.-6, dated 15th September, 1930, that his son could not be entertained in any other division except Trichinopoly, in a village of which he was born?

(c) Is it a fact that the Superintendent of Post Offices, Trichinopoly division, informed Mr. Aiyangar that his son could not be entertained by him because there was a preponderance of Brahmins in his division?

(d) If the answers to parts (b) and (c) are in the affirmative, are Government prepared to reconsider the question of such restrictions?

Sir Hubert Sams : Part (a) of the question is not clear. If, however the Honourable Member desires to know whether any special rules exist in the matter of recruitment in the Madras Presidency, the reply is in the negative.

(b), (c) and (d). The matter is within the competence of the Postmaster-General, Madras, to whom a copy of these parts of the question is being sent.

REPRESENTATION OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

717. *Sirdar Harbans Singh Brar : (a) Are Government aware that Sikhs have not been given proper representation in the clerical establishment of the Director-General, Indian Medical Service, for a considerable time?

(b) Will Government please state the number of Sikhs employed in that office as compared with the total staff during the past 2 years?

(c) What steps have Government taken to give proper representation to Sikhs in that office?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) No. A Sikh was employed in the office of the Director-General, Indian Medical Service, for the 13 years previous to January, 1931, when he died. Two Sikhs were employed in 1925-26 but they both left to join other offices.

(b) During the past two years one Sikh was employed in this office, the total strength of which is 43.

(c) Does not appear to arise.

Sirdar Harbans Singh Brar : May I know if after the death in January, 1931, of the only Sikh employed in the office of the Director-General, Indian Medical Service, that office recruited another Sikh in his place?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have not got the information.

Mr. Gaya Prasad Singh : You had better ask the question, "Why did he die?"

Sirdar Harbans Singh Brar : Will the Honourable Member consider the question of giving one place in that Department to a Sikh?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If you will kindly tell me why?

Sirdar Harbans Singh Brar : Because there is no Sikh in that office at present.

Mr. Gaya Prasad Singh : For communal considerations ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I thought during the past two years one Sikh was employed ?

Sirdar Harbans Singh Brar : There is none at present.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Quite sure ? Isn't it enough there was one ?

Sirdar Harbans Singh Brar : Quite sure.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Very well, I will look into it. (Laughter).

COMMUNAL INEQUALITIES IN THE STAFF OF ACCOUNTS AND AUDIT OFFICES IN THE UNITED PROVINCES.

718. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government be pleased to lay on the table a statement showing the strength of the clerical staff of the old Accountant General's office in the United Provinces as it stood on 1st April, 1926, and that of the Audit and Accounts Offices in the United Provinces as it stood on 1st July, 1926, and 1st July, 1931, showing the number and percentage of the Muslims and Indian Christians separately ?

(b) Did Government issue any instructions for the redress of communal inequalities in the above offices ?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state to what extent were these instructions put into effect ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 718 and 720 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

719. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that it is proposed to revert to the old arrangement and re-amalgamate the two Audit and Accounts Offices in the United Provinces and to reduce the clerical staff thereby ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if they have taken proper steps to safeguard the interest of the minority communities ? If not, why not ?

(c) If no such instructions have been issued do not Government apprehend that there will be again a preponderance of one community in the newly amalgamated office ?

The Honourable Sir George Schuster : (a) Yes.

(b) Yes.

(c) The question does not arise in view of the reply to (b).

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

1720. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government please state the minimum educational qualifications required of a man who is confirmed in the clerical establishment of the Audit and Accounts Offices in the United Provinces ?

(b) Will Government kindly also state the number of the members of the minority communities recruited since April, 1926, to the clerical establishment of these offices and confirmed up to 1st July, 1931 ?

(c) Was any preference given to the members of the minority communities possessing the requisite qualification at the time of confirmation in accordance with the declared policy of Government ? If not, why not ?

(d) If the reply to part (c) above is in the negative, are Government prepared to issue proper instructions for the members of the minority communities to be given preferential treatment at the time of re-amalgamation of the Audit and Accounts Offices in the United Provinces ?

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

721. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that a Committee has been appointed by Government to effect the proposed amalgamation of the Audit and Accounts Offices in the United Provinces ?

(b) If the reply to the above is in the affirmative, have Government appointed any member of the minority community to the said Committee ?

(c) If not, what other steps have been taken by Government to safeguard the interest of the minority communities ?

(d) If any instructions have been issued in this connection, will Government be pleased to lay them on the table ?

The Honourable Sir George Schuster : (a) No ; an officer of the Finance Department has been instructed to work out the necessary details in consultation with the Local Government and the Director of Audit, United Provinces.

(b) The question does not arise.

(c) and (d) : Instructions have been issued indicating the principles to be followed in effecting retrenchment of personnel generally, and due regard has been paid in these instructions to the question of safeguarding the interests of minority communities.

HALTING ALLOWANCE PAYABLE AT DELHI TO THE DEPUTY DIRECTOR FOR EXPLORATION.

722. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly state if the Deputy Director for Exploration remains at Delhi during the major portion of the winter season "as on tour" and draws halting allowance for his entire stay there ?

†For answer to this question, see answer to question No. 718.

Sirdar Harbans Singh Brar : Because there is no Sikh in that office at present.

Mr. Gaya Prasad Singh : For communal considerations ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I thought during the past two years one Sikh was employed ?

Sirdar Harbans Singh Brar : There is none at present.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Quite sure ? Isn't it enough there was one ?

Sirdar Harbans Singh Brar : Quite sure.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Very well, I will look into it. (Laughter).

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(b) Did Government issue any instructions for the redress of communal inequalities in the above offices ?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state to what extent were these instructions put into effect ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 718 and 720 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

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(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if they have taken proper steps to safeguard the interest of the minority communities ? If not, why not ?

(c) If no such instructions have been issued do not Government apprehend that there will be again a preponderance of one community in the newly amalgamated office ?

The Honourable Sir George Schuster : (a) Yes.

(b) Yes.

(c) The question does not arise in view of the reply to (b).

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

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(c) Was any preference given to the members of the minority communities possessing the requisite qualification at the time of confirmation in accordance with the declared policy of Government ? If not, why not ?

(d) If the reply to part (c) above is in the negative, are Government prepared to issue proper instructions for the members of the minority communities to be given preferential treatment at the time of re-amalgamation of the Audit and Accounts Offices in the United Provinces ?

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(c) If not, what other steps have been taken by Government to safeguard the interest of the minority communities ?

(d) If any instructions have been issued in this connection, will Government be pleased to lay them on the table ?

The Honourable Sir George Schuster : (a) No ; an officer of the Finance Department has been instructed to work out the necessary details in consultation with the Local Government and the Director of Audit, United Provinces.

(b) The question does not arise.

(c) and (d) : Instructions have been issued indicating the principles to be followed in effecting retrenchment of personnel generally, and due regard has been paid in these instructions to the question of safeguarding the interests of minority communities.

HALTING ALLOWANCE PAYABLE AT DELHI TO THE DEPUTY DIRECTOR FOR EXPLORATION.

722. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly state if the Deputy Director for Exploration remains at Delhi during the major portion of the winter season "as on tour" and draws halting allowance for his entire stay there ?

†For answer to this question, see answer to question No. 718.

(b) If the answer to the above is in the affirmative, will Government please state what is the justification for treating him "as on tour" at Delhi when he stays there practically under the same circumstances as the Director and the Deputy Director of Archaeology?

(c) Is it a fact that the Exploration Deputy rented a Government bungalow at Delhi while he was there "on tour" last winter and had telephones installed at Government expense both at his residence and office?

(d) Did Exploration Deputy carry out any excavation or conservation work at Delhi or had he to do anything beyond office work there?

(e) If the answer to part (e) above is in the negative, will Government kindly state in what practical aspects does this so-called "tour" of the Exploration Deputy differ from the "move" of the Director and the Deputy Director of Archaeology?

(f) Will Government kindly state why the Exploration Deputy was not treated as a "moving officer" instead of a "touring officer" for the purposes of his stay at Delhi last winter and whether they propose to treat him as a "moving officer" during the ensuing move and thus save a considerable amount of halting allowance paid to him last winter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The length of stay at Delhi depends on the amount of work to be done there.

(b) The headquarters of the Deputy Director-General of Archaeology in India for Exploration are at Simla. He is required to go to Delhi to assist the Director-General of Archaeology in India in his administrative work connected with exploration and archaeological research. While at Delhi he also inspects the excavations at Bijai Mandal. He tours from Delhi to all sites in British India which are under excavation and where excavation is contemplated.

(c) The house occupied by the Deputy Director-General of Archaeology in India for Exploration last winter at Delhi was not a Government bungalow. The telephones were installed for reasons of administrative convenience.

(d) He inspected the excavations in progress at the Bijai Mandal between Delhi and the Kutab.

(e) Does not arise.

(f) The headquarters were fixed at Simla as in the case of other Exploration officers. The suggestion in the second part of the question will be considered.

Mr. B. Das : What is the necessity of having the headquarters of the Archaeological Department at Simla? Are there any archaeological remains in Simla?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I suppose they must be fixed somewhere. Where would the Honourable Member like it to be fixed?

Mr. B. Das : Why not at Delhi?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Would that mean any saving of office accommodation?

Mr. B. Das : Yes, and also in salaries too. Delhi salary is much lower.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not think it makes any difference in salaries of officers whether they are in Delhi or Simla.

Mr. Gaya Prasad Singh : Do they not get an allowance at Simla?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Is it officers or clerks? Officers do not.

Mr. B. Das : What incentive do they get from the hills of Simla where there are no archaeological remains?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Obviously in the interests of economy. There is office accommodation available, and the officers who are working at exploration during the summer do not do that work. That is the reason why I believe as a measure of economy, they are located here rather than elsewhere.

CURTAILMENT OF HOLIDAYS IN THE OFFICE OF THE SURVEY OF INDIA, MUSSOORIE.

723. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly the reason for abolishing the holiday of an important Muslim festival of *Shab-e-Barat* from the office of the Survey of India, Mussoorie?

(b) Are Government aware that the office of the Survey of India is not observing now the holiday for more than one day on many important Hindu and Muslim festivals, like *Holi*, *Dussehra*, *Diwali*, *Muharram* and *Id-ul-Fitr*, etc., which were observed till last year for two to four days?

(c) Will Government kindly state the reasons of this curtailment of important holidays?

(d) Are Government prepared to issue a circular letter to the Survey of India for cancelling this curtailment of public holidays?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). The number of holidays in the Survey of India is reported to have been cut down in conformity with the scale of holidays allowed in the Government of India Secretariat. I believe many of us in this House think that we in India have too many holidays and could do with less. (Laughter).

Kunwar Hajee Ismail Ali Khan : What about the *Shabrat*—an important festival for Mussalmans?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : What about it?

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

724. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) With reference to the reply given by Government to

question No. 208, asked by me in the Legislative Assembly on the 17th February, 1931, will Government be pleased to state if it is a fact that :

- (i) The total strength of the establishment in the Military Accounts Department in India, as it stood on the 28th March, 1930, was as follows :—

Name of post.	Number of Muslims.	Number of non-Muslims.	Percentage of Muslims.
Clerks	316	3,404	8.5
Accountants .. .	23	444	4.9
Deputy Assistant Controllers.	3	97	3

- (ii) Government of India, Home Department, issued instructions in their letter No. 176/25, dated the 5th February, 1926, regarding redressing communal inequalities in Government services;
- (iii) Military Finance Department issued instructions from time to time regarding recruitment to secure adequate representation of each community ;
- (iv) the Establishment Officer, Government of India, Army Department, issued circular letter No. 33346-1-(A.D.), dated the 19th November, 1926, to all Heads of Military Departments directing them to occasionally examine the communal composition of their respective offices and to give adequate representation to members of such communities as have been less represented ; and
- (v) in reply given to a question asked by Mr. A. H. Ghuznavi, M.L.A., in the Delhi Session of 1930, regarding the policy of Government in the matter of communal representation in Government services of minority communities, Mr. Parsons said on behalf of Government that the prevention of undue preponderance of any community in the services, the security of adequate representation of minority communities and the removal of the existing communal inequalities was the keystone of the Government policy to which effect was being given ?
- (b) If the answers to the above questions are in the affirmative, will Government be pleased to state :—
- (i) whether a preponderance of members of one community has been allowed to take place in the clerical and other establishment of that Department ;
- (ii) whether they are prepared to direct that recruitment by selection of temporary clerks should be confined to the members of the Muslim community in India till their number reaches one-third of the present total strength of clerks in the Department ;
- (iii) whether they propose to adopt special measures to reserve one-third appointments of the present total strength of the

Accountants and D. A. C. M. As. for such Muslim clerks and Accountants respectively as have already qualified themselves and are yet on the waiting list ; and

- (iv) whether highly qualified Muslims may not be enlisted as Accountant and D. A. C. M. As. probationers as is being done in other Accounts Departments, if the existing number of qualified Muslims happen to be inadequate in the Military Accounts Department ?

The Honourable Sir George Schuster : (a), (i). The strength of the establishment of the Military Accounts Department and the position of the Muslims and non-Muslims in the various grades in that Department as shown by the Honourable Member is correct, except that the number of non-Muslim Deputy Assistant Controllers of Military Accounts should be 87 and the percentage of Muslims to non-Muslim Deputy Assistant Controllers 3.33, and that the figures given represent the position on the 31st December, 1929, and not on the 28th March, 1930. The Honourable Member is referred in this connection to the answer given in this House on the 28th March, 1930, to question No. 850 asked by Mr. Abdul Latif Sahib Farookhi.

(ii), (iii), (iv) and (v). The reply is in the affirmative.

(b), (i). The orders of the Government in regard to the redress of communal inequalities are being strictly carried out in the Military Accounts Department. Some time must, however, elapse before the desired proportion of minority communities in the upper grades of the Department can be attained.

(ii), (iii) and (iv). The present system of recruitment to the Military Accounts Department and promotion to the various grades therein has been introduced by Government after very careful consideration with due regard to seniority and efficiency in the service and they are not proposing to make any change therein.

APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES.

725. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if it is a fact that :

- (i) out of 66 permanent Assistant Accounts Officers in India the Muslims hold only one appointment ;
- (ii) out of 321 permanent appointments in the subordinate Accounts service the Muslims hold only 8 ;
- (iii) out of 3,076 permanent appointments of clerks the Muslims hold 177 ;
- (iv) out of 246 permanent appointments of Divisional Accountants the Muslims hold only 10 ;
- (v) out of nine permanent appointments of stenographers none is held by Muslims ;
- (vi) out of 81 permanent appointments of typists the Muslims hold only 8 ; and

- (vii) the percentage of Muslims in all the appointments calculated together (out of a total number of 3,793 posts the Muslims hold only 200) comes to only 5.14 per cent. ?
- (b) If replies to the above questions be in the affirmative, will Government be pleased to state whether the declared policy of Government regarding redressing of the communal inequality is in force in this Department ? (See Home Department letter No. 176/25, dated the 5th February, 1926.)
- (c) If reply to part (b) above be in the affirmative, will Government be pleased to state :—
- (i) why the preponderance of members of one community is allowed in the Department ;
- (ii) what special and effective steps do Government now propose to take to remove the existing unprecedented communal inequality ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

RECRUITMENT TO THE INCOME-TAX DEPARTMENT.

726. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Maswood Ahmad) : Will Government be pleased to state :

- (a) the number of Income-tax Officers and Inspectors employed in the Province of Bihar and Orissa in the Income-tax Department ;
- (b) the percentage of representation of various communities in the said appointments ;
- (c) whether recruitment to the Income-tax Service is made on provincial or all-India basis ; and
- (d) the method followed in different provinces for the recruitment of the above Service ?

The Honourable Sir George Schuster : (a) Eighteen Income-tax Officers† and 11 Inspectors.

(b) Income-tax Officers :

Hindus	..	..	15 or 83.2 per cent.
Muhammadans	..	..	1 or 5.6 per cent.
Anglo-Indians	..	..	1 or 5.6 per cent.
Others	..	..	1 or 5.6 per cent.
Inspectors :			
Hindus	..	..	9 or 81.8 per cent.
Muhammadans	..	..	2 or 18.2 per cent.
Others	..	..	Nil.

(c) Recruitment is made on provincial basis, except in the case of the Commissioner of Income-tax.

†There are three Assistant Income-tax officers also of whom two are Hindus and one Muhammadan.

(d) (1). Assistant Commissioners of Income-tax are appointed by the Commissioners of Income-tax with the approval of the Local Government and the Public Service Commission and are selected from amongst the Income-tax Officers.

(2) Income-tax Officers are appointed by the Commissioners of Income-tax with the approval of the Local Government and are generally selected from amongst Assistant Income-tax Officers, Examiners of Accounts or Inspectors but are also occasionally recruited direct.

(3) Inspectors are appointed by the Commissioners generally by direct recruitment and in some cases from the clerical staff.

REPORT OF THE RETRENCHMENT COMMITTEE.

727. ***Kunwar Hajee Ismail Ali Khan :** Will Government kindly inform the House when the Report of the Retrenchment Committee is expected to be ready and whether an opportunity will be given to this House to discuss it before taking action thereon ? If not, why not ?

The Honourable Sir George Schuster : Final or interim Reports of four sub-Committees were presented at a meeting to the main Retrenchment Advisory Committee on September, 19th. Reports from the remaining two sub-Committees are expected by the end of September. With regard to the second part of the question, I refer the Honourable Member to my answer to a supplementary question put by Mr. Gaya Prasad Singh on the 15th instant, that Government cannot give any specific answer at present but will take an early opportunity to inform the House of their plans as regards the consideration of the Retrenchment Committee's Report.

REPORT OF THE FRONTIER CRIMES REGULATIONS COMMITTEE.

728. ***Sir Abdur Rahim :** (a) Will Government be pleased to state the date on which they intend to publish the Report of the Frontier Crimes Regulations Committee ?

(b) Will Government give an opportunity to the members of this Assembly to discuss the report at the present session ?

Mr. E. B. Howell : (a) The Report of the Frontier Regulations Enquiry Committee is being printed and the question of its publication is under consideration.

(b) It seems unlikely that time will permit of the matter being discussed during the present session.

Sir Abdur Rahim : Have Government made up their minds that they are going to publish this Report as soon as it is printed, or not ?

Mr. E. B. Howell : Not yet, Sir.

Sir Abdur Rahim : Is there any reason ?

Mr. E. B. Howell : Undoubtedly, Sir.

Sir Abdur Rahim : May I know what that reason is ?

Mr. E. B. Howell : If the Honourable Member really presses me, I will say that we have asked the Chief Commissioner of the North West Frontier Province whether he sees any objection to its being published. We have not yet got his reply. Here, we have no objection.

CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

729. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the names of the Postal officials recommended by the acting Postmaster, Delhi, to the Postmaster General, Punjab and North West Frontier Circle for the lowest selection grade examination ?

(b) What are the qualifications of each of the three officials nominated to the said examination ? What are their orders of seniority among the postal clerks of Delhi ?

(c) Is it a fact that two of the nominated persons were passed over last year by Mr. O'Loughlin, Postmaster, Delhi, as 'undeserving and unfit' and an official junior to them was nominated last year ?

(d) Is it a fact that there are many Muslims fulfilling the conditions for nomination and they include one M.A., one B.A., and several undergraduates and matriculates ?

(e) Will Government be pleased to state the name of the Postmaster, Delhi, who made such recommendations as are referred to above ?

Sir Hubert Sams : (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier.

CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

730. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that the question of nomination of candidates to the lowest selection grade examination was kept a secret by the Postmaster, Delhi ?

(b) Is it a fact that one of the applicants, Mr. Basharatullah, M.A., who headed the list of successful candidates in the B.A. examination of the University of Delhi in 1928, and who took his M.A. degree in Philosophy in 1930, and who has crossed the first efficiency bar was superseded by a certain matriculate in spite of his high academic qualifications ? Had he an unblemished departmental career ?

(c) Will Government kindly state the name of the person who superseded the said Basharatullah and the reason for this supersession ?

(d) Do Government propose to set aside the nominations and order fresh nominations in order to give chances to the members of the minority communities for promotion to the lowest selection grade cadre ?

(e) What is the representation of Muslims in the lowest grade selection cadre ?

Sir Hubert Sams : (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier, to whom a copy of the question is being sent. With respect to parts (d) and (e) it may be mentioned that the orders regarding communal representation apply only to new recruitment and not to promotions.

DISMISSAL OF MUSLIMS IN THE UNITED PROVINCES POSTAL CIRCLE.

731. ***Mr. M. Maswood Ahmad :** Is it a fact that the number of dismissals and degradations of Muslims in the United Provinces Postal Circle during the last six months exceeds that of the previous six months ? If so, will Government please ascertain and intimate to the House the reasons for the same ?

Sir Hubert Sams : It is regretted that the information is not available and could not easily be collected. If any of the officials concerned has a grievance it is open to him to represent it through the proper official channel.

SUPERIOR STAFF OF THE GARTOK AGENCY.

732. ***Lt. Nawab Muhammad Ibrahim Ali Khan :** (a) Is it a fact that the Government of India on the recommendation of the Punjab Government deputed a Special Officer to Gartok to inspect the Agency and to make some suitable and economical suggestions regarding its future management in 1929 ?

(b) Will Government please lay on the table a statement showing the total expenditure on the superior establishment of the Agency, viz., salary, travelling allowance, travelling allowance on transfer from Simla to Gartok and vice versa and house rent paid to each of them during the winter months separately for the financial years 1927, 1928, 1929 and in the part of 1931 ?

(c) Are Government aware that the Agency staff practically has nothing to do during the winter months in Simla ? If so, are Government prepared, keeping in view the present financial stringency, to reconsider their decision and to sanction the old arrangement in force in 1927 ?

Mr. E. B. Howell : (a) A special officer was deputed, but economy was not the primary object of his inspection.

(b) A statement is laid on the table which contains all the information required by the Honourable Member except the amount paid for house-rent in Simla. The exact amount of this is not exactly known, information not yet having been received from the Local Government.

(c) Yes. Government are not prepared to revert to the old arrangements in force in 1927.

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Name and designation.

	1927-28.				1928-29.			
	Pay.	T. A.	L. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pala Ram, B. T. A. ..	Rs. a. 800 0	Rs. a. 749 1	Rs. a. 1,965 7	Rs. a. 3,445 8	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..
Dr. Kanahi Ram, S. A. S., upto 1929-1930 and B. T. A. in addition from 1930-31.	2,233 2	610 12	1,866 14	4,710 12	2,400 0	627 13	2,015 10	5,043
Th. Hayat Singh, B. T. A., in 1928-29	..	..	..	..	796 13	535 0	1,493 11	2,825 8
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency, in 1929-30.	..	..	..	..	..	..	..	..
Th. Lakshman Singh, Jongpangi, Accountant.	..	..	..	..	..	..	..	..
Grand Total	3,433 2	1,350 12	3,772 5	8,155 4	3,196 13	1,162 13	3,569 5	7,968 15

	1928-30.				1930-31.			
	Pay.	T. A.	Transfer T. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pala Ram, B. T. A.	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..
Dr. Kanahi Ram, S. A. S., upto 1929-1930 and B. T. A. in addition from 1930-31.	2,400 0	275 10	1,384 13	4,560 7	3,184 0	726 0	2,228 10	6,108 19
Th. Hayat Singh, B. T. A., in 1928-29	..	..	..	..	..	..	..	..
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency in 1929-30.	4,198 8	789 11	1,389 6	6,374 9	..	..	..	..
Th. Lakshman Singh, Jongpangi, Accountant.	..	..	..	..	1,003 5	730 3	1,418 4	3,151 12
Grand Total	6,598 8	1,062 5	3,774 3	11,435 0	4,187 5	1,456 3	3,646 14	9,260 3

GRIEVANCES OF SALT DEPARTMENT OFFICERS.

[illegible]

B.

Statement showing vacancies occurred and filled in the clerical establishment of the.....Department during the last five years.

	1926-27.			1927-28.			1928-29.			1929-30.			1930-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
Permanent—															
(i) Total No. of vacancies occurred in each Division.															
(ii) Number of vacancies filled by Muslims in each Division.															
Temporary—															
(i) Total Number of vacancies occurred in each Division.															
(ii) Number of vacancies filled in by Muslims.															

The Honourable Sir James Greer : I regret that the information asked for is not readily available and as the labour involved in collecting it would not be commensurate with the results obtained, I am unable to undertake the task. The Honourable Member will, however, find in the library statements showing the communal composition of the staff of each Department as a whole, for the years 1927 to 1930.

PRIVATE PRESS OWNED BY THE FOREMAN-PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

737. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that Babu Kamakhya Charan Mittra, officiating Foreman Printer of the Government of India Press, Aligarh, owns a private press at Aligarh known as the "Rose Press" ?

(b) Has the attention of Government been drawn to the allegations current against him that he is making use of Government press materials as well as requisitioning the services of Government Press employees in his own press ?

(c) Will Government please state what action they intend taking against employees who, in spite of warnings issued prohibiting them from carrying on any business in the names of their wives, minor children or relatives, still persist in doing so ?

Mr. J. A. Shillidy : (a) to (c). Enquiries are being made.

APPOINTMENT OF BABU KAMAKHYA CHARAN MITTRA AS FOREMAN PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

738. *Mr. Muhammad Muazzam Sahib Bahadur : Is it a fact that Babu Kamakhya Charan Mittra is only a clerk with no special qualifications, and that he has been allowed to officiate as Foreman Printer, Government of India Press, Aligarh ? Is it a fact that this is a post for which technical qualifications are absolutely essential ; and is it also a fact that this clerk has been officiating as Foreman Printer in spite of orders issued by the Controller of Printing and Stationery directing the appointment of a technical and properly qualified person ?

Mr. J. A. Shillidy : The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

RETRENCHMENT OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

739. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government aware that notwithstanding the small percentage of Muslim employees in the Government of India Press at Aligarh, 75 per cent. of the Muslim employees have been recently retrenched ?

(b) If the answer to part (a) is in the affirmative, will Government please state what steps they intend to take to redress the grievances of the Muslim employees retrenched ?

Mr. J. A. Shillidy : (a) and (b). Government have no information, but inquiries are being made.

MUSLIM CANDIDATES FOR GOVERNMENT SERVICE.

740. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government be pleased to state—

(a) the number of such Muslim candidates (in each division) as have passed in any of the Public Service Commission (or Staff Selection Board) examination held prior to 1931, but have not yet been confirmed in the division for which they have qualified ;

(b) the number of vacancies, in each division, reserved for Muslim candidates after the 1st April, 1930, and intended to be filled in by the Muslim candidates passing the 1931 competitive or qualifying examinations ;

(c) the number of Muslim and non-Muslim candidates separately passing the 1931 examinations, in each division ;

(d) in the statement below, how the posts have been offered to the candidates passing the 1931 examination :

	Passed in Division.	Posts offered in					
		1st Division.		2nd Division.		3rd Division.	
		Secretariat.	Attached Offices.	Secretariat.	Attached Offices.	Secretariat.	Attached Offices.
Muslims	I II III						
Non-Muslims	I II III						

(e) the number of vacancies, in each division, not yet permanently filled in ?

The Honourable Sir James Crerar : The information asked for is being sent to the Honourable Member separately.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

741. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that :

- one of the main objects in holding the 1931 Public Service Commission examinations (competitive and qualifying) was to get an adequate number of Muslim passed candidates for adjusting the poor representation of the Muslims in the ministerial establishment of the Government of India Offices ; and
- there were already a number of passed Muslim candidates working in the Government of India Offices, in temporary or officiating capacities, and not confirmed in the division for which they had qualified, at the time when it was proposed to hold a competitive examination in 1931, and orders prohibiting filling in permanently vacancies after the 1st April, 1930, were issued ?

(b) If the reply to part (a) (i) and (ii) above be in the affirmative, will Government be pleased to state the reasons why Muslim candidates, who had passed the Public Service Commission or Staff Selection Board examinations prior to 1931, were not confirmed in the posts kept vacant for the prospective Muslim candidates of 1931 examinations, when the former had at their credit years of service and experience and had passed similar tests ?

The Honourable Sir James Crerar : (a) (i). One of the objects was to fill such vacancies as existed for direct Muslim recruits.

(ii) Yes, but the orders referred to applied only to vacancies reserved for direct recruitment.

(b) I would refer the Honourable Member to the reply given in this House to parts (2) and (3) of unstarred question No. 173 on the 11th February, 1931.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

742. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that as a result of 1931 examination Government could not get adequate number of passed Muslim candidates to fill in the posts kept vacant for them ?

(b) If the reply to part (a) above be in the affirmative, are Government disposed to consider the desirability of filling in these posts (as well as those, if any, occurring consequent on the voluntary or compulsory retirement of officials as a result of retrenchment), by confirming Muslim candidates as have qualified themselves in the Public Service Commission examination prior to 1931 ? If not, why not ?

The Honourable Sir James Crerar : (a) Yes, in respect of vacancies in the Third Division only.

(b) All the Muslim candidates who qualified for the Third Division in previous examinations and were temporarily employed have been provided with permanent appointments.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

743. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government be pleased to state if they contemplate holding any competitive examination in the near future to get passed Muslim candidates to fill in posts reserved for Muslims but not filled in owing to inadequacy of Muslim passed candidates as a result of 1931 examinations ?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state what measures they propose taking for filling in such vacancies ?

The Honourable Sir James Crerar : It has not yet been decided when the next examination for vacancies in the Secretariat will be held. Meanwhile unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily.

PROMOTION OF MUSLIMS IN GOVERNMENT SERVICE.

744. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that when a candidate is once confirmed in any post his name is removed from the list maintained by the Public Service Commission irrespective of the fact that he has qualified for divisions higher than the one in which he has been confirmed ?

(b) If the reply to part (a) above be in the affirmative, are Government aware of the difficulties experienced by such candidates especially Muslims, in securing posts in the division for which they qualified at their own efforts ? If so, are Government prepared to consider the desirability of keeping the names of passed candidates on the list till they have been confirmed in the division for which they have qualified ?

The Honourable Sir James Crerar : (a) The Public Service Commission do not maintain a waiting list of persons who have been provided with permanent appointments.

(b) The rules include reasonable provision for the promotion of qualified men and I see no necessity for a waiting list.

PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

745. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the candidates who have passed the 1931 competitive examination have been given permanent posts, whereas those who have passed examinations prior to that are still working in temporary or officiating capacity?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state the reasons for such preferential treatment to the new entrants over the experienced hands?

The Honourable Sir James Crerar : (a) Yes, in so far as the First and the Second Divisions are concerned.

(b) Under the system of recruitment, a proportion of vacancies is required to be filled by direct recruitment, and departmental candidates, to which category the men in question belong, have no claim on these vacancies. The scheme, however, as just stated includes adequate provision for the promotion or confirmation of candidates who qualified in the previous examinations.

PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

746. ***Mr. Muhammad Muazzam Sahib Bahadur :** Is it a fact that orders have been issued to the effect that such of the passed candidates as may not be given permanent posts upto 30th September, 1931, will be considered as out of the list in spite of their having passed the examination? If so, are Government prepared to consider the desirability of confirming Muslim candidates who have passed Public Service Commission or Staff Selection Board examinations prior to 1931, with immediate effect in the vacancies reserved for Muslims?

The Honourable Sir James Crerar : The orders are to the effect that those candidates who qualified in 1931, and those who qualified in previous years but have refused offers of appointment, will not be considered for vacancies occurring after the 30th September, 1931. Those who qualified previous to 1931, but who have not refused an offer of appointment in a permanent capacity will be considered for future vacancies.

INCOME-TAX ASSESSMENTS.

747. ***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state what is the total percentage of assessments under Income-tax Act made under section 23 (4) to the assessments under section 23 (3) of the Act in this country? Is it true that the percentage is 90?

(b) Are Government aware of the hardships caused to the assesses by these assessments and have they issued any general instructions to apply the section with sympathy and humanity to the officers of Income-tax Department in these hard and critical times?

(c) Are Government aware that when these assessments are cancelled under section 27 of the Act, the Income-tax officers do not refund the tax realised at once, but they make as much delay as possible in giving refund which they do not do unless they make fresh assessments? Are there any private instructions to the effect to the officers?

The Honourable Sir George Schuster : (a) Statistics are not on record showing separately the number of assessments made under section 23 (4) and section 23 (3) of the Indian Income-tax Act; but the following information which is the latest available will probably serve the Honourable Member's purpose. In the year 1929-30 there were 526,719 assesses. The number of cases in which accounts were called for from assesses was 225,742, the difference between this figure and the figure for the total number of assesses being mainly accounted for by the cases of persons with income from salary only. Out of the 225,742 cases in which accounts were called for from assesses, accounts were produced in 178,844 cases, and the number of cases in which it was found possible to base the assessment on the accounts so produced was 110,435. It will be seen from these figures that the percentage of assessments under section 23 (4) to assessments under section 23 (3) cannot possibly be anything like so large as is suggested by the Honourable Member.

(b) I would draw the Honourable Member's attention to the instructions issued in paragraphs 67 and 69 on pages 197-198 and 199-200 of the Income-tax Manual, 4th edition. It will be seen that instructions have been issued to the Income-tax officers that they should administer the Act in a sympathetic spirit and in particular should give assistance to assesses if they find any difficulty in filling up their returns.

(c) I would draw the Honourable Member's attention to the instruction contained in sub-paragraph 2 of paragraph 67 on page 197 of the Income-tax Manual, 4th edition. It will be seen that we have issued instructions that where an assessment is cancelled under section 27, the Income-tax officer should refund any tax already paid at once without waiting for an application for refund from the assessee and proceed with the case *de novo*.

MOTION FOR ADJOURNMENT.

PRONOUNCEMENT *re* THE EXCHANGE RATIO.

Mr. President : I have received a notice from Sir Cowasji Jehangir 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 pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio."

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir George Schuster (Finance Member) : Sir, I do not propose to raise any point of order on this motion, for I think it must be admitted that it clearly falls within the definition of those occasions

[Sir George Schuster.]

which justify a motion for the adjournment of the House. But I would venture to address, in a very few words, an appeal to my Honourable friend not to press for a discussion on this subject today, because it is not really in the public interest that this matter should be debated at the present stage. I informed the House yesterday of the steps which the Government have taken in this matter, and we shall be issuing today a short *communiqué* as regards certain further steps. Just at the present stage when the Government have got to conclude certain arrangements in order that it may be possible to resume normal business in an atmosphere of calm and with avoidance of opportunities for speculation which might upset legitimate business, it would be, as I submit, not in the public interest that it should be fully debated in this House. Opinions are bound to be expressed, views stated, which might do a good deal to disturb that atmosphere of confidence which is justified in all the circumstances and which it is the object of the Government to preserve. Therefore I would venture to ask my Honourable friend not to press for a discussion; and if I might add, I would express a hope that if he wishes to proceed, he will not be supported by 25 Members.

Mr. President: Does the Honourable Member wish to say anything as regards the appeal made to him?

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I regret very much, Sir, that I cannot accede to the request made by the Honourable the Finance Member. There is no desire on the part of this House to embarrass Government. What we want to discuss is the statement made by the Secretary of State for India and that is all that we will discuss, I trust; and it is time that we gave expression to our views on a statement which I do not desire to characterise at this moment in strong language but which certainly deserves condemnation at the very first moment that this House gets an opportunity.

Mr. President: As objection has been taken, I request those Honourable Members who are in favour of leave being granted to rise in their places.

(Not less than 25 Members rose in their places.)

Mr. President: As not less than 25 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.

The House will now resume discussion of Sir Muhammad Yakub's Resolution.

RESOLUTION RE CONTROL OF MONEY LENDING AND RATES OF INTEREST—contd.

Lala Hari Raj Swarup (United Provinces: Landholders): **Mr. President,** I rise to support the Resolution of my friend, Sir Muhammad Yakub. It is an admitted fact that the present economic depression is pressing very hard on every section of the people. But those who are living on agriculture are very hard pressed, and unless some steps are taken to relieve their distress, the trouble is bound to grow more and more. The fall in the price of agricultural produce has been very unprecedented, so much so that the price of wheat which the tenants get is 66 per cent. below the cost of

production, and that of sugar 30 per cent. of the cost of production, and the cases of cotton and rice are not very dissimilar. The chief burdens which the agriculturists have to bear in these times are three, land revenue and rent, irrigation rates and interest charges. As the House is aware, the Government in the various provinces are doing their best to relieve their distress so far as the land revenue and rent and irrigation rates are concerned. (*An Honourable Member*: "Question.") In my own province they have reduced 7 annas in the rupee in rent and two annas in the rupee in irrigation rates; and in the Punjab also they have ordered remissions. But unless and until the Government tackle the problem of rural indebtedness in a broad and statesman-like manner, I doubt very much if these remissions alone will help the situation. Taking the case of the United Provinces, the total demand on account of rent payable by agriculturists is about 17 crores, and of irrigation rates about 3 crores. Against this, the tenants have to pay about Rs. 20 crores by way of interest charges, that is, the total of the land revenue and irrigation rates. The Resolution of Sir Muhammad Yakub seeks to remedy this difficulty and relieve the tenants of the huge burden that they are labouring under under present conditions.

The question of rural indebtedness may be divided broadly into two parts. Existing indebtedness and the indebtedness of the future. The Indian Central Banking Inquiry Committee has said that the total agricultural indebtedness of the rural classes is about 900 crores of rupees. So first we have to deal with the question of the existing debt of 900 crores of rupees. Unless some scheme is evolved to liquidate or redeem this debt, the chronic indebtedness of the tenant will remain there. The time to take steps in the direction of liquidating the existing debt is most opportune, because the creditors at this time are not in a position to recover their whole payment from the tenants on account of their poor economic position, and so if any steps are taken by the Government at the present time, it is quite possible that a reasonable amount of reduction may be obtained in the extent of indebtedness. Some other steps in this direction I might also indicate.

1. The establishment of Conciliation Boards, so that they may tackle the problem in the villages by educating the borrowers and the creditors and by making them to arrive at some settlement about the liquidation of the existing debt.

2. The establishment of Debt Redemption Societies on a co-operative basis in the villages. If necessary some legislation may be undertaken in this behalf with a view to start these societies.

3. Some methods should be adopted for making a simple Rural Insolvency Act, and the remarks of the Central Banking Inquiry Committee in this behalf are worth attention. They say this:

"Just as creditors have the right to insist that all the debtor's assets should be impounded and be applied towards the payment of the debts, so also the debtor who has given up all his assets should have the clear right to be allowed to earn his living if he can and to be free to make a new start in life."

4. The revision of the Limitation Act is eminently necessary. Now unsecured debts have a limit of 3 years and a decree can be continued for 12 years. In the case of labour and tenant, there is no reason why this long period of limitation should not be reduced to 2 years in the case of secured debts and to 6 years in the case of decrees. But if some steps are

[Lala Hari Raj Swarup.]

not taken to check the future growth of indebtedness, the existing indebtedness will also increase considerably. The Punjab Banking Inquiry calculated that the total agricultural debt in the province has increased from 90 crores in 1921 to 135 crores in 1929, and the case of other provinces is not much dissimilar to what it is in the Punjab. If this growth of indebtedness is not checked, there is no hope of salvation for the agricultural classes. This can be done by two methods, first by checking the usurious rates of interest and secondly by regulating money lending. Sir, much has been said about the Usurious Loans Act, and it has been said that it can be effectively checked by the existing Act, but experience has proved that the Act has not been of much use, and the Bengal Banking Inquiry says this :

"The difficulties mentioned by the Bengal Committee in their Report, namely, want of sufficient evidence to show the usual prevalent rate in the locality; the difficulty of establishing that a transaction is substantially unfair; the difficulty of securing sufficient evidence to prove that consent was obtained by undue influence or unfair means."

The onus to prove that the transaction has been unfair and the rate of interest has been very excessive naturally falls on the borrower. Moreover the Usurious Loans Act is a measure of a punitive kind, but what is required in this case is legislation of a preventive nature. Several provinces have taken steps in this direction, and the Punjab have passed a Bill known as the Regulation of Accounts Bill of 1930. It is for the Government of India to consider if some such legislation cannot be undertaken on an all-India basis, so that future indebtedness may be checked. It has been said often that such legislation is aimed at the money lender and that the relations of the borrower and the tenant should be left to natural forces and that no legislation should be undertaken to disturb the existing relations. A contract can only be a fair contract between parties who stand on an equal footing. In this case the creditor is the stronger party and the borrower is the weaker party, and the creditor certainly has the upper hand in the contract. Therefore it is for the purpose of checking this unfair treatment that legislation is necessary.

As regards the argument that such legislation as I have suggested will be a blow to the money lender, certainly the need of the village money lender is admitted on all hands, and this is what the Central Banking Inquiry Committee say about him :

"We agree with the Provincial Committees that the money-lender is an indispensable feature of Indian rural economy. He is easily accessible. His methods of business are simple and elastic. He maintains a close personal contact with the borrower, often having hereditary relations with the family of the borrower. His local knowledge and experience and his presence on the spot enable him to accommodate persons without tangible assets and yet protect himself against losses."

The necessity for the presence of the money lender is admitted, but it is the abuse of the practice and the deterioration in the custom of money lending that has rendered some legislation necessary, and some of the objectionable practices adopted by these money lenders are mentioned by the Central Banking Inquiry Committee in their Report, e.g.—

(a) demand for advance interest ;

(b) demand for a present for doing business, known as *girali kholai* (purse opening) ;

(c) taking of thumb impression in a blank paper with a view to inserting any arbitrary amount at a later date if the debtor becomes irregular in payment of interest ;

(d) general manipulation of the account to the disadvantage of the debtor ;

(e) insertion in written documents of sums considerably in excess of the actual money lent ; and

(f) taking of conditional sale deeds in order to provide against possible evasion of payment by the debtor."

It is to check these malpractices, Sir, that some legislation, as suggested by my Honourable friend, Sir Muhammad Yakub, should be undertaken by the Government of India for the whole country.

Another argument that is usually used is that there will be a lot of evasion against any such legislation. There is hardly any legislation which cannot be evaded, and the very fact that such a measure is on the Statute-book will have a moral effect and lead to a certain amount of check. That is also what the Labour Commission have said about this argument of evasion :

"The principal objection against promulgation of the measures we have proposed above is that they are liable to be evaded in various ways, but the fact that the provisions of the law are capable of being evaded by fraudulent means should not deter the Legislature from enacting a just and necessary measure for the protection of the simple and the ignorant. The mere existence of the measure on the Statute-book would tend to educate and strengthen public opinion and make the law-abiding and less adventurous among the money-lenders averse to making any attempt at evasion."

Mr. President : The Honourable Member's time is up.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, the well being of a people is like a tree ; agriculture is its root, manufacture and commerce are its branches and leaves. If the root is injured, the leaves fall, the branches break away, and the tree dies. This is exactly the position of the agricultural classes in India. I am afraid the Honourable Members have not paid as much attention to this Resolution, which was so ably moved by my Honourable friend, Sir Muhammad Yakub, supported by facts and figures, as it deserves.

Sir, money lending is a necessity when there is a moderate rate of interest ; it becomes at once a curse when there is an exorbitant rate of interest. Then it demoralises both the creditor and the debtor. On the most conservative calculation, it is estimated that in the Punjab not more than ten per cent. of the population is free from debt. The money lender is really the evil genius of the cultivator and the peasant proprietor. He exploits him when he is in prosperity ; he enslaves him when he is in poverty. The peasant proprietor, being ignorant, unbusiness-like, and impoverished, is no match for the rapacious and astute money lender. He always takes full advantage of the position of the peasant proprietor.

It is admitted that all the religious reformers in the ancient times condemned usury. Moses, the law-giver of the greatest money lending race in the world, condemned usury. The Christ and our Prophet (peace be on him) also condemned it in the clearest words. The Roman people did not allow a rate of interest more than 15 per cent. The Roman stoic philosopher, Cato, when being asked what he thought of usury, replied by asking his questioner what he thought of murder. The ancient Hindus never allowed the accumulated interest to exceed more than the principal. In Turkey, at present the rate of interest is not allowed to go to more than 9 per cent. by law. In Czechoslovakia, usury is prohibited by the constitution. The French and the German laws give wide discretion to the Judges to cut

[Mian Muhammad Shah Nawaz.]

down excessive rates of interest on the ground that they are excessive. But the laws in India are utterly inadequate to give relief to the ignorant borrower.

Sir, it is urged that the Usurious Loans Act, 1918, is a sufficient remedy. With your permission,—I am afraid the Honourable the Home Member is not here—I desire to cite the various rulings of the High Courts to show conclusively that the Usurious Loans Act of 1918 is absolutely ineffectual. I do hope that some one will jot down those rulings on behalf of the Honourable the Home Member. In the All-India Reporter, 1929, Allahabad, page 680—that is a recent ruling—it was held by Mr. Justice Bannerjee and Mr. Justice King that from the fact that the mortgagor was heavily indebted and in urgent need of money it cannot be inferred that the mortgagee was in a position to dominate his will and that the agreement was unfair within the meaning of section 3 of the Usurious Loans Act of 1918, and the rate of interest at Rs. 2-8-0 per cent. per mensem compoundable quarterly was held not excessive! Fancy, this is the ruling of a High Court—the Allahabad High Court—a province where the agriculturists are hard hit and the tenants are dying of starvation. And yet I was surprised when it was urged by my Honourable friends, Mr. Morgan and also by Mr. DeSouza who, of course, has sympathy with the agriculturist, that the Usurious Loans Act can be utilised to give relief to the borrower. How are you going to utilise it in the face of this ruling of the Allahabad High Court? The Usurious Loans Act is hedged in with so many limitations. Again, Sir, in 18 Sind Law Reporter, page 39 (1925), it was held by Justice Raymond and Justice Rup Chand, that it would not be proper for the Court to give relief as to the rate of interest on the simple ground of hardship in the absence of evidence that the creditor had taken undue advantage of the position of the debtor, even when the transaction appeared to be undoubtedly improvident.

Dr. P. X. DeSouza (Nominated Non-Official) : Was it a ruling under the Usurious Loans Act?

Mian Muhammad Shah Nawaz : Yes. I am a lawyer and I am quite sure of my law and facts.

Mr. President : Order, order. Honourable Members cannot engage in discussion across the floor of the House.

Mian Muhammad Shah Nawaz : Yes, Sir, it is a ruling under section 3 of the Usurious Loans Act where the provisions are to the effect that the debtor has to show that the contract was substantially unfair and the rate of interest excessive. Again, Sir, in 27 Bombay Law Reporter, page 1462, it was held by a Division Bench of the Bombay High Court that the provisions of the Usurious Loans Act cannot apply to a suit by a debtor unless he comes forward to redeem his own property; that is to say, he cannot institute a suit merely on the ground that the rate of interest is excessive. These are the rulings of the various High Courts. Can any Honourable Member in this House then say that the Usurious Loans Act of 1918 is sufficient to meet the present situation?

Now, Sir, turn to the Contract Act, section 16, under which the rate of interest can be reduced on the ground that the transaction was unconscionable and was entered into between the creditor and the debtor under undue influence or coercion. But their Lordships of the Privy Council have

held, as every lawyer knows—I am only saying this for the benefit of the Executive Councillors, because I do not know whether they are aware of such a ruling—that the rate of interest, however high it may be, say, 24, 36 or for that matter 48 per cent., per annum cannot be reduced unless it is proved that the contract was unconscionable and the creditor was in a position to dominate the will of his debtor. Heavy rates of interest to the extent of 36 and 48 per cent. per annum are enforced in all Courts of India and the poor agriculturists and those who borrow money are helpless. I appeal to the Home Member and the Honourable Member for Education, Health and Lands, and ask them whether it is not proper to legislate at once to administer healing remedy to the disease of exorbitant rates of interest. If you cannot do it, you must give discretion to the courts to cut down excessive rates of interest on the mere ground that the rate is excessive—beyond 12 per cent. That is the only way you can remedy the evil. I submit, Sir, that my friend Maulvi Sir Muhammad Yakub is quite right when he says that the present law should be amended and some legislation brought forward to give relief to the agriculturists. Now, the Banking Inquiry Committee have recommended two things, firstly that unprotected debts should be cancelled, and secondly that compulsory settlement should be brought about between the debtors and the creditors. The second method was prevalent in India in the time of the Moghuls and the Sikhs. At that time two very good checks were in force on money lending; firstly, the existence of the village community which always dealt with the money lender fairly. If he charged exorbitantly, they refused to pay the high rate. Secondly, the *Kardar* who was in the position of the Tahsildar of the present day always used to look into the accounts of the parties and tell the money lender “your rate of interest is too high. Strike out so much interest”. He then called the debtor and told him “You were negligent. You have 20 heads of cattle. Give the creditor 10 and you keep ten”. In that way, everybody went satisfied. The Britishers speak of the freedom of contract. Can there be a freedom of contract between the lion and the lamb, between the strong and the weak? The Europeans steeped in their own traditions and their own laws have enforced 36 per cent. and 48 per cent. of interest on the ground of freedom of contract. The whole affair is fundamentally wrong. I do not say that money lending should be stopped. It is a necessity, but the rate of interest should not be more than 12 per cent. The poor producer of corn has not enough to feed his children with all his hard labour. On top of this, the land revenue and water rates and indebtedness are ever increasing and there is no sign of revision. I beg to the Home Member and all Members of this House to help the poor agriculturist. I know the Government have their own difficulties. Great Britain has its difficulties. Let us all join our heads together and help each other to arrive at a lasting settlement. I know the storm is raging all round. I know these are hard times. The storm, I believe, will pass away but take care that the back-bone of India, the agriculturists are not killed. With these words, Sir, I support the Resolution. (Loud applause.)

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : I have been trying in the Legislature since 1922 for some measure which might give relief to the debtors from the hands of the creditors, but unfortunately I have not succeeded up to this time in making the Government see eye to eye with me and give relief to the millions in India who are suffering on account of their policy, which is the cause of the real

[Mr. Muhammad Yamin Khan.]

ruination of India. The policy of Government is telling against them in every village in India. All this excitement against the Government is due to the distress which the people are feeling on account of this wrong policy of the Government in allowing the accumulation of interest, which should not have been done. Up to 1855, the law in India was the Hindu law of *damdapat*, under which interest was not allowed to accumulate more than the principal, but in 1855 the East India Company brought a law in India at a time when there was no Indian in the Council to advise the Company. They introduced the system which had come into force two years before in England, which allowed the interest to accumulate to any amount. The result was that the creditor allowed the interest to accumulate to any extent he desired, with the result that the system has brought misery to thousands and thousands of zamindars and to every cultivator in India without any exception. Every cultivator in India has suffered at the hands of money lenders and big families have dwindled away. Why? Because the British Government allowed this policy of accumulation of interest. Let the Government clearly understand that the misery of these people has been brought on them by the British Government. However loyal they may be, they can never be real supporters of Government, so long as they feel the pinch in their heart, if Government continue in this wrong policy. I have given them advice for the last ten years and I give the advice today. It is not too late yet. Government must mend their ways. Every time I moved my Bills in this House and in the other House, I was opposed on the ground that the Bombay Government did not support it. I know, Sir, that when I moved a Bill in the other House in 1925 (An Honourable Member: "Which other House?")—in the Council of State, I was supported by all the zamindars and all the elected Members in that House but I was opposed only by the officials and a few nominated non-official Members. (Mr. B. R. Puri: "And still you side with them?") I warned the Government the second time when I introduced the Bill that if they opposed my Bill, grave responsibility would lie on the Government and not on the non-official Members because all the latter were supporting my Bill to fix the rate of interest and to amend the law according to *damdapat*. But since 1925 up till now other Bills have been blocking the way for me to introduce some such measure and I could not bring it up, although one Bill of Mr. Kelkar was there in the same shape as that which Sir Muhammad Yakub had introduced in the last Assembly. Now an opportunity has arisen for Government, at a time when the country is getting towards Bolshevism, and they must take proper action at the proper time. Let it not be too late now even. I know some money lending people in the villages are not so much against the Government as against the money lenders, and the fate which they will soon have by the rise of the population against them will tell tales which will not be very pleasant to hear! They must come to relieve those people. They must agree to go with the times. The time has come when the agriculturist will have the greatest vote in the House, and let them not continue to do anything which will provoke unpleasant consequences. (Hear, hear.)

Let the higher and the richer classes, who are adorning the seats of this House today, come forward to amend the law in such a way that the people who will come here in future will not entertain any grudge against that law, and this is the time when you have got the opportunity today to

make the law in such a way that you will not have to repent after three or four years. Sir, I will add only one example to those given by Mian Shah Nawaz in his speech. I will give one example which I got when I moved my Money-lenders Bill in this House in 1922, and that was a report in the paper of that very day which I got in the *Pioneer*, reporting an Allahabad High Court case wherein a decree was passed in 1922 against a zamindar of Aligarh who had got only Rs. 400. The decree was passed—the House will be surprised to know—for Rs. 3,67,000. A decree for Rs. 3,67,000, in respect of Rs. 400 which the man had borrowed, that brought ruination to his whole family in the Aligarh District. And still it is alleged that the Usurious Loans Act of 1918 is sufficient to cope with the situation. I say no, because if Honourable Members will come and see the District Courts' decrees as they are passed every day, that will convince them in one day how badly this Usurious Loans Act of 1918 is worked. In what way, Sir, are the decrees passed? I have gone in my capacity as a lawyer to defend many cases in which I found about 18 or 20 times the original sum borrowed has been allowed by the Judges. These are not solitary cases but many such cases are happening every day. If an investigation is made to find out from each district what was the amount which was lent and what was the amount for which the decree was passed, that will convince you at once that the case in support of the Resolution of my Honourable friend, Sir Muhammad Yakub, is very strong, and that the Government will be guilty of lethargy if they sit quiet and not take action at this stage. With these words of advice to the Government, Sir, I support the Resolution.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. President, my justification in taking part for one or two minutes in this discussion is only because the Indian Press has taken a good deal of interest from time to time in the motion of my Honourable friend, Sir Muhammad Yakub. I have also to congratulate myself on the good fortune that I have had an opportunity to speak on a non-controversial motion. I want to give my whole-hearted support to the motion of my Honourable friend (Hear, hear), because I do not think, Sir, that any reasonable man can withhold his support from so modest a Resolution. But I am sure the Honourable the Mover will accept the very sound advice which the Honourable the Home Member gave the other day, namely, to wait until he has had the opportunity of hearing from the various High Courts and other institutions about the working of the Usurious Loans Act. Then, Sir, the Members of the House will have an opportunity of testing the evidence and having the considered opinion of people who have a right to speak on the matter. All the same I think, Sir, that some action has got to be taken immediately, because the way in which money is being lent to agriculturists and to other people and the high rate of interest to which reference has been made has become a perfect scandal. I do not know of other provinces, but speaking for Madras, I know that there are two particular classes of people there—the Natukotai Chetties and the Vathimar Brahmmins—whose sole business is to lend money and to lend money at an interest of not less than 48 per cent. ! And not only that, some of them give Rs. 100 and generally take a document for Rs. 1,000 (Laughter) ; and we have got any number of cases of that description, and the Government and the public should not allow a state of things like that to go on any longer.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you practise money lending ? You also are a Madras Brahmin ?

Mr. R. S. Sarma : No, Sir, but I very often borrow, and I have experience of how this is conducted ; and therefore, Sir, I honestly feel that the time has come when these vampires who suck the blood of innocent people ought to be taught a lesson, and some action should be taken against these money lenders who can be rightly characterised as a public danger.

Shaikh Fazal Haq Piracha (North West Punjab : Muhammadan) : Sir, among the items of business that have come before this House for consideration in this session, the Resolution moved by Sir Muhammad Yakub, which is now under discussion, is of vital importance, as it concerns a majority of the Indian population consisting of the poor cultivators, labourers, and artisans, who are generally debtors to the money lending classes in India. Since the time the Resolution was moved, I have been hearing with very great attention the speeches that have been made from different sections of this House. During all this time I was looking forward to a gesture on the part of the Treasury Benches indicative of a desire to at least safeguard the just rights of the dumb millions. But I must say that I was sorely disappointed to hear the eloquent speech of the Honourable the Home Member. The Honourable the Home Member I am constrained to say has, by withholding his support, exposed the Government to the charge of failing in their duty, and a leading Member of the Nationalist Party, by opposing the Resolution the other day, has proved that the suspicions of the minorities, that their interests will not be protected under Swaraj, are well founded.

Sir, I congratulate the Honourable the Mover of the Resolution for having given a right lead, and I make bold to say that the legislation suggested by the Resolution has long been overdue, and that the Government by accepting the Resolution will be filling a serious void in the Statute-book.

If we trace the history of the profession of money lending, we find that all nations, irrespective of their ethical beliefs, did condemn usury and did legislate with a view to regulating the dealings between the debtor and the creditor. The Hindu legislators of old took the lead and laid down the rule of *damdupat* under which a creditor could in no case charge interest more than the principal. The rapidity with which this rule was enforced is chronicled in the pages of the history of Hindu civilisation. In the West the tenets of Roman law styled the charging of usury as an act of impiety and made Herculean efforts to stop it. The Jews, who were the chief money lenders, were despised by all and even up till now the very word "Jew" signifies a degenerate man. Under Islamic usury laws are very clear and very strict, having all sorts of usury as *haram* (prohibited). So far as I remember, in England laws were passed long ago regulating the dealings between the borrower and the lender. But it is a pity that so far the Indian Legislature has done nothing in this direction. Many years ago the Indian Legislature recognised the principle, which has prompted the Mover of this Resolution, by placing in the Statute-book the piece of legislation styled as the Usurious Loans Act. But it is unfortunate that the language of this enactment has been construed by the different High Courts in a manner so as to make it a dead letter. The High Court of Lahore has in a Division

Bench ruling laid down in clear and unambiguous terms, that the provisions of the Usurious Loans Act cannot be invoked so long as the debtor cannot prove a clear fraud on the part of the creditor, and so long as the terms of the contract are not unconscionable. The learned Judges however forgot that if fraud can be established the entire transaction, and not merely the terms as to interest, is to be set aside.

I understand that some time ago the Punjab Government made inquiries about the manner in which the Usurious Loans Act was being interpreted and enforced. The House will be indebted if the Government is pleased to lay that information on the table. So far as my information goes the information so gathered is to the effect that the Usurious Loans Act is a dead letter. Sir, I cannot say what is the condition of the debtors in the other provinces, but so far as the Punjab is concerned I must say that the money lenders are so mercilessly exploiting the zamindars and other labourers that in many cases the latter prefer death to their existence under existing circumstances. The zamindar and the labourer earns to fill the coffers of the money lender, while he himself, his wife and his children are denied the barest means of subsistence. The zamindar's life is that of toil and moil. He ploughs his field, waters it, then sows seed therein, and day and night protects the crop against human and animal depredations. In harvesting the wheat crop he bears on his head the scorching mid-day heat of the months of June and July and his shabby clothed body shivers during the freezing cold of December and January nights when he is either cutting the sugar-cane crop or pressing in the sugar-cane press. All this while, the money lender is either having a nap under a *punkha*, or is enjoying the cozy warmth of his bed. But when the crop is harvested, the money lender darts like a bolt from the blue, and takes away the entire produce before the poor *kisan* has fully pleased his eyes with fruits of his labour. The money lender has taken away all the produce towards a partial liquidation of a debt of Rs. 50 raised by the great-grandfather of the present zamindar. This story has been repeated every year ever since the debt was raised, but still the debt stands, because the yearly produce has always been taken away towards the payment of the interest which was charged at the rate of 300 per cent. Perhaps some Honourable Members may consider this as an exaggerated account of the real state of affairs. But I assure them that it is so. Let any Member, who thinks like that, go to the court dealing with money suits and the whole situation will be clear. I have in fact no intention to relate the harrowing tales of woe under which the poor debtors pass their days or I would have shown in detail how the poor people are being exploited. Go to any village in the Punjab and you will find that the money lender who now owns lakhs is the son or the grandson of a man who came to that village 20 years ago with barely ten rupees in his pockets. The question arises, did they possess the Aladdin's lamp through which, while the entire village body has been reduced to a state of extreme poverty, the *sahukar* has amassed a fortune ? The answer is simple. The *sahukar* who invested Rs. 10 in money lending has been putting such hard terms regarding interest that the present state of affairs is the result. I come from a district where not long ago the zamindars were known to be in opulence, but now they are bankrupts simply because they had the misfortune of falling into the clutches of the money lenders who have sucked their very life blood. It is not possible for me, during the course of this speech, to refer to the different

[Shaikh Fazal Haq Piracha.]

tricks that the professional money lender plays to relieve his unfortunate victim of all his belongings. I will only say that no dodge is too mean for him. The thumb impressions of illiterate men are taken on *bahis* and other documents by a thousand pretexts, and the courts, unsympathetic as they are towards the poor, have no inclination of sifting the truth. I have in my possession some photographs of *bahi* leaves from the file of a Civil Court in proof of my assertion, but it is a pity that I forgot to bring the same with me when I came here. Blank leaves of *bahis* contain the thumb impressions of illiterate persons and in some cases the *bahi* entries are stamped, thumb-marked and witnessed, but the amount alleged to have been advanced is not mentioned and sufficient space between the other writing is left to enter any sum therein at the time of filing the suit. Do my Honourable friends who are opposed to this Resolution approve of this state of affairs? If not, what hitch is there to remedy the evil?

An Honourable Member remarked the other day that the money lending class is a great necessity and is very useful. I agree with him, but surely there must be a check on the vagaries of the money lenders. Fire and water are essential and useful for human life, but when uncontrolled, these very boons of nature prove the worst curse. Similarly, the institution of money lending is a great asset, but its working must be controlled by the State. Some Honourable Members might say that the Legislature should not interfere with the public's right to freely contract. If two men of equal mental development enter into a contract, surely the terms should be respected. But this argument does not apply to a case where a shrewd money lender is ranged against a simple illiterate zamindar. Shall we believe that the Indian Contract Act has not placed any limitations on the public rights to freely contract? Is it not against the public policy that a great majority of the earning public should be deprived of their hard-earned bread by a few unscrupulous Shylocks?

Sir, the Honourable the Home Member in his speech the other day, if I do not err, remarked that the Provincial Governments should be moved to take action desired in the Resolution, and very kindly promised to refer the matter to the Provincial Governments. In saying so, does the Honourable the Home Member mean to say that the regulation of interest does not fall within the scope of the civil law which is a Central subject under the Government of India Act? Then again, did the Government of India, I mean the Imperial Legislature, not mould the Usurious Loans Act? Surely regulation of interest is a Central subject and the authority which promulgated the Usurious Loans Act is competent to pass another law of the same kind.

Sir, as I said in the beginning, legislation on the lines suggested in the Resolution has long been overdue and the eyes of the entire zamindar population and other debtors are rivetted on the proceedings of this House. If this House wishes to retain the confidence of the public it must adopt this Resolution, otherwise we will be proving the truth of the allegation that everything is meant for the rich and the clever and that even the law of the land is intended to help them in looting the poor and the illiterate. Mind you, if you fail to protect the agriculturist and the labouring classes,

1 P.M.

you will be wiping off a class, which in the words of Goldsmith, will never be recreated, although the gentry can be created by a breath of the Sovereign.

Before I close, I wish to strike a note of warning. The poor debtors have been driven to desperation and I am afraid that too much oppression on the part of the money lenders, who enforce these unconscionable terms, by the help of the British bayonets, may not result in producing in India the scenes of the French Revolution. In fact the murders of several money lenders in the Punjab during the last few months are an index of the state of affairs. If the Government do not protect the poor people, the latter will have to resort to other means to demonstrate the truth of the proverb *Tang amad bah jang amad*: I hope and pray that better counsels may prevail and avoid calamitous happenings, that are brewing under the thick clouds of the money lenders' oppressions.

It is a misfortune that often times communal prejudices stand in the way of dealing with questions of vital importance properly. I appeal to the Honourable Members to consider the Resolution dispassionately on its own merits. There are Hindu money lenders as well as Mussalmans and Sikhs. The Resolution does not exclude any from its operations, and it is certainly a very distorted interpretation which can class it as a communal measure. All that the Resolution aims at is to make an effort to save the poor debtor class from the tyranny of the money lender, because the poor have much claim to seek protection from the law of the land as the rich.

Let us show to the world that we are fit to safeguard the interests of the dumb millions, and let it not be said that at a time when the champions of the Indian cause were fighting for their rights in England, those responsible for the making of the law for the good government of the country were oblivious of their duty to the poor and the oppressed, but aimed at establishing a government in which the good of the largest number was the goal.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs: Non-Muhamadan Urban): I rise to oppose the Resolution of my Honourable friend, Sir Muhammad Yakub. I am really astonished that such an unusual and unpractical Resolution should emanate, of all persons, from a lawyer.

Sir, quite probably moved by the widespread agricultural distress in the country he has brought forward this Resolution. But the mode he proposes to adopt for the amelioration of the situation is, I should say, quite unwise and absolutely unreasonable. I wonder whether the Honourable the Mover is in possession of any precedent of any other country in the world where they have restricted money lending in the way he proposes. (*An Honourable Member*: "England.") I would respectfully ask him how the Government can effectively initiate legislation to control money lending, or for the matter of that, control unrestricted usurious rates of interest between private individuals unless there is positive proof of undue influence, coercion or fraud on the part of the creditor. Money lending is a transaction between private parties, and naturally between adults on both sides. One party in the transaction requires money to feed his business or carry on some urgent private expenses. Such a party approaches another party who has surplus money or who is anxious to lend it out. But the party having the surplus cash will not part with his

[Mr. Nabakumar Sing Dudhoria.]

substance to the party needing it unless the latter accepts the terms of interest which the former proposes to him. Then the party in need has either to close with the terms proposed—(Let us take for granted that those terms are excessive, exorbitant and unreasonable),—or forego the chance of getting the money which he requires so urgently from the other party. Can the Government profitably interfere in such transactions? Can the Government compel the creditor-party to part with his money at a rate of interest or on such terms as will be acceptable to the other party? Supposing the Government prescribe a rate of interest beyond which a creditor will not be allowed by law to charge. The result of such legislation will be that persons having money in their hands will sit tight over it and would rather not lend it out lest they might come within the clutches of the law. What will be the consequence of such a state of things in society? The consequence will be that all business whatsoever will be entirely suspended; for no business in this world can be carried on without capital or money. Business people, however great their credit may be, often get into such a position as not to have any surplus cash in their hands. Borrowing must then be resorted to by them, as trades and industries in order to be carried on properly need funds. But if the State is to dictate on what terms private borrowing and lending should be regulated, both creditor and debtor will resort to subterfuges to avoid the provisions of law in order to achieve their ends. I shall quote some instances as to how that will be affected. Supposing it is interdicted that no creditor should charge 25 per cent. interest and monthly rest for money lent out on a promissory note, a business man, who is placed in a desperate financial situation, will fight shy of these legal provisions and will agree to take the loan on the terms which his creditor will impose upon him, i.e., 25 per cent. interest and monthly rest. What the former will do is to give to the latter a solemn oral undertaking accepting all the former's terms but writing in the promissory note in favour of his *mahajan* only such terms as are acceptable to the law for the time being. The debtor will strictly keep to his word and fulfil his undertaking either in greatfulness or lest he should not be able to get such a loan in future when in a similar plight. Even if the borrower turns perfidious to his undertaking and puts his creditor to trouble over the terms, he will have much ado to prove his case, as so far as the promissory note in the case is concerned the law has not been transgressed. He actually runs the risk of taking all the proofs upon himself and also the risk of getting no accommodation for the future from the same party, or for the matter of that from any other *mahajan* by reason of his act of bad faith.

It is for these reasons that the Resolution seems to me quite impractical and extremely unwise.

If my Honourable friend has taken his inspiration from the recent Punjab Provincial Council Act restricting exorbitant rates of interest, I may tell him that the result of such legislation has been quite prejudicial to the development of business in the present state of trade depreciation in that province. Much of the wheat slump is indirectly due to that unfortunate measure, and I am informed that clever subterfuges are often resorted to by both creditor and debtor to avoid the provisions of the Act.

If my Honourable friend means business and wants to improve the agricultural outlook, he had better devise other ways and means. He should attempt to establish agricultural banks, investing his own and other similarly minded friends' fortune therein and lend out money therefrom at reasonable rates of interest and thus earn the gratitude of all concerned. With these words I oppose the Resolution.

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.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President : Order, order. I wish to read out to the Honourable House a Message which I have received from His Excellency the Viceroy :

(The Message was received by the Assembly Standing) :

"In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby disallow, on the ground that it cannot be moved without detriment to the public interest, the motion of Sir Cowasji Jehangir for the adjournment of the Assembly for the purpose of discussing the pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio.

(Sd.) WILLINGDON,

Viceroy and Governor General."

SIMLA,

22nd September, 1931.

RESOLUTION RE CONTROL OF MONEY LENDING AND RATES OF INTEREST—*contd.*

Mr. President : Further discussion on Sir Muhammad Yakub's Resolution.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, we have listened to a very important debate this morning on a Resolution in which all parts of the House seem to have taken a very keen interest indeed. The debate has been for more reasons than one very interesting. Firstly because it deals with a subject in which not only all Governments from time to time but also all political parties from time to time have taken very keen interest. It has also been interesting because the part taken therein has been by men of considerable substance, not belonging to the debtor class, from the Nationalist Party Lala Hari Raj Swarup, representing the landholders of the United Provinces, made a very valuable contribution to the debate, a thoughtful speech, well prepared, well conceived and well delivered. He made constructive suggestions for the consideration of the House and presented a very well reasoned case for undertaking some legislation. He at the same time realised that there were considerable difficulties in the way of doing something immediately. He also pointed out that legislation was

[Sir Fazl-i-Husain.]

necessary, but legislation did not invariably succeed in achieving what it set itself to achieve. Then it was also interesting because it was not a one-sided debate. All who spoke did not speak for the debtor only. I was very pleased to hear more than one Member speaking on behalf of the creditor class, pointing out how very essential in the economy of rural life, of rural construction, the money lender was bound to be. Therefore, Sir, I may say that the debate on this important Resolution has been conducted on a pretty high level, and the House may well congratulate itself on having discussed with enthusiasm and yet with dignity a Resolution which might excite a great deal of feeling on either side.

Now, Sir, although I have myself been identified with rural interests in my own province, and although in this very hall five years ago, a Money Lenders' Bill, connected with the Regulation of Accounts Bill of the Punjab Legislative Council, was discussed for many days,—and I had to take a fairly prominent part in it,—the experience gained has enabled me to see both sides of this very difficult question. Now, in this Resolution two suggestions have been made, one with reference to controlling the operations of money lenders and the second for controlling the rate of interest. With the first of these two questions I may say I am fairly familiar. That legislative measure (I have referred to) was initiated by a private Member in 1922, I believe, after the English Money Lenders' Registration Act. It went on for two or three sessions and we discovered that it was extremely difficult to register all the money lenders in the Punjab. They would not have it; it was not in the best interests of the province. Then it developed into an attempt at creating some sort of assumptions in favour of the debtor, that is to say, the creditor was to prove definitely that the amount mentioned in the bond or in the account book was actually lent. We found considerable difficulty in eventually adopting that suggestion either. After many efforts at finding a suitable provision to help the debtor class and yet not to injure the lending class, we found that all that we could really attempt was to make provision that keeping of accounts was regulated. That does not sound very pretentious—regulating keeping of accounts, but really it is the pivot on which the whole case for the debtor rests. It has been said that large sums are deducted by way of interest before the money is lent. It has been said that there are signed documents quite blank to be filled at the discretion of the money lender as he likes. Well, Members of the legal profession, who have occasion to see possibly the good side of human nature, certainly the shady side of human nature, know that these allegations are not altogether unfounded. And yet it cannot be said that this opinion is a sufficient justification for the view that there shall be no money lending class. As a matter of fact, it is impossible for the rural people to get on without the help of the money lending class. It may be asked, "Oh, why have a money lending class, why not have co-operative banks; they ought to meet all your needs; why not have large banks in different centres of agricultural activity?" Well, Sir, I am afraid neither of these two can be found to be practicable. These serve a very useful purpose, but the man in the field waiting for the monsoon to materialise, as soon as rain comes, immediately wants to sow the seed. He wants money to buy the seed, and unless he has the seed or the money within two days, it will be of no use for that particular crop. How is he going to get that? To say that there ought to be a co-opera-

tive society in every village is no doubt a great ideal. I wish we could reach it; one could say there ought to be a bank in every large village. That again is an ideal which we cannot expect to reach very soon. And in the Indian villages a *sowcar*, a banker or a money lender combines in his person more often than not more professions than one. Money lending is not his sole business; he is also the provider of the needs of the village community in the matter of general stores; and in some places, he is also a cloth merchant. When he combines so many professions, he is able to make both ends meet and save money. Therefore, this money lending, one might say, is a by-industry, a subsidiary industry along with ordinary shopkeeping. That is why he is able to do it very cheaply. I am afraid in course of time when we have developed secondary education to a great extent the economical old type of *sowcar* may disappear and his place may be taken by his comfort-loving, aspiring-to-live-well grandson, and then you will find not only the zemindar will be poor, the agriculturist will be poor, but the banker-*sowcar* will also be poverty-stricken. Therefore, when Members come and urge, here are such and such money lenders; they came into particular villages practically penniless, with perhaps a hundred rupees or so; and now, they have developed their business and their capital runs into lakhs,—well, they must remember that those are exceptional cases and cases of men who exercised wonderful self-restraint, who also, though possessed of money, have got habituated to a standard of living much below their capital or their earnings. These are things which are soon to become things of the past and neither of the present nor of the future. Therefore I venture to suggest as regards the suggestion of controlling lending of money that it is a subject which can only be dealt with suitably and adequately in a provincial Legislature. The Report of the Indian Banking Enquiry Committee, to which reference has already been made by more speakers than one, has mentioned with flattering observations the measure which was passed by the Punjab Legislative Council, and has suggested that other provinces might as well try and examine to what extent a similar measure will be suitable for them. Therefore, if I may so suggest, perhaps the Honourable the Mover will see that that part of his Resolution is undoubtedly going to be examined by that Department of the Government which will deal with the Banking Enquiry Committee's Report and no doubt will do what it can in that direction.

As regards the controlling of interest, I was very much impressed by what was said by the Honourable Member from the Punjab, Mian Muhammad Shah Nawaz. I believe his argument as to the rulings of the High Courts was very strong, and yet what was his proposal? It was that a maximum rate of interest should be fixed by legislation, beyond which no lender can charge more interest and no debtor can agree to pay more....

Mian Muhammad Shah Nawaz: That was in the alternative. If you cannot do it, then amend the law.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Well, now, as regards amending the law, he did not say it should apply to a particular class of borrowers, and I do not see how reasonably it can be expected that it should apply to all. Take the case of the man who has not earned his property but has inherited it, and as happens in many cases, having inherited it, he proposes to get rid of it, and not having cash he wants to borrow. Well, why should in the case of that man, who is keen upon getting rid of the property that his poor forefathers had collected, and who has made up his mind not to keep it but to get rid of it—he cannot borrow

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money at the statutory rate. Is there any justification for the State to say that the man of that type who has made up his mind to go to the dogs, should not do so?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Why is an attempt to commit suicide an offence?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Committing suicide is an offence because it is an extreme measure, but if my Honourable friend makes up his mind to commit suicide piecemeal, I wonder whether he will find any law standing in his way. Does not my Honourable friend realise that it is not a criminal offence to drink oneself to death? However, not to go into side issues, I think it will be recognised that while in many countries efforts have been made to legislate for a particular rate of interest as the maximum, it has always been done with reference to a particular class of people and not for everybody. I was told that in the case of certain agriculturist classes it has been done in some places. But I again urge that you cannot legislate for all classes and lay down particular maximum rates. Whether you can or not, to my mind it is a matter which would require very careful consideration as to whether it is possible under the existing law, with such directions as the High Courts may be pleased to give, some relief or other can be obtained by the agricultural class of debtors only.

It has been asked, why has the law been invariably interpreted in a way which might be considered to be prejudicial to the case of the debtor? That is not very difficult to explain. All laws are essentially conservative, and courts of law rather go by precedent than by the various slogans for reform or advance. Keeping in view the juristic principles of old, every court of law says, this particular law is at variance with those principles or is a trespass on those principles, and therefore must be interpreted strictly, and in that strict interpretation the object of the framers of the law is to a certain extent defeated. That I suppose has been the case in all countries and it is not unexpected that it should be so in the case of India as well. Still, that is no justification for our being inactive. We ought really to try and see whether something cannot be done in that direction. My own view has been that in most cases the courts of law have not been able to interfere because of the absence of requisite data on which to come to a conclusion that the transaction is vitiated by the inequality of the parties at the time the contract was actually made. Here is a bond executed, say, a few years ago. That is the last bond, and why should the court go behind it and even if the court tries to go behind it, it will not have the requisite material for it. If regulation of accounts is taken seriously in hand, there will be a continuous series of accounts between the debtor and the creditor and that will, I believe, enable the court to come to a decision whether at any particular step the creditor has over-reached the debtor. Therefore, is it not possible that the regulation of accounts may supply the data which courts of law need in order to reduce the rates of interest in particular cases? I think, Sir,—the House will permit my saying so—that in view of the impending political changes, the attention of every one of us, whether Members of Government Benches or Members sitting opposite, is naturally attracted towards the welfare of the future rulers of the country, I mean the masses in rural areas. With their enfranchisement, which is bound to happen,

their interests will come to the forefront and it is undoubtedly wise on the part of the Honourable Members to take time by the forelock and begin doing something before they come in and try to do things perhaps much more rapidly than might be advisable. For that reason alone, there is, I believe, agreement between this side of the House and that side that no step should be left untaken, no suggestion left unexplored in order to arrive at a decision which will help us to bring the case of the rural classes within the possibility either of legislation or otherwise granting relief to them. I trust Honourable Members will realise that that is the extent to which the Government can at present go. They are ready, as the Honourable the Home Member in his speech made clear, in the matter of regulation of accounts to invite the attention of Local Governments to it. As regards the interest question, already he has taken steps to obtain the requisite data from the High Courts to see to what extent proposals for amendment of the Usurious Loans Act can be examined and if necessary amending measures adopted. I am sure all of us are under an obligation to the Honourable the Mover of this Resolution for having taken great pains to collect all the data that he did and for making a very convincing and very able speech, and he was ably and strongly supported by Members from different parts of the House, and I trust what little I have been able to say has been also in the same direction. Is it necessary for us to go any further today? That is a question which the Honourable the Mover can decide.

Mr. B. E. Puri (West Punjab : Non-Muhammadan) : Sir, I have listened with very great attention to the very able debate which has been conducted in the interest of the agricultural classes, but I regret that I cannot endorse the arguments which have been advanced by the learned Mover of this Resolution. I note that it has become more or less a fashion to run down the class of money lenders periodically. Whenever there is no better subject to engage our attention, we revert back to this pet subject of maligning this class. By the way, I am not a money lender, nor do I hold a brief on their behalf. (Interruptions.) With the permission of the House I would like to deal with what I call the practical side of the question. As to the theory we have heard the most elaborate arguments and we have been treated to some very interesting statistics and the comparative law which prevails in various other countries beyond India. That is all very well so far as it goes, but I will put most seriously before the learned Mover a practical case, and would expect a business-like practical answer from him. Here is the case of an agriculturist on whom the Government demand is being made. He is called upon to pay a large amount of money which is due from him as land and water tax. Or say the wedding of his daughter is forthcoming and he needs money. Or again, say his son is involved in a murder case and he needs money to defend him or it may be to pay a bribe to the police officer. It may be one or the other, only one is legitimate and the other is not. And suppose in all these cases he has not got the money. What would you advise him to do under the circumstances? He knows that he cannot put in his petition in the Imperial Bank or for the matter of that in a co-operative bank. He needs the money immediately, as the Honourable the Education Member was pleased to concede. In these circumstances, is there any course open to him but to knock at the door of the money lender? The only other course for him is to go and commit burglary or dacoity. He cannot beg and he cannot borrow and the only other alternative left is to steal. In these circumstances

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the money lender is the one person who accommodates him in time of his dire necessity.

You can make your law that, beyond a certain limit, nobody would be permitted to charge interest, and such laws are already on the Statute-book, but you cannot make a law compelling people to lend money, if they don't want to. It requires two to make a bargain. It is generally the debtor who has got the greater necessity. It is he who in the first instance goes to seek for a loan. The money lender simply sits tight. There can be no conceivable law which can compel him to lend money, because that will be pure and simple Bolshevism. The money lender can very well say, "If I lend my money, these are my terms". This is the practical side of the question. This man is perfectly within his right in saying that, "My money will not go out of my pocket unless the man who borrows it is prepared to pay a certain amount of interest". The borrower has no other course left and he has got to decide whether he will borrow on those terms or not. Well, Sir, if he chooses to borrow the money at that

moment, of necessity, what immoral act has the creditor committed, and what justification has the debtor to come forward at a later stage and say, "Here is the rascal who accommodated me when I badly needed the money. These were his terms; I well understood his terms; but although I am in honour bound to pay back the loan, still the Court might come forward, law might be twisted to help me to slip out of this obligation which I myself helped to create". Is that moral, Sir?

Sir Muhammad Yakub: Most certainly.

Mr. B. R. Puri: My Honourable friend says that it is moral; in that case his definition of morality materially differs from mine and I will leave it at that.

Again, Sir, let us pursue this question a little further. And examine it from a purely practical and business point of view. We should endeavour to find out what are the real causes which have made the agriculturist a permanent victim of such borrowings, because, after all, that is the real question. Why should he be under the necessity of always going about borrowing? Sir, it was pointed out the other day, if not by the Honourable the Mover, by some other Honourable Member, who said that the lot of the agriculturist in this country was that he borrows from the day he is born into this world until the moment he departs from it. Sir, in a season of prosperity he is a borrower; in a season of adversity he is a borrower! Is it therefore not up to us as honest people to find out what are really the causes at the bottom of this? What is the real cause of this phenomenon? Why should a particular class of people be always under the obligation to go about and knock at the door of any one who can lend them money? Surely that is the real question, and I submit that if an investigation in that direction were to be made, it might disclose that, after all, the real cause is that he is over-taxed. I am not accusing the Government at the present moment that the agriculturist is as a matter of fact over-taxed, what we do know is that he is not in a position to meet his obligations so far as the Government demand is concerned, and in fact the very next Resolution on the Agenda I believe is intended to secure for the agriculturist some sort of exemption or relaxation from the land and water taxes of the Government. Well, now if it really turns out to be true that the present plight of the agriculturist is mainly due to

his being over-taxed, then why beat about the bush, why not call a spade a spade, why not relieve that wretched man from that obligation; why not relax the Government demand, instead of trying to fix an imaginary blame on another class of people, whose only fault is that when money was needed by the agriculturist, he accommodated him? Is it not the case all the world over that the creditor dictates his terms and not the borrower? Sir, there is a touch of humour in this Resolution, that instead of finding out the real cause, you are trying to get hold of a class whom, if you look at the question from a business or a moral point of view, you cannot justly accuse of anything. If the investigation is pursued further, it will show that the agriculturist as a class, being ignorant and uneducated, have not learnt the elementary rules of thrift. And not being thrifty, they suffer from *over-living* and perhaps I might add from *over-marrying* also. Sir, I know that in my own province in a season of prosperity when the harvests are good, when everything is plentiful, the average zamindar, finding himself in good circumstances, forthwith proceeds to celebrate one further marriage in addition to what he has got already. I know, Sir, on one occasion I happened to visit Waziristan—I do not see my Honourable friend, Mr. Howell, across the floor—when he used to be the Resident of Waziristan, and I learnt a very good lesson there which I think it might be useful for me to mention here for the benefit of the House. The Waziris as a class are a stalwart, bold and fierce people. They carry their lives on the palms of their hands, and they are willing to be murdered, and they are ready to murder anybody at any time. Their normal profession was loot and dacoity until the British went there; and the policy which the Government followed was that the contracts of constructing the roads and the military buildings were given to the Waziris rather than to any other class of people, who went from India, who were debarred from taking these contracts, and thus those Waziris, who were hitherto mere professional dacoits, came into a lot of money and hardly knew what to do with it. With these contracts thousands, in fact, lakhs of rupees went into their pockets, and that made them all luxurious, lazy, indolent, and it was a pitiable sight to see as I did, having travelled on that road 80 miles from Razmak and Bannu, big stalwart Waziris, who were capable of committing a dacoity at night and reaching their homes back 50 or 60 miles in the course of 5 or 6 or 7 hours on foot, standing on the road-side hailing every motor car to give them a lift in order to accomplish a distance of three or four miles. That is the great change which the artificial wealth, this windfall, produced in them. On further inquiries, I found that these Waziris had now acquired the habit of buying Lipton's tea in the bazaars and putting on neckties. Sir, all this was absolutely artificial life; they began to live on a higher standard, a sort of life which was not natural to them. Now after the roads were all built and after the houses were all completed and no more money came into their pocket, they have in the meantime acquired expensive habits which they now find it difficult to get rid of. This is precisely the case of agriculturists who not being thrifty cannot make the best use of their seasons of prosperity. Their ignorance is appalling but I do not blame them, because the Government which is primarily responsible for educating and enlightening them has failed in that duty.

Mr. President: The Honourable Member's time is up.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): It is all a cock and bull story. (Laughter.)

Mr. O. Brooke Elliott (Madras : European) : Sir, we have here in our group a practical agriculturist. (*Mr. K. Annadurai* : "Hear, hear.")—Not there, but here! My Honourable friend could doubtless make a good contribution to the debate but I venture to make it on his behalf. He has much practical agricultural experience in Rajputana. Sir, if I may say so, we are so far only discussing a single symptom and not the root cause of the disease. The money lender is not the disease, he is a symptom; and as long as you try merely to deal with the symptom, you may cure that symptom but you are not curing the disease. Now, the real difficulty first of all is this: you can try and try again, but you will never define "usury". Now, if you cannot define usury how are you going to define a usurer? The only description you can give of usury is the rate of interest that will be charged to a man of poor credit. Now, if a man has no credit, the risk to the usurer is greater and he must pay more. I should say that the odds increase in the inverse ratio to the degree of credit that the person has. Now, Sir, the real disease in India is the lack of credit, and the one thing that all Honourable Members should try to do is to create credit, in which case the usurer will disappear. You will not drive him out by legislation. That was tried in every country. Even Moses has led practically to the whole of the Moses family very largely indulging in earning their living by usury. And what you do want to create in this country is to create credit. In the past various methods of legislation have been tried. The judgment given by an English Judge, I think in Allahabad, is exactly the same judgment given by another English Judge in England. He has only to administer the law which he did not make and he has to follow the case law. I have practical experience that the moment you get on to words like "harsh and unconscionable bargain", you are carried away in an air of ideas and you have to try and precipitate them to stubborn facts. If it were possible to have some kind of patriarchal justice by which the money lender—the spider—and the agriculturist—the fly—could be brought before some person without having evidence on oath and Counsel and all the rest of it, it might be possible for a man who knew the country and the people to say, "You say you paid this man so much; that is all rubbish, you gave him much less and you might reduce it". But, Sir, the moment that was done, all the profession including myself would say, "Oh, no, you must have evidence duly recorded", and there would be cross-examination and re-examination and re-cross-examination and cross-re-examination and so on. And the moment you do that, the remedy becomes worse than the evil because what little the man could get before the enquiry started he will not get after it. A friend of mine once asked a lawyer in England, "What is the difference between common law and equity?" The reply was, "In common law they keep all you have got, and in equity they get all you keep!" (Laughter). So that when you treat the symptoms the doctor's bill—in this case the lawyer's bill—only increases.

There is a method in this country which has worked very well and I am sorry that some of the Collectors, as we call them in Madras, and the Commissioners, as you call them up here, have not told us something about how the co-operative credit societies work. My Honourable friend here says that the only thing he has seen as a practical measure of relief and as a practical treatment of the disease is to create healthy credit instead of leaving the money lender to create unhealthy credit. And if only we could get these co-operative credit societies put upon a wider basis and if

we could only educate the people, as I think Mr. Brayne in Gurgaon started to educate, in the real sense, the peasants of that district, and if all Honourable Members went back and sought to give all the assistance they can to work of this kind, then there would be some hope of our being able to tackle the disease. And as my Honourable friend Mr. Sykes said to me, if you could do that, and if the agriculturist could get his seed corn at 12 per cent. interest instead of 50, it would work a perfect miracle in the country-side. And his suggestion to me was to put in a word of praise and commendation for all that large body of un-official workers who have interested themselves in these co-operative credit societies. Of course from the Englishman's point of view he is not very keen on tight Government control. Obviously, however, there must be a very large measure of Government control in these matters until the people get strong enough to see the advantages and begin to practise thrift. In other words, it seems to me that you have got to educate the agriculturist by partly teaching him to read and write, and partly raising his physical condition, which in our part of the world—Madras—is unhappily rather low; for the lot of some of the people in Madras is not far above the line of semi-starvation. That is the only way, and I do think that while some methods of legislation for usury may be tried, as a practical lawyer I think that the agriculturist who comes to you and wants help would say if you offer him legislation, "I asked for bread and you have given me another stone". So, Sir, if that can be done, if there is any practical method by which further credit can be created, that is the real cure for the disease. Meanwhile, until that has been done, not only the agriculturists but people a good deal higher up socially may perhaps take comfort in the good old advice, "Having food and raiment, let us be content".

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : Sir, I beg to oppose the Resolution moved by my Honourable friend Sir Muhammad Yakub. Sir, while I fully sympathise with the fine sentiments that have actuated the Honourable the Mover to bring forward this Resolution before this House, I do not suppose for a moment that his proposals would be able to ameliorate the present agricultural distress in any way. The Honourable Member has evidently overlooked the fact that in the present trade depression what is urgently needed is capital—money—in order to revive business. But if what he wants, that is, if money lending is brought within the clutches of the law and rates of interest at which money lenders would only lend out their money are penalised, then we shall have to bid good-bye to all hopes of revival of business, much less the development of trade. Without minimising the adverse conditions under which our agricultural populations are labouring at the present moment, I make bold to say that any restriction put upon private monetary transactions would spell disaster to agricultural operations. The Honourable the Mover's proposal, if accepted, would create an unnatural nervousness among money lending classes to the detriment of all our future business expansion. I think the thoughtful articles on the present British economic proposals, contributed to leading magazines by the well-known English economist, Keynes, in which he has advocated resort to extensive borrowings by the Government at Home to feed capital undertakings and industrial projects, without in any way restricting their activities, has so far escaped his attention. I say, Sir, that the Honourable the Mover's recommendation will be entirely suicidal. More mischiefs than benefits would ensue from it. In such

[Mr. Bhuput. Sing.]

a time of financial stringency, as is more than evident, we should move very cautiously.

Again, supposing his proposal is accepted by the House and the necessary legislation is brought forth in consequence, I venture to say that the ingenuity of lawyers and resourcefulness on the part of money lenders would enable both the creditor and the debtor to evade the law. On the surface of things we shall have the useful formalities according themselves to strict legal provisions, but underneath there will be the usual subterfuges to escape them. Therefore, Sir, it would be better if we had no such law which would be more honoured in the breach than in the observance. If he is really solicitous about the cause he has espoused, the Honourable the Mover should employ himself in devising other practical schemes to achieve his purpose, because such proposals as he has now brought forward are calculated to hit hard not only agricultural operations but also the future development of commerce and industries in the land.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, at this late stage in the debate I only wish to say just a few words, not in the spirit in which some Members have tried to tackle this question, as if it were a case of class warfare, but to consider the practical considerations underlying the proposal of my Honourable friend who has moved the Resolution.

The Resolution consists of two parts ; one is to recommend to the Governor General that he should take up immediate legislation in order to control money lending. The second is to take measures to control unrestricted usurious rates of interest in India. These two matters should be kept apart and discussed as such.

The first point is to take steps to control money lending. As my learned friend, Mr. Puri, has pointed out, it has become a fashion of the times to begin to abuse money lenders in all places and in all provinces. I think that is hardly fair. The money lender has been the financier of the country in general and of the agricultural population in particular, for more than two thousand years or perhaps centuries untold. He is the man round whom the agriculturist must revolve. He was not perhaps so essential in the pre-British period, because the produce was shared by the landlord or by the State and he had to pay a share of whatever he grew on the soil in kind. But since the advent of British rule, he must find money to pay his land revenue demand, and therefore he must find ready money, even though the produce may not have been sold. Therefore various circumstances have brought about the need for the money lender ; and as has been pointed out, it is not right to go for the money lender and to leave untouched the root cause of the evil. We have had Reports of various committees—we have had the Report of the Labour Commission and the Report of the Banking Inquiry Committee ; and all have pointed out with great emphasis that the money lender is an essential factor in rural economy. Without him you cannot finance the business of the agriculturist. Let me put an illustration before the Assembly. We are asked, "Why is this man going to the wily money lender ?" Why he goes there is a matter for inquiry, and we know pretty well from experience why he goes there.

But suppose he wants money ; what is he to do ? He is told to apply to the Central Co-operative Bank or to the Imperial Bank or Lloyds Bank and so on. And what is the answer ? He is told to give in a written application. He has to get somebody to write out an application. He is then asked by the bank to furnish a surety ; and if a surety is furnished he is then asked "What are your assets against which you want the money ?". The assets are a bullock or two which are likely to die in time of famine, the crop which will grow, a few bangles and that is all. The land cannot be touched in most cases ; so that the real difficulty is that he has hardly any credit and it is difficult to get any money through the banks and on such slender security ; whereas the money lender is available on the spot even at eight o'clock at night. You go to him ; he knows you and you know him, and perhaps by word of mouth the whole transaction is arranged. And you avoid all this inconvenience. It is evident therefore that all this talk of kicking the money lender out of the land and abolishing his profession is one of the very last propositions that either the Government or the people can ever achieve. If that is so, what does this Resolution mean when it says control money lending ? Does it mean some sort of licensing ? May I point out, as the Honourable Member for Education, Health and Lands has been pleased to point out, that in the Punjab Legislative Council we tried to achieve that purpose by introducing a Bill, a private Member's Bill, which had all the blessings of my learned friend opposite and of the Punjab Government, and it was passed by the Council, after a very heated debate, though ultimately it never became law having been disallowed by H. E. the Governor. The Bill was on the model of the English Money Lenders' Act. The money lender had to be registered and various restrictions were placed on him. After making various sorts of inquiries we ultimately hit upon the expedient of a Regulation of Accounts Bill ; we did not find it practicable to have any kind of licensing of money lenders, but we merely said that those who lent money should keep accounts. That was the essential point underlying it—that the fraudulent person, the man who wants to try and drive a fraudulent or deceitful bargain with another man taking advantage of his ignorance, shall not be able to profit by it. But licensing has many other evils ; e.g., if you license money lenders, it would mean endless trouble for the man who wants to borrow ; he must go through the list of licensed money lenders and he will be placed at the mercy of a ring of people, since only a certain number of people will be licensed and the circle of possible lenders will be small, and this debtor may be an impecunious man and may want money at short notice ; and if he is limited in his choice, he will be placed at a great disadvantage. Therefore this first part of the proposition to control money lending is unsound. This matter was dealt with by the Central Banking Inquiry Committee and they say that if we introduce this system of licenses, much as one would like to do it, it will only result in placing greater obstacles in the way of the borrower and result in harder terms to him.

Now, we come to the second part of the question, that is, to control unrestricted usurious rates of interest. Sir, it is a very tall proposition ; to find out what is a usurious rate of interest. Let us begin by saying that the limit shall be 12 per cent. Now for a good many people it is much too high ; for another class of people it is much too low.

Mian Muhammad Shah Nawaz : It should not be more than 12 per cent.

Mr. Jagan Nath Aggarwal : Let me take my learned friend's suggestion that it should not be more than 12 per cent. The rate of interest is the measure either of the credit or of the need of the man. Suppose you are not able to get money at the rate of interest at 12 per cent. or up to any limit that has been fixed and that your need is imperative ; you will go on your knees to this man or that ; and what is there to prevent his putting in the bond Rs. 1,000 and giving you Rs. 800 and getting a year's interest in advance or by some measure of that kind getting round the law that you make ? A measure of that kind fixing the rate of interest has always defeated itself in all countries and attempts have been made in this country also, in this Assembly as well as in the Council of State, to introduce legislation of that kind to fix the rate of interest. But the expedients of the money lender are so many and the necessity of this impecunious borrower so great and his credit so low and the circle of lenders so limited that he is always at the mercy of the lender. If you fix the rate of interest at 12 per cent., you achieve really no alleviation of the trouble. The rule of *damdupat* has been suggested many a time ; but let me just tell you the great hardship that the rule will inflict, particularly at a time like the present. The idea is that the interest shall not be greater than the principal. Very well ; if that is so, the moment the interest is going to approach something like the principal, a suit will be filed against the debtor and he will be placed in the court much sooner than he would otherwise be. At a time like the present when credit is low and money is scarce, the attempt should be to extend the period of limitation and give the debtor greater credit and give him something like a moratorium. But if you fix anything like this rule of *damdupat*, it means ruin to him. It has been brought forward many a time and it has failed for the very good reason that while it may have been sanctioned by Hindu Law at a time when society was primitive, under present day circumstances, under the working of commercial conditions this rule cannot be enforced. An impecunious person will hardly derive any benefit from it.

All that has been urged in support of this measure is that there is a large class of people, a very deserving class of agriculturists, who suffer from this great load of interest. What is the remedy that you propose ? The only remedy you propose is to put another man who has helped him into difficulty. That I submit is going about the business in the wrong way. If the agriculturist is really to be helped, he is to be helped not by impairing the confidence of those who have come to his help during the last thousands of years, but by providing greater credit for him.

Now, what is the reason for the comparative failure of your co-operative credit agency in spite of the Government backing and in spite of the boasting that has been given to it ? The reason is that they appealed only to a limited circle. If the co-operative credit societies had been worked not in the spirit of attempting to run down the money lender but in the larger spirit of inviting their co-operation and enlisting their sympathy, they would have succeeded much better. The remedy then for this evil lies not in either restricting the rate of interest or in accusing the money lender, nor in restricting the claim for more than

the principal, but in a steady attempt to give him greater facilities for getting money at a cheaper rate of interest. Now, how can that be done ? That can be done only by making it possible to see that the great asset which he possesses is made available as security. The co-operative credit societies can manage to get their money in the easiest of all ways. No money lender has got such legal weapons at his command as the co-operative credit societies have, and if the co-operative credit societies lend money, it is no wonder. If you grant the same facilities to the money lenders as you do to the credit societies, they will be able to deal with their creditors in a very reasonable manner. It is very easy to say that the money lenders charge 25 per cent. interest, but if you look at the figures you will find that they can hardly realise more than 10 per cent. Therefore, the real remedies would be not those suggested by my friends, but to devise some system either of land mortgage banks or of co-operative credit societies working on a larger basis and also to secure the co-operation of these very people, so that money may be lent on the credit of the lands of the agriculturists.

Then, Sir, the greatest difficulty we find is on account of the ignorance of the people. My learned friends have wasted a good deal of time in arguing about the merits or demerits of money lenders, but has any Department of Government, barring a few honourable exceptions, taken the trouble to inculcate the lessons of thrift ? That is the thing that is needed. These people walk into debts on every conceivable occasion, on marriages, on providing for the needs of some near relations, on ceremonies and so on, but the real need is to inculcate in these poor ignorant agriculturists the lessons of thrift. Unless ignorance and poverty are stamped out, unless these things are driven away, these conditions are bound to remain. It would not do to pounce upon one section of the community to try to relieve the distress of another. It should be a general levelling up of all sections. I therefore feel, Sir, that this Resolution, whatever may be the good motives underlying it, certainly will not achieve the purpose which the Honourable the Mover has in view.

Rai Bahadur Lal Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : My Honourable friend Maulvi Sir Muhammad Yakub has impressed upon the Government the urgency and importance of this motion. Though this Resolution has been moved with a sympathetic heart, it is inopportune to pass it.

At the very outset I wish to point out that the question of usury was seriously considered by the Government of India, and as a result thereof they passed Act X of 1918. This Act was designed to give additional powers to courts to deal in certain cases with usurious loans. The said Act in my opinion provides effective remedies to deal with the complaints mentioned in the learned speech of the Honourable Member of my Province.

Now, Sir, I shall turn to another aspect. To control the money lending operations is a tremendous task. It is easier said than done. In support of my contention, I only wish to say that all the Local Governments were consulted before the Act of 1918 was passed and they were unanimous in their opinion that the control or registration of money lenders was practically unworkable.

[Lala Brij Kishore.]

Supposing that these money lenders were registered. What would then happen? The immediate effect would be that first of all the rate of interest would be raised by the money lenders, and if this rise in the rate of interest is also checked, the money lender will not easily part with his money. Two results would follow. The lot of the poor debtor would either be rendered more miserable or all sorts of subterfuges would be adopted by those who would be prepared to lend money. All this would lead to untold oppression and extortion. Some of my Honourable friends here would remember that a Bill with similar objects was introduced in 1923 by my Honourable friend Mr. Yamin Khan. But it fell through in the second reading.

Besides this, with some practical experience as an honorary judicial officer, I venture to say that the civil courts generally follow a sane and judicious policy in regard to the rate of interest.

Sir Muhammad Yakub : Do they? Especially honorary judicial officers?

Rai Bahadur Lala Brij Kishore : The time for such a drastic step as proposed by Sir Muhammad Yakub is inopportune. There will be a crop of civil suits against the poor debtors and their bad lot would be rendered worse in case the principle underlying the motion is accepted by the House, especially at such a time of economic and agricultural depression as is prevailing in the country. The Honourable the Mover's purpose will be defeated if the motion is accepted, because it will have the opposite effect, recoiling on those whom he wants to help. So without some amendments, which cannot be done now, I do not find any way to support the Resolution moved by the Honourable Member for Moradabad only for the reason that the times are not better.

Sir Muhammad Yakub : Sir, the great interest which this Resolution has roused in the House and the great length at which it has been debated would clearly show the importance of the subject-matter underlying the Resolution. I believe hardly any non-official Resolution has created so much interest as this Resolution has done. It has been debated for nearly two full days and every aspect of the question has been fully threshed out. I have received strong support for my Resolution from all sides of the House. The opposition, which has been raised to my Resolution, is of course quite natural. In these days it is very difficult to expect that a community like that of the money lenders, or those who derive benefit through them, will accept any self-denying ordinance. I never stated in my speech or in my Resolution that money lending should be abolished. I never said that the money lender was a scoundrel. I never said that the system of money lending should be put a stop to. All that my Resolution aims at; is that the system of money lending should be controlled, and that it should be placed on the same level as in other civilized countries.

My friend Mr. Puri asked me some questions, and said what I should reply to them as a practical man. He pointed out that a tenant may

have a demand to pay his rent or that his son may be involved in a murder case or he may want to marry his daughter and money is required urgently, he goes to a money lender and asks for money, the money lender is at liberty to refuse to pay the money or to fix any rate of interest that he chooses. I say, Sir, that it is on account of these conditions and on account of the need of the money lender, that the system requires to be controlled and overhauled. If the need of money lending is so great, then there is all the more reason that this system should be revised and some check put upon the vagaries of the money lender. The evils of the usurious system have already been recognised by the Government, and several attempts have been made by them to put a stop to it; for instance, the amendment of the Indian Contract Act, section 16, and the introduction of the Usurious Loans Act and its amending Bill, all these go to show that the Government have realised the evils of usury and uncontrolled money lending. My point is that the steps which have already been taken by the Government are not sufficient. Reference has been made to the Usurious Loans Act. My Honourable friend Mian Muhammad Shah Nawaz has clearly shown in what way that Act has remained a dead letter. I have already tried my best to search all the digests of the Indian law reports for the last twenty years and I have been able only to find out two or three cases, to which reference has already been made by my Honourable friend, Mian Muhammad Shah Nawaz, and in all those cases, the Act affected the case of the debtor adversely, it was never used in favour of the debtor. My point is this, that the Usurious Loans Act is a defective measure and it requires amendment. In the same way, section 16 of the Contract Act has also proved to be a defective measure and does not go far enough to give help to the debtor. Also section 34 of the Evidence Act, which allows the court to pass a decree on the basis of the account book of the money lender himself, requires some amendment, which would put a stop to the money lender's vagaries.

Sir, I have not restricted my Resolution only to agricultural debts. Honourable Members who have opposed the Resolution have restricted it only to the case of agricultural debtors; they have themselves created a formula in their own minds and they have criticised it, and in that way they have tried to oppose the Resolution. My Resolution is quite a general Resolution; it deals with the agriculturist as well as with any other class of people in the country. Again, I do not suggest any particular means by which this system should be controlled. There may be defects in certain suggestions which my Honourable friends have themselves made for the sake of argument, and they have contradicted those suggestions themselves. I say, I will leave the whole matter open. I will leave the whole case in the hands of the Government, and I want them to institute an inquiry, to consult the Judges of the High Courts, to consult the Provincial Governments, and to take speedy measures in order to remove this evil. That the system is an evil has been admitted on all hands; even those who have opposed the Resolution have admitted the evils of excessive and usurious loans. It has been said by one of the Honourable Members that if you restricted the rate of interest, it would be a great hardship upon the money lender. I say if tomorrow the Bank of England raises its rate of interest, say, to 25 per cent. or 30

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per cent., what would be the state in the country? My Honourable friends on the Nationalist Benches would at once give notice of a motion for adjournment of the House and probably there would be a great hue and cry against the Bank of England. If it is objectionable on the part of the Bank of England to raise the rate of interest so high, then equally objectionable is it on the part of any private individual to raise the interest rates excessively.

As regards the Usurious Loans Act, there is one thing more. Generally, the cases in which excessive interest rates are charged are those for small amounts of money; mostly they are of the value of less than Rs. 500, and no second appeal lies to the High Court in such cases. Again, most of these cases are of the nature of small causes, and there is no appeal, but there is only a revision, and that can be done only when the man can deposit the decretal amount. When the man has got no money even to defend the case, where can he get money to deposit the decretal amount and go to the High Court? So, I think that the whole principle upon which these measures have been enacted requires deep consideration and thorough overhauling on the part of the Government. I do not want the Government to hurry up with the thing. No doubt I recognise that there are difficulties in the matter, but I also do not want the Government to show only a lip sympathy in the House and then sleep over the matter. The great fault of the British Government is that they do not do the right thing at the right time. They would do the right thing when the whole grace of it is gone and when the redress which they give is not appreciated by the people. In 1924 the representatives of the country in the Assembly made a demand for a Round Table Conference. They refused it, they rejected it. After three or four years, when there was civil disobedience in the country, when there was political agitation in the country, and when the whole fabric of the Government was shaken, then they offered a Round Table Conference, but the people rejected it. In the same way, when there is some peace in the country—of course, agrarian trouble has started and that is worse in the villages—I ask the Government to take prompt measures now to stop that evil. But I am sure my Honourable friend the Home Member will say, we will write to the High Courts, we will write to the Provincial Governments, and then they will sleep over the matter for years and years, by that time agrarian trouble would have gone out of control of the Government, when it would have created a revolution in the country, probably when it would bring about the same conditions in India as Bolshevism has done in Russia, of which the chief victim will be the money lender himself,—then probably the Government will wake up and try to do something which will not help them at all, as an Indian poet has said :

“ Hamne manā ke taghatū, ap karoge leke,

Khak hojayege ham tumko khabar honetak.”

It means, “ We concede that you will not exercise forgetfulness, but we would have been reduced to ashes before you come to our rescue.” I hope that my Honourable friend will not delay to come to our rescue until we have been reduced to ashes.

The Honourable Sir James Crerar (Home Member): I should like to assure the Honourable Member that we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration. (Hear, hear.)

Sir Muhammad Yakub: I am very glad that the Honourable the Home Member has given me this assurance, and I hope that his promise will not be like the promise of the beloveds of the poets of Asia ;—whose promises are never fulfilled. As the poet says :

“ Tere vade per jiye ham to yeh jan jhut jana,

Ke khushi se mar na jate agar eitebar hota.”

That is to say, “ I am living on thy promise because I consider that it will never be fulfilled ; I would have died on account of extreme delight if I were assured that it would soon be fulfilled. (Laughter.) On such a promise I am living, and on such a promise I beg leave of the House to withdraw my Resolution.

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

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : In view of the fact that we had a three days debate on the agricultural question, I do not want to move my Resolution* and I shall take my chance next session.

RESOLUTION RE REBELLION IN BURMA.

Mr. B. Rajaram Pandian (Madura and Ramnad cum Tinnevely : Non-Muhammadan Rural) : Mr. President, before I move my Resolution, kindly allow me to associate myself whole-heartedly with the tributes paid by this House to my late lamented friends Messrs. Sahani and K. C. Roy.

I shall now proceed to move the following Resolution which stands in my name. It runs thus :

“ This Assembly recommends to the Governor General in Council that a committee consisting of officials and non-officials be appointed,—

- (i) to investigate and find out the causes that led to the recent rebellion in Burma ;
- (ii) to suggest ways and means for their removal ; and
- (iii) to make proposals for awarding compensation to all those who have suffered damage both to person and property.”

I have in this connection to make pointed reference to the anti-Indian feeling that has of late crept into Burma amongst some sections of the Burmans where previously there was none. It is a matter for deep regret that such a feeling should have now found its vent in the way of a most deplorable rebellion causing the greatest possible havoc to the Indians who have gone there as peaceful traders, bankers and

“ This Assembly recommends to the Governor General in Council to take immediate steps in fixing the land revenue in kind which may be collected in Indian money, equivalent to the value of the grain, in the month of April after taking into consideration the average rate of prices of the preceding year.”

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labourers, and who have never hitherto concerned themselves very seriously about the political movements in Burma. They have, therefore, been carrying on their peaceful avocations in perfect amity with the Burmans, who in many cases even looked upon them as their own kith and kin. But it is regrettable that so great a change should have come upon the Burmans in so short a time. It may not, perhaps, be difficult to assign the reasons for the change. There is a section of the Burmans who have been clamouring for some time past for the separation of Burma from India. They are not, in any sense, representative of the public opinion in Burma which appears to be equally divided on the question of separation. The question of the separation of Burma was one of the many that engaged the attention of the Round Table Conference and it was assumed at first for all practical purposes that so far as the question of separation of Burma went, it was a settled fact. But since this decision was taken, I understand that the question of separation has been declared an open question and that the Round Table Conference has not, as yet, taken its final decision with regard to this question. There was considerable protest from some of the Indian delegates, including Mr. Shiva Rao, against the original decision on the ground that public opinion in Burma is not even now unanimous in demanding separation. There is a considerable body of Burmans who are protesting against the separation and it is a matter now in the hands of the Burma Round Table Conference which is to meet in November next. My friend Mr. Maung Maung Ji a Congressman himself, who is representing a very influential section of the Burmans and who has gone to England in this connection, is also against it.

Then again there are some anti-Indian legislative measures which may also be said to have been responsible for the recent outrages committed on the Indians in Burma. I must say, however, at the outset that the trend of events in Burma during the past nine months and more has been to create a sort of disaffection in the minds of a section of the Burmans, who are for separation, against the Indians, with the result that the Indians are now looked upon with great horror and disgust as being responsible for the impoverishment of Burma. This feeling is being sedulously fostered by a section of the anti-Indian Press in Burma, who omit no opportunity to propagate the anti-Indian feeling with all the facility which they can command. It is also widely believed, and perhaps with some show of justification, that a section of the Government officials in Burma have also contributed to the spread of this feeling to some extent. The Burma Indian delegation which waited upon His Excellency the Viceroy to make representations regarding the position of the Indians in Burma has found that the irresponsible utterances of some of the Government officials have also had their share in encouraging the recent outbreaks in Burma.

It is impossible for us, however, to close our ears to all those dreadful stories which have happened in Burma during all this period of nine months, stories the most thrilling and pathetic and the tales of sorrows and sufferings which the Indians underwent in the course of the rebellion. Even according to the scanty news that was filtering through the papers, which to all intents and purposes can never give an exact

and accurate report of all that transpired in Burma, the position of the Indians has been exceedingly precarious and the ceaseless reports of the many dacoities and murders, with which the papers were only too full, sent thrills of horror into the minds of the Indians who had not only staked their all in Burma but many of whose kith and kin were actually engaged in the peaceful avocations of banking, trading and agriculture in Burma. In this manner a position of great insecurity was created for the Indians in Burma, who had no other alternative but to return to India by the next available boat. Within my knowledge, Sir, many a gentleman in my part of the country, who had been to Burma and who had established his reputation there in the banking and in the commercial world, returned bag and baggage after having had the most miserable experiences.

The rebellion itself in the first instance was believed to be an attack against the Government with the idea of subverting the Government established there by law. But by a curious irony of circumstances it turned out to be an indiscriminate action of the mob directed against all communities without any distinction of creed, colour or nationality.

I do not however propose to take much of your time in enumerating the wrongs which unsuspecting Indians suffered at the hands of the dacoits and marauders in Burma. But assuming for a moment that the Government had to face a situation which probably they did not anticipate, is it not the evident duty of the Government of Burma to act quickly and methodically in dealing with such a situation? There are the emergency ordinances, there are the military contingents available at short notice, and yet it is passing strange that these were never resorted to even in the most trying hours of the rebellion, but only at the fag end when the rebellion was practically dying out except in a few places. The Government of Burma, in more than one official review of the situation, have made much of the amnesty which they have proclaimed to all those who have been induced to join the rebel gangs without any volition of their own. Can it ever be seriously contended that this was in any degree responsible for the disappearance of the rebellious tendencies in the people who had the courage to fly in the face of all law and order and who at one time went so far as to even establish what they styled the "Rebel Raj" in Burma? What is the inference to be drawn from all this? It can only be one of two, namely, either that the Government of Burma was absolutely incapable of dealing with the situation, or it has been deliberately indifferent to all the happenings there allowing things to take their own course. I leave it to you therefore, Sir, having heard me so far, to draw your own conclusions from these facts.

I shall now pass on to the subject-matter of my Resolution, namely, to appoint a committee consisting of officials and non-officials to investigate thoroughly into the origin and causes of these riots and to decide the question of compensating all those, whether Indians, Chinese or Europeans, who have suffered as a result of these disturbances.

I propose that there should be no discrimination whatever in the appointment of this committee. It should be a committee composed of Indians, Burmese, Chinese and Europeans, presided over, if possible, by a Judge of the High Court of Burma or in India to secure an impartial finding on the many subjects involved in the inquiry. The personnel of the committee should be fully

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and thoroughly representative of the various public organisations in Burma such as the Burma Indian Chamber of Commerce, the Burma European Chamber of Commerce, the Nattukottai Chettiars' Association and also the representatives of other nationalities including Muslims, Chinese, etc. The official element of the committee may be drawn from the members of the Government of India and also from the Indian Legislatures. Such a committee alone would be interested in securing impartial findings on the many difficult questions such as the removal of the causes of general disaffection which seem to have been responsible for the rebellious outbreaks and also for laying down the canons of compensation to those who have suffered terribly as a result of these disturbances. With these words, I commend the Resolution to the acceptance of this House.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muham-madan) : Sir, I rise to second the motion. Sir, the rebellion has continued for the last seven months in Burma, and the Indian Army has been engaged in quelling that rebellion, but it is a matter for regret that it has taken such a long time to quell this rebellion in a part of the British Empire. I rise to support the Resolution for this reason. Of the people who have suffered in the rebellion, the Indians are the one set of people who have suffered most terribly, and among these, the South Indian people the most, because a large number of South Indians, people who belong to my community, have migrated to Burma. The Moplah community, Sir, have emigrated far into the interior of Burma ; and it was sad for us to see that many of them have had to run away with merely their clothes on, leaving everything they earned with laborious toil behind, and many of them lost their lives also. Sir, in the circumstances, it is up to the Government to make an inquiry and to prevent any such calamity from recurring and to mitigate the existing calamity. With the anti-Indian movement going on in Burma, it is up to the Government of India to stem the tide of such a feeling and to try to bring about the amity and concord which prevailed hitherto in that country. With these words, Sir, I support the motion.

Mr. F. B. Leach (Burma : Nominated Official) : Sir, this Resolution does not appear to have interested the House quite so deeply as the Resolution which preceded it, and I had hoped that before I got up to speak, more or less on behalf of the Local Government of Burma, there would be a little bit more to reply to. The Honourable Member who moved the Resolution said extremely little about the rebellion at all and confined himself almost entirely, until the last two or three minutes of his speech, to dealing with the attacks which had been made on Indians by Burmans. Sir, everyone knows that attacks of this kind have been made, and nobody deplures them, I am sure, more than the better class Burmans. I am sure that both the Burman Members who are now in this House will support me when I say that. But I do not think that these attacks which have been made in any way justify the appointment of a committee, as has been proposed by the Honourable the Mover of this Resolution. In the first place, I should like to point out that the attacks on Indians, though they are doubtless due to a considerable extent to the same underlying causes as the rebellion, are not part of the rebellion

at all and are only very distantly, very vaguely connected with it. They have not even taken place in the districts where the rebellion has been most prominent. The rebellion broke out in the district of Tharawaddy, which is about 70 to 100 miles north-west of Rangoon on the railway line leading to Prome, and it has been very largely confined to the districts between Rangoon and Prome and a district on the Irrawaddy above Prome. The attacks on Indians broke out two months after the rebellion on the borders of Pegu and Toungoo districts, about 100 to 150 miles north-east of Rangoon on the railway line to Mandalay. This area is separated from Tharawaddy district, where the rebellion has been worst, by a practically impenetrable block of mountain and forest known as the Pegu Yomas and there is no reason whatever to suppose that the attacks on Indians were directly instigated in any way by the leaders of the rebellion. The attacks on Indians are doubtless the outcome of economic and agrarian difficulties with which the Province of Burma is now unfortunately faced. Sir, Burma has been hit extremely hard by the present trade depression because it depends almost entirely on its one staple crop of paddy ; and the price of paddy has dropped by 40 or 50 per cent. from last year, and by even more from the price which has prevailed during the last ten years since the war. This has very seriously affected the small cultivator and the landless labourer class. At the same time they, like the corresponding classes in India, are very much in debt. Their condition is very similar to the condition, which has been described in the speeches on the previous Resolution, of many of the small cultivators in India. Unfortunately, in Burma, this economic difficulty is to some extent complicated by the fact that the money lending business of the country, as the Honourable the Mover of this Resolution in his speech has shown, is very largely in the hands of Indians. The fact that the smaller Burman landowners and the labouring classes are getting more and more into debt has therefore aroused an anti-Indian feeling. This feeling is not altogether unnatural when, as any one who has been to Burma will realise, in any large village in Lower Burma which you enter, you will probably find that by far the best house in the village belongs to the local *chettiyar*, and that the largest and the most prosperous looking houses and shops belong to Chinamen and Indians. It is not altogether unnatural that the Burmans should, in a period of unexampled economic difficulty, begin to resent the prominent position which foreign communities have succeeded in making for themselves in the country. Now, Sir, I do not wish it to be thought by anybody in this House that in saying this I am in any way attempting to excuse the use of violence which unfortunately did occur. I am merely stating the facts as briefly as possible, because I think there is little doubt that this was the origin of the attacks on Indians. Well, Sir, these attacks started in the month of February, as I have said, on the borders of the Pegu and Toungoo districts. It was hoped at first that the local officers had succeeded in controlling the movement there. Unfortunately this hope was frustrated and the attacks broke out again in the following month and then spread very rapidly to three or four neighbouring districts, mainly to the district of Hanthawaddy round Rangoon and, to a lesser extent, three or four districts of the Irrawaddy division which forms the delta of the Irrawaddy river. There were no attacks, I think I am right in saying, in other districts at all, and the general feeling of Burmans

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towards Indians in the rest of Burma, particularly in Upper Burma, has not been affected.

Now, Sir, the Honourable the Mover of the Resolution tried to make out that the cause of all this was the proposal for the separation of Burma. I am afraid he has given no reasons for thinking so and I cannot possibly say what grounds there are for supposing that. The motive is admitted on all hands to be purely economic, and I do not think that there is any object in appointing a committee to inquire into this.

I will not deal with a good deal of what the Honourable Member said on the subject of separation except with one point. Most of it was entirely irrelevant, but I should like to protest very strongly against his remark that a section of Government officials in Burma, who wish for separation, have fostered the anti-Indian feeling. That, Sir, I consider a most scandalous remark to make. I am glad to say that there is absolutely no justification for it. A similar allegation was made by the Burma Indian Chamber of Commerce in a letter to the Local Government, but they did at least confine it I think to the subordinate police in one district, and said that in certain cases it had been reported to them that the subordinate police had joined the Burmans in hammering the Indians instead of helping them when they went to make complaints. The accusation which the Honourable Member has now made is an entirely new one to me and he has not explained to the House in any way any facts which support him.

Then, Sir, the Honourable Member did go on to say something about the rebellion. He tried to make out that the rebellion which was believed at first to be an attack on Government turned out later to be an indiscriminate attack on all foreigners. I have already dealt with that point and I have tried to show that the rebellion and the anti-Indian movement were really two separate things. I have no doubt, Sir, that a large number of the criminal classes in Burma were inspired by the rebellion and by the initial success of the rebels in certain areas to turn to and see what they could do in the same line, and in certain parts of the country they found it considerably easier to go and loot the houses of isolated Indian cultivators in the fields than to join in the rebellion on the lines on which it was being run in other districts. But I do not think that that amounts to saying that the anti-Indian movement was part of the rebellion.

Well, Sir, at the very end of his speech the Honourable the Mover gave a summary of the three parts of the Resolution and said that he hoped that the House would support him. It is a little difficult for me to oppose a motion which has not at present really been supported by anybody on any adequate grounds, but the ground on which I would ask the House to oppose this Resolution is mainly the ground which has been shown very clearly indeed by the speech of the Honourable the Mover, namely, that if a committee is appointed to inquire into the rebellion, it is perfectly certain to be dragged off on to the trial of this red herring of the attacks on Indians, and that it would serve no useful purpose, whatever, to have an open inquiry by a large committee on that subject now. The attacks on Indians have, I am thankful to say,

ceased—I think may say completely ceased—for the last two months. It is perfectly true that if you read the papers you will find occasional reports of dacoities on Indian houses. But I think I can say pretty truly that for the last two months these attacks on Indian houses have not been due to any communal ill-feeling but have merely been committed by wandering dacoit gangs, because the Indian houses happened to be more worth dacoiting than any Burman houses in the village, or possibly because they knew that the Indian had a gun and they hoped to be able to get hold of it, or some reason like that. But I do not think that there is at present any trace of the anti-Indian feeling which did exist six months ago worth holding an inquiry into. And I am convinced that if any committee of this kind went round holding inquiries, it would be far more likely to do harm than good, because it would at once stir up this feeling again. Although there are no outbreaks at present the underlying feeling is there and it is bound, I regret to say, to remain there. Indians and Burmans have to a large extent different interests in Burma, and though in the past there has been plenty of room for both of them without their interests coming into direct conflict, that period is passing, and in future their interests are, I am afraid, likely to conflict more rather than less. In the past Burma has been fortunate in being spared communal ill-feeling of this kind; and I think that thinking men in Burma, Burman or Indian or of any other race, will join with me in hoping that it will continue to be as far as possible free from communal ill-feeling, and in desiring most earnestly to do nothing which would have a tendency to stir up that communal ill-feeling. On these grounds therefore I hope that the House will oppose this Resolution. I do not wish to say anything more about the rebellion because nothing has been said about it by previous speakers. I would merely give this one reason, that the rebellion would be certain to be mixed up with the anti-Indian feeling and for that reason alone the time is not opportune for a large committee. Nor has the Honourable the Mover shown any necessity for the appointment of such a committee at all. The rebellion is still going on to a certain extent, but it is very nearly, we hope, over, and the officers of Government should not be disturbed in the difficult task on which they are now engaged of stamping out the sporadic dacoities which the rebellion has given rise to, and they would be dragged away from this work by the appointment of any such committee. I therefore oppose the Resolution.

U Tun Aung (Burma : Non-European) : Sir, I am placed in a very awkward situation in taking part in this discussion for two reasons; the first is that I have every sympathy with the Honourable the Mover in his desire to clear up the cloud in Burma over this alleged anti-Indian feeling question, but on the other hand I do not at this moment feel that any definite and useful purpose will be served by holding this inquiry at this juncture, when I understand this supposed anti-Indian feeling is dying down. The Mover has not traced how this anti-Indian feeling had crept into Burma. In his motion he referred only to the rebellion. This anti-Indian feeling crept into Burma as a result of the Indo-Burmese riots which took place some six months before the rebellion. These Indo-Burmese riots started from a strike of dock labour. As you may know, Sir, the

[U Tun Aung.]

dock labour in Burma is entirely monopolised by the South Indians. There was a strike sometime in June, 1930, and as the employers, the stevedores, could not afford to keep their boats idle in the river, they engaged the services of Burmans. The Burmans in those days, as well as now, have been severely hit by the unprecedented fall in the paddy market. The cultivators from the districts rushed into Rangoon to get employment in the docks. Rightly or wrongly they were employed. After a week, the Indian labour came into an agreement with the employers, and without giving any notice to the Burmans employed there of the said agreement, one morning the Indians started assaulting the Burmese coolies, and thus the riots started. I am very sorry to say that the riots started as a result of the aggressive attitude taken by the Indians there; but anyhow the riots were quelled in a few days and the Burmans, as a forgiving race, forgot all about them. Normal conditions were resumed.....

Mr. B. Rajaram Pandian : May I know if that was the finding of the Committee which inquired into the matter?

U Tun Aung : I am coming to that. As my friend has asked me whether it was the finding of the Inquiry Committee, I may say at once that there was an inquiry made into the causes of the riots. I do not know for what reasons the Indian section *en bloc* boycotted the inquiry. Only the evidence that came from Burmans was placed before the inquiry and the Committee had to come to conclusions without the assistance or evidence of the Indian section. It is most unfortunate that the Indian section did not then take the opportunity of placing their grievances and their evidence before the inquiry. As I say, the feeling against the Indians, however, died down and normal cordial relationships were resumed. Some six months afterwards, the rebellion broke out. We do not still know what are the true causes of the rebellion. Some sections of the people ascribe it as being due to economic causes; some say political and some say that both are responsible. In this connection I may say that in the local Legislative Council a motion was moved for an inquiry to be made into the rebellion. But the Government did not accept that motion on the ground that the matter was still *sub judice* inasmuch as trials were going on, and as such it was not proper at that moment to hold any inquiries as to the true causes of the rebellion.

My friend has referred to the unfortunate incidents that took place in course of the rebellion. I along with my friend here very much deplore that there should have been any loss of Indian lives in those unfortunate fights. But it must be remembered that when people took up arms to fight for reasons which I have already indicated, namely, that they were very hard hit and poverty-stricken by the fall in the rice market, they could not be expected to select or discriminate as to whom they should attack. They simply were driven to look out for some plunder or loot. They attacked anybody who had some property, whether he was an Englishman, Chinaman, Burman or Indian. There are many cases of well-to-do Burmans being attacked and also very many cases of village officials being killed; but in the course of those attacks unfortunately there happened to be a few Indians also; and I do not wish my friend at this moment to bring in this anti-Indian

question into Burma once more because as I said before that in moments of lawlessness and helplessness the Burmans could not pause and say, "We will spare the Indians and attack only the Burmans". They wanted to loot and they wanted to get some property and they did so. I find that the accounts about the rebellion are very much exaggerated in India. They are many times more magnified than they actually are.

My friend as a representative of the Chettiar community may know that before the Indo-Burmese riots the relationships between the Burmans and the Chettiars were most cordial. As a matter of fact, in every part of the province you will find the Chettiars. I would have taken part in the Resolution moved by my friend Sir Muhammad Yakub about the Usurious Loans Act, but by so doing I did not again wish to introduce the anti-Indian feeling. It is a well known fact, Sir, that the Chettiars are simply fleecing the Burmese agriculturists in Burma, but I have an excuse for them. The Burmese want money, and so they go to the Chettiars. So why should not the Chettiars make a business out of them?

Mr. K. Ahmed : At what rate?

U Tun Aung : At a rate which suits their sweet will and pleasure.

Mr. B. Rajaram Pandian : I am not speaking for the Chettiars, but I put my Resolution on general grounds, because every community has been affected in Burma, and that is why I urge that an inquiry should be set up which will be appreciated by all people.

U Tun Aung : I am citing the Chettiars as an instance, and it is the best instance that I can quote so far as the relationship between Burmans and Indians goes. They are on the most intimate terms.

Now, my only anxiety is, my only fear is, that if we are to constitute an inquiry at this moment, that very unpleasant and very undesirable feeling, i.e., the anti-Indian feeling in Burma, especially at a time when such a feeling is dying out and things are settling down to normal conditions, is likely to be revived. Before the Honourable Member moved his Resolution, I had a long talk with him. I do not for a moment want to oppose him so far as the constitution of an inquiry is concerned, but I do not wish to disturb the dirty waters again. And my friend himself is not sure whether the personnel of this inquiry Committee, if constituted, would suit the whims and caprices of the Indians in Burma, and there is no assurance that they would not boycott this inquiry also, because they had already boycotted an almost similar inquiry on a former occasion. I do not think that this is the right moment to ask for an inquiry into the causes of the communal troubles in Burma, which I say do not spring from rebellion, but from a previous incident, and if the scope of the inquiry were extended to that previous incident, it would be found that the Indians were in the aggressive.

The Honourable Sir James Oerlar (Home Member) : Mr. President, I think that the Honourable the Mover of this Resolution will have by now realised that he is not quite to be congratulated on the opportunity which he has selected for moving this proposition, on the propriety of the procedure which he invites the House to adopt or on the prospect of any good resulting if his recommendation were accepted. His Resolution, however, has had one very useful consequence,

[Sir James Crerar.]

We have heard from two different quarters,—both quarters extremely well informed with regard to conditions in Burma,—we have heard two extremely interesting and extremely informing speeches. There is very little left, therefore, for me to add, but there are one or two points which I desire to emphasise. The first is that it is quite clear that the Honourable the Mover of this Resolution has very seriously confused the issues. There is, at the present moment, no good ground for an inquiry. The House has already been placed in possession of the fullest material bearing both upon the rebellion and upon other incidents not entirely connected with the rebellion, regarding which I laid on the table to-day a long and full statement. I think, therefore, that the appeal which was made by my friend Mr. Leach and the other Honourable gentleman from Burma opposite is one which ought to convince the House and to which Honourable Members have listened with great respect. Is it desirable for us to send out a committee to Burma to walk over ashes under which the fires are still smouldering and possibly to revive them again? Can any thing be gained by our doing that? Would we, as a matter of fact, be justified in urging this course upon the Local Government? As Mr. Leach has pointed out, so far as the rebellion is concerned, it is now to a large extent subsiding. Nevertheless there are a large number of sporadic dacoities which are still occupying the attention of the troops and the police who are engaged in the suppression of these disturbances. Thereafter there will be the urgent need of adopting such measures of reconstruction as are possible. It would be very undesirable at the present moment that the energies and the attention of the officers of Government should be diverted from these immediate and essential tasks in order to cope with an inquiry which is entirely unnecessary. And when I speak of that, Sir, I think that this House will be prepared to recognise that the Government of Burma and its officers have been engaged in dealing with a task of the greatest magnitude. They have discharged that task with the utmost courage and perseverance, with an earnest desire to terminate these disturbances as soon as may be and to do all they can to repair the damage and the injury that has been caused. This is not the moment, Sir, for us to interfere with those efforts. Still less, as both Mr. Leach and Mr. Tun Aung pointed out, is this the occasion for us deliberately with our eyes open and with warnings from those best qualified to advise us on this matter, to embark upon an enterprise which may lead to a very serious recrudescence of those unhappy animosities between communities in Burma which now have ceased and which we all hope will soon cease for good. Sir, I oppose the motion.

Mr. B. Rajaram Pandian : Sir, after what has fallen from the Honourable the Home Member and my friend Mr. Tun Aung, I beg leave to withdraw my Resolution.

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

RESOLUTION RE THE IMPERIAL BANK OF INDIA.

Mr. President : I am not sure whether there is time to take up the other Resolutions. Mr. Maswood Ahmad is not here. Mr. Reddi, do you wish to move your Resolution?

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural) : Yes, Sir.

Mr. President, the Resolution that stands in my name reads thus :

“ This Assembly recommends to the Governor General in Council that a Committee of Inquiry be appointed to inquire into the working of the Imperial Bank in all its various branches.”

Sir, at the outset I may mention that I am very much handicapped by not having with me a copy of the record of the evidence given before the Banking Enquiry Committee by many of the Indian witnesses, because in that enquiry they have given out all the defects that are obtaining in the working of the Imperial Bank. I tried to get the office copies at least from the Secretariat, but I find that all those copies have been sent for printing and they will not be available for a month. So, though I cannot quote facts and figures, or chapter and verse in support of my Resolution, I have to be content with stating the facts and the inferences drawn from the evidence.

Sir, the Imperial Bank is the creation of a statute of the Indian Legislature of the year 1920. Before the coming into existence of the Imperial Bank there were what were called Presidency Banks. During the Great War these Presidency Banks did yeoman service to the Government, and so after the War it was thought that it would be very good for the country if all these banks were amalgamated and a quasi-Government Bank called the Imperial Bank was established. Thus, the Imperial Bank came into existence in the year 1920, but it actually began working in the year 1921. When this Imperial Bank came into existence, the Government expected that it would be of great help to the country. I may state that the Government invest all their cash balances in the Imperial Bank without getting any interest at all, and these cash balances average to the tune of nearly 20 crores of rupees. Rs. 20 crores of Government money, or nearly to the extent of that amount, is always in the Imperial Bank and the Government do not get any interest on it. When this Imperial Bank came into existence, Government thought that various benefits would accrue to the country and the following are some of the benefits which the Government expected to flow from this Imperial Bank. I am reading from a despatch to the Secretary of State by the Government of India.

“ In course of time, we shall expect to see new branches of the Imperial Bank attract a large amount of deposits from the general public.”

They also expected the capital to be mobilised in India. They anticipated that it would serve the purpose of a bankers' bank more effectively than the Presidency Banks. I do not want to give the reasons and other things which they have stated. They also hoped that that Bank would form a solid background necessary for the healthy development of various forms of banking, agricultural, industrial and ordinary joint stocks, of which this country is admittedly in need. They considered it probable that there would be an increase in assistance which it could give through the multiplication of its branches to the internal trade of the country and through its relations with the indigenous banking. Besides, a large proportion of the Government balances

[Mr. T. N. Ramakrishna Reddi.]

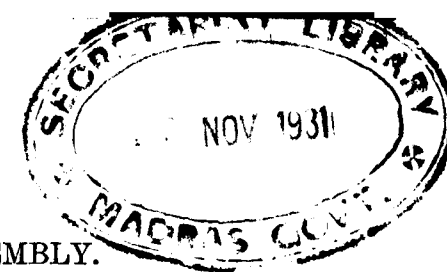
being placed at its disposal, the Bank would give help to the money market in times of need. Finally, it would be an ideal school for training Indians in the science of banking. These were some of the objects which the Government thought and the country thought would be realised by the bringing into existence of this Imperial Bank.

Now, Sir, we shall see whether the Bank has realised all the expectations that were raised. Nearly ten years have elapsed since it began to work. Various complaints were raised against the Bank on account of its partiality which it has been showing to the non-Indian constituents as against the Indian constituents, and witness after witness who appeared before the Banking Enquiry Committee seems to have made allegations against the working of the Bank. Some of those witnesses could not do so openly, and so they had to be examined in camera. That shows that there are many defects in the working of the Bank. It is said that it has not been giving credit to its Indian constituents as much as it is doing to its non-Indian constituents. Further, if two firms are started, one an Indian and another a non-Indian, it would not scrutinise so much before granting loans to the non-Indian firm as it would do in the case of the Indian firm, and so on. There are many defects pointed out before the Banking Enquiry Committee. I will quote from a book called "Organisation of Indian Banking" by Mr. Thakur.....

Dr. R. D. Dalal (Nominated Non-Official) : There is no quorum, Sir.

Mr. President : As the attention of the Chair has been drawn to the fact that there is no quorum, the House stands adjourned till to-morrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd September, 1931.



LEGISLATIVE ASSEMBLY.

Wednesday, 23rd September, 1931.

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

QUESTIONS AND ANSWERS.

REPRESENTATION OF THE INDIAN CHAMBER OF COMMERCE AT THE ROUND TABLE CONFERENCE.

748. ***Rai Bahadur Sukhraj Rai** : (a) Will Government be pleased to state whether it is a fact that there was an understanding with the Indian Chamber of Commerce by the Government that three representatives would be invited from it to the Round Table Conference ?

(b) If so why was only one representative invited to the Conference ?

(c) Has that representative refused to attend the Conference unless all the three are invited to attend ?

(d) What correspondence passed between the India Government and the British Government on the subject of representation of the Chamber ? Are Government prepared to disclose it to the public ?

(e) Are Government aware that Mr. G. D. Birla, one of the proposed representatives, has already sailed for England with Mahatma Gandhi ? Are Government going to invite him to attend the Conference ?

(f) Is the question of inviting three representatives still under consideration or has the matter been closed ?

(g) Are Government in a position to state whether the failure of the Government to invite three representatives was due to the pressure from British merchants and commercial interests ?

(h) Did Government ask Sir Purshotamdass Thakurdass to re-consider his decision not to attend the Conference in view of the Congress decision to participate in the Conference ? If not, why not ?

The Honourable Sir George Rainy : (a) to (h). As I have already stated in reply to previous questions on the subject, the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I am therefore unable to make any statement on the subject.

PASSAGES OF ROUND TABLE CONFERENCE DELEGATES, ETC.

749. ***Rai Bahadur Sukhraj Rai** : Will Government be pleased to state :

(a) the names of the delegates to the Round Table Conference who have gone to England to attend the Conference at their own expense and have not charged anything from Government including the booking of passages ;

- (b) the names of the delegates to the Conference who have travelled in the lowest class on the steamer ;
- (c) if it is proposed to hold the Federal Structure Committee in abeyance till the arrival of the Congress delegation in London ;
- (d) when the proceedings of the Conference are expected to be concluded ; and
- (e) if there is any proposal for holding a third Round Table Conference in India before the new constitution is introduced ?

The Honourable Sir George Rainy : (a) and (b). The British India delegates proceeding from India to the Conference have been supplied with passage certificates entitling them to 1st class passages at Government expense. Government have no information as to what delegates, if any, have declined to avail themselves of this facility or of any of the other facilities offered them by Government.

- (c) The Congress delegation has already arrived in London.
- (d) I have no material for an estimate.
- (e) No, Sir.

REDUCTION OF THE EXCHANGE RATE TO 1s. 4d.

750. *Rai Bahadur Sukhraj Rai : (a) Will Government be pleased to state if there is any truth in the rumour that Government is proposing to change the ratio of exchange from 1s. 6d. to 1s. 4d. in the near future ?

(b) Was the Agent of the Imperial Bank of India recently called by Government to discuss this matter at Simla ?

(c) If so, what has been the result of this discussion and whether the proposal has been approved or not ?

(d) What will be the approximate amount of savings to India in Home charges, if the ratio be reduced to 1s. 4d. from 1s. 6d. ?

(e) Will Government please state their whole policy on this matter and remove the doubts and uncertainties that are prevalent at present regarding the ratio question ?

The Honourable Sir George Schuster : (a) No.

(b) No.

(c) Does not arise.

(d) There would be no savings but, on the contrary, a very substantial increase in rupee expenditure. I would refer the Honourable Member to part (b) of my reply to starred question No. 98, given in the Assembly on the 9th September, 1931, in which I pointed this out.

(e) I would refer the Honourable Member to my answer to part (a) of this question.

ALLOTMENT OF FUNDS BY THE ROAD COMMITTEE FOR THE IMPROVEMENT OF ROADS IN THE BHAGALPUR DISTRICT.

751. *Rai Bahadur Sukhraj Rai : (a) Will Government be pleased to state what is the constitution of the Road Committee recently formed ? Who are the members of the Committee from Bihar and Orissa ?

(b) What is the total income at the disposal of the Road Committee and what are the chief sources of such income ?

(c) What is the income from Bihar and Orissa and from Bhagalpur District ?

(d) What sums have been allotted to Bihar and Orissa and to Bhagalpur District ? Are the sums allotted in proportion to their income ? If not, why not ?

Mr. J. A. Shillidy : (a) The Honourable Member is referred to clause (6) of the Resolution on road development adopted by the Legislative Assembly on the 4th February, 1930.

According to the terms of the Resolution, the members of the Committee are not elected by provinces and it so happens that the Committee constituted for the year 1931-32 does not include any member from Bihar and Orissa.

(b) The total amount credited to the Road Development Account up to the end of the last financial year is Rs. 2,00,41,090.

The income is derived from the share (2 annas per gallon) of the import and excise duties on motor spirit.

(c) Final figures are not available, but the income from motor spirit consumed in Bihar and Orissa up to the end of the last financial year was very roughly Rs. 6½ lakhs. Government have no information as to the income from the Bhagalpur District.

(d) Rs. 4.3 lakhs have already been allotted to Bihar and Orissa and a further sum of approximately Rs. 1.5 lakhs remains to be allotted in respect of the revenue up to the end of the last financial year. The Honourable Member is referred to clause (3) of the Resolution to which I have referred for an explanation of the method on which the annual grant is divided. No separate allocation is made by districts.

EXPERT INQUIRIES CARRIED OUT IN INDIA FOR THE ROUND TABLE CONFERENCE.

752. *Lala Hari Raj Swarup : (a) What are the expert enquiries which the various Sub-Committees of the Round Table Conference recommended to be carried out in India ?

(b) How many expert committees did Government appoint in India ?

(c) How many of them have reported ?

(d) How many of these reports have been published ?

The Honourable Sir George Rainy : (a) I would refer the Honourable Member to the Press communiqué of the 13th June, 1931, issued by the Government of India of which I lay a copy on the table.

(b) The Government of India with the approval of the Secretary of State have so far appointed (1) the North-West Frontier Province Subjects Committee, (2) the Indian Sandhurst Committee and (3) the Sind Financial Enquiry Committee.

(c) The North-West Frontier Province Subjects Committee and the Indian Sandhurst Committee have submitted their reports.

(d) The report of the North-West Frontier Province Subjects Committee has been published and copies have been supplied to the members of the Indian Legislature.

Press Communiqué.

With the recent announcement of the date for the re-assembly in London of the Federal Structure Committee, the public may be interested to learn how matters stand with regard to the preparation of constitutional material.

2. The next stages of constitutional work, including the interval until the Round Table discussions are resumed, are governed by the Prime Minister's observations made in the course of his speech on the 19th January to the final plenary session of the Conference. According to these observations the scope of work to be undertaken by the Government of India has necessarily been limited to the initiation of expert enquiry and investigation into certain subjects. The following statement describes action taken upon the specific recommendations of the Round Table Conference and indicates the progress made.

3. The North-West Frontier Province Sub-Committee of the Round Table Conference observed in paragraph 5 of their Report that the precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. In paragraph 8 of their Report the Sub-Committee suggested that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. By a resolution, dated the 2nd May, the Government of India set up a single mixed committee of officials and non-officials to investigate both these matters. The report of the committee is expected to be ready about the middle of June.

4. In the concluding paragraph of their report the Sind Sub-Committee recommended that 'an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable'. The Government of India hope very shortly to be in a position to announce the setting up of this committee. The committee will in no way be concerned with the merits of the separation of Sind. Its task will be strictly limited to an unbiased expert investigation of the financial aspects of separation. The committee will not be required even to report how any deficit should be met. In the words of the Sind Sub-Committee's Report, "if the investigation shows that separation would leave the new province with a deficit, the Sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new province is set up".

5. Unlike, Sind, Orissa was not made the subject of separate investigation by a Sub-Committee of the Round Table Conference. The proceedings of the Conference contain no specific approval of Oriya claims, nor were directions given for their examination by committee or otherwise. At the same time the Orissa case was not overlooked. By the special permission of the Prime Minister the Raja of Parlakimedi, who had already supplied the Conference with a memorandum of Oriya claims, was given an opportunity to speak on the subject when the whole Conference was in committee on the Sind Report and was supported by other delegates who followed him. Though the claims of the Oriyas were not expressly endorsed, and cannot be said even to have been discussed or debated, no delegate spoke against them. In these circumstances the Government of India, with the approval of the Secretary of State, have decided to set up with the least possible delay a committee to examine the whole question of the separation of Orissa. They are at present in communication with the Local Governments concerned regarding the terms of reference, personnel, and other matters relevant to the appointment of the committee, and hope that it may be possible for the committee to start work at an early date.

6. Sub-Committee No. VI (Franchise) recommended the appointment of an expert Franchise Commission. There are, however, obvious obstacles in the way of its immediate appointment. Political considerations will enter largely into its work. It would no doubt desire to have a clearer indication of the probable nature and method of return of the Federal Legislature; and both as regards the federal and provincial legislatures it is clearly desirable that such matters as the arrangement of constituencies should be dealt with by the same body as is concerned with the franchise. In accordance

with what is understood to be a view held widely both inside and outside the Conference, the Secretary of State has agreed that it would be useless for the franchise enquiry to be initiated at present before a communal settlement has been reached. These considerations point to a postponement of the enquiry at least till the autumn. The present intention is that the enquiry, when taken up, will be initiated by His Majesty's Government; and it is anticipated that probably not less than six months will be required for the committee to complete its work.

7. In paragraph 19 of their second report the Federal Structure Sub-Committee took note of the proposal that a Statutory Railway Authority should be established, and were of opinion that this should be done, if after expert examination this course seemed desirable. Arrangements are being made to ensure that a full memorandum on the issues which have to be considered and on the experience of other countries prepared by experts shall be available to the Federal Structure Sub-Committee when it re-assembles.

8. The appointment of an Indian Sandhurst Committee in accordance with the recommendation in paragraph 4 of the Defence Sub-Committee's Report has been announced and the Committee is at work. The other matters covered by the Report of that Sub-Committee are being examined.

9. In this way the Government of India have planned to cover the ground mapped out by the Round Table Conference for intermediate expert exploration pending the resumption of the Conference negotiations. In addition, however, to these definite directions the Round Table Conference in various places, in their reports used expressions indicating that they would welcome expert administrative examination of incidental points. The most important of these related to the classification of subjects as federal, central and provincial in the two reports of the Federal Structure Sub-Committee. As soon as papers became available all departments of the Government of India undertook a scrutiny of the administrative, not the political, aspects of the classification of subjects provisionally approved by the Federal Structure Sub-Committee. It is expected that this work will be completed by the end of the current month.

10. It has also appeared to the Government of India that the Round Table Conference in its further discussions will require statistical material regarding financial matters generally. It is for obvious reasons essential that reliable enough material should be prepared beforehand to make it possible for the Conference to visualise the financial implications of a Federal constitution and to form some estimate as to how a Federal budget could be prepared, for it is only with reliable data of this kind before it that the Conference can reach conclusions as to the practical form which a Federal constitution could take, and as to the relations between the Federation and its constituent units. This objective examination of the position the Conference on the last occasion was unable to attempt even quite provisionally partly from lack of time, but also from lack of the special material needed. In particular the revenue prospects, which have undergone profound change since Sir Walter Layton drew his picture, will require careful examination.

11. These financial materials together with the material collected on the classification of subjects will be available if the Round Table Conference at its next session should require to make use of them. They will also enable the Government of India, if so required, to supply facts and explanations in order to assist any intermediate preparations which interests represented at the forthcoming Round Table Conference may undertake.

REFORMS OFFICE.

Simla, the 13th June, 1931.

(Sd.) W. H. LEWIS,

Joint Secretary to the Government of India.

BRITISH AND INDIAN TROOPS AND OFFICERS IN THE INDIAN ARMY.

753. *Lala Hari Raj Swarup: Will the Government be pleased to state:

(a) what is the total strength of Indian troops and British troops respectively in Indian Army at present;

- (b) what is the total number of Commissioned Officers in all Arms of Indian troops in the Indian Army and how many of them are Indians ;
- (c) what is the total number of Commissioned Officers in the British troops of the Indian Army, and how many of them are Indians ;
- (d) what is the total annual wastage in the officer ranks under part (b) ;
- (e) what is the total annual wastage in the officer ranks under part (c) ?

Mr. G. M. Young : (a) The strength of units of the Indian Army is about 154,350 and that of units of the British Service on the Indian Establishment about 64,700.

(b) There are 1,734 British and 114 Indian officers holding the King's Commission and 2,829 Indian officers holding the Viceroy's Commission in the Cavalry, Infantry and Pioneer units of the Indian Army.

(c) 2,219 British officers holding the King's Commission and 445 Indian officers holding the Viceroy's Commission are employed in units of the British Service on the Indian Establishment.

(d) In the cadre of King's Commissioned officers of the Indian Army the annual wastage is about 120.

(e) The number of British Service officers who leave India on retirement or on completion of their tour of duty varies from year to year. Replacements are made from the United Kingdom as casualties occur.

REPORT OF THE COMMITTEE APPOINTED ON THE RECOMMENDATION OF THE DEFENCE SUB-COMMITTEE OF THE ROUND TABLE CONFERENCE.

754. *Lala Hari Raj Swarup : (a) Has the Committee appointed in pursuance of the recommendations of the Defence Sub-Committee of the Round Table Conference submitted its Report ?

(b) Is it a unanimous report ?

(c) Has the report been released for publication, and if not, why not ?

(d) When do Government propose to publish this Report ?

Mr. G. M. Young : The Honourable Member is referred to the reply given to Mr. Jog's starred question No. 598.

REPORTS OF COMMITTEES ON THE INDIANISATION OF THE ARMY IN INDIA.

755. *Lala Hari Raj Swarup : (a) Is it a fact that in Lord Reading's time two Committees were appointed by the Government of India, one to go into the question of Indianisation and the other into the question of gradual replacement of British troops by Indian troops ?

(b) Why have these Reports not been published up to this time ?

(c) Has a reference been made to these schemes in the Report of the Defence Sub-Committee of the 1st Indian Round Table Conference ? If so, are Government prepared to publish these reports forthwith ? If not, why not ?

Mr. G. M. Young : (a) Yes, except that the committee on Indianization was appointed by the Commander-in-Chief.

(b) and (c). A summary of a scheme of Indianization prepared in 1921-22 by a committee of military officers appointed by the Commander-in-Chief was given to the Defence Sub-Committee of the Round Table Conference in January, and laid on the table of this House on the 17th February last.

The reasons for not publishing the Report of the Indian Military Requirements Committee are that it contains much secret matter, and that the Committee themselves, in presenting it, made a strong and unanimous recommendation that its contents should in no circumstances ever be made public.

ACUTE AGRARIAN SITUATION IN THE UNITED PROVINCES.

756. *Lala Hari Raj Swarup : (a) Are the Government aware that the agrarian situation in the United Provinces of Agra and Oudh is very acute and alarming ?

(b) Have the Government of India given any directions and suggestions to the Local Government concerned for dealing with the situation ?

(c) Will Government be pleased to lay on the table the correspondence that has passed between them and the United Provinces Government in this matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Local Government is fully cognisant of the gravity of the situation, and the Honourable Member's attention is invited to His Excellency Sir Malcolm Hailey's address to the Legislative Council of the United Provinces on the 20th July, 1931, which has been widely published. A statement was also made in this House on the 10th September, 1931, during the course of the debate on the resolution bearing on this subject.

(b) No.

(c) Does not arise.

REVISION OF THE COURT FEES ACT.

757. *Pandit Ram Krishna Jha : (a) Are Government aware that the Court-fee Act VII of 1870 has been in existence for over half a century and almost all the High Courts have from time to time pointed out the defects in the framing and the policy of the Act ?

(b) Are Government aware that there have been a large number of amendments and repeals since then and various local Acts have been passed prescribing different scales of fees in different provinces ?

(c) Are the Government aware that several of the High Courts in India have from time to time in their decisions pointed out that a new Court-fees Act should be enacted in the light of the experience gained by the working of this fiscal enactment for the past several decades ?

(d) Is it a fact that even after the Devolution Act (Act XXXVIII of 1920) in the year 1923, the Government of India addressed the local Governments calling from them suggestions with a view to revise the Court Fees Act of 1870 and to bring it up to date, with due regard to the

other connected enactments, as also perhaps to provide one uniform law of court-fees for the whole of British India ?

(e) Is it a fact that a new Court-fees Bill in the light of the suggestions made by the local Governments, was actually drafted for enactment ? If so, do Government intend to proceed with the Bill ? If so, when ? If not, why not ?

The Honourable Sir James Crerar : (a) Government are aware that the Court-fees Act passed in 1870 has since undergone, as was natural, various amendments to meet defects brought to notice from time to time.

(b) In 1922 and 1923 several Local Governments, acting under the powers conferred by the Devolution Rules, which made "Judicial Stamps" a provincial reserved subject, amended the schedules to the Act and certain provisions therein, in order to raise additional revenue.

(c) I am not aware what particular decisions of the High Courts the Honourable Member has in mind.

(d) and (e). It is a fact that in 1923 Local Governments were consulted on the desirability of amending some of the general provisions of the Act, in view of the conflicting judicial opinions and practical administrative difficulties which had been brought to notice. A Bill to amend the Court-fees Act was introduced in the Assembly in March 1924 and was referred to a Select Committee, but before the next stage could be reached the Report of the Taxation Inquiry Committee was published. This Committee made several recommendations which impinged on the Court-fees Act and the Bill as it emerged from the Select Committee. The Bill was accordingly further examined with reference to these recommendations and the Government of India finally decided that the amendments embodied in the Bill were not urgently necessary and that the question of its re-introduction should await the impending revision of the constitution.

EXCESSIVE COURT FEES PRESCRIBED BY LOCAL GOVERNMENTS.

758. ***Pandit Ram Krishna Jha :** Are Government aware that the court-fees prescribed by several Local Governments (i.e., Bihar and Orissa Act II of 1922) are much in excess of those prescribed by Act VII of 1870. and are causing great hardship ?

The Honourable Sir James Crerar : With your permission, Sir, I propose to answer questions Nos. 758, 759 and 760 together.

Under the Devolution Rules "Judicial Stamps" is a provincial subject only subject to legislation by the Indian Legislature as regards the amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction. As I have explained in my reply to the Honourable Member's previous question, certain Local Legislatures have passed Acts amending the Schedules to the Court-fees Act, 1870, to raise additional revenue, and certain provisions of the Act itself, to suit local requirements. I am not aware of the fact mentioned in question No. 760

COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.

†759. ***Pandit Ram Krishna Jha :** Are Government aware that some of the Local Council Acts (i.e., Bihar and Orissa Act II of 1922) have not only increased the fees to a great extent but have prescribed no maximum amount or put any limit as to amount payable, as some other Local Council Acts (i.e., Bengal Act IV of 1922) have done ?

COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.

†760. ***Pandit Ram Krishna Jha :** Are Government aware that in some cases litigants of one province, where no maximum fee has been prescribed, have been forced to file suits in another province where such maximum fee has been prescribed ?

ENACTMENT OF A UNIFORM COURT FEES ACT FOR THE WHOLE OF INDIA.

761. ***Pandit Ram Krishna Jha :** (a) Are Government prepared to take up at an early date the necessary legislation for providing one uniform scale of court fees for the whole of India, as was the case, before the Devolution Act (Act XXXVIII of 1920) ?

(b) If the answer to (a) be in the negative, do Government propose to consider the advisability of repealing all the local Acts passed after the Devolution Act and of making the provision of Act VII of 1870, applicable to the whole of India, as one law on the subject ?

The Honourable Sir James Crerar : The decision which Government came to in this matter has been stated in reply to question No. 757. In view of the existing constitutional position, the Government of India regard it as impracticable or at any rate premature, to attempt to legislate for a uniform scale of court fees for the whole of India, and to repeal the Acts which have been passed by the local Legislatures.

ADMISSION TO THE ARYA SAMAJ OF GOVERNMENT SERVANTS.

762. ***Mr. Bhuput Singh :** With reference to Government's reply to Khan Bahadur Haji Wajih-ud-din's unstarred question No. 223, dated February 23, 1931 (communicated to the latter personally), regarding political bodies forbidden to Government servants, will Government be pleased to state, for the information of the House, whether Arya Samajes come under the category of political bodies ?

The Honourable Sir James Crerar : I have made inquiries from the Local Governments, the results of which will be communicated to the Honourable Member as soon as I receive their replies.

FOREIGN COMPETITION WITH INDIAN HOSIERY FACTORIES.

763. ***Mr. Bhuput Singh :** With reference to Government's reply to Lala Rameshwar Prasad Bagla's starred question No. 314, dated February 3, 1931, stating that Government have received representations containing statements to the effect that a number of Indian hosiery

†For answer to this question, see answer to question No. 758.

factories have recently been closed down owing to foreign competition, particularly that of Japan, and that the representations were under the consideration of Government, will Government be pleased to state, for the information of the House, what relief they propose to give to the industry and what action has been taken on the said representations ?

The Honourable Sir George Rainy : The representations were examined. It would be contrary to the established policy of Government to impose a protective duty on hosiery without a recommendation from the Tariff Board, or to refer the hosiery industry to the Tariff Board for examination unless the industry were first able to offer satisfactory *prima facie* evidence for believing that it could establish a case for protection, having regard to the principles laid down by the Fiscal Commission. No such evidence has been placed before Government.

APPOINTMENT OF INDIANS IN THE CARRIAGE AND WAGON SHOPS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY, AJMER.

764. ***Mr. Bhuput Singh :** Will Government be pleased to place on the table, for the information of the House, the particulars asked for in parts (b) and (c) of unstarred question 165, by Mr. Gaya Prasad Singh, on February 2nd, 1931, regarding appointment of Indians in the Carriage and Wagon Shops of the Bombay, Baroda and Central India Railway at Ajmer ?

Mr. A. A. L. Parsons : I am having a copy of the reply sent to Mr. Gaya Prasad Singh sent to the Honourable Member. A copy is already in the Library.

ADVERTISEMENT OF INDIAN RAILWAYS BY PUBLICITY OFFICERS ABROAD.

765. ***Mr. Bhuput Singh :** With reference to Government's reply to my starred question No. 442, dated February 11, 1931, regarding Publicity Officers for Indian Railways in England and America, will Government be pleased to state, for the information of the House :

(a) whether the Publicity Officers for Indian Railways in London and New York, or in other parts of the world (if one has since been appointed in addition) issue posters and other advertisement literature to advertise the interests of the Indian Railways in their respective territories, or simply make use of the posters and literature supplied to them by the Central Publicity Bureau of the Government of India Railway Board ;

(b) if former be the case, whether a statement will be laid on the table giving the details of such publications and the cost incurred therefor in 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, 1930-31 ;

(c) whether the said officers also advertise in papers and journals in their respective territories ; if so, what has been the cost therefor during 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, and 1930-31 ;

(d) if answer to the first portion of part (a) be in the negative, viz., if it be the case that posters, pamphlets, brochures, and other advertisement literature are supplied to them by

the Government of India Railway Board's Central Publicity Bureau, what fraction of the copies printed are given for distribution :

- (1) to the officers in England,
- (2) to the officer in America, and
- (3) retained for distribution or display in India ;

[The actual numbers so distributed may be illustrated by citing figures in respect of the following posters and publications :

Pamphlets :—Big Game Shooting ; Gaur ; Ajanta ; Ootacamund.

Posters :

Fatehpur Sikri, by Miss Newsome.

Darjeeling (Lama Design), by Mr. Veevers.

Benares, by Mr. Bagdatopolus.

Kashmir (" Lucky Dogs " design), by Mr. Taite.]

- (e) whether the advertisements of the Indian Railways are displayed in Tasmania ;
- (f) what office, London or New York, conducts this advertising ;
- (g) whether any advertisements of Indian Railways are displayed in any of the States of Australia ; if so, what office, London or New York, conducts advertising in that area ; and
- (h) whether Government are contemplating to open similar offices in other territories ; if so, where ?

Mr. A. A. L. Parsons : I regret that I cannot undertake to impose on the Central Publicity Office the very laborious task of compiling all the information for which the Honourable Member asks. I am, however, asking him to let me know the replies to parts (a), (e), (f) and (g) of the question and also to part (d) if the figures are available, but not for the distribution of individual posters. If possible, I will also obtain for the Honourable Member the cost of posters and other advertising literature issued by the Publicity Offices in London and New York since they were opened. The reply to the first part of (h) of the question is in the negative ; the second part does not arise.

RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

766. ***Rao Bahadur M. C. Rajah :** (a) What steps have Government taken to safeguard the interests of the residents of Delhi Province as regards recruitment to various services in the Punjab ?

(b) Has any quota been fixed for the Delhi Province in this connection ? If not, why not ?

The Honourable Sir James Crerar : (a) and (b). Recruitment to their services is entirely a matter for Local Governments, and no steps have been taken by the Government of India to interfere with their discretion in this matter. It has been ascertained from the Punjab Government that in the Ambala Division two out of twelve Sub-Inspectorships of Excise are reserved for residents of Delhi Province. For other services, with the

exception of the Punjab Forest Service, Delhi candidates are considered but take their chance *pari passu* with Punjab candidates.

RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

767. ***Rao Bahadur M. O. Rajah** : Will Government please state how many residents of Delhi Province have been recruited to the following services in the Punjab since the formation of the Delhi Province :

- (a) Punjab Provincial Service (Executive and Judicial) ;
- (b) Imperial Police Service and Inspectors and Sub-Inspectors of Police ;
- (c) Indian and Provincial Educational Service ;
- (d) Tehsildar and Naib Tehsildar ; and
- (e) Officer and Assistant Officer, Income-tax ?

The Honourable Sir James Crerar : The information is not readily available and cannot be collected without an amount of labour which would, I think, be disproportionate to the results.

COLLIERIES OWNED BY GOVERNMENT IN BENGAL, BIHAR AND THE CENTRAL PROVINCES.

768. ***Pandit Satyendra Nath Sen** : Will Government please state :

- (a) what is the number of collieries owned by Government in Bengal, Bihar and Central Provinces ;
- (b) what is the approximate average cost of working the collieries per 1,000 acres ;
- (c) what is the number of collieries which have stopped working ;
- (d) how many of these collieries are being worked by Government ;
- (e) how many contracts have been granted to Bengalis, how many to Punjabis and how many to other Indians and Anglo-Indians ;
- (f) whether the supply from these collieries is sufficient to meet the demands of Government ;
- (g) if not, do Government contemplate acquiring further collieries to meet their own demands ;
- (h) what is the approximate amount involved in contracts of supply from private or company-owned collieries ; and
- (i) what amount of these contracts was given to European concerns and how many to Indians ?

Mr. A. A. L. Parsons : The information asked for is being obtained from the Chief Mining Engineer, Railway Board, Calcutta, and will be supplied to the Honourable Member on receipt.

HINDU AND SIKH POPULATIONS IN BENGAL AND THE PUNJAB.

769. ***Sir Hari Singh Gour** (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government please state the number of the Hindu

population (male and female) in Bengal and the Punjab according to the last Census and also of the Sikh population in the Punjab ?

The Honourable Sir James Crerar : I lay a statement on the table.

Statement.

The figures asked for are as follows :

					Males.	Females.	Total.
<i>Hindus—</i>							
Bengal	..	..	..	..	11,282,533	10,255,388	21,537,921
Punjab		..	..	..	3,465,534	2,863,054	6,328,588
<i>Sikhs—</i>							
Punjab		..	..	..	1,703,584	1,360,560	3,064,144

COMMUNAL PROPAGANDA BY GOVERNMENT OFFICIALS.

770. ***Mr. A. Hoon** : (a) Are Government aware of the fact that a very large number of the public declare that certain Government officials holding very high positions openly carry on communal propaganda for the community to which they belong ?

(b) If the answer to part (a) is in the affirmative, will Government please explain what action they propose to take against them ? If Government do not propose to take any action against them, will they state why ?

The Honourable Sir James Crerar : (a) and (b). The question is expressed in such general terms as to make it difficult to give a reply. The second part of the question may relate to action against members of the public or against Government officials. In either case the Honourable Member will doubtless realise that action must depend on the particular facts.

ESTABLISHMENT OF AN INTERNATIONAL AGRICULTURAL CREDIT COMPANY.

771. ***Lala Rameshwar Prasad Bagla** : (a) Will Government be pleased to state if any correspondence has been exchanged between them and the League of Nations regarding the establishment of an International Agricultural Credit Company ?

(b) If so, will they be pleased to place a copy of the same on the table ?

(c) Will Government please state if they have signed the requisite Convention ? If not, why not ?

(d) Are Government aware that Great Britain, a non-agricultural country, has long ago accepted the scheme and signed the Convention ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) No such correspondence has passed.

(b) Does not arise.

(c) The Convention of the International Agricultural Mortgage Credit Company is not at present open to signature by Governments of non-European States.

(d) So far as Government are aware, Great Britain has not signed the Convention.

DEVELOPMENT OF INDIAN INDUSTRIES FOR THE CHINESE MARKET.

772. *Lala Rameshwar Prasad Bagla : (a) Has the attention of Government been drawn to a letter published in the *Leader* of the 30th August, 1931, under the caption of "Chinese Market and Indian Industries" ?

(b) If the facts stated therein are true, will Government please state if they intend to take advantage of the situation, which has arisen in China, for the development of Indian industries ? Will Government please state their reasons for their reply ?

The Honourable Sir George Rainy : (a) Yes.

(b) The Government of India have no information regarding the conditions alleged in the letter to exist in China. The latter part of the question, therefore, does not arise.

PROTECTION OF THE INDIAN HOSIERY INDUSTRY FROM JAPANESE COMPETITION.

773. *Lala Rameshwar Prasad Bagla : (a) Will Government please state what steps, if any, they have taken during the current year for the protection of the hosiery industry in India from menace from Japan ? Are they aware that Japan has been continually flooding the Indian markets with its cheap products ?

(b) If no action has been taken so far, will Government please state the reasons ?

The Honourable Sir George Rainy : I would refer the Honourable Member to my answer to Mr. Bhuput Singh's starred question No. 763.

INTERPRETATION OF THE WORDING OF TREASURY BILLS.

774. *Lala Rameshwar Prasad Bagla : (a) Will Government be pleased to submit to the House the interpretation which they would put on the wordings of the Treasury Bill ?

(b) Will Government please state whether by "the revenues of the Government of India", they mean only that income which Government earn from land revenue or the total income of the Government from all sources ?

The Honourable Sir George Schuster : (a) The wording of a Treasury Bill clearly means that the holder is entitled to demand payment on due date from the revenues of Government credited to the general balances of Government.

(b) Treasury Bills, like other borrowings of the Government of India, are a charge on all the revenues of Government, that is to say, the receipts from all sources and not on land revenue only.

STERLING LOANS OF THE GOVERNMENT OF INDIA.

775. *Lala Rameshwar Prasad Bagla : (a) Does the Honourable the Finance Member remember the assurance given by him to the House while introducing the Budget on the 28th February, 1931, that "No further sterling loans will be required" ?

(b) If so, will Government be pleased to state why, contrary to that undertaking, Government raised a further loan of £10,000,000 at such a high rate of interest ?

(c) Are Government aware that the issue of that loan, at the top of the heavy borrowings of last year has considerably affected the financial credit of India in the world market ?

(d) Are Government prepared to assure the House that in future they would sound the Members of the House before raising a loan, particularly when issuing it outside the country ?

(e) If the reply to part (d) be in the negative, is the House to understand that Government are intent upon pursuing a borrowing policy despite all protests from the public ?

The Honourable Sir George Schuster : (a) and (b). The Honourable Member has not quoted the whole of my statement. What I said was "Given normal conditions as regards borrowing and remittance from India, no further sterling loans will be required. But this, of course, will be dependent on the conditions to which I have referred." The Honourable Member will, I think, agree that conditions since I made this statement have been far from normal.

(c) This is a matter of opinion about which Government are not prepared to make any statement.

(d) and (e). The raising of loans is a function of the executive and it would be quite impossible to sound the Members of this House before raising loans. The Government are fully aware of the general feeling in the country that external borrowing should be restricted, and it is in fact the Government's present policy to restrict such borrowing to the minimum which is absolutely necessary.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

776. *Lala Rameshwar Prasad Bagla : (a) Will Government be pleased to place on the table a statement containing the names of the Indian Trade Commissioners appointed as a result of the recommendations made by the Indian Trade Mission regarding market for the Indian cotton goods in the Near East, etc. ?

(b) Are Government prepared to give an assurance to the House that in the course of one year from date, Indian Trade Commissioners will be appointed in all the countries which afford probable markets for the Indian manufactures ?

The Honourable Sir George Rainy : (a) No appointment of Indian Trade Commissioner has yet been made at any of the centres recommended by the Indian Trade Mission.

(b) As progress even with the recently sanctioned scheme for the appointment of six Indian Trade Commissioners abroad has been delayed by the existing financial stringency, the Government of India are unable to give the assurance desired by the Honourable Member.

LEAVE RESERVE AND OFFICIATING PROMOTION IN THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

777. *Mr. B. V. Jadhav (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that in the Headquarters Office, North Western Railway,

no leave reserve is being provided for the clerical establishment while the officers and the Divisional clerical staff have got such facilities? If so, will Government please explain the reason for doing so?

(b) Will Government state the reasons for stopping the practice of engaging substitutes in the cases of privilege and medical leave?

(c) Is it the intention of the Railway Administration to debar the members of the Headquarters Office only from the privilege of officiating promotions?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

PASSAGE ALLOWANCE FOR SUBORDINATES OF NON-ASIATIC DOMICILE.

778. ***Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : Is it a fact that passage allowance for subordinates of non-Asiatic domicile in India was sanctioned recently? If so, will Government kindly state reasons for the step at a time of financial stringency like the present?

The Honourable Sir James Crerar : Orders were passed in 1930 giving to certain classes of non-Superior Officers of non-Asiatic domicile serving under the Central Government passage benefits on the lines of those granted to officers of non-Asiatic domicile in the Superior Services, but at lower rates. The orders, with a description of the classes to whom they apply, will be found in the Home Department Office Memorandum No. F. 10/4-30-Establishments, dated the 6th August, 1930, a copy of which has been placed in the Library. The scheme was sanctioned some time before the present financial position developed.

GRIEVANCES OF INDIANS ON STATE RAILWAYS.

779. ***Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that a Special Officer of the Railway Board has been deputed to investigate the grievances of Muhammadans over the North Western Railway and other State Railways?

(b) If so, are Government prepared to appoint a similar officer to redress the grievances of Indians over the State Railways in different offices and out-door staff, i.e., Workshops, Loco. Shed, Train Examining Staff, Electricians, Engineering, Operating and Commercial Branches regarding recruitment, educational facilities and quarters and fix some percentage for Anglo-Indians and Europeans and also other communities?

Mr. A. A. L. Parsons : (a) Two officers have been placed on special duty to assist in the carrying out of the policy of Government with regard to the redress of communal inequalities in recruitment to the subordinate services on State-managed railways.

(b) The grievances of the staff generally, including Indians, on State railways in respect of recruitment, educational facilities and quarters receive the constant attention of the Railway Board and of Railway Administrations and Government do not think that it is necessary to appoint a special officer at present for the purpose.

With regard to the second part of the question, Government do not propose to fix a percentage for the representation of each community in the services.

Mr. K. Ahmed : What is the name of the other officer in addition to Mr. Hassan?

Mr. A. A. L. Parsons : I am afraid I cannot at the moment recall his name, but he is a Sikh.

ORGANISATION OF THE INDIAN STATE AIR SERVICE.

780. ***Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Will Government be pleased to state if the State Air Service between Karachi and Delhi and Delhi and Calcutta will be inaugurated this year; if so, when?

(b) Will Government kindly inform the House of the steps taken to train Indians as pilot and ground engineers for manning the State Air Service when it is inaugurated?

Mr. J. A. Shillidy : (a) and (b). I would invite the attention of the Honourable Member to the reply given in this House on the 7th September, 1931, to parts (a), (b) and (c) of starred question No. 33 by Mr. Gaya Prasad Singh.

EMPLOYMENT OF INDIANS TRAINED ABROAD IN CIVIL AVIATION.

781. ***Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Are Government aware that a number of Indian youths are undergoing training in civil aviation in England and other European countries and some have recently returned to this country after completing their course of training?

(b) Do Government propose to take steps to see that the services of these young men are properly utilised by the State or by Flying Clubs subsidized by the State?

Mr. J. A. Shillidy : (a) Yes.

(b) It is not possible for Government to guarantee employment for Indians trained abroad in civil aviation. A certain number of qualified Indians, some of whom have been trained at Government expense, do at present hold appointments under Government and under certain of the Flying Clubs in India.

Mr. Gaya Prasad Singh : May I take it that the question of civil aviation will not be affected by the recommendations of the Retrenchment Committee?

Mr. J. A. Shillidy : I think that is asking rather a big question.

ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

782. ***Mr. B. N. Misra :** (a) Will Government please state what action do they take in respect of those quarters in Simla whose occupants are permanently located in New Delhi with their offices or transferred from Simla for a long period?

(b) Is it a fact that Government allow such quarters to stand in the names of those who are detained in New Delhi or transferred and allow them to sub-let the quarters to other persons?

(c) Do Government know that such persons do business and charge a very heavy sum as rent?

(d) Do Government propose to cancel such allotment? If not, why not?

Mr. J. A. Shillidy : (a) and (b). The quarters referred to are allotted annually to Government employees who are compelled to reside on duty in Simla, and, in the event of any of the tenants of such quarters being located permanently in New Delhi, or transferred from Simla, subsequent to the allotment of the quarters, they are ordinarily allowed to sublet them with the permission of the Superintending Engineer concerned.

(c) No.

(d) Government contemplate the introduction of a rule in the next revision of rules for clerks' quarters in Simla which would give the tenants the option of having the allotment cancelled in such cases. It does not, however, seem desirable to make it compulsory for tenants to surrender the quarters as it is likely to operate harshly in some cases without any corresponding advantage to Government.

APPOINTMENTS IN THE SECRETARIAT AND ATTACHED OFFICES.

783. ***Mr. B. N. Misra :** (a) Is it a fact that certain candidates who qualified for the Second Division of the Secretariat in 1926 are employed in the Lower Division of attached offices?

(b) Is it a fact that the pay of the Lower Division of attached offices is equivalent to that of the Third Division of the Imperial Secretariat, i.e., Rs. 75—175?

(c) Is it a fact that the candidates who qualified for the Second Division in 1931 have been offered appointments in the Second Division of the Secretariat where the pay is Rs. 80—350?

(d) Is it a fact that the 1926 examination was strictly competitive like the one held in 1931?

(e) If so, was there any reason for appointing 1931 candidates to the Secretariat in preference to the 1926 candidates; if there was any, what was that reason?

(f) Is it a fact that some of the 1926 candidates are still serving in a temporary capacity whereas the 1931 candidates have been offered permanent appointments?

(g) Is it a fact that although there is a provision for inter-departmental transfer, the Public Service Commission are not concerned with the matter and are Government aware that such transfer is almost impossible in view of the increased provision for promotion from one Division to another within the Department?

(h) If so, are Government prepared to ask the Public Service Commission to maintain a list of these 1926 candidates and nominate them for future vacancies in the Second Division of the Secretariat? If not, why not?

The Honourable Sir James Crerar : (a) and (c). Yes.

(b) There is a distinct Third Division in the Secretariat and among attached offices in Army Headquarters only. The pay of both of these is Rs. 75—170. In other attached offices there is no distinct Second or

Third Division below assistants. Clerks in those offices draw Rs. 75—155, with a selection grade on Rs. 160—175.

(d) and (e). It was decided that as a matter of policy a reasonable proportion of vacancies should be thrown open to outside candidates in 1931 by competitive examination. These vacancies were filled by the 1931 candidates and were therefore not available for candidates who passed earlier examinations.

(f) Yes.

(g) Inter-departmental transfers, while not forbidden, are exceptional and not claimable as of right. The Public Service Commission are not concerned with them.

(h) The Public Service Commission maintain a list of 1926 candidates who have not secured permanent employment under Government, and Government have already issued orders to Departments that in making departmental appointments to permanent vacancies from among qualified men temporarily employed, those who qualified at the examination of 1926 should be given preference.

COMPLIMENTARY TICKETS ISSUED ON THE NORTH WESTERN RAILWAY.

784. ***Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : (a) Is it a fact that several complimentary tickets were issued to members of a marriage party of a relation of a member of the Bengal and North Western Railway Enquiry Committee?

(b) If so, will Government be pleased to state whether there is any rule governing the issue of complimentary tickets in Indian Railways?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to lay a copy of that rule on the table?

Mr. A. A. L. Parsons : Government have no information. The issue of complimentary tickets or passes over the Bengal and North Western Railway is a matter entirely within the discretion of the Administration of that line.

(b) There is no rule governing the issue of complimentary tickets or passes.

(c) Does not arise.

APPOINTMENT OF A NEPHEW OF A MEMBER OF THE BENGAL AND NORTH WESTERN RAILWAY ENQUIRY COMMITTEE IN THE TRAFFIC SERVICE.

785. ***Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state whether a nephew of a member of the Bengal and North Western Railway Enquiry Committee has been promised an appointment in the Traffic Service? If so, will Government be pleased to state if there is any rule for recruitment in the Traffic Service and whether the vacancies are advertised?

Mr. A. A. L. Parsons : Government have no information.

REPORT OF THE BENGAL AND NORTH WESTERN RAILWAY ENQUIRY COMMITTEE.

786. ***Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state when the Report of the Bengal and North Western Railway Enquiry Committee will be published?

Mr. A. A. L. Parsons : It was placed on the table on the 9th September.

EXPENDITURE BY THE BENGAL AND NORTH WESTERN RAILWAY ON ITS ENQUIRY COMMITTEE.

787. **Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state if the Bengal and North-Western Railway spent any money for the Enquiry Committee ? If so, will Government be pleased to state the amount so spent and on what item ?

Mr. A. A. L. Parsons : No.

REMOVAL OF TELEGRAPH WIRES FROM THE DEVLALI TO THE NASIK TELEGRAPH OFFICE.

788. ***Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) the reasons for the removal of the telegraph wires from Devlali Telegraph Office to Nasik Telegraph Office ;
- (b) the total cost incurred on account of removal of the wires and other connections from Devlali to Nasik ;
- (c) the Headquarters for the Sub-Divisional Engineering staff of the Telegraph branch supervising Nasik ;
- (d) whether Devlali is not nearer the railway station as compared with Nasik ; and
- (e) whether this change has necessitated the grant of increased travelling allowance for any officials of the Telegraph Branch on account of their visit to Nasik ?

Sir Hubert Sams : The information is being collected and will be supplied to the Honourable Member in due course.

THE POSTWALA SYSTEM AT THE KALBADEVI POST OFFICE IN BOMBAY.

789. ***Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state in detail :

- (a) the Postwala System obtaining at the Kalbadevi Post Office in Bombay ;
- (b) whether it is a fact that Mr. Nowroji Postwala for whose benefit this system was permitted to be continued, has since died and that he has no direct descendants ;
- (c) whether on the death of Mr. Kazi, another Postwala of Mandvi Post Office in Bombay, the system at that office was abolished ;
- (d) what is the number of his constituents and the amount recovered by him from each of them for effecting delivery of their correspondence ;
- (e) whether the Postwala is himself a Post Box holder at Kalbadevi Post Office ;
- (f) whether it is a fact that his representatives have been allowed the use of the public hall on the first floor of the Kalbadevi

Post Office and, if so, what rent is recovered from him for such use ; and

- (g) whether it is the intention of Government to farm out work of this nature by contract and, if so, whether they are prepared to permit other agencies to do such work ?

Sir Hubert Sams : Information is being collected and will be furnished to the Honourable Member separately.

PLATFORM ATTENDANCE BY R. M. S. SORTERS.

790. ***Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) whether the enquiry referred to in the reply to the unstarred question No. 306, put in by Mr. N. R. Gunjal on the 16th March, 1931, has since been completed and, if so, with what result ;
- (b) whether it has since been further decided that the platform attendance of the R. M. S. sorters should be completely ignored and the additional set in the R. M. S. Section withdrawn under certain circumstances and, if so, will Government be pleased to place on the table a copy of these orders ;
- (c) whether it is the intention of these orders that the platform attendance even to the extent of two hours which is largely in excess of the permissible time of 15 minutes, should neither be considered nor counted as duty ?

Sir Hubert Sams : (a) Yes ; the time spent in Record Offices has not been included for determining terms of duty in vans.

(b) The reply to the first part is in the negative. The second part does not arise.

(c) Platform attendance is counted unless it should have the effect of reducing the weekly working hours in the van below prescribed limits.

POWERS OF TOWN INSPECTORS OF POST OFFICES.

791. ***Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) whether the examination of the question of giving powers to the Town Inspectors of Post Offices attached to the First Class Head Offices has been completed and, if so, with what result ;
- (b) whether it is a fact that the Town Inspectors at the Presidency Towns of Madras and Calcutta, do exercise the powers of appointment, etc., of postmen and inferior servants and whether any administrative difficulty is experienced at those Presidency Towns ;
- (c) whether the delegation of these powers in Bombay would reduce considerably the work of the City Superintendents attached to Bombay General Post Office ;

(d) whether the inspection of First and Second Class Offices was carried on by the Town Inspectors even when these posts carried time-scale of pay ; and

(e) whether Government have explored the possibility of reducing one post of the City Superintendent by again delegating the work referred to in part (d) to the Town Inspectors ?

Sir Hubert Sams : (a) to (c). The subject is still under examination.

(d) and (e). An inquiry will be made.

RENT AND PURCHASE PRICE OF "THAKERSEY HOUSE" AND "IRWIN HOUSE" IN BOMBAY.

792. *Mr. Bhuput Sing (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

(a) the amount of rent paid by the Post Office for the occupation of the Thakersey House in Bombay, per month inclusive of all municipal and other taxes ;

(b) the total amount paid for the purchase of Irwin House in Bombay for the Post Office including the commission of the House Agent ;

(c) the ground rent paid per month to the Bombay Port Trust ;

(d) the average monthly amount demanded by the Bombay Municipality by way of house and other taxes ;

(e) the amount required to be spent per month for the purchase of disinfectants and the supervisory charges required to be paid to the Bombay Municipality or otherwise ;

(f) the total expenditure so far incurred on the repairs to the Irwin House after its purchase and the recurring expenditure required annually for its repairs ;

(g) the annual depreciation value of the building ; and

(h) the total monthly expenditure on account of all items mentioned in parts (c), (d) and (e) including the average monthly interest on the purchase price ?

Sir Hubert Sams : (a) to (h). Information is being compiled and will be furnished to the Honourable Member separately.

PROTECTION FOR THE SUGAR INDUSTRY.

793. *Mr. M. Maswood Ahmad (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) whether they are aware of the recommendations made by the Indian Tariff Board in February last in connection with protection to the sugar industry in India ; and if so,

(b) whether a bill in respect thereof is expected to come before the Assembly during the ensuing session ;

(c) if answer to (b) above is in the negative, when the bill should be expected to be introduced in the Assembly ?

The Honourable Sir George Rainy : (a) Yes.

(b) Government do not propose to introduce a Bill during the current session.

(c) The matter is under consideration.

AGE LIMIT FOR THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA AND IN ENGLAND.

794. *Kunwar Hajee Ismail Ali Khan : (a) Are Government aware that the age limit for the Indian Civil Service examination in India is twenty-three while the age limit in England is twenty-four years ?

(b) Are Government aware that an Indian student has to prepare all his subjects in a foreign language while an English student in his own mother-language ?

(c) If so, will they be pleased to explain the reasons why this distinction in age is allowed ?

The Honourable Sir James Crerar : (a) Yes ; but as age in the case of the Indian examination is reckoned with reference to the 1st January, while in the case of the London examination it is reckoned with reference to the 1st August, the distinction is not as great as would at first sight appear.

(b) The language of instruction in both cases is English.

(c) The reasons for the distinction are, first that it is considered desirable that all members of the Service should take up their duties before attaining the age of 26, and secondly, that it is considered desirable that those recruited in India should have the advantage of two years' training in England.

AUXILIARY LANGUAGE REQUIRED FOR THE I. C. S. EXAMINATION.

795. *Kunwar Hajee Ismail Ali Khan : (a) Do Government know that a student is not allowed to take an Indian language as an auxiliary language for his I. C. S. examination in England while he is allowed to take any of the European languages besides English ? If so, why ?

(b) Do Government know that it causes a great hardship on the Indian students, who have to compete with English students in the English language ?

(c) Do Government propose to remove this grievance in the next I. C. S. examination to be held in London ?

The Honourable Sir James Crerar : (a) Yes. A European candidate is compelled to take a language other than his mother-tongue. There would be practical difficulties in ascertaining which was the mother-tongue for an Indian candidate and also in finding examiners in London in the many languages which are mother-tongues in India. I may observe that the candidate whose mother-tongue is an Indian language is allowed to take either General Anthropology or Special Anthropology instead of an auxiliary language, while a European candidate is not given this option. In practice, it has been found that the Indian candidate does not suffer from this arrangement.

(b) In practice, no hardship is caused. The Indian candidates who compete in the London examination have full command of English and they have studied the subjects which they take in that language.

(c) As explained above, there is no real grievance and no action is, therefore, necessary.

RESOLUTIONS PASSED AT THE ALL-INDIA MEDICAL CONFERENCE.

796. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Session, held at Poona on 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research ? If the answer be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is referred to the reply already given by me to the identical question No. 434 asked by Mr. K. C. Neogy.

INTRODUCTION OF THE INDIAN MEDICAL COUNCIL BILL.

797. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Will Government kindly state when they propose to introduce the Indian Medical Council Bill ? Has the Draft Bill been circulated for public opinion ?

(b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

COMPOSITION OF THE PROPOSED INDIAN MEDICAL COUNCIL.

798. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that the Indian Medical Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates—and should have a non-official elected President from its commencement ; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India ?

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

RESOLUTION OF THE ALL-INDIA MEDICAL CONFERENCE re THE MEDICAL REGISTER.

799. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Has the attention of Government been drawn to

Resolution No. 4 passed at the All-India Medical Conference held at Poona on 25th, 26th and 27th April, 1931, which runs as follows :

" This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air Services, of the country or be permitted to act as a ship's Surgeon or in such other services."

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in the matter ? Has the attention of the representatives nominated by Government to the Round Table Conference been drawn to this matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 436. As regards the last part of the question, the Honourable Member is probably under some misapprehension.

LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

800. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India ?

(b) If so, will Government be pleased to state what the difficulties are to prevent their having the same status ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 437.

RESERVATION OF POSTS IN THE MEDICAL RESEARCH DEPARTMENT FOR OFFICERS OF THE INDIAN MEDICAL SERVICE.

801. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service ?

(b) Is it a fact that the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference ?

(c) Is it a fact that in the resolution moved by Mr. Jayakar in the Assembly, in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion ?

(d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers ? Is it a fact that a large number of members at the Conference differed from the Chairman in regard to his ruling in this matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member's attention is invited to the reply given by me to the identical question No. 438 asked by Mr. K. C. Neogy.

ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCH INSTITUTE:

802. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state what steps Government have taken in regard to the re-constitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is referred to the reply given by me to Mr. K. C. Neogy's starred question No. 439.

RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND ASSOCIATION.

803. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state what steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930 ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is referred to the reply given by me to part (a) of Mr. K. C. Neogy's starred question No. 452.

SALARIES OF HEADS OF RESEARCH INSTITUTES.

804. *Mr. D. K. Lahiri Chaudhury : Will Government be pleased to state whether the attention of the Retrenchment Committee was drawn by Government to the following resolutions passed at the All-India Medical Conference :

"That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exorbitant and that a thorough revision of the salaries of the Departmental Heads of these institutions is imperative."

"That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutta, and against the raising of the salaries of these officers to Rs. 3,000 per month."

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is referred to the reply already given to a similar question No. 441 asked by Mr. K. C. Neogy.

RESERVATION OF CERTAIN POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEANS.

805. *Mr. D. K. Lahiri Chaudhury : Will Government be pleased to state whether the attention of Government has been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the Service and strongly urging that the 90 posts, contemplated to be released, under the Government of India communiqué, of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only ? If so, what steps do Government propose to take in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The attention of the Honourable Member is invited to the reply I have already given to Mr. K. C. Neogy's question No. 442 on this subject.

NOMINATION OF OFFICERS TO THE INDIAN MEDICAL SERVICE.

806. *Mr. D. K. Lahiri Chaudhury : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to nominate officers in the Indian Medical Service, in spite of the repeated protests of the medical profession, as well as of the public, and urging that all nominations in that service should henceforth cease ; and further that the selection into the service should be by an annual competitive examination to be held in India, and open to all medical practitioners registered in India ? If so, what steps do Government propose to take in the matter ?

Mr. G. M. Young : The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, 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.

CIVIL DUTIES OF OFFICERS OF THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR PRIVATE MEDICAL PRACTITIONERS.

807. *Mr. D. K. Lahiri Chaudhury : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference :

"That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service ; this Conference further declares that the members of the Indian medical profession are prepared to offer themselves for military service in any war that may be waged in the defence of their country ; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."

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

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

(b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.

SERVICE CONDITIONS OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

808. *Mr. D. K. Lahiri Chaudhury : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference :

"That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service ; and that these officers should be given a gratuity commensurate with the length of service they may have put in as temporary officers."

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

(b) Will Government be pleased to state on whose authority, Sir Frank Noyce, Kt., C.S.I., Secretary to the Department of Education, Health and Lands, who had given an explicit assurance on the floor of this House on the 8th and 11th February, 1931, that the question of recruitment of the Medical Research Department would be considered at the Conference, which Government undertook to convene, of the representatives of the Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists and who also presided over the said Conference on the 21st and 22nd July, 1930, had ruled out of order the proposition which was duly submitted to the Conference to consider whether any posts in the Medical Research Department should be specially reserved for I. M. S. officers?

(c) Will Government be further pleased to explain why the discussion on the above referred to ruling of the Chairman of the Conference lasted for over 12 minutes, as stated by the President of the 7th All-India Medical Conference in his address? Is it a fact that during the course of the discussion the Chairman's attention was drawn to his own remarks as well as to the remarks of the other Honourable members on the floor of this House on the 8th and 11th February, 1931? If so, why have those remarks not been published in an otherwise *verbatim* report of the proceedings of the said Conference?

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

(b) On his own authority as Chairman. The question that was ruled out of order was that of the reservation of certain posts in the Medical Research Department for members of the Indian Medical Service. Government had given no undertaking that the Secretary of State's orders on this subject would be open to discussion.

(c) If the discussion lasted so long, it may have been perhaps because some of the members did not accept the Chairman's ruling. As regards the second part of the question, the facts may be as stated by the Honourable Member. The discussion on this point, which took place after the Chairman had given his ruling, was not taken down *verbatim* by the reporters and could not, therefore, be included in the proceedings.

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

816. *Mr. D. K. Lahiri Chaudhury : (a) Will Government be pleased to state :

(i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association ; and

(ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the independent medical profession and of non-medical scientists on that body as recommended at that Conference?

(b) Will Government be further pleased to state when they hope to bring the matter up for the consideration of this House?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply which I gave to the identical question No. 237 asked by Rai Sahib Harbilas Sarda.

FREQUENT CHANGES IN THE APPOINTMENT OF DIRECTOR OF THE HAFKINE INSTITUTE, BOMBAY.

817. *Mr. D. K. Lahiri Chaudhury : (1) Will Government be pleased to state :

(a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands ;

(b) if it is true that eight different I. M. S. officers acted as Director of that Institute during the course of nine years, from January 1921 to December 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the directorship was held by different officers for periods of not more than 10 months' duration at a time ; and

(c) if so, whether Government will be pleased to explain

(i) why such frequent changes were permitted, and

(ii) if such changes are conducive to efficiency?

(2) Are Government prepared to order that such frequent changes will not be made at that as well as the other Bacteriological Institutes in the country whose Directors are either appointed or recommended to be appointed by the Department of Education, Health and Lands? Is it a fact that these Institutes obtain large grants for carrying out various researches at their Institutes from the funds of the I. R. F. A. to which the Assembly has been voting a grant of 7½ lakhs a year, for several years past?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is referred to the reply given by me to question No. 453 asked by Mr. K. C. Neogy.

TRANSFER FROM SILCHAR OF OFFICE BEARERS OF THE LOCAL POSTAL UNION.

818. *Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that six R. M. S. sorters have recently been transferred from Silchar to different places? If so, why?

(b) Is it a fact that they have been transferred because of their connection with the local Postal and R. M. S. Union?

(c) Is it a fact that the Superintendent, R. M. S. "S" Division, has taken others also who have any connection with the Union?

(d) Is it a fact that Mr. N. Banerjee, the present Superintendent, R. M. S. "S" Division, transferred all the Union office-bearers from Chinsurah in 1927 while he was in charge of the Hooghly Division?

Sir Hubert Sams : (a) to (d). Government have no information. It is open to any official having a grievance to represent it through the proper official channel.

TRAVELLING ALLOWANCE OF R. M. S. OFFICIALS TRANSFERRED FROM SILCHAR.

819. ***Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state :

- (a) whether the R. M. S. officials transferred from Silchar since May last up to date have been sanctioned travelling allowance ;
- (b) what amount has been sanctioned for the officials themselves and what amount for their families ;
- (c) whether Government issued any orders not to transfer Postal and R. M. S. officials frequently in order to curtail expenditure on account of travelling expenses ;
- (d) whether it is proposed that the amount incurred by the Department in meeting the travelling allowances of the sorters transferred during the period mentioned in part (a) will be recovered from the Superintendent who is responsible for this expenditure ; and
- (e) whether it is proposed to transfer the Superintendent from R. M. S. " S " Division ?

Sir Hubert Sams : (a) and (b). Government have no information. The payment of travelling allowance is governed by the rules on the subject.

(c) I issued orders to restrict transfers, subject to the exigencies of the service.

(d) Government have no information to show that the transfers were unnecessary.

(e) His transfer is not yet due under the rules.

QUARTERS OF THE DEPUTY PRESIDENCY POSTMASTER IN THE " ARCADE BUILDING. "

820. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that quarters in the third floor of the Arcade Building were constructed for the use of the Presidency Postmaster, the Deputy Presidency Postmaster and one of the Assistant Presidency Postmasters ?

(b) Is it a fact that the Deputy Presidency Postmaster refused to occupy the quarters ?

(c) Is it a fact that the quarters meant for the Deputy Presidency Postmaster remained vacant for a few months ?

(d) Is it a fact that he was exempted from paying the occupier's share of rent during the period the quarters remained vacant ?

(e) Is it a fact that the quarters constructed for the Postal officials including postmen and menials in Darjeeling and Sikkim Tibet Division are not often occupied by those officials for whom they were constructed ?

(f) Is it a fact that Government are recovering a certain percentage from their pay in spite of the fact that they are not occupying those quarters ?

(g) If so, why so ?

Sir Hubert Sams : (a) to (g). The information is being collected and will be communicated to the Honourable Member separately.

ALLEGED ASSAULTS BY RAILWAY OFFICIALS.

821. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that one Babu Ekkari Lal Sil, an official of the R. M. S. " C " Division attached to C-2 Section was roughly handled on the 18th July last by the railway guard of the 41 Up Train at Howrah Station ?

(b) Is it a fact that one Bickhai Aihir, a van peon of the R. M. S. " C " Division attached to C-6-1 Section was badly assaulted by a railway crew man at Keul Junction on the 28th May, 1931 ?

(c) Is it a fact that one Babu Sudhir Kumar Banerjee, Mail Agent Lahmanirhat, R. M. S. was assaulted by the Assistant Station Master, Mr. K. C. Mandal on the 4th March, while on duty on the platform in time for the 228 Down Train ?

(d) Is it a fact that one Babu Kshitish Chandra Roy, Mail Agent of Goalundo Ghat Station, was slapped on the platform while on duty on the 24th November, 1930, by one Mr. Vincent, the Assistant Station Master of Goalundo Ghat ?

(e) If the reply to parts (a), (b), (c) and (d) be in the affirmative will Government be pleased to state what action was taken by Government to bring to book those offenders and what action do Government propose to take to stop such recurrence of high-handedness by the railway officers on the postal officials ?

Mr. A. A. L. Parsons : No reports of any of these occurrences have been received by the Railway Board, but I am sending a copy of the Honourable Member's question to the Agents of the East Indian and Eastern Bengal Railways who can be relied on to take any action that may be found to be required.

Sir Hubert Sams : (a), (b) and (c). Government have no information, but I am ascertaining the facts and will take such action as is necessary in each case.

(d) Government have information of a case of the kind which occurred on the 25th (not the 24th) November, 1930, and in which the Station Master (not the Assistant Station Master) was concerned.

(e) The foregoing case was taken into Court, but was subsequently settled to the satisfaction of the Mail Agent, who stopped proceedings. Government do not propose to take any special action.

ILLNESS OF MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

822. ***Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to state if it is a fact that since his incarceration in the Lahore Central Jail, Mr. Ihsan Ilahi is segregated from other inmates and is kept practically in solitary confinement ? If so, why ?

(b) Will Government be pleased to state if it is a fact that he has contracted heart disease ?

(c) Will Government be pleased to state if their attention has been drawn to the report of the result of the medical examination of Mr. Ihsan Ilahi by the Principal, Tibbia College, Lahore, wherein he says that on account of the segregation of Mr. Ihsan Ilahi his health is in danger of being completely shattered?

(d) Will Government be pleased to state if it is a fact that the weight of Mr. Ihsan Ilahi on entry into the jail was 153 lbs. and is at present 131 lbs.?

(e) Will Government be pleased to state if they are aware that the cell in which he is housed is in a very dilapidated condition, rain water trickles through the roof, and the vicinity is very insanitary and that he has complained to the authorities without any redress?

The Honourable Sir James Crerar : (a) The State prisoner is not kept in solitary confinement, but he has complained of lack of companionship. This complaint is under consideration.

(b) I have no information to suggest this. His health was certified to be good as recently as the 1st September.

(c) I would refer the Honourable Member to the reply given by me on the 10th September, to clauses (b), (c) and (d) of Mr. Jagan Nath Aggarwal's question No. 150.

(d) On entry into jail Mr. Ihsan Ilahi's weight was 134 lbs. The latest medical report shows it to be 131 lbs.

(e). No; the suggestion is baseless.

BOOKS SUPPLIED TO MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

823. ***Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) : Will Government be pleased to state if it is a fact that Mr. Ihsan Ilahi is not permitted to read books of his own choice? If so, will Government please state the reasons for this restriction?

The Honourable Sir James Crerar : I would refer the Honourable Member to the reply given by me on the 10th September, to clause (k) of Sardar Sant Singh's question No. 100.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to give us the gist of it?

The Honourable Sir James Crerar : The reply is in the Honourable Member's hands.

Mr. Lalchand Navalrai : Will the Honourable Member kindly refresh our memory by giving that reply?

The Honourable Sir James Crerar : I am afraid I must ask the Honourable Member to undergo the inconvenience of reading the answer.

RULES FRAMED UNDER REGULATION III OF 1818.

824. ***Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) : Will Government be pleased to inform the House, if any rules have been framed under Regulation III of 1818 and, if so, to lay a copy of the same on the table?

The Honourable Sir James Crerar : Rules have been made, but I am not prepared to lay a copy of them on the table. In this connection I would refer the Honourable Member to the closing sentence of the reply given in the Legislative Assembly on the 8th February, 1926, to Mr. Neogy's questions Nos. 711-713.

IMPRISONMENT OF MR. IHSAN ILAHI.

825. ***Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) :

(a) Will Government be pleased to state how long it is proposed to keep Mr. Ihsan Ilahi in confinement and why?

(b) Will Government be pleased to state if they intend to produce him for trial before a regularly constituted court of law?

The Honourable Sir James Crerar : I would refer the Honourable Member to the reply given by me on the 10th September to Sardar Sant Singh's question No. 100.

LOANS OF THE GOVERNMENT OF INDIA MATURING IN ENGLAND AND IN INDIA.

826. ***Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state what are the total loans that mature from year to year both in England and India up to the year 1937?

(b) What provisions have Government made to meet these obligations?

(c) What schemes Government propose to adopt for the conversion of short term loans into long term loans?

CORRIGENDUM.

In the Legislative Assembly Debates, dated the 23rd September, 1931, Volume VI, No. 1, page 901, Reply to Question No. 826, for "6 per cent. Treasury Bonds, 1935" read "6½ per cent. Treasury Bonds, 1935".

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PROVISION IN THE BUDGET IN CONNECTION WITH POST OFFICE CASH CERTIFICATES.

827. ***Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarup) : (a) Is it a fact that Government do not make any provision in its annual Budget to meet its liabilities in connection with the Post Office Cash Certificates?

(b) Is it a fact that Sir Basil Blackett in 1928 made a special provision in that year's budget in this behalf?

(c) Why have similar provisions not been made in the following years after 1928?

(d) What systematic scheme do Government propose for meeting liabilities under this head?

The Honourable Sir George Schuster : I presume the Honourable Member is referring to provision for meeting the accrued liability for bonus on Post Office Cash Certificates. I would invite the attention of the Honourable Member to paragraph 28 of Sir Basil Blackett's speech introducing the budget for 1928-29, paragraphs 27-33 and paragraph 24 of my speech introducing the Budget for 1929-30 and 1930-31, respectively. The position is that up till 1930-31, provision was made for only the actual cash payments for bonus and not for the accrued liability; and that since 1930-31, provision is being made for meeting the liability accruing during the year. I place on the table a statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting interest.

Statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting interest.

				Value of cash certificates outstanding at the beginning of the year.	Provision made in Budget for bonus.
				Rs.	Rs.
1928-29	..	..	..	30,70 lakhs.	50 lakhs.
1929-30	..	..	..	32,30 "	1,10 "
1930-31	..	..	..	35,00 "	1,88 "
1931-32	..	..	..	38,44 "	2,10 "

WORLD CONFERENCE ON SILVER.

828. *Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state if it is a fact that a World Conference on Silver was recently held?

(b) What was the main purpose of this Conference and was India represented on it, if so, by whom?

(c) What were the conclusions reached by the Conference?

(d) What was the position adopted by the Indian delegation at the Conference with regard to stabilisation of the price of silver?

The Honourable Sir George Schuster : (a), (b), (c) and (d). The Government of India understand that the International Chamber of Commerce, acting upon a resolution passed by the Chinese and American Committees, invited certain countries to send experts to advise the Council of the Chamber whether any action is feasible regarding the position resulting from the depression in the price of silver. The Conference is purely non-official. It is understood that non-official British American and Dutch experts are going to London this week and will report to the Council in due course. There is no representation from India as far as the Government of India are aware.

STOCKS OF SILVER IN COIN AND BULLION.

829. *Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state what are its present total stocks of silver in coins and in bullion?

(b) How much of their silver holdings have Government sold during the current financial year and at what average price?

The Honourable Sir George Schuster : (a) The information is contained in the weekly abstracts of the Accounts of the Currency Department published by the Controller of the Currency.

(b) The Government of India consider that it would not be in the public interest to disclose this information at present.

EFFECT OF THE DEBTS MORATORIUM AND CAUSES OF PRESENT DEPRESSION.

830. *Lala Hari Raj Swarup : Will Government be pleased to state how they propose to devote the year of debt holiday brought about as a result of President Hoover's proposals in order :

(1) to consolidate their position with regard to :

(a) their own Budget,

(b) Budgets of Provincial Governments, and

(c) the public debt of India ; and

(2) to find out the causes of the present depression?

The Honourable Sir George Schuster : Part (1).—I would invite the attention of the Honourable Member to the Press communique dated the 26th June, 1931, which stated that the net relief to the Budget of the Government of India from the proposals of His Majesty's Government would be about Rs. 33 lakhs in the current year and Rs. 48 lakhs in the next. Those proposals do not affect the Budgets of the Provincial Governments nor do they affect the public debt of India as no provision was included in the current year's Budget for capital repayment of the outstanding war-loan liability.

Part (2).—President Hoover's proposals were designed to alleviate one of the main causes of the present depression. I do not see the connection between them and a general enquiry into the matter.

CONFERENCE OF WHEAT-GROWING COUNTRIES IN LONDON.

831. *Lala Hari Raj Swarup : (a) Is it a fact that a conference of wheat-growing countries was held in London?

(b) Was India represented on it?

(c) What were the conclusions reached by the said conference?

(d) Was any export quota fixed for various countries? If so, what quota was fixed for India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A conference of wheat exporting countries was held in London in May last.

(b) Yes.

(c) The conference recommended :

(1) that, where possible, reduction in the areas devoted to wheat should be undertaken in whatever way each country considers to be most effective and practical.

- (2) that all avenues for the greater utilisation of wheat both for food and also for other purposes should be carefully explored,
- (3) that a committee consisting of one representative of each State participating in the Conference should be established in order to frame definite proposals for the organisation of a clearing house of information and to explore all possible avenues for the greater utilisation of wheat.
- (d) No export quota has been fixed for any country.

LEAGUE OF NATIONS COMMITTEES ON ECONOMIC AND AGRICULTURAL DEPRESSION.

832. *Lala Hari Raj Swarup : (a) Is it a fact that the League of Nations appointed Committees to go into the causes of :

- (i) General economic depression, and
- (ii) Agricultural depression ?

If so, have these Committees reported ?

(b) If the Committees have reported, have they also discussed causes of depression in India ? If so, do Government propose to reprint these reports and circulate them amongst the Members ?

The Honourable Sir George Rainy : (a) (i). At its eleventh session the Assembly of the League of Nations passed a Resolution directing the Economic and Financial Organisation of the League to undertake the study of the course and phases of the present depression and the circumstances which led up to it. A report on the subject was to be submitted to the Assembly of the League at its session which is being held this month, but the Government of India have not yet been informed whether this has been done.

(ii) The Economic Committee of the League, in co-operation with the International Institute of Agriculture, Rome, called a conference of agricultural experts of various countries to consider the agricultural crisis. The first volume of the Committee's report on the subject has recently been published.

(b) The Report of the Economic Committee on the agricultural crisis discusses causes of the depression as affecting the world agricultural economy, and there are no such special references to Indian conditions in the report as would justify its being reprinted and circulated to Honourable Members.

REPORT OF SIR ARTHUR SALTER.

833. *Lala Hari Raj Swarup : (a) Will Government be pleased to state what action have the Government of India and the various Provincial Governments taken on the report of Sir Arthur Salter, Economic and Financial Director of the League of Nations, who came to India last winter to advise them for establishing economic advisory organisations ?

(b) Will his report be brought before a Committee of the Assembly for consideration ?

The Honourable Sir George Rainy : (a) No action has yet been taken on Sir Arthur Salter's Report.

(b) No, Sir.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

834. *Lala Hari Raj Swarup : (a) Will Government be pleased to state how many prosecutions have taken place in each province under the Child Marriage Restraint Act since its enactment ?

(b) Is it a fact that the Act has remained a dead letter and the authorities have been very reluctant of taking action under the Act ? If so, why ?

(c) Will Government be pleased to state what steps Government propose to take to make the provisions of the Act operative so as to check child marriages ?

The Honourable Sir James Crerar : I refer the Honourable Member to the reply I gave in this House to starred question No. 72 on the 9th September, 1931, on the same subject.

CONFIRMATION OF EMPLOYEES IN CERTAIN RAILWAY ACCOUNTS OFFICES.

835. *Bhai Parma Nand : (a) Is it a fact that paragraph 9 of the Railway Board's memorandum No. 6665-F., dated the 31st July, 1929, lays it down that any person appointed to the Accounts Department of the East Indian Railway between the 30th November, 1925 and the 31st December, 1928, or to the Clearing Accounts office or to work connected with the clearing accounts experiment between the 16th November, 1925 and the 31st December, 1928, or to the office of the Controller of Railway Accounts between the 1st October, 1928 and 31st December, 1928, will be eligible for confirmation in the actual rank or grade which he held on the 1st April, 1929, without being required to pass any examination ?

(b) Are Government aware that a large number of employees, in the hope of being confirmed, have continued their service though they attained the age of 25 rendering them unfit for any other Government service ?

Mr. A. A. L. Parsons : I find that this very question was put by my Honourable friend as an unstarred question some days ago. He will find my reply to it on page 50 of the Legislative Assembly Debates, Volume V, No. 1.

APPOINTMENT OF NON-HINDUS IN RAILWAY ACCOUNTS DEPARTMENTS.

836. *Bhai Parma Nand : (a) Is it a fact that since the inauguration of the policy of communal representation in services the North-Western Railway Accounts Department have allowed non-Hindus much more than their due share in appointments ?

(b) Is it a fact that under the retrenchment that took place on the 13th of June, 1931, as many as sixty or even more Hindus have been discharged as compared to six persons belonging to the so-called minority communities, and that non-Hindus with very little service have been retained in preference to Hindus with long years of service to their credits ?

(c) Is it a fact that some of these non-Hindus who were retained were recruited after 1st April, 1929, against temporary posts of specified duration under the clear understanding that such temporary staff will not be absorbed against the permanent posts without their passing prescribed examination? Is it a fact that the Chief Accounts Officer, Lahore, passed definite orders on 1st April, 1931, that in the case of substitute clerks appointed after 1st April, 1929, no reference to communal representation should be made in ordering their wholesale discharge which should be based solely on the length of service?

(d) How many of the Hindus brought under reduction *that took place on the 13th of June, 1931*, had rendered one year's service? How many of the Hindus had rendered more than two years' service? How many of the non-Hindus retained *on that date* had done less than one year's service?

(e) Is it a fact that a large number of telegrams and memorials have been sent to the authorities by Hindu employees who have been discharged at Delhi, Quetta, Karachi, Multan and *Lahore*? If so, what did the Financial Commissioner do, or what does he intend to do to maintain the principles of justice and fair play for the employees of all communities?

Mr. A. A. L. Parsons : (a) No.

(b) Of the men discharged, 94 are Hindus and 47 non-Hindus. As it was decided that the proportion of members of minority communities to the total staff discharged from the Accounts Staff should not exceed one third some non-Hindus were retained in preference to Hindus with longer service.

(c) Yes. This was done, when otherwise the proportion of members of the minority communities discharged to the total staff discharged would have exceeded the maximum limit of one-third.

(d) Of the Hindus discharged, 23 had rendered more than one year's service and 18 more than two year's service. Three non-Hindus with less than one year's service were retained.

(e) Some telegrams and memorials have been received. As the reductions were made in accordance with the orders of the Government of India it is not proposed to take any action on these representations.

Mr. Lalchand Navalrai : Will the Honourable member please state whether it is a fact that men who have put in 16 years and 25 years service are being turned away on the ground of retrenchment?

Mr. A. A. L. Parsons : I can not give a categorical answer, but as a general rule we have been discharging first people who have put in short service and then people who have put in longer service. There may be individual cases where men are approaching retirement, when much hardship would not be caused by discharging them.

Mr. Lalchand Navalrai : May I take it that the railways will consider favourably those men who have put in long service? After their services have been done away with, they should be provided in some other way as there would be no other source of income for them.

Mr. A. A. L. Parsons : The difficulty there is that when you are retrenching in all departments of the railways, there is no other way of providing for them.

Mr. Lalchand Navalrai : Does not the Honourable Member think that it will be very hard for men who have put in a long service and who have spent their whole life in service, if their services are dispensed with?

Mr. A. A. L. Parsons : I entirely agree with the Honourable Member. I think it is his contention that people with short service should be the first to be discharged. That has been the general rule applied in the discharges that have been made. I cannot, however, say that on occasions some people with longer service may not have been discharged, because obviously they might be very close to retirement and you would not cause much hardship in their case.

Mr. Lalchand Navalrai : I know of some cases of the nature I refer to and they have applied to the railways for re-consideration. I hope the Honourable Member will see that their cases are considered.

(No reply was given.)

INCONVENIENT TIMINGS OF THE GRAND TRUNK EXPRESS BETWEEN MADRAS AND DELHI.

837. ***Mr. B. Sitaramaraju :** (a) Is it a fact that according to the revised timings which have come into force from the 1st September, 1931, the Down Grand Trunk Express leaves Madras at 7-50 A.M. (as before) and arrives at Delhi at 11 A.M., that is, one hour and thirty-five minutes *later* than it used to arrive, and that the Up Grand Trunk Express leaves Delhi at 6-45 P.M., that is, an hour and fifty minutes *earlier* than before, and arrives at Madras at 7-50 P.M. (as before)? Will Government be pleased to state the reasons for the same?

(b) Are Government aware that on account of these alterations the through journey between Madras and Delhi and *vice versa* has been prolonged by two hours with the result that through passengers have to put up with greater hardships and inconvenience than before?

(c) Are Government aware that questions were put in the Legislative Assembly last March expressing dissatisfaction even with the old timings and suggesting improvements, and that as a result thereof Mr. Parsons definitely promised that he would keep an eye on the train with a view to accelerating the service?

(d) Are Government aware that the revised timings have greatly disappointed the through travelling public and that the arrival and departure timings at and from Delhi are particularly inconvenient?

(e) Are Government aware that, whereas there are a number of through mail and express trains connecting Bombay and Calcutta with Delhi and Peshawar, the Grand Trunk Express is the only train that connects Northern with Southern India?

(f) Are Government aware that similar through trains, such as the Frontier Mail, the Bombay-Punjab Mail, the Calcutta-Punjab Mail, the Bombay-Calcutta Mail, etc., occupy much less time, distance for distance, in reaching their destinations?

(g) Do Government propose to take the earliest opportunity of so revising the timings as to make the Grand Trunk Express cover the whole distance between Madras and Delhi in not more than 45 hours at the utmost?

by adopting the timings suggested in paragraph (h) of Question No. 1002 put by Rao Bahadur M. C. Rajah in the Legislative Assembly on the 18th March, 1931, keeping the departure time from Delhi the same as before, namely, 8-35 P.M. ?

Mr. A. A. L. Parsons : (a) Yes. The timings of the Grand Trunk Express had to be altered over the Great Indian Peninsula Railway, as owing to weak bridges the available types of locomotives suitable for hauling fast passenger trains could not be used on a section of the line. An attempt was made to use a light type of locomotive designed for working mixed trains on branch lines, but it was not found to give satisfactory results at high speeds. The speed of trains worked with these locomotives was, therefore, reduced to 40 miles per hour. Financial stringency has prevented the work of strengthening the bridges being proceeded with.

(b) and (d). I recognise the inconvenience caused to through passengers by the longer time taken.

(c) The reply to the first part is in the affirmative, and as regards the second part I may assure the Honourable Member that we continue to watch the running of this train.

(e) and (f). Yes.

(g) The Railway Administrations concerned are aware that Government desire the acceleration of this service, and I am confident they will take the earliest opportunity of doing what is possible to improve the timings.

FRAUDS IN POST OFFICES.

838. ***Mr. Badri Lal Rastogi :** (a) Will Government be pleased to state if it is a fact that the number of frauds in post offices have been increasing steadily of late and that the figures for the last year show rather a large increase ?

(b) Will Government be pleased to state if it is not a fact that the frequency of inspections of offices and the frequency of visits of officers even to headquarter stations of a district has been diminished ?

(c) Will Government be pleased to state what steps have been taken by the Department to put down the increase in the number of frauds ?

(d) Will Government be pleased to state if it is not a fact that whenever the frequency of inspections has been curtailed, frauds have increased as a consequence ?

(e) Will Government be pleased to state if they have reduced the number of inspections on grounds of economy while frauds have increased and they have issued circulars to the effect that inspections must be more thorough and so on ?

(f) Are Government prepared to order that all post offices are inspected at least twice a year as before and that officers from the office of the Post Master General show their face to the public at least once a year in all the important post offices ?

Sir Hubert Sams : (a) The facts are not as stated. Frauds were fewer in 1930-31 than in the previous year.

(b) As a temporary and tentative measure of economy, after due consideration, it was ordered that the summary as distinguished from the detailed inspection of an office in the year may be dispensed with if no reason rendering it necessary exists. It has also been ordered that head office balances should be verified four instead of six times in the year.

(c) The Honourable Member's attention is invited to the reply to part (a) of this question. No special steps have been taken.

(d) There is no reason to believe that the case is as stated. The measure mentioned in the reply to (b) of this question actually synchronized with a decrease in the number of frauds.

(e) The first part does not arise in view of the replies to the previous parts of the question. With respect to the second part, Government are not aware what Circulars are referred to by the Honourable Member. All inspections are required to be thorough.

(f) For reasons already stated, Government do not consider that any special action as contemplated by the Honourable Member is called for. Government are not aware that the public are under a disability.

COMPLAINTS AGAINST SUPERINTENDENTS OF POST OFFICES.

839. ***Mr. Badri Lal Rastogi :** (a) Will Government be pleased to call for information from the Postmaster General of each Circle about the names of Postal Superintendents against whom frequent complaints of all sorts have been made and the steps taken either to correct or to punish them and lay the information on the table ?

(b) Are Government prepared to call for all the files relating to the same and see whether Postmaster Generals have dealt with the cases properly ?

Sir Hubert Sams : (a) and (b). Government see no occasion to take the general action desired by the Honourable Member.

WEIGHTS RECOGNISED BY THE INDIAN WEIGHTS AND MEASURES ACT.

840. ***Mr. G. Morgan** (on behalf of Mr. E. F. Sykes) : (a) Are Government aware that wheat is taxed by the hundredweight and its statistics recorded in tons while the only weights recognised by the Indian Weights and Measures Act are the *ser* and the *man* ?

(b) Are Government prepared to take steps to remove this anomaly ?

The Honourable Sir George Rainy : (a) Yes.

(b) Government are not aware of any anomaly and do not see any necessity to alter the unit of assessment to duty.

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

841. ***Rai Bahadur Lala Brij Kishore :** (a) Are Government aware that about 273 employees of the audit and accounts offices, United Provinces have been served with the formal notice of discharge as a

result of the contemplated scrapping of the separation scheme of audit and accounts ?

(b) Will Government be pleased to place before the House the whole correspondence that has passed between the Secretary of State and the Government of India on the subject ?

(c) Are Government aware that the scheme had been declared a success by the Auditor-General, Government of India, and the Secretary of State on several occasions ; If so, what are the reasons which have led Government now to declare the scheme as scrapped ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 841 and 842 together.

The information is being collected and will be communicated to the Honourable Member when received.

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

†842. ***Rai Bahadur Lala Brij Kishore :** (a) Are Government aware that over 500 memorials have been sent to the Viceroy and about 250 to the Auditor-General by the victims of the audit and accounts amalgamation scheme ?

(b) Are Government aware that two cablegrams have been sent to the Secretary of State by these persons requesting him to provide them in any other Departments or province ?

(c) What steps do Government contemplate to take to provide the axed men in other Departments or provinces ?

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

843. ***Rai Bahadur Lala Brij Kishore :** (a) Do Government contemplate to ask every Provincial Government to maintain a list of axed men and to instruct all the heads of Departments to stop all further recruitment till all the axed men are completely absorbed in their respective Departments ?

(b) Are Government aware that many of the axed men have all-round experience and highest academic qualifications ?

The Honourable Sir George Schuster : With your permission, Sir, I propose to answer questions Nos. 843 and 844 together.

Question No. 843 and (a) to (c) of question No. 844. Government are fully alive to the effects upon retrenched officers of loss of their employment and are actively engaged in considering whether compensation should be granted in excess of that provided in the rules. The possibility of finding alternative employment will be duly explored, but in the nature of the case it is unlikely that much will be achievable in this direction and improbable that any Government, since all are faced with the same problem, will be able to do more than consider its own servants.

Question No. 844. (d) The terms what will be allowed to retrenchmen are still under consideration.

†For answer to this question, see answer to question No. 841.

844. (e) All avenues are being explored for retrenchment and cuts, reductions and abolitions will be made wherever possible.

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

†844. ***Rai Bahadur Lala Brij Kishore :** (a) Are Government aware that the British Government in England leave no stone unturned to save the unemployed, and spend millions a year on unemployment insurance and subsidies ?

(b) Are Government prepared to see that the continuity of service of these axed men may not be broken and that over-age may not be regarded as a bar for their employment in other Departments or provinces ?

(c) Do Government propose to see that these axed men should be given preference to the juniors in offices under the Auditor General or in other Departments ?

(d) Do Government propose to grant to these axed men suitable gratuity, one month's pay for each year of service, and all the leave earned, in case Government fail to provide them elsewhere ?

(e) Are Government aware that 3 lakhs a year could be saved from the Audit and Accounts Departments merely by the abolition of only a few of the highly or overpaid posts at the top without axing the lower paid staff ?

LICENCES TO SUPPLY FOOD ON STATE RAILWAY SYSTEMS.

845 ***Rai Bahadur Lala Brij Kishore :** (a) Will Government be pleased to state on what principles the licence to cater food-stuffs and other articles is granted on the State railway systems ?

(b) What revenue is derived from this source ?

(c) Are these licences auctioned every year ? If not, why not ?

Mr. A. A. L. Parsons : (a) Contracts for catering and licences to sell articles are given to those who, in the opinion of the Railway Administration, can be trusted to give efficient service.

(b) The information is not available, but where a licence fee is recovered the amount of the fee is generally small.

(c) Licences are not auctioned, as to do so would tend to raise the price of the articles sold to the travelling public.

RETRENCHMENT ON STATE RAILWAYS.

846. ***Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state :

(a) the number of staff thrown out of employment due to the recent economy campaign on each State Railway under the following categories :

(1) senior scale officers, (2) junior scale officers, (3) senior subordinates carrying a salary of over Rs. 250, (4) clerical staff, (5) low paid staff, and (6) workshop staff ; and

†For answer to this question, see answer to question No. 843.

- (b) how much of this staff was from those nearing superannuation and how much from those with short service only ?

Mr. A. A. L. Parsons : (a) and (b). Statements showing the information available are being sent to the Honourable Member.

DUTIES OF THE STAFF AND ASSISTANT STAFF SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

847. ***Rai Bahadur Lala Brij Kishore :** (a) What are the precise duties of the Staff and Assistant Staff Superintendent on the East Indian Railway and how do the same differ from the duties of the Personnel Officer on the North Western Railway ?

(b) Is it a fact that a responsible railway officer had recommended that there is no need for a senior scale officer to be appointed as Staff Superintendents in the Divisions ?

(c) Do Government propose to give effect to this recommendation and effect a saving ? If not, will Government be pleased to state reasons for their decision ?

(d) Is it a fact that the same officer had recommended to make the principal sheds, yards and stations independent of D. S. office in matters of leave and passes of their staff and thereby effect a saving in the establishment branch of Divisional Offices ?

(e) When do Government propose to give effect to these proposals ?

Mr. A. A. L. Parsons : I have called for certain information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

DUTIES OF THE GENERAL SECRETARY, INDIAN RAILWAY CONFERENCE ASSOCIATION AND HIS OFFICE.

848. ***Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state what are the precise duties of the General Secretary, Indian Railway Conference Association and his office ?

Mr. A. A. L. Parsons : The duty of the General Secretary, Indian Railway Conference Association, is to supervise the office of the Association which is constituted to frame regulations for the management of Traffic interchanged between railways represented in the Association. The Association also advises on other subjects relating to Indian railways which may be referred to them and acts as a Board of Conciliation. The Secretary of the Association also acts as Secretary of ten Sections and three Standing Committees which have been constituted by the Association to facilitate the disposal of its work. He issues all notices convening meetings of the Executive Council, Sections and Committees, questionnaires on behalf of the Committees, collects and collates data for them, supervises the printing of proceedings and reports and acts as a liaison officer between the Committees to prevent overlapping. The Secretary is also *ex-officio* Director of Wagon Interchange and as such has full authority to regulate the movement and distribution of goods stock as between railways who have pooled their stock.

TRAIN EXAMINERS AT RAILWAY JUNCTIONS.

849. ***Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state if they have considered the feasibility of having neutral train examiners at each in-charge junction for the purpose of train examining and repairs instead of having separate staff of each of the Railway using the junction ?

Mr. A. A. L. Parsons : Yes. Neutral train examiners have been appointed by the Indian Railway Conference Association at 8 broad gauge junction stations. These examiners are not, however, responsible for carrying out repairs, and separate staffs are maintained for this work by each of the railways using the junction.

The Indian Railway Conference Association carried out an experiment in 1930 of making the neutral train examiner responsible for wagon repairs of all using railway's wagons at two junctions. The experiment has been discontinued and a report on the working of the scheme is being considered by the Indian Railway Conference Association at its forthcoming meeting. I understand the experiment was not successful.

ECONOMY IN THE PUBLICITY DEPARTMENTS OF RAILWAYS.

850. ***Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state if any economies have been effected in the Publicity Departments of the railways and give the total amount of the same ?

Mr. A. A. L. Parsons : Yes, certainly. The Budget allotment for the Central Publicity Bureau in the current year was reduced to Rs. 5,85,000 compared with actual expenditure of Rs. 8,27,992 in 1930-31. Since this year's Budget was framed, a number of posts, both in the Central Publicity Bureau and in the Publicity Departments of railways, have either been abolished or left unfilled, the amounts spent on allowances had been cut down and the running of cinema cars on railways had been discontinued. Further measures of this kind are in contemplation ; but I cannot at present give an exact estimate of the total amount of savings which will result from them.

EMPLOYMENT OF AN EX-CONVICT IN THE POSTAL DEPARTMENT.

851. ***Mr. B. N. Misra :** (a) Will Government be pleased to state if ex-convicts are employed in the Postal Department ?

(b) Are Government aware that a Post Office employee of the Madras Circle who was convicted and imprisoned for embezzlement was re-employed in the Department ?

(c) If so, why was an exception made in his case and who was responsible for his re-employment ?

(d) Is it a fact that since his reinstatement a shortage in his stamp imprest was detected ?

Sir Hubert Sams : (a) The departmental orders are that an official convicted in a court of law need not be dismissed if the offence involves no dishonesty, or other moral turpitude and there are no circumstances rendering it impossible or inexpedient to retain him in the service.

(b) to (d). Enquiries are being made....

PUNISHMENT OF A CLERK IN THE MADRAS GENERAL POST OFFICE.

852. *Mr. B. N. Misra : (a) Is it a fact that recently a clerk in the Madras General Post Office was punished by the Presidency Postmaster for giving timely information to the Deputy Post Master General of a plot being hatched by certain officials to commit a huge Savings Bank fraud ? If so, why ?

(b) Are Government prepared to call for papers and reconsider the case ?

Sir Hubert Sams : (a) Government have no information.

(b) Government see no reason to call for papers. The matter is within the competence of the Postmaster-General and, if any official has a grievance, it is open to him to represent it through the proper official channel.

INDEBTEDNESS OF OFFICIALS IN THE GENERAL POST OFFICE, MADRAS.

853. *Mr. B. N. Misra : (a) Is it a fact that there are a large number of officials in the General Post Office, Madras, who are heavily involved in debts and that attachment orders come pouring in ?

(b) Are Government prepared to make an inquiry into this matter ?

Sir Hubert Sams : (a) and (b). An enquiry will be made.

HOURS OF WORK OF THE PRESIDENCY POSTMASTER, MADRAS.

854. *Mr. B. N. Misra : (a) Will Government be pleased to state the daily hours of work of the Presidency Postmaster, Madras ?

(b) Is it a fact that he attends office only for about two hours daily and is inaccessible even to his subordinate officers ?

Sir Hubert Sams : No fixed hours of duty are laid down for Presidency Postmasters.

(b) Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

HEADQUARTERS OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

855. *Mr. B. N. Misra : (a) Is it a fact that Delhi is regarded as the headquarters of the Secretariat and Simla as that of the attached offices ?

(b) If so, will Government please state why one and the same station is not treated as the headquarters of both the Secretariat and the attached offices ?

The Honourable Sir James Crerar : (a) No. The headquarters of the Government of India and therefore of its Secretariat are Delhi and Simla. Some attached offices have their headquarters permanently located at Simla.

(b) The reason is that all attached offices are not required to move with the Government of India.

HOUSE RENT ALLOWANCE AND DELHI CAMP ALLOWANCE.

856. *Mr. B. N. Misra : (a) Is it a fact that the ministerial staff of the Secretariat are paid house-rent allowance in Simla ?

(b) If so, will Government please state why this allowance is not paid to the ministerial staff of the attached offices instead of the Delhi camp allowance ?

The Honourable Sir James Crerar : With your permission, Sir, I propose to answer questions Nos. 856, 858, 859 and 863 together. The ministerial staff of the Secretariat, in pursuance of a pledge given in 1907, receive free quarters or in lieu thereof house-rent allowance in Simla. When they move down to Delhi such of them as cannot be provided with Government quarters in Delhi and in consequence have to send their families away are given a "separation" allowance for the extra expense entailed in maintaining two establishments and for transporting their families to places other than Delhi. Those who draw the separation allowance are not granted any family travelling allowance. The attached offices do not all move with the Government of India. The establishments of such of them as do, do not get the separation allowance whose origin is different, but are granted a Delhi camp allowance, which is intended to compensate them for having to move between two stations and in addition are granted family travelling allowance. The scales of these allowances have been fixed with reference to the conditions obtaining in Delhi and Simla, respectively. In connection with the general campaign for economy the feasibility of reducing or modifying these allowances is under consideration but no decision has yet been arrived at.

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

857. *Mr. B. N. Misra : (a) Is it a fact that the staffs of both the Secretariat and the attached offices have to live under the same circumstances and to move between the same stations ?

(b) If so, will Government please state why the staffs of both the Secretariat and the attached offices are not treated alike in the matter of compensatory allowances ?

The Honourable Sir James Crerar : Some of the attached offices are located permanently either at Simla or Delhi and it is only in respect of those which move with the Government of India that it can be said that their staffs are subject to the same circumstances as those of the Secretariat. The latter are better off only in one respect in Simla, viz., the privilege of free quarters or house rent in lieu thereof. On the other hand at Delhi the establishments of attached offices are in one sense slightly better off since all of them get the Delhi camp allowance while only such of the Secretariat men as are compelled to send their families away get the "separation" allowance.

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

†858. *Mr. B. N. Misra : (a) Is it a fact that those members of the Secretariat staff who are not allotted Government quarters at their headquarters in Delhi are paid a "separation" allowance?

(b) If so, will Government please state the circumstances under which such an allowance is paid at the headquarters station of the Secretariat?

(c) Is it a fact that no such allowance is paid to the staff of the attached offices, who are not provided with Government quarters at their headquarters in Simla? If not, why not?

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

†859. *Mr. B. N. Misra : (a) Is it a fact that the staff of the attached offices are paid a camp allowance in Delhi to compensate for the extra expenditure incurred by them consequent on their move from their headquarters?

(b) Is it a fact that this allowance is paid at 2/3rd of the rates of the camp allowance which was paid while the offices moved to Calcutta and since then has never been enhanced?

(c) Is it a fact that a reduction of about 50 per cent. is being made in the rates of Delhi camp allowance? If so, on what grounds?

(d) Do Government contemplate a similar reduction in the rates of Simla house-rent allowance? If not, why not?

HOUSE RENT AND HOUSE RENT ALLOWANCES AT SIMLA AND DELHI.

860. *Mr. B. N. Misra : (a) Is it a fact that the Secretariat staff have to pay house rent for the period of their stay in Delhi only, i.e., for about five months during the whole year?

(b) Is it the general rule that all Government servants should be expected to pay house-rent up to 10 per cent. of their salary for the 12 months of the year?

(c) If the replies to parts (a) and (b) above are in the affirmative, will Government please state (i) why those of the Secretariat staff who are provided with Government quarters at Simla are not charged house-rent up to the maximum of 10 per cent. of their salary, and (ii) why those of the Secretariat staff who are not provided with Government quarters at Simla are paid anything more than the difference between the rates of the Simla house-rent allowance laid down by Government and one-tenth of their salary?

The Honourable Sir James Crerar : (a) Yes. House rent is charged for the actual period of allotment of the house.

(b) No, the rule is that Government servants provided with Government quarters have to pay the assessed rent of the quarters for the period of actual allotment subject to a maximum of 10 per cent. of their emoluments.

(c) The question does not arise.

†For answer to this question, see answer to question No. 856.

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

861. *Mr. B. N. Misra : (a) Will Government please state the amounts spent annually per individual by way of :

(i) Simla house-rent allowance to the Secretariat Staff ;

(ii) Separation allowance to the Secretariat staff ; and

(iii) Delhi camp allowance to the attached offices staff ?

(b) Is it a fact that the amount spent per individual by way of Simla house-rent allowance to the Secretariat staff is far in excess of that spent on the Delhi camp allowance for the attached offices? If so, will Government please state whether the amount paid per individual per year in both the Secretariat and attached offices by way of these allowances is proposed to be equalized? If not, why not?

The Honourable Sir James Crerar : (a) The amounts vary considerably from year to year according to the pay drawn by the individual and whether he resides with his family or not. I am not prepared to undertake to collect this information, but I shall be glad to send the Honourable Member information as to the rates of these allowances.

(b) I am afraid I am not in a position to answer the first part of this question for the reason I have just stated. As I have stated in reply to another of the Honourable Member's question, the question of reducing or modifying these allowances is under consideration.

RENT FREE ACCOMMODATION FOR STAFF OF ATTACHED OFFICES IN NEW DELHI.

862. *Mr. B. N. Misra : (a) Do Government propose to give rent-free accommodation to the attached and subordinate offices staff during their stay in New Delhi in lieu of the reduced camp allowance?

(b) What is the rate of the reduced camp allowance?

(c) Is it a fact that the Government of India's duration of stay in New Delhi has never exceeded six months?

The Honourable Sir James Crerar : (a) Government have no such proposal under consideration.

(b) The allowance has not yet been reduced.

(c) Yes ; so far as I am aware.

SIMLA HOUSE RENT ALLOWANCE OF SECRETARIAT EMPLOYEES.

†863. *Mr. B. N. Misra : (a) Is it a fact that the Secretariat people get the Simla house-rent allowance or rent-free accommodation in Simla during the whole year?

(b) Do Government propose to reduce the Simla house-rent allowance? If not, why not?

†For answer to this question, see answer to question No. 856.

PARTIAL TREATMENT OF ATTACHED AND SUBORDINATE OFFICES.

864. *Mr. B. N. Misra : (a) Is it a fact that all the memorials and representations sent by the Attached and Subordinate Offices Association were turned down ?

(b) Are Government aware that there is a general discontent among the persons employed in the attached and subordinate offices over the attitude adopted by the Secretariat ?

(c) Will Government state their reasons for treating partially a section of their own men in such a way ?

(d) Do Government propose to reduce the Simla house-rent allowance in the same proportion as the Delhi camp allowance is going to be ? If not, why not ?

The Honourable Sir James Crerar : (a) I understand the Honourable Member is referring to representations regarding allowances only. Some representations on the subject were received some time ago and were rejected.

(b) No.

(c) and (d). I am unable to accept the statement that there is any partiality in the matter. As I have already stated the question of reducing or modifying the allowances is under examination.

PAUCITY OF MUSSALMANS IN THE AUDITOR GENERAL'S DEPARTMENT.

865. *Mr. M. Maswood Ahmad : (a) Is it a fact that in the Department of the Auditor General no gazetted officer is a Mussalman, no permanent Superintendent is a Mussalman, and no Assistant Superintendent is a Mussalman ?

(b) Will Government be pleased to state the percentage of the different communities holding the posts mentioned in part (a) above ?

The Honourable Sir George Schuster : (a) It is a fact that there is no Mussalman gazetted officer, Superintendent or Assistant Superintendent in the office of the Auditor General. A Mussalman apprentice was recruited last year for appointment to an Assistant Superintendent's post.

(b) The percentage of different communities in the posts mentioned in part (a) of the question is as follows :

	European. Per cent.	Hindus. Per cent.
Gazetter Officer	12.5	87.5
Superintendents	..	100
Assistant Superintendents	..	100

COMMUNAL COMPOSITION OF POSTAL STAFF IN CERTAIN POSTAL DIVISIONS.

866. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether the figures of communal composition of the R. M. S. staff in the D. and L. Divisions published on page 10 of the August 1931 issue of the *Postal Advocate*, Delhi, are correct ?

(b) Will Government be pleased to state whether the figures of communal composition of R. M. S. porters in the D. Division published on the inner leaf of the title page of the August 1931 issue of the *Postal Advocate*, Delhi, are correct ?

(c) Will Government be pleased to state the correct figures if the figures referred to in parts (a) and (b) above are not correct ?

(d) Is it a fact that even in the Punjab and North-West Frontier circle, where Muslims form 55 per cent. of population, the posts of (a) Selection grade, (b) clerks, (c) sorters, and (d) porters and menials are held as under :

	Hindus.	Muslims.	Total.
(1) Superintendents, R. M. S., L. and D. Divisions	2	0	2
(2) Selection grade appointments	35	9	44
(3) Sorters	696	203	899
(4) Head Clerks, Accountant and Head Record Clerks	6	0	6
(5) Inspectors, R. M. S.	17	7	24
(6) Porters in D. Division	157	35	192
Total	913	254	1,167
Percentage	79	21	100

(e) Do Government propose to take some effective steps to remove the inequality ?

Sir Hubert Sams : (a) to (e). Government have no information. With respect to (d) and (e), recruitment is not made on a population basis, while the orders regarding the adjustment of communal representation apply only to new recruitment and not to promotion or postings. Government are not aware that those orders are not being observed. A copy of the question is being sent to the Postmaster-General, Punjab and N. W. F.

APPOINTMENT OF A MUSLIM AS ASSISTANT DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

867. *Mr. M. Maswood Ahmad : (a) Is it a fact that there is no Muslim Assistant Director-General, Posts and Telegraphs, nor any Muslim Superintendent in the office of the Director-General of Posts and Telegraphs against two Assistant Directors-General and sixteen Superintendents of the other communities ?

(b) Do Government propose to consider the desirability of appointing at least one Muslim Assistant Director-General of Posts and Telegraphs ?

Mr. J. A. Shillidy : (a) There is at present no Muslim Assistant Director-General or Superintendent in the Director-General's office.

(b) Posts of Assistant Directors-General are filled by selection from the most suitable eligible officers without regard to seniority or to communal considerations.

INDEBTEDNESS OF THE POSTMASTER, DELHI.

868. *Mr. M. Maswood Ahmad : (a) Is it a fact that Mr. J. C. O. Loughlin, Postmaster, Delhi, took a loan of rupees two thousand from the Postal Co-operative Credit Society, Delhi ?

(b) Is it a fact that no instalment of the said loan has yet been paid by the said Postmaster to the Society ?

(c) Are Government aware that the said Postmaster took loans from the following subordinates of his :

- (1) Mr. Hira Lal, Head Clerk, Mails, Delhi, by signing a promissory note in favour of Hira Lal's father.
- (2) Mr. Bhagwant Sing, B.A., Clerk P. O., Delhi, who appeared in the selection grade examination over the head of his senior graduates.
- (3) Mr. Harnarain, Sub-Postmaster, Imperial Secretariat, North.
- (4) Mr. Ram Chand, Sub-Postmaster, Dareeba, Delhi.
- (5) Mr. Janki Ram, Sub-Postmaster, Chitli Kabar.
- (6) Mr. Gurbakhsh Sing, Sub-Postmaster, Civil Lines, Delhi.
- (7) Mr. Sri Ram, Sub-Postmaster, Mori Gate, Delhi.
- (8) Mr. Dina Nath, postman—now Lower Division Clerk, Delhi.
- (9) Mr. Jawahir Lal, officiating Head Clerk, Correspondence, Delhi.

(d) If reply to part (c) be in the affirmative, will Government be pleased to state whether the conduct of the said Postmaster and the officials named in part (c) above was objectionable according to the Government Servants Conduct Rules, and, if so, what action do Government propose to take against all those officials ?

Sir Hubert Sams : (a) Yes.

(b) Government have no information. The business of the Society is conducted by the Society itself.

(c) and (d). An enquiry will be made.

†869.

MUSSALMAN EMPLOYEES IN THE DISTRICT TRAFFIC SUPERINTENDENT'S OFFICE, DINAPORE.

870. *Mr. M. Maswood Ahmad : What was the percentage of Mussalman employees getting rupees thirty or upward in July, 1920, in District Traffic Superintendent's Office in Dinapore on the East Indian Railway and what is the corresponding figure of July, 1931 ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 870, 871 and 872 together. Government regret that they are not prepared to supply figures of communal representation regarding individual offices or classes of offices.

†This question was withdrawn by the questioner.

MUSSALMAN EMPLOYEES ON THE EAST INDIAN RAILWAY.

†871. *Mr. M. Maswood Ahmad : What is the percentage in Dinapore Division and in other Divisions on the East Indian Railway, of Mussalman employees :

- (a) in grades of Rs. 30 and upward up to Rs. 130 ;
- (b) in grades of Rs. 130—150 ;
- (c) in grades of Rs. 150—250 ; and
- (d) in grades of Rs. 250 and upward ?

MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

†872. *Mr. M. Maswood Ahmad : What is the percentage of Mussalman Station Masters in Dinapore Division on the East Indian Railway and what is the corresponding number in other Divisions on the East Indian Railway ?

APPOINTMENT OF MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

873. *Mr. M. Maswood Ahmad : (a) Is it a fact that handling money is paid to Station Masters for loading and unloading the goods ?

(b) Is it a fact that the following stations are first class stations in Dinapore Division as regards goods booking :

Bhabhua Road, Dehri on Sone, Daltonganj, Sone East Bank, Sasaram, Jehanabad, Taregna, Burhee, Warisalgunj, Jamooee, Barh, Bihta, Raghunathpore, Arrah, Buxar, Behia, Dumraon, and Tarighat.

(c) Is it a fact that except on temporary relieving duty no Mussalman Station Master has ever been appointed at the stations mentioned in part (b) ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state the names of Mussalman Station Masters apart from temporary relieving duties who have been appointed at the stations mentioned in part (b) with their length of service at that post ?

(e) If the reply to part (c) be in the affirmative, do Government propose to see that the claims of Mussalman Station Masters are not overlooked ?

Mr. A. A. L. Parsons : (a) Yes, at certain stations on some railways in cases in which the contract for loading and unloading goods is not given to labour contractors.

(b) Government have no information as to the classification of stations adopted by Railways for goods traffic.

(c), (d) and (e). Government have no information. They presume, however, that the Honourable Member suggests that discrimination is exercised against Muslim employees in the posting of Station Masters at the stations referred to, Government propose, therefore, to bring the Honourable Member's question and this answer to the notice of the Agent, East Indian Railway.

†For answer to this question, see answer to question No. 870.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

874. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that a proposal to classify the appointment of the Army Secretary's Personal Assistant as a Superintendent's appointment was originally rejected by the Home Department?

(b) Is it a fact that the proposal was put up to the Home Department again when the present Army Secretary (then Deputy Army Secretary) was placed on special duty in that Department?

(c) If the answer to part (b) is in the affirmative, was the proposal sanctioned by him?

(d) Is it also a fact that having first secured a gazetted status for the appointment of the Army Secretary's P. A., sanction of the Finance Department was obtained to grant of pay in the grade of Rs. 500—40—700 in favour of the Personal Assistant?

Mr. G. M. Young : (a) No, Sir. The Army Department sent to the Home Department a proposal that this official should be given gazetted status. The Home Department replied that it was not usual to confer such status as personal distinction on an individual, but that it would seem appropriate to classify the appointment as a Superintendent's appointment, which would automatically give it the gazetted status. This was done.

(b) It is a fact that I was acting as Joint Secretary in the Home Department in 1926, when the case was referred to that Department by the Army Department.

(c) I find, on reference to the records, that, in view of my connection with the Army Department, I referred the case to the Home Secretary, who passed orders on it. I had, however, the satisfaction of strongly supporting the proposal.

(d) Yes.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

875. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that a proposal is now on foot to grant a charge allowance of Rs. 200 per mensem to the Personal Assistant to the Army Secretary in respect of the Medal Section?

(b) If the answer to part (a) is in the affirmative, what will be the total emoluments of the Personal Assistant to the Army Secretary and what were his total emoluments in 1926?

(c) What are the present duties of the Personal Assistant to the Army Secretary?

Mr. G. M. Young : (a) No, Sir. I may inform the House that the office of the Medal Section of the Army Department is situated in Old Delhi for all the year round, while the Army Department itself migrates between Simla and New Delhi. It would therefore be physically impossible, even if it were otherwise desirable, for the Personal Assistant to the Army Secretary to hold charge of that Section.

(b) Does not arise.

(c) The Personal Assistant to Army Secretary combines the duties of Personal Assistant, with those of the Registrar of the Department.

Mr. Gaya Prasad Singh : Is it not a fact, Sir, that the Personal Assistant to the Army Secretary has rendered meritorious services to Government and fully deserves the trust which the Army Secretary has reposed in him?

Mr. G. M. Young : I am very glad to have that testimonial to my Personal Assistant, from the Honourable Member.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

876. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that the Personal Assistant to the Army Secretary was placed in charge of establishment while he was a junior time-scale Assistant? If so, why? Have there been any such instances in other Departments?

(b) Is it a fact that the Personal Assistant has been promoted to a Superintendentship without being first promoted to the upper time-scale?

(c) How many such instances are there in other Departments? If there are none, why was an exception made in favour of the Personal Assistant to the Army Secretary?

Mr. G. M. Young : (a) The answer is in the negative.

(b) No, Sir; as stated in my reply to question No. 874, the appointment is a special one and was graded as a Superintendentship, although it is not a Superintendentship in the regular line.

(c) As explained in my reply to the Honourable Member's starred question No. 495 on the 17th September, there is no parallel to this appointment in other Departments. The latter portion of this question does not therefore arise.

CORRESPONDENCE DEALING WITH ALLEGATIONS AGAINST THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

877. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra) :

(a) Will Government kindly place on the table of this House a complete copy of the correspondence that passed between the Army Secretary and a prominent Member of this House dealing with certain allegations against the Personal Assistant to the Army Secretary?

(b) Is it a fact that extracts from that correspondence were circulated in the Army Headquarters and Army Department and, if so, what was the object underlying this action?

Mr. G. M. Young : (a) The answer is in the negative. Three letters were received on the question of the recruitment of Muslim clerks to Army Headquarters, which the writer asserted to be for all practical purposes controlled by Hindu members of the establishment. The last of these letters also contained unfounded allegations against

the Personal Assistant and the other Hindu members of the establishment.

(b) As the information contained in these letters had clearly been supplied by some person or persons employed in the Army Department, and as it was generally known that propaganda of this kind was going on, it was thought desirable to circulate the last of the three letters, with my reply, in order to make it clear to all concerned that the authorities in control of the Army Department and Army Headquarters establishments were not being influenced by this propaganda. The identity of the writer of the letters was not disclosed.

Mr. Gaya Prasad Singh : Are Government prepared to disclose the name of the gentleman who wrote that letter to the Army Department ?

Mr. G. M. Young : No, Sir.

DUTIES OF AN OFFICER ON SPECIAL DUTY IN THE ARMY DEPARTMENT.

878. ***Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that the officer on special duty in the Army Department is in charge of the Revision Section ?

(b) Is it a fact that in order to save himself from the retrenchment axe, he is taking over work which is not properly his own ?

(c) What was the number of cases dealt with by him as an officer of Revision Section in April last and what is their number now ?

(d) Is it a fact that formerly he was responsible for merely issuing amendments to only a few books of regulations and that now he has taken upon himself the task of approving and issuing amendments to all books of regulations (without any specific orders to this effect) ?

(e) Is it a fact that he approves all proposals put up by the Army Secretary's Personal Assistant the latest being that all persons should report to the latter *in person* on return from leave ?

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

(b) No, Sir.

(c) The information is not available.

(d) The appointment was made with the object that the holder of it should gradually take over the control and amendment of all forms, and, if possible, of all regulations also. The officer is also in charge of printing and stationery. The concentration of the above duties in a single officer has already resulted in large savings. In addition, the Officer on Special Duty has taken over most of the duties of the Establishment Officer, thus making possible the abolition of the latter appointment, a further consequential saving.

(e) The answer to the first portion of this question is in the negative. The answer to the second portion is that the rule has been in force for a considerable time.

ALLOTMENT OF QUARTERS IN NEW DELHI.

879. ***Mr. B. Das :** (a) Will Government be pleased to state the details of allotment of accommodation for New Delhi for 1930-31 and

1931-32 for orthodox and un-orthodox quarters (with and without liens separately) for the Departments of the Government of India and their attached and subordinate offices ?

(b) How many applicants are there from each of the Departments for A, B, C and D classes, respectively, and how many were provided with accommodation ?

(c) Is it a fact that in some cases those who are actually allotted quarters do not live in them but sublet them to unauthorised persons ?

(d) If the answer to part (c) is in the affirmative, do Government propose to take any action ?

(e) Do Government propose to extend the same privileges to the migratory staff as are enjoyed by the non-migratory staff, *viz.*, the privilege of remaining in the same quarter unless and until a quarter of a higher type to which he is entitled becomes available ? If not, why not ?

Mr. J. A. Shillidy : (a) and (b). Government do not propose to have the information compiled as the amount of labour involved in doing so would be incommensurate with the benefit attained.

(c) Government have no information on the subject.

(d) Does not arise.

(e) It is not proposed to extend the privilege mentioned to the migratory staff as the reasons for which it was given in the case of non-migratory staff do not hold good in the case of migratory staff.

RELEASE OF S. DHANNA SINGH, A PRISONER OF LYALLPUR.

880. ***Bhai Parma Nand** (on behalf of Sardar Sant Singh) : Will Government be pleased to state why S. Dhanna Singh and his companions have not been released so far under the Gandhi-Irwin settlement ?

The Honourable Sir James Crerar : They were not released at the time as the offence for which they were convicted was not connected with the civil disobedience movement and their cases did not therefore come within the terms of the settlement.

It is understood, however, that the Punjab Government as an act of grace have since remitted the sentences under section 401 of the Criminal Procedure Code.

CHARGE FOR EXCESS WATER AT THE CLERK'S QUARTERS, PHAGLI, SIMLA.

881. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that there are separate water meters attached to each of the Indian clerks quarters, Phagli, Simla ?

(b) Is it a fact that the water rates are not charged according to the readings of the meters attached to each quarter ?

(c) Is it a fact that there are Municipal meters attached to each group of six quarters, and, if so, is it a fact that the reading of the Municipal meter does not tally with the total readings of the separate meters attached to the six units in a block ?

(d) Will Government be pleased to state whether the Municipality charges the Public Works Department for excess water according to their

meters, if so, what are the reasons for putting separate meters in each quarter?

Mr. J. A. Shillidy : (a), (b) and (c). Yes.

(d) Yes. Originally, there were no separate meters in the quarters. This led to considerable discontent because some occupants (for example, those with large families) used more water than others, and so long as there were no meters, all had to pay alike.

CHARGE FOR EXCESS WATER AT GOVERNMENT QUARTERS IN SIMLA AND NEW DELHI.

882. ***Rao Bahadur M. C. Rajah :** (a) Are Government aware that the excess water rate bill for the period, 15th April, 1931, to 14th May, 1931, has been sent to the tenants in Phagli in the month of September, 1931 without giving the tenants any intimation as to the excess water used by them during that month?

(b) Will Government be pleased to state the number of gallons of water allowed free for a month to each tenant in A, B and C type quarters in Phagli, Simla, as well as in the unorthodox quarters in New Delhi?

(c) Are Government aware that the tenants of Government quarters in Simla and New Delhi are not intimated as to the excess water used by them during a month? If so, do Government propose to have a chart attached to each water meter in Government quarters in Simla and New Delhi in which the monthly meter readings will be put down for the information of the tenants as is done for electric meter reading?

Mr. J. A. Shillidy : (a) Yes.

(b) The figures are, approximately, as follows:

Phagli, Simla.—A. 65 gallons, daily.

B. 55 gallons, daily.

C. 52 gallons, daily.

New Delhi.—No free allowance is given to tenants of unorthodox quarters. They are charged Rs. 1-8-0 per mensem, and are allowed to use up to 4,000 gallons per mensem without further payment. After this they are billed at a rate of 6 annas per thousand gallons.

(c) In Delhi, intimation is given when the bills are sent out. In Simla, no intimation is given, but the information may be obtained by any one who is interested on applying to the Phagli Public Works Office.

The system suggested could be introduced, but would involve additional work and expense.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM RAJPUT POPULATION OF EACH PROVINCE.

71. **Kunwar Hajee Ismail Ali Khan :** Will Government kindly state what is the Muslim Rajput population (male and female) of each province in India according to this latest census?

The Honourable Sir James Crerar : I regret the information is not yet available.

REDUCTION IN NUMBER OF CLASS I OFFICERS OF THE SURVEY OF INDIA.

72. **Kunwar Hajee Ismail Ali Khan :** With reference to Maulvi Muhammad Yakub's starred question No. 1577 (d), dated 3rd September, 1924, will Government kindly state what reduction has been made up till now in the number of Class I officers of the Survey of India?

The Honourable Khan Bahadur Mian Sir Fazil-i-Husain : The sanctioned cadre of Class I of the Survey of India consists of 63 officers. The number actually employed at present is only 49. Recruitment from the Indian Army has been in abeyance since 1923 and the number of Royal Engineer officers has also been gradually decreasing. The question of reduction is receiving the attention of Government in connection with the proposals for retrenchment.

THE ADMINISTRATION OF ADEN.

73. **Mr. S. G. Jog :** (a) Will Government make an announcement of their future policy of administration in Aden?

(b) Are Government aware that questions with reference to the Aden administration were put in the Bombay Council?

(c) What steps do Government propose to take to improve the present state of administration?

Mr. E. B. Howell : (a) and (c). The Honourable Member is referred to the answer given by me to question No. 595 put by Sir Cowasji Jehangir in this Assembly.

(b) Yes.

TRAINS FROM AMRAOTI TO NAGPUR.

74. **Mr. S. G. Jog :** (a) Will Government state as to how many trains run between Badnera and Nagpur on the Great Indian Peninsula Railway?

(b) Have Government considered the question of running the same trains from Amraoti to Nagpur?

(c) Are Government aware that the Railway has been put to a loss by the present arrangement?

(d) Are Government aware that because the trains do not run from Amraoti the passenger traffic is diverted considerably by motor buses?

(e) Do Government propose to take steps to run the trains from Amraoti?

Mr. A. A. L. Parsons : (a) Four passenger trains in each direction.

(b) Government can take no part in the preparation of time tables.

(c), (d) and (e). I would refer the Honourable Member to the reply I gave to part (c) of his question No. 972 on the 16th March 1931. The Agent, Great Indian Peninsula Railway, has since reported that the third class single journey fare between Badnera and Amraoti had been

reduced from Re. 0-2-0 to Re. 0-1-6 and return tickets at Re. 0-2-0 were introduced with effect from 1st October 1928, and that the train services on the section had also been intensified from time to time. These measures, it is stated, have proved effective to retain traffic against road competition.

TENNIS COURT FOR GOVERNMENT OF INDIA CLERKS AT PHAGLI.

75. **Mr. S. C. Mitra :** (a) Is it a fact that there is a Government tennis court in Phagli for the Government of India clerks? If so, what is the annual rent charged from the clerks for the use of the court?

(b) Will Government be pleased to lay on the table a statement of the tennis courts attached to the different officers' bungalows—with names of the officers—and the rent paid by them for the Simla season for the use of those courts?

Mr. J. A. Shillidy : (a) Yes. The annual rent is Rs. 110 per season. This is a concessional rent. The full rent for the summer is Rs. 299 and for the year Rs. 513.

(b) Government are not prepared to undertake the labour of preparing the statement asked for. It might be mentioned, however, that in no case is the rent of a tennis court attached to an officer's house, as low as what is charged for the Phagli court, nor is any officer given any concession.

APPOINTMENT OF JOINT SECRETARY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

76. **Mr. S. C. Mitra :** (a) What are the duties attached to the post of Joint Secretary in the Department of Education, Health and Lands and what is the justification for keeping this post? Was the post of Additional Deputy Secretary created for the very work which originally used to be done by the Joint Secretary?

(b) What is the establishment attached to this post?

(c) How many times has the present Joint Secretary gone overseas during the last three years and on what purpose? For how many months has he been away during that period and what arrangements were made to carry on his work in his absence? Does not the work suffer in any way?

(d) What are the arrangements made now when he is away? Cannot the same arrangements be kept throughout the year? If not, why not?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The duties performed by Joint Secretary and Additional Deputy Secretary in this Department and the reasons which necessitated the creation of these posts are fully explained in paragraphs 54 and 56 of the proceedings of the Standing Finance Committee, dated the 23rd January, 1931, and 14th February, 1930, respectively. Copies of these proceedings are available in the Library of the House.

(b) 1 stenographer and 2 peons.

(c) The Honourable Member is presumably referring to Mr. G. S. Bajpai. A statement containing the information desired by him is annexed. The answer to the last part of the question is in the negative.

(d) The Additional Deputy Secretary is officiating as Joint Secretary. The post of Additional Deputy Secretary has been converted temporarily into that of Additional Under Secretary as a measure of economy. The question of the strength of the Secretariat establishment is being considered by the General Purposes Sub-Committee of the Retrenchment Advisory Committee.

Absences out of India of the Joint Secretary, Department of Education, Health and Lands.

Year.	Purpose and period of deputation.	Arrangements made during his absence.
1929	To Geneva in connection with the meeting of the League of Nations. 30th July, 1929 to 29th November, 1929 (4 months).	The Deputy Secretary officiated as Joint Secretary.
1930	To Geneva in connection with the meeting of the League of Nations, and then to London in connection with the Imperial Conference and the Indian Round Table Conference. 16th August, 1930 to 11th February, 1931 (5 months and 27 days).	The Additional Deputy Secretary officiated as Joint Secretary.
1931	To London to assist at the Round Table Conference. From 16th August, 1931.	The Additional Deputy Secretary is officiating as Joint Secretary.

CONVEYANCE ALLOWANCE PAID TO GOVERNMENT OF INDIA STAFF AT DELHI.

77. **Mr. S. C. Mitra :** (a) What is the rate of conveyance allowance granted to the staff of the Government of India while at Delhi? Why and for what purpose was it sanctioned?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers? If so, what is the percentage of reduction of this allowance in the case of both the classes of officers?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries?

The Honourable Sir James Crerar : (a) Conveyance allowance is granted to those who apply for, but are not provided with, accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32, but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.

ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

78. **Mr. S. C. Mitra :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff altogether ?

(b) Will the Government have the question still present ? (7) Volume VI, No. 1, dated 23rd September, 1931, page 930, reply to parts (a), (b) and (c) of unstarred question No. 78, for "17th September" read "21st September"

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) If the answers to parts (a) and (c) be in the affirmative, do Government propose to continue the allowance ?

The Honourable Sir James Crerar : (a), (b) and (d). I would refer the Honourable Member to the reply given by me on 17th September, 1931, to parts (a), (e) and (f) of Mr. Anwar-ul-Azim's unstarred question No. 70.

(c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

PAY AND ALLOWANCES OF I. C. S. OFFICERS.

79. **Mr. S. C. Mitra :** (a) What is the time-scale of pay of the I. C. S. ?

(b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not these grounds since disappeared ? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of the subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.

(b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions I would refer the Honourable Member to rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.

(c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

(d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month, respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month, respectively, in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.

(e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

PAY OF ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

80. **Mr. S. C. Mitra :** (a) Will Government be pleased to state (i) the number of accountants and their scale of pay, and (ii) the number of clerks and their scale of pay at present employed in the office of the Military Accountant General ?

(b) Is it a fact that the scale of pay and the increments of accountants employed in the Office of the Military Accountant General are higher than those of the 1st Division assistants employed in the Imperial Secretariat ?

The Honourable Sir George Schuster : (a) (i) and (ii). A statement containing the required information is laid on the table.

Category of staff.	Number.	Scale of pay.
Accountants	18	Rs. 210—20—410—30—500.
Clerks who have passed the Subordinate Accounts Service Examination of the Military Accounts Department	58	Rs. 115—10—225.
Clerks who have not passed the Subordinate Accounts Service Examination of the Military Accounts Department	11	Rs. 55—6—115—5—170—5—200.
Routine Grade Clerks—permanent	15	Rs. 90—4—130—4—170.
Routine Grade Clerks—officiating	2	Rs. 75.

(b) There are two classes of First Division Secretariat Assistants :

(i) Assistants—Upper time scale.

Scale of pay—Rs. 375—25—500.

(ii) Assistants—Lower time scale.

Scale of pay—Rs. 200—15—500.

It will be seen that the accountants employed in the office of the Military Accountant General are on a scale which is considerably lower than that of First Division Secretariat Assistants who are in the Upper Time Scale but slightly higher than that of Assistants in the Lower Time Scale.

ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

81. **Mr. S. C. Mitra :** (a) Is it a fact that the accountants employed in the Office of the Military Accountant General get, in addition to their

time-scale of pay, (i) local allowance ranging from Rs. 50 to Rs. 80 a month; (ii) duty allowance of 20 per cent. on their pay; and (iii) Simla house rent?

(b) Is it not a fact that the Military Accountant General's Office is only an Attached Office?

(c) Is it a fact that the 1st Division assistants in the Imperial Secretariat get only Simla house rent and no local or duty allowances in addition to their substantive pay? If so, will Government be pleased to state the circumstances and the reasons for the grant of local and duty allowances to the accountants of the Military Accountant General's Office?

The Honourable Sir George Schuster : (a) (i), (ii) and (iii). The answer is in the affirmative except that the rate of local allowance for accountants ranges from Rs. 70 to Rs. 80 a month.

(b) The Military Accountant General's office is an attached office, which in some respects functions as a Section of the Military Finance Department. The work carried out in the Military Accountant General's office is of a different nature to that carried out in Secretariat offices but is of a very responsible nature. It is not possible to make a comparison of responsibility.

(c) It is a fact that First Division assistants in the Imperial Secretariat draw no local or duty allowances in addition to their substantive pay. The Secretariat scale of pay is a consolidated rate based on the conditions prevailing at the Headquarters of the Government of India. The accountants employed in the Military Accountant General's office belong to an "all-India" Department. Under their terms of service they are liable for general service in India and Field Service in or out of India, and are transferred to the head office only for limited periods. In addition to their pay on the general time-scale they are granted a local allowance to cover the high cost of living in Simla and a duty allowance in view of the more responsible duties which they have to perform in the Headquarter office in comparison with those in subordinate offices.

ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

82. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the actuals of the amounts paid to the accountants of the Military Accountant General's Office in 1930-31 towards (i) local allowance; and (ii) duty allowance?

(b) Will Government be pleased to state whether they propose to abolish the local and duty allowances of the accountants employed in the Military Accountant General's Office? If so, when? If not, why not?

(c) Is it a fact that duty allowances are granted to the superior service officers and the subordinate service officers employed in the Office of the Military Accountant General and that officers of similar status employed in the Secretariat offices of the Government of India get no such allowances? If so, will Government be pleased to state whether, and if so, when they propose to abolish these allowances?

The Honourable Sir George Schuster : (a) (i) Local allowance Rs. 15,539.

(ii) Duty allowance Rs. 15,146.

(b) Local and duty allowances were granted to accountants in the Military Accountant General's office after carefully considering the circumstances necessitating their grant and as the grounds on which they were granted still exist the Government of India do not propose to abolish them.

(c) The answer to the first part of the question is in the affirmative. Both in the case of officers employed in the Secretariat and the office of the Military Accountant General the rates of pay and allowances have been fixed after careful consideration and with due regard to the nature of the duties which the officers are called upon to perform and their responsibilities and it is not proposed to abolish the duty allowances at present sanctioned.

With regard to the general question of local and duty allowances it is possible that the present rules will have to be reviewed if they are affected by any proposal made by the Retrenchment Committee.

PAYMENT FOR THE CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND.

83. **Mr. S. C. Mitra :** (a) What is the amount paid to the steamer company that carries mails to and from England?

(b) Do the Government in England bear any share?

(c) If so, how much?

Sir Hubert Sams : (a) to (c). The Honourable Member's attention is invited to the concluding sentences of parts (a) and (b) of the reply given to his starred question No. 603 on the 21st September, 1931.

CARRIAGE OF MAILS TO AND FROM THE STRAITS SETTLEMENTS.

84. **Mr. S. C. Mitra :** (a) With what company have Government made a contract for carrying the mails to and from the Straits Settlement?

(b) What is the amount paid to the company?

(c) Do the Straits Settlement authorities pay any share?

(d) Is it a fact that under the contract the company has to carry the mails in steamers which run at an ascertained speed?

(e) Does the said company carry the mails in such steamers?

Sir Hubert Sams : (a) and (b). The Honourable Member's attention is invited to parts (a), (b) and (d) of the reply given to his starred question No. 603 on the 21st September, 1931.

(c) No.

(d) and (e). Yes.

PROCEDURE FOR ADMISSION TO THE POSTAL DEPARTMENT CO-OPERATIVE CREDIT SOCIETY.

85. **Mr. S. C. Mitra :** Are Government aware that the Government of Bengal have decided that a member of gazetted rank may join the Writers' Building Co-operative Society but will not participate in a loan?

Do Government propose to follow a similar procedure in the Post Office Department ?

Sir Hubert Sams : Government have no information. The adoption of the principle suggested is already being examined by me.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

86. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that the Cordite Factory at Aravankadu is the only factory in India manufacturing cordite for the use of the Military Department and was at the time of the war employing as many as 1,200 men ; if not, what are the facts ? Has the factory come under retrenchment ? If so, how has the retrenchment been effected ?

(b) Will Government please state whether it is a fact that owing to retrenchment 116 workmen, of whom 13 men have put in service of between 10 and 20 years and 79 men of under 10 years of service, have been discharged without any gratuity being paid to them ?

(c) Will Government please state whether it is a fact that although many of these men have been working on the daily wage system and described as temporary establishment, they have been working in the factory for long periods of time ?

Mr. G. M. Young : (a) The answer to the first portion is in the affirmative. A number of temporary employees in this factory, as in other Ordnance and Clothing Factories, have been discharged, at least one month's notice being given in all cases.

(b) The figures given by the Honourable Member are correct, except that 23, and not 13, of these men have service of between 10 and 20 years. 24 of the discharged men have been given small gratuities from the Fine Fund. The question of granting further gratuities is under consideration.

(c) Yes.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

87. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that there has not been in the Cordite Factory at Aravankadu any system of provident fund or gratuity ? If so, why ?

(b) Will Government please state whether it is a fact that a Fines Fund was instituted in November, 1930, according to which gratuities so far as the funds permit may be granted out of the said funds to such of the workmen as are discharged owing to sickness or old age after long and approved service ?

(c) Will Government please state whether it is a fact that therein was provided only a maximum gratuity of six months' pay to a workman who has put in not less than 20 years of service or Rs. 720 whichever is less ?

(d) Will Government please state whether it is a fact that it was also provided therein that if the state of the Fines Fund would not permit of payment according to the full scale, the scale might be further reduced : if not, what are the facts ?

(e) Will Government please state whether it is a fact that fines not being frequent or heavy in this factory, there is only Rs. 375 or thereabout in the Fines Fund ; if not, what are the facts ?

Mr. G. M. Young : (a) A contributory provident fund was instituted in all Ordnance and Clothing Factories on the 1st April, 1931.

(b) No. The Fine Fund has been in existence for many years. Revised rules for the grant of gratuities from this Fund were published in November 1930. The object of these rules is as stated by the Honourable Member.

(c) and (d). Yes.

(e) Yes. The balance of Rs. 375 has been distributed among 24 of the discharged men.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

88. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that men of long service were suddenly discharged at the end of their career, in the Cordite Factory at Aravankadu ?

(b) Will Government please state whether they are aware that there was no saving to support them in their old age and no provident fund or gratuity to come to their rescue ?

(c) Will Government please state whether it is a fact that they submitted a memorial to the Master General of Ordnance Factories in India pointing out the above facts ?

(d) Will Government please state whether it is a fact that the Union in their memorial to the Master General of Ordnance Factories in India prayed that the discharged men may be treated in the same manner as the employees on the South Indian Railway, when they were retrenched about three years ago by the grant of one month's pay for every year of service ? Was this prayer granted ; if not, why not ?

(e) Will Government please state whether it is a fact that in reply to the Union's memorial, the Master General of Ordnance stated that gratuities would be paid so far as the Fines Fund permitted ? If not, what are the facts ?

(f) Will Government please state whether it is a fact that he also stated that the grant from army funds will be made to pay a gratuity to men who are 50 years old and over, on the following scale : 20—30 years of service 3 months' pay ; 30—35 years of service 6 months' pay ? If not, what are the facts ?

Mr. G. M. Young : (a) No. They were all given a month's notice of discharge.

(b) Government have already instituted a contributory provident fund. The question of the grant of gratuities to the retrenched personnel is under consideration.

(c) Yes.

(d) Yes. The memorial is receiving sympathetic consideration, but Government are unlikely to agree to so high a scale of gratuities as is suggested.

(e) and (f). Yes. The Master General of the Ordnance in India also stated that when sufficient funds were not available in the Fine Fund, a gratuity may be granted from Army funds to a discharged man of over 50 years of age.

MONTHLY AND DAILY RATES OF PAY AT THE CORDITE FACTORY AT ARAVANKADU.

89. **Mr. C. S. Ranga Iyer** : (a) Will Government please state whether it is a fact that distinction has been made between monthly paid and daily rated men in the Cordite Factory at Aravankadu? If so, what are the distinctions and why are they made?

(b) Will Government please state whether it is a fact that although they enjoy now a scheme of provident fund, casual and privilege leave, still they are called temporary? If so, why?

Mr. G. M. Young : (a) Distinction has been made only in matters of leave and pension. Monthly paid men get leave under the Civil Service Regulations and pension after 35 years' service, subject to certain conditions being fulfilled. They are entitled to one month's notice of discharge under the Civil Service Regulations.

Daily-rated men get leave under separate rules and ordinarily are not eligible for pension. They are not entitled to any notice of discharge.

(b) Yes, because of the fluctuating nature of their work which depends on the extent of orders placed on the Factory.

GRATUITIES FOR RETRENCHED MEN AT THE CORDITE FACTORY AT ARAVANKADU.

90. **Mr. C. S. Ranga Iyer** : (a) Will Government please state whether it is a fact that the gratuity intended to be paid out of the fines fund in the Cordite Factory at Aravankadu was meant to cover only cases where an occasional case might arise in normal times?

(b) Will Government please state whether it is a fact that the Labour Union has applied to Government that special funds must be found in making reparations, and gratuity be paid to the retrenched men at least equivalent to a month's pay for every year of service as is done on State Railways, out of the army funds; if the answer is in the affirmative, do Government propose to sanction this special fund; if not, why not?

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

(b) Yes, but as already stated Government are unlikely to agree to the suggested scale.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : You will remember, Sir, that in the statement I made on Friday last about this week's business I said that it might be necessary for me to ask you to direct that the House should sit on Friday of this week. That necessity, Sir, has now arisen. If you make that direction, the business which we shall put down will be in the first place business on to-day's list, not concluded when we rise

12 NOON.

this evening, and, secondly, the motion to take into consideration the Press Bill as reported by the Select Committee. I believe, Sir, that Members are in the main agreeable to taking this motion on Friday, but I am of course aware that, if any Member takes objection, we shall not be able to proceed with that motion on Friday unless you, Sir, suspend the Standing Orders. I should like to make it clear that Government will not ask you to do this unless it appears that we have the feeling of the House with us.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What will be the position on Friday? I have no objection to the Bill being taken up on Friday, but the business which will not be concluded to-day will be taken up on Friday, and after disposal of that business there will be very little time left for this Bill.

The Honourable Sir George Rainy : I should like to explain that we shall put the Press Bill first on the paper.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I will agree to this course provided we are not asked to work on Saturday.

Mr. President : The position has been clearly explained by the Honourable the Leader of the House. Government are putting this item on the Agenda Paper on Friday. Whether it will be considered or not will depend upon the suspension of the Standing Orders by the Chair. The Chair will only suspend the Standing Orders and enable the Press Bill to be brought forward two days earlier if there is a consensus of opinion in the House to that effect.

THE FOREIGN RELATIONS BILL—contd.

Mr. President : The House will now resume discussion on the motion that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Government of foreign States, be taken into consideration.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, to continue my speech on my motion for circulation. Many of our friends and relatives have left their homes to settle permanently in various parts of the world, i.e., in Africa, Ceylon, and other foreign States. There are others who have left their mother country temporarily to earn their living in those countries. The rights and welfare of these are by no means subjects about which we can afford to be indifferent. So many times their rights as Indians have been seriously molested by the foreign Governments.

Sir, if this Bill becomes an Act, it will deprive us of one of our most effective means of protest against the ill-treatment of our countrymen at the hands of foreign Governments. Besides, the interests of the Indian Mussalmans are very much allied to those of their brethren in Hedjaz, Turkey, Afghanistan, Africa, etc., and they can never remain indifferent to the sorrows and troubles of their co-religionists in those foreign countries. This Bill is a serious encroachment upon the liberties of the Muslims of India and seeks to prevent them from voicing the discontents of their brethren or from censuring and protesting against the maltreatment meted out to them by the Government of those countries.

Sir, the Statement of Objects and Reasons says :

"The English common law punishes such libels on the ground that they imperil the peaceful relations of His Majesty with foreign States."

[Mr. M. Maswood Ahmad.]

But I find in clause 2 of the Bill, the wording is :
 "unfriendly relations between His Majesty's Government and the Government of foreign State."

Again, at the time of introducing the Bill the Honourable the Foreign Secretary said :

"No matter how malicious, how gratuitous, or how false those attacks might be, or how disastrous the consequences of them might be to the country concerned, the Government of India was impotent."

Then he said :

"Against such consequences the rulers of these States have a right to be protected."

Now, Sir, I think foreign States includes Indian States also....

(Several Honourable Members : "No, no. That has been made clear by the Foreign Secretary.")

Some of my lawyer friends told me that it goes so far. If a man goes to Mecca and comes back from that place and says that he had troubles there and the Government of Mecca was not good and did not treat him well, then under this Bill that man can be proceeded with. So, we cannot say a single word against any one.

Sir, the Bill which is before the House intends to gag the Press for expressing its true and unbiassed opinion on foreign matters, while the one which was discussed a few days ago prohibited the fair criticisms on affairs connected with this country. It is impossible even to imagine how a Press can be called a free and independent Press when legislation denying it the privilege of expressing its views is brought forward both for foreign as well as Indian matters. Sir, the Government move is very nice according to their point of view. Government have divided the old Bill into two parts and want to divide the opposition in this way. Sir, it has always been seen that a free Press is an eye-sore and an inconvenient factor for the Government of India and they are bent on forging new weapons for their armoury to put the free activities of the Press in India to an end. I do not know when such a state of affairs will be over and the Government will recover its senses. We are told that the Foreign Relations Bill has been devised merely to prevent libels against the heads of foreign States, but I say with all the force at my command that this is not the true object of this malicious Bill. It is simply intended to check the free and fair criticism which I believe is no offence at all. To libel against the head of a foreign State is altogether a separate thing from that of expressing true opinions. The Foreign Secretary has given so many instances in this connection, but I say that it is not a true picture of the real affairs. For the sake of argument only, let it be granted for a moment that there are a very few papers which are bent upon such activities, and if the Government so desire, they can always take such action as they consider necessary under the ordinary law of the country. In that case it is all the more unnecessary for Government to place this legislation permanently on the Statute-book.

With these words, Sir, I move the motion standing in my name.

Mr. President Motion moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932."

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, as I have given notice of a similar motion and as I wish the Honourable the Foreign Secretary to see that the Bill as it is drafted is not in accordance with the English law, in other words, it goes against the spirit of the English law, I wish to offer a few observations in a friendly spirit. If the Honourable the Foreign Secretary will turn to Russell on Crimes he will find that so far as foreign potentates and Heads of States are concerned, the English law punishes a British subject only in three cases and in no other, namely, when one compasses or counsels murder of a foreign Sovereign or the head of a foreign State, secondly, if there is a conspiracy to commit murder of the head of a foreign State ; and thirdly, cases of libel upon a foreign State which would correspond to cases of defamation of the head of a foreign State. These are the only three cases known to the common law of England in which the tribunal would punish the delinquent. I get these facts from Russell on "Crimes and Misdemeanours", Volume I, page 299 and page 793, *et seq.* That being the case I do not think it is quite correct to state that the Bill in hand is intended to bring Indian law into conformity with English law. As regards the previous history of the Indian law, the Honourable the Foreign Secretary said that his distinguished predecessor, Sir Denys Bray, had introduced in this House in 1928 a similar Bill intended to amend section 505 of the Indian Penal Code. May I just remind the Honourable the Foreign Secretary that even that short Bill of 1928 was more in conformity with English law than the Bill which he wants this House to take into consideration to-day. As Honourable Members may not have a copy of that Bill before them, I venture to read the operative clause of that Bill. It says that in section 505 of the Indian Penal Code after clause (c) the following clause shall be inserted, namely :

"with intent to promote or which is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State."

The Honourable the Foreign Secretary has referred to the stubborn opposition this Bill encountered upon its introduction in this House, and I feel that though we may not be numerically strong we shall not be lacking in the stubbornness of the opposition which we shall offer to the Bill as it is drafted to-day, as it was offered in the year 1928. If Honourable Members will turn to clause 2 of the present Bill, which is the operative clause, they will find that it reads as follows :

"Whoever makes, publishes or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote, unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years or with fine or with both."

My legal friends will at once see that the criminality, or the *mens rea* in this case does not depend upon the offence but upon the effect it is likely to produce upon any foreign State. The crux of the criminality of this offence therefore must vary in each case. We may have the head of a foreign State who may be more sensitive to criticism than the head of another State and it is the resultant effect upon the foreign State that will determine the criminality of the offender. Sir, I submit that is a serious defect in the Bill. If you really wish to punish a person for libelling the head of a foreign State then you have no difficulty in defining your offence. In 1923, an Act was passed, popularly known as the Princes' Protection Act, the language of which seems to me to be more in conformity with the spirit of English law than the language of the Bill in hand. In this Bill

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which was certified by Lord Reading and which I may point out was thrown out upon its introduction in this House, showing how jealous guardians of popular rights are the Members of this House and have been in previous Assemblies, the language was couched in the following terms :

"Whoever edits, prints or publishes or is the author of any book, newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards any Prince, or Chief of a State in India or the government or administration established in any such State shall be punishable with imprisonment which may extend to five years or with fine or with both."

What is laid down here is that the offender shall not intentionally commit an offence, excite disaffection or do the various other things which constitute the offence. It is a sufficient notice to the offender that he must possess the *mens rea* or the criminal intention of a particular character and he must avoid any reference to the Prince which would have the effect of causing disaffection or bringing into hatred or contempt. I can well understand the meaning of the words "hatred, contempt or disaffection", and if you tell the conductor of a newspaper in India that you shall not, by your language, bring into hatred or contempt the head of a foreign State to the same extent that you shall not bring into hatred or contempt the head of an Indian State, there would not be a close analogy between the present Bill and the Princes' Protection Act of 1923, but there would be a closer analogy between the Indian law and English law, but as I have submitted, clause 2, which is the operative clause of the Bill, is so widely worded that it takes no note of your intention or of your knowledge. It concentrates upon the effect it is likely to produce upon the aggrieved party. You may have a noble intention. You may be inspired by the most patriotic of motives, but if the effect is to produce or there is any likelihood of producing an unfriendly relation, apart from your intention and knowledge, it will imperil your liberty. That, I submit, is a vicious principle. Sir, only last Sunday I was reading the *Statesman* newspaper, and curiously I find the following passages in that newspaper, it is dated 20th September, 1931, on page 19. Let me read a very short passage to Honourable Members. It says :

"Over two thousand years ago Aristotle drew the classic features of the tyrant and there is little in his terrible sketch to which Mussolini does not conform :

- To build up one's personal power by ruthless and unqualified repression,
- To slay or banish the best citizens of the commonwealth,
- To render dangerous by espionage all freedom of intercourse,
- To forbid all association for intellectual or social purposes,
- To devise vast enterprises, whether of peace or war,
- To keep the people occupied,
- To inspire the rich and poor with a distrust of each other, and confidence in himself, siding always, when choice must be made, with the stronger.

Is there any element in this portrait which is not recognizable as a picture of the present Italian regime ?

Then, after saying very many nasty things about Mussolini and painting his picture black (Laughter), we find the following closing lines :

"Tyranny such as Mussolini's softens the moral fibre of a people."

(Mr. K. Ahmed : "Hear, hear.")

Sir, if there is one man in this world who will feel dissatisfied with the Government of India upon reading this castigation of himself, it is Mussolini. (Hear, hear.) Are the Government of India prepared to prosecute the writer of this article ? (Mr. S. C. Mitra : "This is Anglo-Indian Press.") Further, Sir, my Honourable friend's predecessor in office, Sir Henry Dobbs, on that very page, writes, and what does he write ? He wrote an article in the London *Daily Telegraph*, and he says that the world is now full of tyrants. (An Honourable Member : "Full of what ?") Tyrants. I will read to you some more extracts :

"Non-hereditary tyranny is of its essence unstable, since it depends on one man's life and energy. His death or weakness may at any moment leave his country without a head and throw it into chaos, which must affect its neighbours and cause storms over the whole surface of world-politics."

Let us turn to a rapid survey of the 'Ten Tyrannies', taking them from West to East. They are Portugal, Italy, Poland, Hungary, Russia, Turkey, Arabia, Irak, Persia and Afghanistan."

I am quite sure, Sir, that the heads of these States will be extremely angry with my Honourable friend's predecessor in office for having characterised them as tyrants and giving a column and a half to showing what sort of tyrants they were. If, therefore, you judge the criminality of a crime by the susceptibilities of the person against whom criticism is directed, you punish the man not for what he has done but for remotely wounding the susceptibilities of another person of which he may know nothing. A fair criticism of the ruler and the ruled, a fair criticism of the oppression and tyranny of people, herein lies the birthright of every man and every citizen (Hear, hear) ; and if a newspaper is to be mulcted for such criticism—whether it be of a neighbouring Indian State or of a foreigner beyond the seas is immaterial—I submit the liberties of the Press in India would be seriously encroached upon and the Press would be placed in a position of great jeopardy if you were to make them the victim of the fancies and whims of foreign potentates,—and it is this that this Bill proposes to do.

Sir, I have shown to Honourable Members that this Bill is not in accordance with the English law. I have shown to Honourable Members that this Bill is not in accordance with the provisions of the law which they themselves enacted relating to Indian States. I have shown, Sir, that this Bill would place an embargo upon fair criticism and would place the keepers and printers of newspapers in this country at the abject mercy of the executive Government. The Honourable the Foreign Secretary knew what was passing through the minds of the Honourable Members on this side of the House, and in the very opening words of his speech he said, "Don't you for a moment think that my Bill is going to deal with Indian States". My Honourable friend presumably has not consulted his legal advisers as to what would be its legal effect. I quite admit that that is the personal view of the Foreign Secretary, and it is entitled to great weight. But may I remind him as to what is laid down in the Foreign Jurisdiction Act, section 16 ? The expression "a foreign country" means any country or place out of His Majesty's Dominions, and does the Foreign Secretary not know that it is under the Foreign Jurisdiction Act that he extends the British Indian laws to Berar, which is a leasehold from His Exalted Highness the Nizam of Hyderabad ? Sir, so far as this Bill is concerned, it may possibly extend to the Indian States unless you make it clear that it does not. Are the

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Indian States foreign territories or not? My Honourable friend nods his head that they are not. I say you have here the Foreign Jurisdiction Act (*An Honourable Member* : "And also the judgments of the Indian States are judgements of a foreign court.") and you have heard, as my Honourable friend pointed out, that all the judgments of the Indian States are the judgments of a foreign court. You cannot by a mere *ipse dixit* say that the Indian States would be excluded; and until you have excluded them by not merely a remote implication, but by an Act in terms excluding them from the purview of this Act, the position remains as I have stated. My Honourable friend who spoke last said that he had consulted lawyers and that they are of opinion that this Bill would be construed in a court of law as not only extending to foreigners outside the frontiers of India, but also to foreign States within the confines of India. You have therefore to make it plain that it is intended to apply only to foreign States outside the borders of India. I have therefore shown, Sir, that this Bill is very seriously defective. It is not a hasty production. It was on the brain of two Foreign Secretaries, Sir Denys Bray and my Honourable friend Mr. Howell. They have been cogitating over the terms of a Bill of this character. The Bill of 1928 was thrown out by this House because it was a seriously defective Bill, and we then pointed out that if you really wish to circumscribe the liberty of the Press in this country, you have to make good your claim that you are only coping with the mischief and that the scope of the Bill should not be too wide to let in an unwary innocent. Sir Denys Bray was not able to frame a piece of legislation which would satisfy the Assembly of 1928. After three years or more we have the present Bill, and as I have pointed out it is honeycombed with defects,—defects from beginning to end; and I am surprised that this small mouse has come out of this colossal mountain after three years of labour. Surely, Sir, I should have expected the Foreign Secretary to read up the proceedings of 1928 and the criticisms that were directed against that Bill, and he would have immediately told his legal advisers that what he really wants is to punish a libel or conspiracy to commit murder or murder upon foreign States or upon heads of foreign States and by doing so we shall be holding fast the sheet-anchor of English law. He could say, "Here is the English law clear on this point and we wish to arm ourselves with a similar power so that we may not perchance come to open hostility with a neighbouring State on account of a libel uttered by one of our subjects". I am quite sure that if the Bill had been drafted in that way and limited to that extent, there would have been no opposition from these Benches. But the Bill as it is, if I may be permitted to say so concentrates and localises all the defects of the previous Bills, all the defects that a Bill of the Imperial Legislature can possibly contain, and it would leave entirely to the executive Government to decide whether a man should be punished or not. The Foreign Secretary said that under the Princes' Protection Act of 1923, no person shall be proceeded against unless a complaint is made against him by the Governor General in Council, and quite unconsciously I hope, he said that we have made the same provision in this Bill.

Mr. E. B. Howell (Foreign Secretary) : I did not say that.

Sir Hari Singh Gour : Oh, very well. Well, in a case of the Princes' Protection Act no prosecution is to be launched except on the complaint

of the Governor General in Council. A prosecution under this Bill might be initiated,—mark the words in clause 3,—“by the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf”. I know, Sir, what these officers are. These officers may be a District Magistrate or a District Collector, a District Superintendent of Police, or he may be some sub-sub-sub-Director of the C. I. D. Thus you take *carte blanche* to prosecute anybody and you give *carte blanche* to any officer of Government to launch this prosecution. Sir, the other day I was reading a very interesting book written by the present Chief Justice of England, Lord Hewart. The title of that book is “New Despotism”, and he was there pointing out how the executive have encroached upon the power of Parliament. Sir, some of us may well write another companion volume of “New Despotism” in India, of how the executive have encroached upon the domain of the Legislature by giving themselves ample and plenary powers and depriving the Legislature and the judiciary of their legitimate functions. This is one of those cases in which any officer of the Government may launch a prosecution on a likelihood. Who is to be the judge of that likelihood? I ask the Foreign Secretary to tell me what he means by “anything which is likely to promote unfriendly relations”. I ask the question, who is to be the judge of this likelihood? The officer launching the prosecution, and he will say to the court, “I think that the statement of this accused is likely to imperil the relations of the Government of India with the head of a foreign State”. If I had the liberty of calling that head of the foreign State, he might say, “Oh, I enjoyed the reading of that article, it was such a humorous article. I do not in the slightest degree apprehend that there will be any breach in the friendly relations between myself and the Government of India”. You ask your officers, you ask your Judges to consider what are likely to be the feelings of a foreign potentate, and that is to be the whole judgment. I do not know if the Foreign Department have devised some scheme of thought reading so that they might be able to choose an expert thought reader who might come into court and say, “I know what is passing through the convolutions of the brain of the head of that particular State”.

Mr. C. Brooke Elliott (Madras : European) : Does the Honourable and learned Member suggest that that would be evidence in a court of law?

Sir Hari Singh Gour : Expert evidence. Well, Sir, if such a thing were done I could understand it. But the Bill as it is framed leaves the question of likelihood, which means the state of mentality of the head of a foreign State, to be judged without recourse to that foreign State, without examining the head of that foreign State, without asking him what he thinks about it, but merely because that is a likelihood which passes through the brain of one of the accredited officers of the Government of India. I ask the Foreign Secretary, can he justify a Bill of this character? Can he say that a Bill of this character could possibly have been passed and placed on the Statute-book of India in 1928? And whatever may be the change in the complexion of the Legislative Assembly in 1931, be sure that this Assembly is jealous of the rights of the people and would not allow a Bill of such a retrograde character to find its way upon the Statute-book.

I do not wish to labour this point but I would ask the Honourable the Foreign Secretary, if he is anxious to improve this Bill, to obtain the

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gratuitous services of volunteers on this side who will be able to help him and make this Bill more workable than his own Department has been able to do. I wish that some one of my Honourable friends had given notice of a motion to refer this Bill to a Select Committee; and if the Honourable the Foreign Secretary will accept that motion, he will get the co-operation and assistance of Members on this side of the House to put this impossible Bill into shape and make it a workable piece of Indian legislation, something upon the lines of the English law and something upon the lines of the laws of other countries to which the Honourable the Foreign Secretary had made passing allusion in his extremely interesting and eloquent speech. Sir, I do not wish to labour this point any further, as I have said; but I cannot help feeling that there is a dissonance between the Statement of Objects and Reasons which he has appended to the Bill and the draft Bill itself. I would ask Honourable Members of this House to turn to the Statement of Objects and Reasons and they will see that while he has correctly stated what the English common law is, and while he wishes to reproduce the stereotyped English common law in the Statute-book of India, when he drafted or had drafted or got drafted section 2 of the Bill, the draft entirely overlooked the provisions of the English law and the Statement of Objects and Reasons, by which that clause is purported to be justified. If Honourable Members will turn to the Statement of Objects and Reasons, they will find this:

"It is a recognised principle of international law that States in their relations with other States are responsible for acts committed by persons within their jurisdiction. In accordance with this principle, most modern systems of law have made provision for the punishment of libels against the heads of foreign States."

Sir Lancelot Graham (Secretary, Legislative Department): Read the next sentence.

Sir Hari Singh Gour: Yes.

"The English common law punishes such libels on the ground that they imperil the peaceful relations of His Majesty with foreign States."

Any more to be read?

Sir Lancelot Graham: That is just what I wanted.

Sir Hari Singh Gour: This statement is a perfectly correct enunciation of the English common law, of the international law, namely, that the law of the world is to punish libels, which means defamation, as defined in section 500 or rather section 499 of the Indian Penal Code. But you have given a go-bye to the very principle you said you were going to enact in section 2 of your Bill. Is there a word of libel, is there the very savouring of libel, is there any statement which in the remotest degree could establish a kinship with libel? I therefore submit that the Statement of Objects and Reasons must have been written by some one different to the gentleman who drafted this Bill. The two seem to be so absolutely antagonistic that I cannot believe that the two should have flown from the same pen. Honourable Members will see that I am not misrepresenting them. See the opening lines of the last sentence of the Statement of Objects and Reasons:

"The Bill is intended to bring the Indian law into line with the English common law."

Nothing could be clearer. You cannot get away from the fact that, what you want to do is to extend the provisions of the English common law to

this country and you have said that the English common law punishes libels upon foreign States. Therefore, you by your own statement should have provided for the punishment of libels in the operative clause of this Bill. But you have done nothing of the kind, and I am astounded that any draftsman in the Government of India should justify the provisions of clause 2 as being in consonance with the Statement of Objects and Reasons by which that clause purports to be justified. I say, Sir, therefore, that it is impossible for this House to take into consideration this extremely defective Bill, and the least we can do and the least we are prepared to do—and I make an offer to the Honourable the Foreign Secretary—is, if he is prepared to accept our motion, to go to the Select Committee. He will be doubly blessed. He will lose no unnecessary time and at the same time he will get from the Opposition Benches that co-operation and constructive criticism without which he and his Department have been unable to fashion a workable Bill during the last three years.

Sir, I cannot sit down without referring to the appeal which the Foreign Secretary has made. He was good enough to give me in confidence copies of certain judgments. I have read them and I feel strongly, as strongly as he does, that he must put down this libel upon foreign States without remorse and without compunction. But at same time if the Honourable the Foreign Secretary will give us an opportunity to define the law and to limit it to the mischief which it is intended to safeguard, we shall be perfectly willing to help him. He might say that the session is now drawing to a close and if the Select Committee is to meet, it is not likely to finish its labours within the next few days when we shall be occupied with another Bill of a similar retrograde character. He might therefore ask, if this mischief is to continue between now and our assembling at Delhi, what provision do we make to arm the Government of India with power to prevent a recrudescence of this mischief. My reply to that is two-fold. If the Foreign Secretary wishes that he should have a workable Bill, I can offer no other alternative. If he had asked us in the January Session that he wanted to provide for a piece of legislation dealing with libels upon foreign States, we should have assisted him at that time and if he has come at the fag end of the session to ask for our co-operation, it is not our fault, but his, in that he has not given us sufficient time to reframe or redraft the whole Bill and the whole Bill will have to be redrafted so as to bring it into conformity with English common law. Meanwhile the Honourable the Foreign Secretary knows that there is such a thing as an ordinance. He has issued an ordinance and that ordinance was as badly worded as this. This shows with what care the Honourable the Foreign Secretary frames ordinances to circumscribe the liberties of the people. If there is one thing which this part of the House strongly resents more than any other, it is the promulgation of loosely worded ordinances which are afterwards brought up before this House to be permanently placed upon the shrine of their Statute-book. This is loose language with which you have come up before us, exactly as you did in connection with the Press Bill. Loosely worded sections, some of them meaningless, a great many of them ambiguous, were drafted and hurled at us on the ground that the whole country was in danger unless we passed it. That is the situation into which we have been launched by the Honourable the Foreign Secretary. Our responsibility is to help the Government so far as the Government seem to be right, and to resist them when we know that they are wrong. This is one of those occasions when Members of all interests and

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in all parts of the House who have any responsibility to their constituencies will foregather to resist a serious encroachment upon the liberty of the Press. I oppose the consideration at this stage.

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Mr. President, I suppose I ought to rise in fear and trembling as the champion of that mouse which according to the Honourable the Leader of the Opposition the mountain has laboured to produce. My Honourable friend was very strong in his characterisation of the language of this Bill, and he drew a very lurid contrast between the Bill and the Statement of Objects and Reasons. He was good enough to assure the House that if the co-operation and the assistance of Honourable Members on the other side of the House were secured, this hopelessly formless measure would be put into proper form. I think I am in a position to say this : that Members on this side of the House always welcome the co-operation especially of such trained lawyers as the Honourable the Leader of the Opposition in regard to a legal matter ; and I think on behalf of my colleagues I can say that the Government do not intend to oppose any Resolution designed to place this matter for consideration before a Select Committee.

Having said that, I think it yet remains for me to justify ourselves in view of the sweeping denunciations which emanated from the Honourable the Leader of the Opposition, both with regard to the content and the form of this Bill. He was especially strong on the Foreign Jurisdiction Act. I am afraid he did less than justice to himself with regard to the comments that he made on the application of the Foreign Jurisdiction Act. May I, with the permission of the House, talk shop for a moment especially as that procedure was not originated by me but is a feeble imitation of the procedure of my Honourable friend. In the Statement of Objects and Reasons of the Foreign Jurisdiction Act, what is stated ?

"Whereas by treaty, capitulation, grant, usage, sufferance and other lawful means, Her Majesty the Queen has jurisdiction within diverse foreign countries and it is expedient to consolidate the Acts relating to Her Majesty's exercise of jurisdiction out of her dominions,—(mark the words)—the object of the Foreign Jurisdiction Act is to enable Her Majesty to exercise jurisdiction over certain categories of subjects and persons who are outside the technical ambit of Her Majesty's jurisdiction."

That having been stated, what does the Act propose to do ? When a foreign country is not subject to any Government from whom Her Majesty might obtain jurisdiction Her Majesty may by virtue of this Act have jurisdiction, etc., etc. The particular matter to which advertence was drawn by my Honourable friend arises out of section 16 of the Foreign Jurisdiction Act. In this Act the expression "foreign country" means any country or place out of Her Majesty's Dominions. What does that mean ? For the purpose of the Act, for the limited purpose of the Foreign Jurisdiction Act, certain places outside British India, including the territories and dominions of the Indian princes, may be dealt with as if they were foreign countries ordinarily so-called and known. In other words, as my Honourable friend, that very expert lawyer, will realise, for the purpose of a particular Act a procedure is adumbrated which would have operation for the purposes of that Act and that limited purpose. But I do not wish to go into those technical matters any further.

Let me place before you clause 2 of the Bill. What does it say ? "Whoever makes, publishes, etc., unfriendly relations between his Majesty's Government and the Government of any foreign State....." I am

making a very few observations arising from what fell from my Honourable friend relating to the possible applicability of this Bill, unless it is amended and improved by the co-operation of the other side, to the Indian States. My point is this : that under no circumstances can the Bill as framed or drafted have any the remotest reference to Indian States. The reason is this : whatever the relations between the Indian States and the paramount power may be, by virtue of treaty or usage, there is no doubt that the suzerainty of India, British and Indian India, is vested in His Majesty the King Emperor.....

Sir Hari Singh Gour : Does the Nizam admit that ?

The Honourable Sir C. P. Ramaswami Aiyar : And the Nizam has had an answer. I do not wish to pursue that matter, because my Honourable friend will realise that this is not a matter which demands further discussion on the floor of this House and it is also not expedient to bring those matters for discussion here. I knew that my friend allowed that expression to escape him and if a rejoinder escaped me, let us both forget the answer and the question. After having said that, I shall now proceed. Whatever the exact details of the relations between the Indian States and the paramount power may be, the relation of suzerainty does exist. That existing, there is no question that no unfriendly relations can arise in the sense in which that expression is used here. "Unfriendly relations" is ordinarily understood as between two powers, great or small, between whom the doctrines of public international law apply ; and it is well known that although for certain purposes of international law the relations with Indian States are assimilated to those with foreign countries, yet the doctrines of public international law, in so far as independent international entities are concerned, such as the right of declaring war or peace, the right of making separate treaties, do not apply to the Indian States. I do not wish to pursue this matter further ; but as a humble student of international law and speaking subject to correction by my friend or those who have bestowed greater attention to this subject, I venture to assert with some emphasis that this Bill will not bring within its connotation the Indian States.

I next proceed to deal with the divergences, the startling divergences, between the Statement of Objects and Reasons and the Bill. On this let me say just one thing and conclude. I take it that my Honourable friend will realise that the American law is a law enacted by a freedom-loving race, bred up in the highest and the most sublimated forms of liberty. What is the American law on this subject ?

Sir Hari Singh Gour : What is the Statement of Objects and Reasons—English Law ?

The Honourable Sir C. P. Ramaswami Aiyar : My humble endeavour is to show that the American law is the English law, the English law is the Statement of Objects and Reasons, and the Statement of Objects and Reasons is the Bill. My Honourable friend may nod his head, but I venture to differ from him.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhamadan) : It is not so.

The Honourable Sir C. P. Ramaswami Aiyar : It is easy for my friend opposite to say it is not so, but my very humble endeavour is to show that it is so. Let me proceed. The words "seditious libel" are used in

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a kind of special sense under the English law, but the gist, the kernel of the matter is this, "Any conduct in one of our citizens, or in a foreigner within our borders is punishable—which tends to involve our Government in difficulty with a foreign power". That is the statement of the law on the subject as enunciated in Bishop's Criminal Law, which my Honourable friend would be the first to admit is a leading text-book and the recognised text-book in American Federal and State Courts....

Sir Hari Singh Gour : The language used is "tend", but does it mean likely ?

The Honourable Sir C. P. Ramaswami Aiyar : My Honourable friend would have heard that discussion elsewhere, and I take it he will continue that discussion here. Let us have that matter thrashed out if necessary in Select Committee. But at the present moment I am concerned with the fundamental legal position, which is this, that in America "Any conduct in one of our citizens, or in a foreigner within our borders is punishable which tends to involve our Government in difficulty with a foreign power". And mark the words that follow, "The offence, with us, would be against the United States, not the State; and should be indictable in the United States courts without the aid of a Statute but such is not common professional understanding. Under the English unwritten law it is so". And then—"endeavours to create a revolt against a government in amity with ours, libelling a foreign prince or other person in official station abroad....." or if necessary against the law of nations. Thus, therefore, the American law with which I start is that endeavours to embarrass the relations between America and a foreign power, to libel the head of a foreign State which would have the result of such an embarrassment are within the common law, and my Honourable friend will realise that the English common law is assimilated bodily under the American common law excepting the extent to which it is modified by the innumerable statutes which diversify and adorn the American Statute-book.

Then my Honourable friend referred to Russell and made some scathing remarks, but at page 299 of Russell, which again is the standard treatise on the subject,—I do not desire to quote Law Reports and text-books more than absolutely necessary in this House,—but let me just point out one passage :

"Upon the ground that malicious and scurrilous reflections upon foreign sovereigns or their representatives may tend to involve this country in disputes, animosities and warfare, it has been held that publications tending to degrade and defame such persons are indictable."

And Russell uses the word "tending", and therefore it is permissible for the humble Indian Legislature also to indulge in the luxury of using the word "tending" :

"Thus an information was filed, by the command of the Crown, for a libel on the French Ambassador at the British Court, consisting principally of angry reflections on his public conduct and fitness, and charging him with ignorance in his official capacity....."

an attack upon a French Ambassador for being unfit for his office was held to come within the ambit of the common law of England for the reason that such attacks, if encouraged, would embroil the two countries. Mr. President, I do not desire to embark on a further discussion on this matter. All that I desire to point out is that the Statement of Objects and Reasons

is a summary of the English law, and that has been admitted by my Honourable friend. The Bill says this—"likely to promote unfriendly relations". The words "seditious libel" are not used, but what we do is that we go further and deeper into the matter and point out that the mischief sought to be eradicated and to be combated is the promoting of unfriendly relations. I submit that this is in essence what my Honourable friend wants to achieve, and I therefore suggest that he will be satisfied with the assurance which I am in a position to give, namely, that Government have no objection to take the Bill to the Select Committee where my friend will have ample opportunity for bringing to bear upon this Bill all that capacity for draftsmanship and for accurate expression which I have no doubt will be utilised for the benefit and advantage of this Bill and the House.

Mr. President : I should like to ask, before the discussion proceeds further, whether the intention of Honourable Members is to continue the debate on the circulation motion or whether it should be withdrawn and a motion for Select Committee may be put.....

Several Honourable Members : Circulation, Sir.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, both my friends Sir Hari Singh Gour and the Honourable the Law Member have not dealt with the question as to the necessity for the circulation of the Bill. There cannot be the least doubt that the Bill is a most important measure creating a new offence, according to the case of the Government itself, unknown to the Penal Code of the country. Nor can there be the least doubt that it is likely to affect the liberty of the Press in so far as comments on foreign affairs are concerned. If you look at the history of the measure, you will find that this measure or practically the same measure was attempted to be brought forward in 1928, and it met with strenuous opposition in this House, so that in the end it had to be dropped. Does that show that this is a non-controversial and simple measure to be rushed through the House in this fashion? My friend the Foreign Secretary has treated it as an absolutely non-controversial, innocent measure which has to be only placed before the House to be passed, forgetting its previous history, forgetting that the Assembly had refused to pass such a measure before. So far as the English law is concerned, I must say that I am very much surprised to hear from the Honourable the Law Member that what is sought to be enacted here is the same as the English law. It is nothing of the kind whatever. I shall refer him to Sir James FitzJames Stephen's "Digest of the Criminal Law". Sir James FitzJames Stephen is not unknown to India. He was one of the greatest authorities on criminal jurisprudence that England has ever produced, and mind you, he was one of the severest criminal judges that sat on the English Bench. You will find that in Article 133 of the "Digest" at page 96—you will excuse me if I have to refer to this book—this is what he says :

"Foreign Affairs. Every one is guilty of misdemeanour who publishes any libel tending to degrade, revile, or expose to hatred or contempt any foreign prince, or potentate, ambassador, or other foreign dignitary with intent (not merely 'likely to') to disturb the peace and friendship between the United Kingdom and the country to which such person belongs."

Now, there is a vast difference between the law of libel and the law as it is sought to be enacted here. Here it is promoting unfriendly feelings. Libel is something definite, some allegation against some particular person

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which is likely to degrade or to bring that person into contempt. "Promoting unfriendly relations" is as vague as it can possibly be. Where is the analogy between the two? And might I draw the attention of the Honourable the Law Member that "intention" is something different from what is likely to happen? It is the *mens rea*; it is the criminal intention that is to be punished, that is the gist of the English law. The man must publish the libel with a particular intent, not that he publishes something and that is likely to bring about certain result in the opinion of a Magistrate or any other judicial authority. No. He must have that intent, that must be his object in publishing the libel. Is there not a vast difference between the two things? A man may be perfectly innocent, he may say something, for instance, about Mussolini, or the king or potentate of a neighbouring state or power, perfectly innocent, he might have meant good to him, he might have pointed out that he is putting himself in a difficulty with his own subjects by certain measures, and he may be perfectly right. His intention may be perfectly innocent, but under this Bill he will be punishable.

Mr. C. Brooke Elliott : Stephen's Digest is not an enactment of Parliament. It is only a digest.

Sir Abdur Rahim : I never said it is an enactment. I used the word enactment in connection with this Bill which is sought to be placed on the Statute-book. I do not think my Honourable friend has followed me properly. Therefore, anything which is published, which in the opinion of a Magistrate—the Magistrate may not be a lawyer; most of the Magistrates in this country are not lawyers, they are partly executive authorities and partly judicial, something of a mixture unknown to other countries—if in his opinion any publication, however innocent the intention, however meritorious the intention, is likely to promote unfriendly relations, he is liable to be brought under this enactment. Will my Honourable friend the Law Member point out any English law which has a provision to that effect? What is this English law? It is an old, obsolete thing. The last prosecution was in 1803, and so far as I can find, there have been only four cases, one in 1764, one in 1778, of another I forget the exact date, and the last one was in 1803. What is the state of things all over the civilised world? Every newspaper has comments every day on foreign affairs. Do you mean to say that these papers are liable to be prosecuted for libel or for disturbing the relations of His Majesty's Government with foreign powers? Most certainly not. This is so not only in England but all over the Continent.

Now, Sir, the Honourable the Foreign Secretary has given us many assurances. But may I tell him that these assurances are of no use whatever in the interpretation of a statute. If he will just ask his colleague the Law Member he will tell him at once that these assurances are of no use whatever. He or the Law Member or the entire Government Benches may give us any assurances they like in the course of this debate, but every lawyer knows that that is of no use in interpreting a statute. Now, for instance, we are told that this statute will not apply to Indian States. Well, we have heard two conflicting opinions, one from Sir Hari Singh Gour, undoubtedly a very well read lawyer, and a very able lawyer of great distinction, and another from an equally distinguished lawyer, the Law Member,—they do not agree. Are we going to decide who is right?

Most certainly not. I am afraid even between these two such distinguished lawyers the ordinary Magistrate will have to decide, and how is he to decide? He will have to look into the statute itself. What is there? He will be confronted with the Foreign Jurisdiction Act with regard to foreign judgments, and all that, and I am absolutely sure that he will find it most difficult to decide whether it does or does not apply to Indian States. Another thing. Whether you are dealing with Indian States, or not, what about mandated territories? May I ask the Honourable the Foreign Secretary to enlighten us on that point? Is the Honourable the Law Member himself in a position to enlighten us whether a mandated State is a foreign State or not? I wonder if any such question has come up before any court. It is a most difficult question for any one to decide. That is a legal puzzle which I am sure will take days of argument before it can be decided if this Bill is rushed through. Then, does not the Foreign Secretary know that 77 millions of Indians have got vital religious interests in those mandated territories? Palestine, Iraq, Mesopotamia,—these are mandated territories. (*An Honourable Member :* "Tanganyika.") I do not know what is the condition of Hedjaz at present; probably my Honourable friend knows better than we do whether it is a mandated territory or not. But supposing it is a foreign State, can any one deny that 77 millions of Muhammadans of India have got most vital religious interests there, much more vital than anywhere else? What are you doing here? Do you not remember the episode which happened the other day, and the agitation that was there in the country? And even now, the minds of numerous Mussalmans are not at rest as regards what has been done to the ancient tombs and monuments of Hedjaz. How vitally interested are these 77 millions in Hedjaz, and will they be debarred from commenting on what happens there? Then the Honourable the Foreign Secretary assured us that any fair comment will not be brought within the purview of this measure. Has he provided anything for it? Look at the English law which he wanted to reproduce. I shall refer again to Stephen's "Digest":

"Nothing is an offence against this Article, which is a fair criticism on a matter of public interest as defined in Article 392."

I will now give the gist of Article 392. It is rather long:

"The publication of a libel is not a misdemeanour if the defamatory matter consists of comments upon the persons who submit themselves or upon things submitted by their authors or owners to public criticism provided that such comments are fair."

A fair comment is a comment which is either true or which if false expresses the real opinion of its author but such opinion having been formed with a reasonable degree of care and on reasonable grounds."

If a comment is true, it is exempted. Does this Bill seek to exempt that? Most certainly not. I am afraid the Honourable the Law Member did not look into the English law carefully, he will pardon my saying so, when he said that this Bill is substantially the same. I do not think I should be justified in adverting to American law which you may take it is more or less a reproduction of English law. Now, Sir, there is great necessity for circulating a measure of this far reaching effect. Certainly that ought to be obvious. On the merits of the Bill, I say that it especially affects the interests of 77 millions of Mussalmans in India who have such vital interests in so many foreign countries and they should be heard. You have to hear what the people have to say. After all the Select Committee means only four or five or half a dozen Members of this House. You ought to hear the general

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public and also how it affects the press. I do not know if any attempt was made to consult public opinion on this matter at all. It could not have been. I should like the Government to realise the serious consequences that will follow if public opinion is not taken with them. My friend the Honourable the Foreign Secretary has said that foreign relations are a reserved subject. I do not know what he implied by that. The reasonable and proper implication of that is that if the legislature is precluded from controlling foreign relations of this country, then it is all the more reason why public opinion should be allowed free play upon the foreign relations that are entered into on behalf of India. I say that is all the more reason why public opinion should be heard and should be given a chance. Surely His Majesty's Government in Britain ought to know at least what is the public opinion in this country. I have spoken of mandated territories. Take another instance, South Africa. Is that a foreign State? Are we not to discuss the affairs of South Africa, Uganda and all those places where so many Indians have settled. These are questions which are discussed every day in this House. Then if you look at the scope of this Bill, that is another reason why, I submit, it ought to go for circulation before any attempt is made to pass it in this House.

There is yet another matter. The Treasury Benches seem to have ignored the existing provisions of the Indian Penal Code. We have got as many as three sections in the Indian Penal Code dealing with the question of foreign relations. We have also the Foreign Enlistment Act, an English Act which is also applicable to India. If that is so, where is the necessity of hurrying a measure like this. If there is any lacuna at all, let the public be consulted. Let the matter be considered properly in all its aspects and then if you find it necessary to pass a measure of this kind, you can come up to the legislature with a proper Bill. So far as this Bill is concerned, as has been pointed out by Sir Hari Singh Gour, it is defective from beginning to end. The Select Committee can do nothing to a Bill of this kind. It ought to be recast altogether. There has to be a separate measure altogether, a measure for libel, if you want, but not this Bill. There is no question of libel here at all. I submit this is not a matter which ought to be dealt with by the Select Committee. It must go for circulation and as a Muhammadan I say that, unless you consult Muhammadan opinion among others throughout India, you ought not to place this Bill on the Statute-book.

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

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Khan Bahadur H. M. Wilayatullah (Central Provinces : Muhammadan) : Sir, this Bill which has been introduced by the Honourable the Foreign Secretary constitutes an inroad on the liberty of the Press (Hear, hear), and it is very much directed I think in its application against the Mussalmans. (*Cries of "No, no" from the Official Benches.*) For that reason there is a considerable feeling all over the country, and

I find myself compelled to say a few words in regard to the Bill. So far as the principle of the Bill is concerned, I have no quarrel. Nobody will deny that it is highly reprehensible that the people of one country should meddle with the affairs of another country which is on friendly terms with it, and anyone who gets mixed up, and participates in mischievous movements of a subversive character must always be condemned. A man who makes a libel upon another person must bear the consequences of his act; and similarly a man who libels and uses scurrilous language against the head of another State ought not to escape the consequences of his act simply because the laws and regulations of that country cannot reach him. But there are other matters, Sir, which are involved. The Bill goes far beyond libel. The scope of the Bill has not been defined anywhere, and I think that in its application it may be used also in cases where it ought not to be used. After all, people feel for their co-religionists or for their fellow-countrymen or for humanity in general in other countries. And if you look into history, you will find that there was a great deal of talk about the Congo people, about the Armenians, about the Greeks and about the Sick Man of Europe. At that time England was at peace with Turkey. This solicitude of Government to keep intact their friendly relations with other countries by curbing the tendencies of its own people who show sympathy with the people of other countries seems to me to be of recent origin. However, I do not find fault with the Bill on that account. But I must point out that quite recently we heard that the Holy Shrines in a particular country were in great danger and there was considerable agitation in this country on that account. The Khilafat question is still unsettled. The head of a foreign State may assume the role of Khalifa without being appointed as such by all the Mussalmans. I think we have then to go into the merits and demerits of such a claim necessarily, and I do not think it will be sufficient to say that because the foreign relations of the Government of India are brought to a breaking point on account of the attitude of the people, we should remain quiet. I think we ought to be enabled to go into the merits and demerits of such cases. Sir, pilgrimages to Mecca and Medina and Kerbala are obligatory on us. Now, if unfair restrictions are imposed upon the pilgrims, or if there are any troubles created, is it possible that the people of this country, and particularly the Mussalmans, will remain quiet? I think if this Bill is passed, there will be considerable feeling all over the country, and I do not think that the Bill should be passed in its present form. It requires drastic changes. If it is necessary, in order to maintain friendly relations with other States, that there should be some provision of law, let it be so, but let it be clearly for libellous and scurrilous language used against the head of a State. It should not be so general in its form as it is, and I think in its application it will be very unpopular, and there will be a great hue and cry in the country. Therefore I recommend the proposal that the Bill should be circulated for the purpose of eliciting opinion, and that all important Mussalman bodies, particularly Anjumans and other political organizations, should be consulted before this Bill is passed into law.

Mr. C. Brooke Elliott : Sir, I read in the Book this morning, "Be swift to hear, slow to speak". That is why I am speaking. Sir, I suppose nothing provides more genuine fun for the layman than to hear two or three lawyers arguing the pros and cons of Proposition—which I shall assume is associated usually with this side—and of Opposition,

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associated with that side. (Laughter.) Sir, the duty of the Opposition is to oppose; but, Sir, I reserve to myself, sitting here between the Benches of the Proposition—gentlemen who propose, and the Opposition, the shy lady who seems strangely reluctant to accept the overtures even of such a charming suitor as the Honourable Member in charge of this Bill; and I, Sir, truly enjoy this engaging spectacle. Now, Sir, may I just as a layman forget that I am a lawyer. Some of my friends say that they also wish to forget that fact. So may I just get down to the bedrock principle of the English common law? Sir, the English common law and the American common law give the most perfect freedom to the Press. Will anybody question that? Not even my learned and silent friend here (pointing to Mr. K. Ahmed). (Laughter.) So I take it that that proposition is not going to be quarrelled with by the Opposition. The next point is that we are all agreed that obnoxious statements of the kind outlined in the two cases, with copies of which we have been provided, obviously are a disgrace to the advanced civilization of India. Does anybody dispute that proposition?.....No..... Then, Sir, if we consider how much all of us in this House are already in delightful agreement, and then set out to find out the grounds of disagreement, if any, we shall see that these disagreements have almost disappeared. Now, Sir, what is the sound sense of the common law of England? May I just point out first, that the English law is full of interesting anomalies. "Treason" is punishable under a specific statute of Edward the Third, before any Honourable Member present, probably, was born. That was put into a statute because it seemed good to Englishmen of that century; but many other offences in England are misdemeanours at common law because, to use the trite phrase, they are not done by decent people who will not so misdeemean themselves. And, Sir, the difference between the Indian Penal Code and the English law is that sometimes you have a statute in England and a corresponding section of the Penal Code, a special statute in India, and then you can put statute *versus* statute; then you can compare like with like. But the beauty of the English common law, as a famous American, I think, once said, lies largely in this that it is sound tradition, compounded of the wisdom and experience of the past. That man, by the way, said that the two best things ever exported from England to America were the English Bible and the English common law,—and, Sir, I always suggest a third, the third best thing, I think, ever exported from England was cricket (Laughter). Well, Sir, what is the fundamental proposition in this Bill as regards the Press? And here let me say at once that I do not suppose there is anybody in this House in whose veins so much ink flows as in my own. Is there anybody in this House whose grandfather, a merchant in Calcutta, founded a newspaper 100 years ago? From him comes what I might call the Brooke of ink in my blood. Again another grandfather of mine, a doctor, about 90 years ago founded the *Ceylon Observer*. And I am proud to count amongst my Indian friends an eminent Indian editor, Mr. Rangaswami Iyengar of the *Hindu*, to whose journal I have had the honour to contribute, and who is now busily engaged in hammering out a square deal at a round table in England. I recall again with pleasure that the very first cheque I ever earned in my life was a cheque for an article which I had written when

I first arrived in Ceylon as a briefless barrister. (Mr. B. R. Puri: "Was it honoured?") My article was, Sir! (Laughter.) Now, Sir, lest anybody should think that I am a newspaper proprietor or an editor or anything of the kind, let me at once make the confession that I have not got a journalistic rag to my back. I am just an amateur scribbler,

but a keen one! And, Sir, if I may make one other journalistic allusion, I am going to make an

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attempt—a big attempt I am afraid and perhaps beyond my powers—but I am going to try and lift this part of the debate from *The Statesman*, to statesmanship. This Bill is a problem of statesmanship and do let us get away high up in the hills of debate and not dwell in the dusty and arid plains of journalistic controversy. To go back, Sir, I ask what is the true principle of the English common law as regards a Bill like this? As usual, it is simple common sense. The law says, you may write what you like; but if you choose to write articles, however honest they may be in your opinion and however true,—the greater the truth, often the greater the libel!—but if you choose to write articles about Sovereigns or Foreign Potentates ruling across the waters, or across the land frontiers, and the safety of your own State is thereby put in danger, it does not matter tuppence whether you are honest or true or anything else in what you write; because the old maxim comes in, *salus populi suprema lex*. I think everybody knows the meaning of that. In case any one does not,—in the galleries of the House possibly—I would say that it means that the highest form of law is the safety, honour, and welfare of the nation. And, Sir, if once that principle is grasped,—it does not matter whether you like it personally or not—but if once that principle is grasped, the law says that if you want to attack the King of Ruritania, for example, across the frontier, you may do it as long as it is not going to endanger the friendly relations between our country and his. But if you are going to write or compose anything—admirable as it may be—such as a lampoon, a cartoon, or some vile and scurrilous article, or possibly even a very trenchant clever political article, you cannot be permitted to write and publish it in your own country if it is intended, or likely—quite apart from intent—to cause international trouble. In other words a journalist must be patriotic in such matters, and is there a true journalist who is not patriotic?.....As there is no answer I take it there is no such journalist,—and so every journalist must put his patriotism before his pen and his pocket. That, rightly or wrongly, is common sense, the real common law principle; and accordingly the Americans, who cannot improve in this respect on the English common law, use that striking and succinct phrase which was read to the House by Sir C. P. Ramaswami Aiyar; to which phrase I have not heard one syllable of criticism directed as yet. And, Sir, when you remember that eagle with outstretched wings which is always hovering over American liberty, you may take it that with regard to the law of the United States, that eagle of liberty is always hovering above the heads or in front of the eyes of American Legislators. Surely we ought to be very slow in criticising that country for having accepted such a law against the so-called liberty of the Press. But, Sir, let us bring this matter down from high international politics to suburban ones. Let me imagine that I am living in one of those nice suburban villas somewhere in Upper Tooting with a little fence round the garden,—fence is

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only a small word for frontier,—and suppose a neighbour is living in the house on the other side of the fence ; and suppose that when I go off to office hurriedly in the morning to catch the 9-15 train to Town, my neighbour's small boy runs down the path on his side of the fence hurling abuse at me. That, Sir, would not be very pleasant for me, and it certainly would not be very neighbourly. What can I do ? I just take no notice ; and go off to my work again as usual next morning. The small boy naturally thinks now that as I did not do anything painful to him yesterday he can increase his volley of abuse to-day, and he brings his little sister or his little brother and they abuse me even more scurrilously than yesterday. This kind of thing feeds on itself, and in the end what will happen ? I should be forced to go to the father of these children next door and say, " I very strongly object to your children hurling abuse at me, and asking me to clear out of my house as they say they want somebody nicer than myself to come into it " ; and I should say with some asperity to the father, " Can't you keep your ill-mannered children in order ? ". Imagine my surprise if the father replied to me, " I am very sorry, Sir, but I really cannot interfere ; as I have no control whatever over my children ". Well, what happens after that ? The next time the abusive little urchin comes out, I thrash him ; and his father and I go to law. Now, Sir, there is a sound principle, which is in the Bible, it is in the Qoran, and I am sure it is in the sacred books of the Hindus—" Do unto others as ye would that they should do unto you ". Sum it up in one word—reciprocity, (which has nothing of course to do with atrocity). And now, translate my little fable from England to India and her frontiers, and, if similar trouble arises you don't go to law ; you go to war. And that is just the difference between international relations and suburban relations. Now, would not any Honourable Member living in the next house resent bitterly my child hurling volleys of abuse at him across the fence in that way ? Of course he would.....Here again there is no contradiction from any body. And it is obvious that when you get down to the bedrock of English common law, you will always find that it is upon a solid basis of common sense. Common sense is not the sole prerogative of the English public as I stated plainly the other day. There is plenty of common sense in India if one does not cloud the real issue with words. As Lord Esher used to say, a thing is often as clear as daylight until you cloud it with words. I hope there is now no intellectual fog with regard to the points I claim to have established. I have invited courteous interruption and criticism, but it has not been forthcoming. I claim, therefore, that I have established my proposition that no gentleman would ever allow his child to treat me in this way. Then, Sir, why should the Government of India allow her children, only a few little rascals, to hurl abuse and risk war ? I have read the substance of those articles, for which the authors have been recently convicted. I do not know how many Members have read those cases carefully. The full articles were not transcribed in the judgments because the Magistrate in each case, I think, said he would not soil the paper upon which he was writing by giving those articles further publicity in detail. But each judgment shows what the poisonous nature of those articles was. They were despicable articles, which obviously degrade the Press in India, and my sole desire in this,

incidentally and in the Press Bill, is to co-operate with everybody in this House,—proposition and opposition, whether happily married or temporarily divorced,—to co-operate in anything that will ennoble the Press of India and not degrade it. Very often I have heard talk which I venture to decry about the so called " Anglo-Indian " Press. I stand for a much pleasanter classification. I am not going to call it an " A-I " Press but an A-1 Press. But if you prefer to call it the " A-I " Press, I would prefer to call it the All-India Press and not the Anglo-Indian Press. There may be also a C-3 Press ; and the only way in which an honest man and a decent man judges the Press of a country is on its merits. Sir, we have much that is splendid in our Indian Press ; as I have observed in Madras. I do not always see eye to eye with the *Hindu* in all things, and we have mutually agreed that, if I do not see eye to eye with them, any article I contribute may be courteously rejected. I can only say that it has never happened yet, possibly because I do not write very much in connection with politics. But I stand here to-day, as strongly and stoutly as anybody in this House, to champion the true freedom of the Press. But while I am always ready to license the Press here or anywhere else for liberty, I am wholly against giving liberty to the Press for licence. Does anybody question that proposition ?.....No.....Then, Sir, we are all happily agreed again on the principle. As I said, Sir, I have been hoping and expecting this agreement, and apparently I am merely echoing the sound sentiments of my Honourable friends all round the House on this point.

Now, Sir, I will go a little further. But may I say just one word about the speech of my Honourable friend Mr. Howell seated over there ? We were told by him that the curtains of diplomacy were going to be withdrawn a little, as they sometimes are literally in this House, and we were to be allowed for a short time to learn a little of the hidden mysteries of the foreign relations of the Empire, as conducted by the Foreign Office in London with the help of the Foreign Department in India. Personally I was very grateful for the clear and sparkling exposition given by the Honourable Mr. Howell to the House. He said he was not a lawyer. But if he comes into the profession we will all welcome him, merely hoping he will practise in another Presidency from that in which we have elected to practise as he would be a formidable competitor ! Sir, that speech was very clear ; it was very frank ; and the Foreign Secretary put all his cards on the table—a very pleasant thing to do when you have got such a nice hand. With four aces, four kings, four queens, and one knave, there is not much harm in putting your hand down on the table. And I feel that he made a legislative grand slam straight off ! Sir, it was an enlightening speech, both in substance and in form, and the sooner we get round a square table or a round table in Select Committee and put our heads together, to discuss the details of this Bill, the better. If the words of the Bill are not quite all right, or if they are not in accordance with the English common law, which (as at present advised) I still think they are, then no doubt amendment and improvement can be made. But before I sit down I want, if I may, to do something that I do not often do, and that is to take refuge for a moment in the written word—*littera scripta manet*. I do so only because of the appeal made by Mr. Howell in his speech, and because I do not wish to go one hair's breadth beyond the limits of judicious debate which

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he invited us to observe strictly. It may be asked with a certain amount of very good reason why powerful foreign States should need support from the Government of India to protect them from the malice of distant and very often obscure journals. I suggest to Honourable Members throughout the House that young nations are like young Governments and young people ; and, Sir, it may not be long before a translation of a few yards across the floor of this House will see a young Government in power in India ; and then I think that they will find that one of the best arrows in their legislative quiver will be the arrow of this Bill, set ready in the bow to be shot at offenders if, unhappily, it should be necessary. Sir, these young nations and young Governments are like young people ; and therefore are more ambitious and, very naturally, rather more resentful of hostile criticism than older nations. In their swiftly accelerated march towards progress they are rightly proud of the achievement that has been already attained ; they are rightly ambitious for the still greater achievement to come ; and when people are proud, high-spirited, and ambitious, they are often inclined to be hypersensitive as well. I would also remind my Honourable friends that just at the moment when a nation has come through the troubled waters of political revolution, neighbouring nations should remember with sympathy the difficulties that have been surmounted. Outsiders who desire counter-revolution need ammunition. Any ammunition is good enough at a pinch for such people but if the ammunition bears a foreign brand it is all the more welcome, because it is deemed likely to have higher powers of penetration.

May I here quote from a despatch recently sent to the *Times* in London from one of the most senior of its special correspondents, who recently returned to India after visiting a certain friendly adjacent State, and who was, I believe, the first British journalist to enter those territories after a lapse of 2 very critical years ? Sir, I welcome this evidence, as a lawyer, because it is the only direct evidence that has come into my possession and I desire to share it with my Honourable friends including my Honourable and learned friend Sir Abdur Rahim, who, as a former High Court Judge, will appreciate such direct and cogent evidence. It is also that of a highly qualified expert ; though it is not quite of the nature of that peculiar expert testimony, namely, of thought-reading, which Sir Hari Singh Gour mentioned, apparently forgetful that such a curious form of expert as thought-reading evidence is outside the provisions of the Evidence Act. I wish now to draw special attention to some of the striking conclusions arrived at by that gifted and trained observer. He left by car from a certain city that I will call P—leaving the other seven letters to be guessed by cross-word experts. In due course he entered a country we will label A and reached the capital, expressed by the letter K. As the result of his trip to this land of my fancy, his most abiding impression was the intense concentration by the people of that friendly State on the promotion of internal trade, internal security, and internal progress of every sort. He said in one of his despatches to the *Times*, “ The very phrase ‘ external relations ’ spells embarrassment to a country the boundaries of which are spanned by racial affinities on either side ”. That seems to me to be a very pregnant sentence with implications which I need not implicate, or rather

explicate, further. He continues : “ Is it small wonder then that for the moment the first desire of that Government is to draw its curtain of mountains closer around the country and go about its affairs untroubled by complications with the outer world ? ” Again, Sir, I repeat that question and ask whether any one will quarrel with him ? Now in view of this evidence and that expert opinion which is so relevant and admissible, I want to suggest to Honourable Members throughout the House that if those neighbours of ours, with whom our King Emperor is on terms of peace and amity, desire to pursue their peaceful way untroubled by complications with the outer world, should it not be a point of honour with every one of us in India to assist them to the fullest attainment of their high ideals ? I do not think, Sir, anybody will seriously question that. We in India for our part must inevitably be the gainers in the end for, I believe, in helping to make for peace on the other side of our frontiers we shall go a long way towards taking out a most valuable political insurance policy for peace, not only in our own time and in the time of the present Government, but also in times of Indian Governments to come.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : I wish to associate myself in this debate on the Bill which is entitled as drafted, “ A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty’s Government and the Governments of foreign States ”. Sir, my apology for speaking on this Bill is two-fold. One is that the interpretation of this Bill and the rendering of certain words contained in it have entered into this debate. On this point it is no doubt that three great lawyers of India have spoken. I am conscious I cannot get into the shoes of these three lawyers, Honourable Members of this House. But as a humble lawyer myself, I feel that I should put forward my views and my interpretation of this Bill before this House for consideration. (Hear, hear.) It will be observed that Sir Hari Singh Gour, who is a very competent and able lawyer of India, has put forward his interpretation showing that there is a great difference between the Statement of Objects and Reasons and the Bill itself. He has condemned the Bill as having been drafted in haste. He has condemned it as having been drafted by two men, one not knowing what the other was doing. Then a difference of opinion arose on the wording of the clauses between the two great lawyers, I mean the Honourable Sir C. P. Ramaswami Aiyar and our friend, Sir Abdur Rahim. As I have said that I have got two reasons to speak on this Bill, I must say what the second is. The other is that I know the history of this Bill personally. This is not a new measure that is being brought before us today. I was in the third Assembly when a Bill, I think exactly in the same words as this Bill, was attempted to be introduced by Sir Denys Bray. And what happened to that Bill ? The history is plain. The point is that that Bill came at a time when that unfortunate and notorious Public Safety Bill was on the anvil of this House ; and everybody knows what the fate of that Bill came to be. Public opinion was against the Bill. There was a very strong public opinion, and I must also say that the House on this side then was very strongly constituted—composed of very able politicians ; and they were all against that Bill. I must say that now we are at a disadvantage in that our Benches are thinly attended ; but it must not be forgotten how that Bill went off and how this Bill was brought in. This was only an ancillary Bill to that Public Safety one and when that Public Safety Bill

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was before this House the public opinion being so very strongly against it Government were compelled to drop it. What then became of this ancillary Bill we did not even hear ; it went off into the air.

What happened then ? An ordinance was made. We know how these ordinances are made and how easily they are promulgated. We had an experience of it even yesterday. The House gave their votes in favour of an adjournment of the House for discussing a motion regarding the Gold and Sterling Standard Pronouncement brought forward by Sir Cowasji Jehangir and leave was given that it would be taken up at 4 o'clock. But what happened ? Immediately, rather miraculously, we got an ordinance, an order from the Governor General to say that it should not be debated. Ordinances are passed like that. We know that ordinances are not based on public opinion. If therefore ordinances are passed and public opinion is gagged like this and you get Press Bills and Bills like this through, I submit it cannot be said that India has a good Government.

When the settlement was arrived at between Mahatma Gandhi and Lord Irwin that ordinance was done away with. Now what is it that is sought to be done ? The settlement is still there ; Mahatma Gandhi and all others, even Lord Irwin, are sitting there in London to decide our fate ; and yet here a Bill comes from the Foreign Secretary who says " Pass it here ; do not wait for what they are doing there in London ". I say that is not right.

Mr. K. Ahmed : What reference has that to this Bill ?

Mr. Lalchand Navalrai : I did not hear you, but I thought a security had been taken from you to keep silence. Proceeding with the subject, I must say that what is being asked for now is that this House should pass this Bill. In other words, the country should give sanction to this Bill. At what time is that being asked ? Without circulation, without public opinion being consulted and without those affected being asked whether this is a good or a bad Bill. It is wrong to get through it especially when you see in this very House so many interpretations are being put on it. I say, do not make haste. It will be indecent haste if you do so. Wait for public opinion. I am strongly for the circulation of this Bill. I know that in this session this or any other Bill can be passed as a matter of course in favour of the Government. Our Benches are thinly attended ; we have not got a majority. The reasons are that some Honourable Members have gone to the Round Table Conference and the others have gone away on account of illness or some such reason ; at any rate our Leader has gone for that reason.....

Mr. K. Ahmed : Whose fault is that ?

Mr. Lalchand Navalrai : Nobody's ; yours only. I submit that there ought to be no difference of opinion with regard to circulation. I cannot understand that if this Bill is not passed now something very horrible is going to happen between the foreign Governments and this Government and therefore this Bill must be passed this very moment. I say, there seems to be no such fear. But even if such a contingency arises, do not worry us ; your ordinance can be repeated. But let it be repeated on the Government's own responsibility. Why do you ask our sanction when you don't allow the country to be consulted ?

Do it in your own way as you have been doing all along. Whatever ordinances you pass we cannot fight them. Their provisions are acted upon immediately. Therefore do not ask for our sanction at this moment.

On this point I do not think I need go further than ask the Foreign Secretary to take a leaf from the book of his the then Leader, now the Honourable the Home Member for whom I have so much reverence, I mean Sir James Crerar. He has approved of the principle of circulation and he laid down a fundamental principle that important Bills should be circulated. I think the Foreign Secretary should consult him and ask whether there has been any change in that fundamental principle. Fundamental principles never change. I will read the exact words of the Honourable the Home Member—from Vol. V (1927) of the Legislative Assembly Debates—page 4417. I do not want to make any lengthy quotation as I might be pulled up by the President, but I shall only quote a short passage :

" I do not intend to go into the particular merits of this Bill. Sir Purshotamdas Thakurdas in a powerful speech has just urged upon the House and the Government should exercise caution in the matter. I confess that note of caution seemed to me to be a wise counsel. I think that before the House proceeds to consider this Bill in greater detail it ought to pass the motion which I move for further eliciting opinion thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended. I am not opposed to the main principle of the Honourable Member's Bill on its merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas. I ask the House to agree that this motion for the purpose of further eliciting opinion upon the Bill be passed."

It is the same caution that I am asking the Honourable the Foreign Secretary to take. It may be asked on what Bill was this principle stated ? This was given on the Restraint of Child Marriage Bill. I purposely say this in order to convince the House that this Bill is more important than the one in which the aforesaid principle was stated. I therefore submit that a strong case has been made out for circulation.

So far as the merits of the Bill are concerned, I am not at present objecting to the principle of the Bill but I must say that the Bill, as it has been drafted, is very vaguely worded. The phraseology is such that it can be misconstrued and several different interpretations can be put upon it. Therefore, I fully endorse the opinion of my friend Sir Hari Singh Gour that the objects of the Bill are entirely different from what the Bill itself intends to achieve. It is referring to libel and other things, whereas the phraseology used in the Bill refers to " unfriendly relations ". Now, what is " unfriendly relations "? Disaffection can come under unfriendly relations, but certain things which are published may be of such a nature as may or may not create disaffection, and yet they may be twisted and turned so as to bring them under unfriendly relations. Then again there might be a case of a simple abuse in some of the writing, and that also can be brought under the category of unfriendly relations. Therefore, I say that this Bill is very vaguely worded.

Not only that, but there are also some other defects in the Bill. May I ask which Magistrate will try these cases ? Has any provision been made to that effect in this Bill ? Has any procedure been provided for the Magistrates to follow ? I do not find any procedure at all. I am of

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course anticipating a question from my lawyer friends, and I am prepared to reply to that too. Clause 2 of the Bill only say this :

"Whoever makes, publishes, or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years, or with fine, or with both."

Now, the clause provides punishment for two years, no doubt, and at the same time it provides one caution in paragraph 3, that no court shall try this case without the sanction of the Governor General in Council. That is quite true, but the Bill does not say which Magistrate will try these cases.....

Mr. B. R. Puri (West Punjab : Non-Muhammadian) : Is my friend aware that there is such a thing as the Criminal Procedure Code ?

Mr. Lalchand Navalrai : The Honourable Member is evidently referring to the definition of the word "offence" and also the procedure that is laid down there. Please allow me to finish my arguments.....

Mr. K. Ahmed : Is it not the sphere of the district court lawyers to appear ?

Mr. Lalchand Navalrai : In this Bill the procedure to be followed by the trying Magistrate is not specified. It is true that there are certain provisions in the Criminal Procedure Code which would guide this Bill, but may I ask if in other Bills which have been passed special provisions of procedure to be followed by particular Magistrates have not been embodied ? Look at the Safety Bill itself. Look at the Press Bill.....

Sardar Sant Singh (West Punjab : Sikh) : There is a special provision in Schedule II of the Criminal Procedure Code for all enactments not falling within.....

Mr. Lalchand Navalrai : What I am pointing out is that the special procedure in this Bill should have been provided. That is the first point.

The second point is, if you are going to entrust these powers to First Class Magistrates, they are likely to be misused and abused. As I said the other day young civilians become First Class Magistrates in a short time, and you are going to give such wide powers to such young and inexperienced people to twist and turn.....

Mr. C. Brooke Elliott : Did not the Honourable Member characterise them just now as being "First Class" Magistrates ?

Mr. Lalchand Navalrai : I said the other day that a young civilian who works for a short time as a junior Magistrate is soon promoted as a First Class Magistrate before he acquires the necessary experience ; so I say if you give these powers to such young and inexperienced officers, they are likely to be abused very much, and therefore in the absence of any special provision for the class of Magistrates and the special procedure to be followed I should call this measure as a bald Bill. The Magistrates will be under the impression that they have to try the cases coming under this measure not in a judicial manner, but executively. I therefore submit that this Bill should be entirely recast ; it should be sent out for public opinion, and when it comes back again, the House can consider it.

One word more, Sir, and I have done. It was said that there is no provision in the Penal Code which can serve the purposes which this Bill aims at. May I draw the attention of the Honourable House to section 108-A of the Indian Penal Code which is a new provision added to the Code. Formerly there was no provision in the I. P. C. providing for abetments that were committed in India for offences being done outside India. The new section which has been incorporated in the Indian Penal Code reads thus :

"A person abets an offence within the meaning of this Code, who,.....in British India, abets the commission of any act without and beyond British India which would constitute an offence if committed in British India."

At any rate this is a point of law which has to be considered very carefully by the Honourable the Law Member and other lawyer Members of this House. I therefore strongly recommend that the Bill be sent out for circulation, and I would appeal to the Honourable the Foreign Secretary to consider the matter over again, and that he should not attempt to rush this measure through in the teeth of opposition from this side of the House.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadian Rural) : Sir, the present Bill is practically the annexe of the Press Bill, and for some reasons known only to the Treasury Benches, which are not clear to us, this measure has been separated from the Press Bill. This Bill however goes further than the Press Bill in three different respects. In the first place, the Press Bill is only for one year, whereas this Bill is a permanent enactment. Secondly, the Press Bill prescribes only a penalty of confiscation of surety, whereas here the penalties of imprisonment and fine are imposed. It is practically an addition to the Indian Penal Code, that is to say, you create a new penal offence. Thirdly, it differs from the Press Bill in that under the Press Bill only publication is considered to be an offence, whereas under this, the circulation of any statement, rumour, or report is also considered to be an offence. Therefore, in these three respects, the present Bill goes much further than the Press Bill. I do maintain, following the speeches that have been made on this side, that the enactment of this nature at Simla, without giving any opportunity to the public to express their opinions thereon, is really a legalised form of ordinance. Any enactment framed by Government votes alone is in reality not an Act, but an ordinance. You know very well that some of the Members on this side of the House have gone to the Round Table Conference. There are some Members who cannot stand the height of this station and cannot possibly come to Simla. Therefore, it is rather unfair on the part of the Treasury Benches to take advantage of the thinness of the Opposition and pass an important measure of this kind by votes commanded by the Government. You not only introduce this measure before the Assembly, but you press that it should be made into law at once.

Sir, my Honourable friend Mr. Brooke Elliott—unfortunately he is not here—said, here is one side, the Government Benches, and here is the Opposition on the other side, suggesting that he is neutral. I would like to see if he will assume this neutrality and give proof of his statement in the course of this or any other motion. He also said that he was a great champion of the freedom of the Press. This is a statement which

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we would very much like to see materialise in the course of the debate which will come up in a few days. But the point which is really important for me, which I want specially to mention, is this, that we admit that there are certain troubles. But the remedy suggested from the Government side is much more than is justified by the trouble. It is a truism that whenever a medical man is himself ill, then he is not the proper authority to prescribe medicine for himself; the medicine must be prescribed by somebody else. Mr. Arthur Moore, the Leader of the European Group, the other day mentioned the difficult position in which the Europeans in Bengal are placed. I entirely sympathise with him and the whole House will really go and help him in this difficulty, but when he comes forward to make a suggestion himself, he is really acting like a sick doctor prescribing medicine for himself. He suggested the other day that we ought to introduce the Frontier Crimes Regulation in Bengal. My Honourable friend does not know what the Frontier Crimes Regulations are. By these Regulations.....

Mr. Arthur Moore (Bengal : European) : On a point of personal explanation, Sir. All that I said was that the European Association of Chittagong passed a Resolution to that effect.

Dr. Ziauddin Ahmad : That is the point I want to make out, that the prescription which they prescribe as a remedy is really no remedy at all, and it goes much further and makes the whole case worse. The Frontier Crimes Regulations are no remedy for the troubles in which he is placed in spite of the fact that the whole House whole-heartedly sympathise with him in those troubles.

Mr. Arthur Moore : On a point of order, Sir. May I ask if this is relevant to the Bill under discussion?

Mr. President : I think he is quite in order.

Dr. Ziauddin Ahmad : By Frontier Crimes Regulations wives are interchanged, civil suits worth several lakhs are instituted on 8 annas stamp and the debtor is sent to jail before the hearing of the case. This is no remedy to Mr. Arthur Moore's complaints.

It was pointed out to us that the reasons for introducing this enactment are the two articles written by the *Zemindar*; and this is the only argument that has been brought forward in support of this Bill. I have read those articles, and I myself have no sympathy with them. But is this the remedy which they are going to propose in order to overcome this particular difficulty? In order to meet one small difficulty they are going to rouse the whole country into a commotion.

Sir, this House is prohibited from discussing foreign affairs. We cannot propose any Resolution and we cannot ask any questions about the foreign policy of the Government of India. We know how the chess game of Afghanistan has been played, and we were debarred from discussing the question on the floor of this House. This Bill says that not only the Assembly should be debarred but the whole country should be prohibited from discussing verbally or in the Press any question concerning the foreign affairs not only of this country but of Great Britain. This is a large order and is likely to lead to a very difficult situation. The Government may, without consulting the country, commit it to a war and the poor tax-payer will have to bear its cost. It may be the

outcome of the mistakes committed by the Foreign Office, but the whole country will have to pay for their mistakes. This privilege is unfortunately denied to us, and we are asked to legislate that in future no person should be permitted to discuss any question about foreign affairs.

The Honourable the Foreign Secretary gave us an important argument. He said that India will be placed among the more civilised countries of the world if we pass this particular law. I say, if this is the only test of civilisation, I would rather remain uncivilised and not pass this enactment without giving any opportunity to the people who are affected by it to express their opinions. There are some more important matters in which we are treated in an uncivilised manner, for example, whipping. Whipping is a punishment administered in India alone, and I do not think it is a punishment given in any civilised country. If my Honourable friend the Mover of this Bill is anxious about the civilisation of this country, then I will request him to come forward first with a motion that whipping should be disallowed in this country.

Sir, this Bill will undoubtedly affect every Indian who is interested in foreign affairs. There are Indians in America, there are Indians in Japan and other countries, and if any of us discusses the position of the Indians there and the horrible treatment that they may be receiving, he will at once be penalised and will be prohibited from doing it. In this way this Bill will practically affect every Indian, and all communities. But in one particular respect it will affect the Mussalmán community more than any other community. The Hindu community have got all their shrines in this country. The Mussalmans on the other hand have got most of their shrines in foreign countries and not in India and so they are naturally interested in the affairs of foreign countries. This interest is often misunderstood. Some people who really carry on a propaganda against the Mussalmans, call this interest a pan-Islamic movement. Pan-Islamism is really a creation of the British mind. It does not exist among the Mussalmans, and it has been intentionally created in order to prejudice other people against the Mussalmans. We have in fact real and genuine interest in the shrines and other things which are sacred in our religion. (Interruption by Mr. K. Ahmed.) I would request you, Mr. President, to allow Mr. Kabiruddin to deliver his whole speech at one time and not by interruptions. I shall take one illustration. Take the case of Ibn Saud. There are some Mussalmans who honestly believe that the soul of the saint always hovers round and recognises its grave and it is for that reason that they go to the graves with genuine religious sentiments. Others take the opposite view. They consider that the soul after leaving the body ceases to have interest in this world and hence offering prayers near the grave are equivalent to idolatry. The latter is the view of Ibn Saud, and for that reason he has removed tombs from the shrines in Arabia. This action is honestly resented by those Mussalmans who hold the other opinion and some of the hajis who had gone there and wanted to sit near the graves in meditation were lashed by the servants of Ibn Saud and they had to leave the place in great disgust. After this enactment it will be impossible for any of these people to say anything about their sad experiences in that country.

Mr. K. Ahmed : Certainly not.

Dr. Ziauddin Ahmad : I next refer to Jerusalem. There is an honest conviction in the minds of Mussalmans about the sanctity of the wailing wall, and an equally honest conviction in the mind of the Jews, and it is really a matter of religious importance to the Mussalmans not to remain silent on this question. The Honourable the Mover of this motion might perhaps say, "You had better draw our attention to this and we will do the needful". That is not the experience of those who do not sit on the Treasury Benches. We know that the Government will not move unless there is agitation in the country. Had the correct and honest representation by a single individual been enough for Government to take action the present situation would never have arisen. Sir, I know something of the Muslim community, and if a measure of this kind is passed without consulting them, there will be a first-rate agitation in the whole country. It is not wisdom, it will be bad policy and a lack of statesmanship to create such a position at a time when our attention is directed to more important issues. This is a question in which the Muslims are not only politically but religiously interested and they consider the issue as dear as their life, an issue for which they will lose anything in order to achieve their religious beliefs. I beseech once more the Members of the Treasury Benches not to press this Bill in this session. I request them to give an opportunity to the Muslim community and the country to express their opinion and submit their genuine grievances. Those who have first-hand information ought to have an opportunity to relate their experiences. This is a matter in which the Mussalmans and the whole Indian public are extremely interested. If this Bill is pressed on the House, I will refrain from taking any further part in the discussion, nor shall I move that the Bill be referred to a Select Committee. With these words I support the motion for circulation.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not intervene in this discussion with any controversial intention. Indeed I should be temerarious to do so, for when eminent lawyers are on the war path, if a layman comes between these fell and mighty opposites, he is apt to receive rather more than he likes or expects. But as I listened to the discussion, it seemed to me that the difference between the two sides of the House was somewhat less than it appeared to be at first sight. There is, I think, general agreement that articles have appeared in some Indian newspapers which might have very dangerous consequences and which I think the House generally feels ought not to be allowed to continue. There is, I think, therefore, general agreement as to the underlying principle and Government attach importance to the affirmation by this House of that principle. On the other hand it has been represented to Government from the non-official Benches that this is a very important measure, that when we are dealing with the freedom of the Press, caution is necessary and Government have shown that they appreciate the fairness of that demand by saying, as my Honourable colleague, the Law Member, did this morning, that we would offer no opposition to referring the Bill to a Select Committee. But since my
4 P. M. Honourable colleague spoke, it has been represented by more than one Member that that does not quite meet what they have in their minds. What they feel is that this is an occasion on which public opinion ought to be elicited, and in particular the opinion of

one of the great communities of India who are perhaps peculiarly interested in our relations with some foreign powers. It occurred to me, Mr. President, that the gulf between the two sides might be bridged without any sacrifice of principle on either side. What I should be prepared to say on behalf of the Government is this,—that if the Bill is referred to a Select Committee, we should be quite prepared to circulate it by executive order, and the Committee would meet when the opinions had been received, and in the ordinary course their report would be submitted to the House next session.

Dr. Ziauddin Ahmad : Why do you press for a Select Committee ? Why not circulate at once ?

The Honourable Sir George Rainy : I mention this, Sir, in the hope that it may abbreviate the discussion and may prove to be a solution which will commend itself to the House generally.

Sir Abdur Rahim : May I ask, Sir, one question ? If we agree to a Select Committee, should we not be committing ourselves to the principle of the Bill ?

The Honourable Sir George Rainy : There is no question about that, but the point I tried to make in that connection was that there is agreement as regards a great underlying principle, that here is something which badly requires to be controlled.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhammadan) : Sir, a very strong case has been made out by the Leader of our Party, Sir Abdur Rahim, and other speakers on this side for the motion for circulation, and I do not propose to take much time of the House. But I shall try to put before the House a short history of this measure. It was in April last, Sir, that Lord Irwin promulgated Ordinance No. V of 1931. The reason was this. *Ex-King Amanullah* had published a letter in the paper *Afghanistan* which was translated and published in another paper *Zamindar*. Prior to this, this Government had been on friendly terms and in international amity with the Kings of Afghanistan. Amir Abdur Rahaman Khan, Amir Habibullah Khan, Amir Amanullah Khan—they were all friends of this Government. It was not felt necessary to promulgate any Ordinance or a measure of this kind in their time. So far as King Habibullah Khan was concerned, he was eulogised in London itself for the services he had rendered to the Indian Government by maintaining order in his own territory and also on the North-West Frontier during the time of the war. Even at that time, no necessity for such a measure as this was felt, but the necessity was felt simply because a letter of *ex-King Amanullah Khan* making allegations against the present ruler, Shah Nadir Khan, was published, and that letter was published again in *Afghanistan*, which I have not seen myself, and some comments were made by *Afghanistan* and *Zamindar*, and these have been brought to book ! Sir, we are not in sympathy with those persons in their dealings. We feel it necessary that friendly relations between this kingdom and foreign rulers should be kept up and kept up very strongly. But at the same time we cannot put up with a measure of this kind, which is calculated to curb the freedom, the liberty of the Press. Such a measure no one can be a party to. (Hear, hear.) Here, Sir, our simple request is that it should be circulated

[Maulvi Sayyid Murtuza Saheb Bahadur.]

for eliciting public opinion. Ever since the days we were at school and college, we heard that the English Government was attaching much importance to public opinion. So we feel it an injustice that such a measure should be rushed through and in such a way as not to have previously been circulated for eliciting public opinion. With these words, Sir, I support the motion.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I want to make it clear, after the assurance given by the Honourable the Leader of the House that the Select Committee will sit in Delhi and that by executive order this Bill will be circulated, that I do not want to press my motion and I beg leave of the House to withdraw the motion.

Dr. Ziauddin Ahmad : I also gave notice of a similar motion, and I do not wish to withdraw it.....

Mr. President : That is not the point. I will have to ask the opinion of the House whether they are prepared to grant leave to the Honourable the Mover of the amendment to withdraw his motion for circulation. I have to put that question to the House. The question is :

“ That leave be granted to the Honourable Member to withdraw his motion for circulation.”

As many as are of that opinion will say, “ Aye ”. (*Several Honourable Members* : “ Aye ”). Those of the contrary opinion will say, “ No ”. (*Several Honourable Members* : “ No.”) Leave to withdraw the motion is not granted.

Mr. E. Studd (Bengal : European) : Sir, I am not sure whether a humble business-man ought to have the temerity to take part in this debate which it seems to me is largely a battle between the conflicting opinions of legal luminaries whose names are famed all over India. But, Sir, what is the poor business-man to do when lawyers proceed to give him opposite opinions ? I confess that some of the legal points which they tried to argue were completely above my head. But it does seem to me that if we can get down to bedrock, this, Sir, is really, a simple matter. Apart from points of law, I have listened carefully to the various speeches that have been made against this measure urging circulation and so on, but I do not think I have heard one Member express opposition to the principle which is contained in the Bill, namely, that it should be possible to punish papers which publish articles and news matter which are likely to result in unfriendly relations with foreign powers. Some Members have expressed the fear that the powers in the Bill are too wide. I have not heard anybody suggest that it is the intention of Government to use them for any other purpose than the definite and specific one of the preservation of friendly relations. It has only been suggested that the Bill is so wide that it may be misunderstood or misinterpreted by Magistrates. Sir, I submit that if that is the main bone of contention, there is no reason why the Select Committee should not be able to put in the necessary provisos in the Bill to make sure that it is not so abused. Therefore, Sir, it does not seem to me that the opposition have made out a very strong case.

Sir, there is one thing which I fully expected to hear. Knowing what an anathema the word “ Ordinance ” is to my Honourable friends on the other side of the House, I fully expected to hear some of them referring to the Ordinance which is at present in force and which this Bill is meant to replace. I thought that if they were going to oppose this Bill, they would do it on the ground that this so-called iniquitous Ordinance had already been in force for nearly six months, that it had been grossly abused, and that it was therefore absolutely improper that it should be continued. Not one word has been said against that Ordinance ; and I doubt if there has ever been an Ordinance under which fewer cases have been brought than under this one. As far as I know, there have been only four or six cases, and I do not think anybody has any fault to find with those cases or with the judgments that have been given in those cases. I know a number of Honourable Members have read the judgments in two particular cases. I am perfectly certain that no one who has read those judgments can possibly say that they are anything but just, or can possibly maintain that some law is not necessary to deal with an evil of that kind.

Now, Sir, it has been urged that this is an important measure and that it should not be rushed through without the country having a chance to express its opinion. It seems to me that it has already had a chance, in an indirect way at any rate, of expressing an opinion on this Bill, for it has had this Ordinance actually in operation for nearly six months. I certainly have not heard of any objections. Honourable Members on the other side have not spoken of any objections to this Ordinance and I think it is a fair inference to draw that that being so, the general principle of this Bill is not opposed and has the general acceptance of the country.

Now, Sir, I do not propose to keep the House any longer. The debate has gone on for a long time, but I do appeal to Members to realise that it is a necessary measure and that it should be passed into law, modified if necessary, so that they may be satisfied that their fears are without foundation. I do appeal to this House to realise that it is necessary to curb the evil which is not only a disgrace to the Indian Press but a disgrace to the Indian nation.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I move that the closure be now put.

Mr. S. G. Jog (Berar Representative) : Sir, it is very unfortunate that a Bill brought before this House with a view to provide against the publication of statements which are likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States has in the present resulted in creating unfriendly relations between one important community in India and the Government. How far the Bill will have the effect of preventing the creation of unfriendly relations is therefore very doubtful. But for the present we are seeing this result that there is a division created between one important group in the House and the Government. This is the first time that this new Bill and this new legislation is being introduced and it is but fair that the Government should not rush it through. I am in entire sympathy with the speakers who have proposed that the Bill should be circulated for public opinion. It is the first principle of legislation that no legislation of a revolutionary character or

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[Mr. S. G. Jog.]

which introduces an innovation should be hurried through without ascertaining public opinion. As observed by my Honourable friend, nothing will be lost by circulating it and waiting for two or three months more. There is no immediate danger which is likely to happen and nothing will be lost by waiting for two months. There are also some misconceptions about the Bill. I must congratulate the Honourable the Mover on his clear explanation of the position. It was thought for some time that even the Indian States came within the purview of the Bill. But at the outset he made it clear that they did not come within the purview of the Bill. One more thing he has made clear. Unfortunately this Bill has taken a communal turn and my Muslim friends are somehow or other taking it as an attack against them or against the States of which the rulers are Muslims. The Honourable the Mover has made it clear while making his speech that the Bill is not designed against any particular foreign ruler. It is a general thing and all the foreign rulers are included in it, but somehow or other my Muhammadan friends have taken this peculiar attitude, which has resulted in creating a lot of stir in the House. The Bill is in very general terms. It wants to create friendly relations between British India and the foreign States. At the same time it does not stand in the way of any healthy criticism of the actions of those Governments. The Honourable the Mover admitted in his statement that there is no doubt it creates a sort of restraint on writings, but I think some such restraint is essential. But the Bill, as it stands now, and specially clause 2, is extremely wide and vague; and although the Honourable the Mover has justified his Bill by saying that it is a very mild and innocent one and is not so obnoxious or mischievous as the Press Bill,—and he may take some credit for that,—still the wording of clause 2 is extremely vague and it requires large modification and improvement. I therefore agree with the recommendation that has been made that the Bill should be circulated for public opinion.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I have listened very carefully to the remarks which have fallen from my Honourable friend, Mr. Studd. I gather that he intended to say that the principle of the Bill had not been attacked by the Opposition. I maintain, Sir, that Dr. Gour in his scholarly speech this morning has made it clear to the House that what was sought to be enacted in this Bill is not the English common law but something else. That is one reason why I say that the principle of the Bill has been attacked. It has been attacked and very ably attacked by my Honourable friend.

The next reason which I would put forward against the principle of the Bill is this. Is there, I ask, any enactment or any legislation in any neighbouring country analogous to what is sought to be enacted in this House now? I can well understand that a Bill has been introduced in this House which aims at curtailing the liberty of the Press. Are we to go on with this Bill when another legislation put forward before this House is pending? I do not know if the matter is still *sub judice* because we have already got the report of the Select Committee before us. Now that was the first attempt in this House to gag the Press. It has been followed with hardly an interval of one week by another Bill whose object primarily is to stifle the Press. It seems to me that Simla is particularly suitable for the introduction of Bills which are intended to stifle the Press. The mist here is so very thick that it almost makes the whole mountain disappear and these Bills will probably make the Press disappear altogether from this

country. The effect of this Bill is not only to enact what is not the existing common law in England or for the matter of that in any country, but it goes much further in the way it is framed. Sir, you will note that section 2 of the Bill, which is the really operative section, reads thus : "Whoever makes a statement, whoever publishes a statement, whoever circulates a statement, rumour or report" and so on. It is not distinctly stated whether it should be actually libellous or not. Under the existing law what is punished is not slander but libel and that against the ruler of a foreign State. Here what is sought to be done is this. Section 2 which is an all-comprehensive section, is so worded as to include anything and everything. If tomorrow I make an allegation against the ruler of Afghanistan or I circulate something which may be perfectly harmless, I will be liable to be punished under that section and probably sentenced to two years imprisonment, rigorous or simple, depending on the discretion of the Magistrate.

Then, Sir, it is said that legislation on this subject has to be passed very soon as the period of the Ordinance promulgated by H. E. the Viceroy in April last is about to expire. I believe it is lapsing on the 5th of next month. But I ask the Honourable Mr. Howell, has the Viceroy not got power to pass another Ordinance of the same type extending over another period of six months, and will it not be possible to pass this measure, which is sought to be passed in such a hurry at Simla, at the Delhi Session, circulating it meanwhile for eliciting opinion thereon? It is a matter which cuts at the very root of the Indian Press. If there is anything in this country which Indians respect and enjoy, it is the freedom of the Press, and if, on the eve of reforms, the liberty of the Press which we value so dearly is to be curtailed in this way, if the Press is to be stifled to the degree to which it is sought to be stifled, I really do not know what the effect of that is going to be. We have to reciprocate the good faith of those who have framed such legislation. My friend, Mr. Brooke Elliott, very wisely alluded in his remarks saying that reciprocity was the thing which was really wanted. He told us that you should do unto others as you would wish to be done by them. But I ask, is the Englishman in India observing that principle? Is he practising that rule? If really he had any regard for that principle and if he had adhered to it, I dare say, I venture to say, that no complications would enter into the deliberations in this House and every measure brought forward by the Treasury Benches would have our hearty acceptance. I therefore commend this motion for circulation.

Mr. C. Brooke Elliott : If the Honourable Member would put my text into the text of the Bill, I should have no objection.

Several Honourable Members : The question may now be put.

The motion was adopted.

Mr. E. B. Howell : I have no wish to make any reply, Sir.

Mr. President : The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932."

The Assembly divided :

AYES—35.

Abdoola Haroon, Seth Haji.
Abdur Rahim, Sir.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
L234LAD

Badi-uz-Zaman, Maulvi.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Fazal Haq Piracha, Shaikh.

AYES—contd.

Gour, Sir Hari Singh.	Rajan Bakhsh Shah, Khan Bahadur
Ibrahim Ali Khan, Lt. Nawab Muhammad.	Makhdum Syed.
Jadhav, Mr. B. V.	Reddi, Mr. T. N. Ramakrishna.
Jehangir, Sir Cowasji.	Sant Singh, Sardar.
Jog, Mr. S. G.	Sarda, Rai Sahib Harbilas.
Kyaw Myint, U	Singh, Mr. Gaya Prasad.
Lalchand Navalrai, Mr.	Sitaramaraju, Mr. B.
Misra, Mr. B. N.	Sohan Singh, Sirdar.
Mitra, Mr. S. C.	Talib Mehdi Khan, Nawab Major Malik.
Mody, Mr. H. P.	Thampam, Mr. K. P.
Muazzam Sahib Bahadur Mr. Muhammad.	Uppi Saheb Bahadur, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.	Wilayatullah, Khan Bahadur H. M.
Pandian, Mr. B. Rajaram.	Ziauddin Ahmad, Dr.
Patil, Rao Bahadur B. L.	Zulfiqar Ali Khan, Sir.

NOES—58.

Allah Bakhsh Khan Tiwana, Khan Bahadur Malik.	Montgomery, Mr. H.
Anklesaria, Mr. N. N.	Moore, Mr. Arthur.
Azizuddin Ahmad Bilgrami. Qazi.	Morgan, Mr. G.
Bajpai, Mr. R. S.	Mukherjee, Rai Bahadur S. C.
Banerji, Mr. Rajnarayan.	Pandit, Rao Bahadur S. R.
Bhuput Singh, Mr.	Parsons, Mr. A. A. L.
Brij Kishore, Rai Bahadur Lala.	Puri, Mr. Goswami M. R.
Crerar, The Honourable Sir James.	Raghubir Singh, Kunwar.
Dalal, Dr. R. D.	Rainy, The Honourable Sir George.
DeSouza, Dr. F. X.	Rajah, Rao Bahadur M. C.
Dudhoria, Mr. Nabakumar Sing.	Rama Rao, Rai Bahadur U.
Dyer, Mr. J. F.	Rastogi, Mr. Badri Lal.
Elliott, Mr. C. B.	Row, Mr. K. Sanjiva.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Roy, Mr. S. N.
Fox, Mr. H. B.	Sahi, Mr. Ram Prasad Narayan.
French, Mr. J. C.	Sams, Sir Hubert.
Graham, Sir Lancelot.	Schuster, The Honourable Sir George.
Griffiths, Mr. G. I.	Scott, Mr. J. Ramsay.
Heathcote, Mr. L. V.	Sher Muhammad Khan Gakhar, Captain.
Hezlett, Mr. J.	Shillidy, Mr. J. A.
Howell, Mr. E. B.	Singh, Kumar Gupteshwar Prasad.
Ishwarsingji, Nawab Naharsingji.	Studd, Mr. E.
Ismail Ali Khan, Kunwar Hajee.	Suhrawardy, Sir Abdullah.
Jawahar Singh, Sardar Bahadur Sardar.	Sukhray Rai, Rai Bahadur.
Knight, Mr. H. F.	Sykes, Mr. E. F.
Lal, Mr. S.	Tait, Mr. John.
Lalchand, Rao Bahadur Captain.	Todd, Mr. A. H. A.
Leach, Mr. F. B.	Yakub, Sir Muhammad.
	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.

The motion was negatived.

Mr. President : I now call upon Mr. Maswood Ahmad to move his next amendment, for reference to Select Committee.

Mr. M. Maswood Ahmad : Sir, I beg to move :

“ That the Bill be referred to a Select Committee consisting of Mr. E. B. Howell, Sir Lancelot Graham, Sir Muhammad Yakub, Khan Bahadur Wilayatullah, Kunwar Hajee Ismail Ali Khan, Mr. R. K. Shanmukham Chetty, Mr. Muhammad Yamin Khan, Sir Abdulla Suhrawardy, Dr. Ziauddin Ahmad, Sir Hari Singh Gour, Mr. Muhammad Muazzam Sahib Bahadur, Lala Hari Raj Swarup, Mr. Brooke Elliott, Mr. Gaya Prasad Singh, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Mr. Murtuza Sahib Bahadur, Seth Haji Abdulla Haroon, Mr. Lalchand Navalrai and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Muhammad Muazzam Sahib Bahadur : I would suggest, Sir, that Mr. Jog's name be included in the list.

Mr. President : One more name has been suggested for addition, Mr. Jog. I should like to know whether the Mover is agreeable.

Mr. M. Maswood Ahmad : I have no objection.

Mr. S. C. Mitra : May I know whether the rest of the House cannot be added ?

Dr. Ziauddin Ahmad : Sir, as I do not agree with the principle of the Bill. I wish to withdraw my name from the Select Committee.

Maulvi Sayyad Murtuza Sahib Bahadur : I am also not willing to serve on the Select Committee.

Khan Bahadur H. M. Wilayatullah : Sir, I have not been in a fit state of health to serve on the Select Committee.

An Honourable Member : The Select Committee will meet only in Delhi. Do you expect to be ill then also ?

Mr. President : The Select Committee will meet in Simla. I want to know if the Honourable Member is willing to serve on the Select Committee or he is not.

Khan Bahadur H. M. Wilayatullah : I do not wish to serve on the Select Committee.

Mr. Muhammad Muazzam Sahib Bahadur : I request, Sir, that my name be withdrawn from the list.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : I propose that the name of Mr. K. Ahmed be added to the list.

Mr. President : Do you object, Mr. Maswood Ahmad ?

Mr. M. Maswood Ahmad : I don't object, Sir.

Mr. President : The question is :

“ That the Bill be referred to a Select Committee consisting of :

Mr. Howell,
Sir Lancelot Graham,
Sir Muhammad Yakub,
Kunwar Hajee Ismail Ali Khan,
Mr. Shanmukham Chetty,
Mr. Muhammad Yamin Khan,
Sir Abdulla Suhrawardy,
Sir Hari Singh Gour,
Lala Hari Raj Swarup,

[Mr. President.]

Mr. Brooke Elliott,
Mr. Gaya Prasad Singh,
Mr. Lulchand Navalrai,
Mr. B. R. Puri,
Mr. Jagan Nath Aggarwal,
Haji Abdulla Haroon,
Mr. K. Ahmed,
Mr. S. G. Jog, and the Mover."

The motion was adopted.

Mr. President : I should like to know whether the House wishes to proceed with the next Bill.

Several Honourable Members : No, Sir ; it is now too late.

The Honourable Sir George Rainy : I do not think the next Bill will take very long.

Mr. President : There are several amendments. If there were no amendments to the next Bill I would have taken it up now.

The Honourable Sir George Rainy : You might allow the Bill to be formally moved. I would remind the House that if we do not get through our business, we may have to sit longer at the end of the Session.

Mr. President : Yesterday the House had to be adjourned for want of a quorum.

Several Honourable Members : Adjourn, adjourn.

Mr. President : Is it the general feeling that the next Bill should be placed before the House by the Mover ?

Several Honourable Members : No, Sir ; it is now too late.

Mr. President : Those who are in favour of adjourning the House will please rise in their seats.

(A large number of Members stood up.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th September, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 24th September, 1931.

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

Mr. President : I understand that the Leader of the House wishes to make an important statement, and I call upon him to do so.

The Honourable Sir George Rainy (Leader of the House) : I should like in the first place, Mr. President, to apologise on behalf of my Honourable colleague the Finance Member for his inability to be present here to answer questions this morning. I shall, however, endeavour to answer the questions relating to his Department to the best of my ability. I should like to add that, with your permission, Mr. President, my Honourable colleague will desire to make a statement, when the House re-assembles after Lunch, upon the financial position.

QUESTIONS AND ANSWERS.

INTRODUCTION OF WATER METER CARDS IN SIMLA AND NEW DELHI.

883 ***Rao Bahadur M. C. Rajah :** Will Government be pleased to state the reasons why water meter cards have not been introduced so long for recording the water meter readings ?

Mr. J. A. Shillidy : Government see no reason to introduce such cards. They would serve no useful purpose and their maintenance would involve extra work and expense.

EXCESS WATER RATES CHARGED FOR QUARTERS IN PHAGLI, SIMLA.

884. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the numbers of the blocks in Phagli which have paid the lowest amount of excess water rate during the last five years ?

(b) Will Government be pleased to state the number of the units in Phagli which have been charged excess water less than a rupee a month during the last five summers ?

Mr. J. A. Shillidy : (a) The question is not understood, because only one block can have the lowest reading. That block is C-9.

(b) Government do not propose to supply the information as the amount of labour involved in doing so would be incommensurate with the benefit attained.

STORAGE OF FODDER FOR CATTLE ON THE ROOFS OF THE LAVATORIES OF INDIAN CLERKS' QUARTERS IN NEW DELHI.

885. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that fodder for cows, buffaloes and goats is not allowed to be kept on the roofs of the lavatories in the Indian Clerks quarters in New Delhi ? If so, why ?

(b) Have Government received any representation from the residents of the Government quarters in New Delhi on the subject? If so, what action, if any, has been taken thereon?

(c) Is it a fact that the lavatories in Indian clerks quarters are quite detached from the main building?

(d) Do Government propose to build small sheds with corrugated iron sheets in the court-yard of quarters for the storage of fodder? If the answer is in the negative, do Government propose to consider the advisability of relaxing the rule for the storage of fodder?

Mr. J. A. Shillidy : (a) There are no orders specially prohibiting the storage of fodder, etc., on the roofs of the lavatories of Indian clerks' quarters. The only orders issued under which the storage of fodder is prohibited are orders of a general nature prohibiting the storing of inflammable material on roofs and in verandahs.

(b) No such representation is traceable.

(c) Yes.

(d) (i). No.

(ii) No.

GRANT OF PENSIONS TO THE FAMILIES OF SOLDIERS KILLED IN THE BURMESE REBELLION.

886. ***Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) What rewards and pensions have been granted to the families of the soldiers who laid down their lives in suppressing the Burma rebellion?

(b) Do Government contemplate to publish a White Paper on the Burma rebellion for the information of the public in India?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to the reply given by the Army Secretary to part (c) of Mr. Ranga Iyer's starred question No. 651.

(b) A report by the Local Government was published on the 6th July, 1931 and weekly appreciations of the situation have since been and are being issued regularly. It is not proposed to issue any further statement at present, but the Honourable Member may rest assured that the public will be kept fully informed.

RETRENCHMENT OF EMPLOYEES OF THE EAST INDIAN RAILWAY TRAFFIC ACCOUNTS OFFICE, HOWRAH.

887. ***Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) Will Government be pleased to state whether they are aware that over 40 young men belonging to the East Indian Railway Traffic Accounts Office, Howrah, have been turned out into the streets on 24 hours notice to swell the ranks of the unemployed definitely against the orders of the Railway Board that no further discharge should take place?

(b) If the answer to part (a) is in the affirmative, is it a fact that considerable reduction had already taken place and no further reduction was contemplated?

(c) Are Government aware that in the name of economy all sorts of favouritism and injustice are being perpetrated in railway retrenchment?

(d) Is there any chance of these youngmen being reinstated in their services?

(e) Are Government aware that many of these are graduates and that they rendered good service during the time of their employment?

Mr. A. A. L. Parsons : (a) No. Twenty-three temporary clerks engaged for purely temporary purposes were discharged on the termination of their work. This was not against the orders of the Railway Board.

(b) Does not arise.

(c) No.

(d) I can see no present likelihood.

(e) Some of these men were graduates but they could not be kept on when the work for which they were entertained temporarily was finished.

†888.

INQUIRIES IN BARDOLI AND THE NORTH-WEST FRONTIER PROVINCE.

889. ***Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) When will the Bardoli Inquiry Committee begin its work? What is the reason of the delay? Is it proposed to hold any inquiry into the alleged breaches of the truce terms in the North-West Frontier Province, as pressed by the "Frontier Gandhi"?

(b) What is the general policy of Government with regard to the treatment of "Red Shirts"?

The Honourable Sir James Crerar : (a) The Bardoli inquiry is expected to commence about the 1st October. The delay is due both to the difficulty of relieving Mr. Gordon who is to conduct the inquiry and of travelling at this season in Bardoli Taluka for the purpose of visiting villages. It is not proposed to hold any inquiry into the alleged breaches of the Delhi Settlement in the North-West Frontier Province. In this connection I would refer the Honourable Member to the communiqué and correspondence published on August 28th last.

(b) I would refer the Honourable Member to the letter dated August 19th last addressed by His Excellency the Viceroy to Mr. Gandhi which contains a statement of policy of general application.

RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

890. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if a candidate who has been deprived of a regular degree under the technicality of the Regulation No. 11-A., pages 184-85, Punjab University Calendar, 1930-31 for the simple reason of his passing any of the

†This question was withdrawn by the questioner.

Honours examinations in the Oriental Faculty of the Punjab University subsequent and not prior to his lawfully passing the B.A. examination in the subject of English only on the strength of any of the vernacular languages examinations, viz., Urdu (*vide* Regulation No. 7-A, pages 163-64, Punjab University Calendar, 1930-31), which examination he might have previously passed, is eligible under the proviso to the rule (8) of the Rules for the Indian Civil Service Examination or any other Imperial Services examinations for which such a proviso exists? If not, why not?

(b) Do Government propose to remove this obvious stumbling block in the way of aspiring candidates? If so, how? If not, why not?

(c) Are Government aware that one such candidate has applied to the Public Service Commission for admission to the I. C. S. open competition examination to be held in January, 1932, under the proviso to rule (8) of the Rules for the I. C. S. examination, through the Deputy Commissioner, Rawalpindi District?

The Honourable Sir James Crerar : (a) No; because the proviso relates only to examinations conducted by institutions other than Universities.

(b) If there is any case for amendment the matter seems to be one for the Punjab University.

(c) Yes.

RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

891. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state what are the "exceptional cases" that are contemplated in the proviso to rule (8) of the Rules for the I. C. S. examination or any other Imperial Service examinations, for which it is so provided?

(b) Will Government be pleased also to state how many candidates have hitherto been admitted under the said proviso and what were their educational qualifications?

The Honourable Sir James Crerar : (a) Cases in which there are in the opinion of the Local Government and the Public Service Commission adequate reasons for giving a candidate the benefit of the exception provided by the rule.

(b) Two: one to the Indian Audit and Accounts Service examination and one to the Indian Police Service examination. A statement showing their educational qualifications is placed on the table:

Candidate for the Indian Audit and Accounts Service—

Passed—

1. Government Diploma Examination in Accountancy.
2. Advanced test in Book-keeping, Banking and Method of Machinery and Business of the London Chamber of Commerce.
3. Advanced Accountancy test of the National Union of Teachers, London.

Candidate for the Indian Police Service—

1. Passed Matriculation Examination (Punjab University).
2. Studied at the Royal Indian Military College, Dehra Dun.
3. Obtained two years' training at the Royal Military College, Sandhurst.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS IN CERTAIN OFFICES.

892. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please state the number of Muslim Superintendents in the following offices?

1. Director General, Indian Medical Service.
2. Director, Public Information Bureau.
3. Director, Intelligence Bureau, Home Department.
4. Director General of Archaeology.
5. Central Board of Revenue.

(b) Are there no Muslims in these offices who could be appointed as Superintendents on the retirement of existing members on account of impending retrenchment?

(c) Is it a fact that the posts of Superintendents in these offices have been held by non-Muslims for the last half a century or so?

(d) Are Government prepared to consider the claims of Muslims in filling the posts of Superintendents in these offices when they fall vacant and thus redress the longstanding grievances of the Muslims?

The Honourable Sir James Crerar : (a) There are no Muslim Superintendents at present in the offices mentioned.

(b) I am informed that there are no Muslim assistants in these offices sufficiently senior to be selected at the moment for promotion to the post of Superintendent.

(c) No.

(d) The claims of candidates for promotion to the post of Superintendent are invariably considered on their merits.

REPRESENTATION OF VARIOUS COMMUNITIES IN APPOINTMENTS OF EXECUTIVE ENGINEERS IN THE DELHI P. W. D.

893. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that the percentage of Sikhs and Christians is higher than that of Hindus and Muslims in the permanent cadre of Executive Engineers in the Delhi P. W. D.? If so, will Government kindly give reasons for this?

(b) Will Government kindly state the respective number of Hindu, Muslim, Sikh and Christian Engineers permanently appointed in the Delhi P. W. D. in 1930 to work as Executive Engineers, with their percentage to the total in each case?

Mr. J. A. Shillidy : (It is assumed that the information asked for in questions Nos. 893—896 is in respect of the Central Public Works Department and not the Delhi Public Works Department alone as the latter forms part of the Central Public Works Department and is not a separate organization. With this remark, the answers are as follows):

(a) Yes, it is so at present. The reason is that officers already in the Department had prior claims to permanent appointment as Executive Engineers in the Department in preference to any others who might have been eligible for such appointment.

(b) Hindu	..	..	1	16.67 per cent.
Muslim	..	..	1	16.67 per cent.
Sikhs	..	..	2	33.33 per cent.
Christians (European)	..	..	2	33.33 per cent.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

894. *Mr. M. Maswood Ahmad : Is it a fact that the Engineers, who were permanently appointed in the Delhi P. W. D. to work as Executive Engineers, were on deputation in the Delhi P. W. D. ? If so, will Government kindly state what rank they were holding before permanency in the Delhi P. W. D. ?

Mr. J. A. Shillidy : Yes. They were all holding the rank of Executive Engineer, four of them permanently and two of them temporarily. The permanent rank of the latter two was that of Assistant Engineer.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

895. *Mr. M. Maswood Ahmad : Is it a fact that some of the Engineers, who are permanently appointed in the Delhi P. W. D. have not passed the recognised Civil Engineer's examination ; if so, will Government kindly state the reasons for appointing such men as Executive Engineers in the Central P. W. D., Delhi ?

Mr. J. A. Shillidy : Yes, two of the officers concerned have not passed the Civil Engineer's examination but they passed the Upper Subordinate's examination. They have been appointed as Executive Engineers on account of their long experience of the work in the Department, coupled with their seniority and fitness for holding such rank.

EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

896. *Mr. M. Maswood Ahmad : Is it a fact that some Engineers of recognised qualification, who are serving in the Delhi P. W. D. as Executive Engineers are not brought into the permanent cadre ? If so, will Government kindly state their names and give reasons of preferring the men of lower qualification for permanent cadre in presence of those of higher qualification ?

Mr. J. A. Shillidy : Yes. The names of such officers are Messrs. Wazir Dayal and S. P. Bett. The reasons have already been given in reply to questions Nos. 893 (a) and 895.

EXAMINATIONS FOR APPOINTMENT OF SUBORDINATES IN THE DELHI PUBLIC WORKS DEPARTMENT.

897. *Mr. M. Maswood Ahmad : (a) Is it a fact that a professional departmental examination for the posts of subordinates took place in the Delhi P. W. D. in 1930 ?

(b) Is it a fact that Executive Engineers of the Delhi P. W. D. were informed of the said departmental examination under Circular Memorandum No. 01412/E., dated 6th May, 1930 ?

(c) Has this examination been allowed by the Public Service Commission or the Government of India ?

(d) What are the names of the examiners with their designations ?

(e) What is the total amount of the honorarium paid to examiners and from which fund ?

(f) What is the total number of candidates who appeared in the examination ?

(g) For how many days the examination was held ?

(h) How many candidates were outsiders and how many belonging to the Department ?

(i) What are the rules and regulations for candidates to appear in this examination ? What educational and technical qualifications are required for this examination ?

(j) What was the respective number of candidates of different communities who appeared in the said examination ?

(k) How many candidates passed the examination and to which community they belong ?

(l) What are the educational and technical qualifications of passed candidates ?

(m) Are the passed candidates given the posts of subordinates ?

(n) Have Government considered the question of conducting the examination through the Engineering College, Roorkee ? If not, why not ?

(o) What is the number of qualified registered candidates from recognised colleges for the posts of subordinates in the Delhi P. W. D. ?

(p) Have all of them been provided with some job ?

(q) Why were the vacancies not advertised for public information to get duly qualified candidates of recognised colleges ?

(r) How many candidates were residents of the Delhi Province in the said departmental examination ?

(s) Has the said examination taken place this year too ? Have all the candidates, who sat in the examination, passed ?

(t) Has the said examination ever been held in the Delhi P. W. D. before 1930 ; if not, why was such an examination devised in the Delhi P. W. D. in 1930 ?

Mr. J. A. Shillidy : (a) Yes.

(b) Yes, on the 16th May, 1930.

(c) The reply is in the negative.

(d) Mr. F. T. Jones, C.I.E., M.V.O., Superintending Engineer. Sardar Bahadur Teja Singh Malik, C.I.E., Superintending Engineer. Khan Bahadur Muhammad Solaiman, Executive Engineer. Mr. G. B. Davidson, Assistant Accounts Officer. Mr. R. T. Macclesfield, Quantity Surveyor.

(e) Rs. 174—against office contingencies.

(f) Nineteen.

(g) Three days.

(h) Outsider one. Departmental 18.

(i) The reply to the first part of the question is that the examination was open to all work charged men of not less than five years' approved service in the Delhi Public Works Department. The reply to the second part is that a Subordinate who desired to be examined should apply through his immediate superior for admission to the examination. This application should be accompanied by a report on his fitness to be examined by a Divisional Officer under whom he is serving.

(j) Muslims 8.

Hindus 6.

Sikhs 5.

(k) Four passed—Namely, one Muslim and three Sikhs.

(l) Bhagwant Singh—Matriculate and Overseer from Civil Engineering College, Ludhiana, and practical experience in the work charged establishment in the Delhi Public Works Department for about three years.

Badruddin—Intermediate Arts, work charged service experience in Delhi Public Works Department since 1921.

Nahar Singh.—Studied up to Matric, work charged service in the Delhi Public Works Department since 1920.

Labh Singh—Matriculate. Passed Sub-Engineers class from Hewett Engineering School, Lucknow, work charged service in Delhi Public Works Department since 1924.

(m) Three were appointed to temporary posts. One is now being discharged owing to reduction of establishment.

(n) No. This was only a Departmental test.

(o) The names of 32 qualified candidates have been registered since 1928.

(p) Two only.

(q) As the examination was one of a purely departmental nature, it was not considered necessary to advertise it.

(r) The information is not readily available.

(s) The reply to both the parts is in the affirmative.

(t) The reply to the first part is in the negative. The examination was introduced by the Chief Engineer to help him to decide who should receive promotion.

TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

898. *Mr. M. Maswood Ahmad : (a) Will Government kindly state how many temporary subordinates were appointed in the Delhi P. W. D. during the years 1929 and 1930 ?

(b) Is it a fact that all the temporary subordinates, who were appointed in the regular establishment of the Delhi P. W. D. in 1929 and 1930, were ordered to appear in the departmental examination of subordinates held in 1930 in the Delhi P. W. D. ? If not, how many men were exempted from the examination ? What are their educational and technical qualifications ? What are the reasons for exempting them from the examination ? What is the past experience of these men ? What pay were they given at the time of appointment ? What is the starting pay for a new subordinate in the Delhi P. W. D. ?

Mr. J. A. Shillidy : (a) Eighteen including two officiating appointments.

(b) Yes, those who were recruited from the work charged establishment and excluding those who had acquired degrees from recognised institutions.

Only one was exempted and his qualifications are : Matriculate.

Overseer from the Ludhiana Civil Engineering School.

Practical training for wood seasoning at the Forest Research Institute, Dehra Dun.

The reason for exempting him was that his work was entirely of a different character from that of the members of the Subordinate Engineering Service in the general line. His duties are confined only to wood work activities for which he has received a practical training from the Forest Research Institute. His past experience was work charged service in the Department since 1920. He was given a pay of Rs. 192 per mensem on appointment. The starting pay for a new subordinate in the Central Public Works Department is Rs. 80 in the grade of Rs. 80—7—255.

TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

899. *Mr. M. Maswood Ahmad : Is it a fact that the work-charged people who were brought into the regular establishment of temporary subordinates in the Delhi P. W. D. before 1929 were not ordered to appear in the said departmental examination ? If so, will Government kindly state when these temporary subordinates will be examined ; if not, why not ?

Mr. J. A. Shillidy : The reply to the first part of the question is in the affirmative. As to the second part the reply is in the negative.

The decision to institute this examination was only made in 1929.

DELHI PUBLIC WORKS DEPARTMENT EXAMINATION FOR ENGINEERS.

900. *Mr. M. Maswood Ahmad : Will Government kindly state whether any departmental examination will be held in the Delhi P. W. D. this year for the post of Engineers ; if so, when, and if not, why not ?

Mr. J. A. Shillidy : The reply to the first part of the question is in the negative. As to the second part, reductions are being made and the prospects of any fresh recruitment in the near future are remote.

EXPENDITURE FOR ELECTRIC CHARGES FOR THE DELHI CIVIL LINES
POST OFFICE.

901. ***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state the total amount spent on account of electric charges for the Delhi Civil Lines Post Office, by the Postal Department during the last three years and the amount spent during the preceding three years ?

(b) Will Government be pleased to state the reasons for any abnormal increase in the charges incurred during the last three years ?

(c) What action do Government propose to take to save them from such increases in future ?

Sir Hubert Sams : It is regretted that the information is not available and could not easily be collected.

CHARGES AGAINST MR. J. C. O'LOUGHLIN, POSTMASTER, DELHI.

902. ***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state in detail the charges which resulted in the degradation and transfer of Mr. J. C. O'Loughlin, Postmaster, Delhi, as Assistant Postmaster, Bombay ?

(b) Will Government be pleased to state what action they have taken or propose to take against the persons who helped Mr. O'Loughlin in his irregular actions ?

Sir Hubert Sams : (a) Government do not consider that any useful purpose would be served by furnishing the information asked for.

(b) Government have no information. The matter is within the competence of the Postmaster General.

MOTOR MAIL MILEAGE OF THE DELHI POST OFFICE.

903. ***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether the records show the extra motor mail mileage in the Delhi Post Office ?

(b) Will Government say in whose custody and instructions and under whom the record of the extra motor mail mileage in the Delhi Post Office is kept ?

(c) Is it a fact that the cost of petrol used by Mr. O'Loughlin, the late Postmaster of Delhi, for his and for trips of certain officials, was made good out of this extra mileage ?

(d) Do Government propose to inquire into the matter ?

Sir Hubert Sams : Enquiries are being made and the information asked for by the Honourable Member will be sent to him separately.

RENT FOR GOVERNMENT QUARTERS PAID BY CLERKS IN SIMLA AND DELHI
DURING THE MONTHS OF APRIL AND OCTOBER.

904. ***Sirdar Harbans Singh Brar** : (a) Is it a fact that clerks of attached and subordinate offices who are provided with Government quarters at Simla are required to pay full rent during the months of April and October every year in addition to the rent of quarters at Delhi, though

there have been overlapping periods in these months on account of the move of their offices ?

(b) Is it a fact that officers who are availing themselves the same privileges are only paying actual rent for Government buildings during the months of April and October (from the date of their occupation in Simla quarters to date of vacation or from the date of opening and closing of their offices whichever is earlier) and are thus given the advantage of the move of their departments ?

(c) If the answers to parts (a) and (b) above are in the affirmative, will Government please give reasons for the differential treatment meted out to clerks ?

(d) Is it also a fact that repeated representations to Government on the subject to remove this distinction and to refund the extra rent recovered to the individuals concerned have been turned down ?

(e) If the answer to part (d) above is in the affirmative, are Government prepared to give reconsideration to their decision and take early steps to refund the excess rent recovered from clerks ?

Mr. J. A. Shillidy : I am examining the point raised by the Honourable Member and will communicate the result to him in due course.

ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA
SECRETARIAT STAFF.

905. ***Bhai Parma Nand** : (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff, altogether ?

(b) What is this allowance and when and why was it sanctioned ? Have the grounds, on which it was granted, ceased to exist or are they still in existence ?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) Do Government propose to fix a minimum standard of pay of an individual, below which the pay and allowance of any servant, granted before the war when the prices were at par with the present prices, should not be reduced ? If not, why not ?

(e) If the answers to parts (a) and (c) be in the affirmative, do Government propose to let this allowance stand as it is ?

The Honourable Sir James Crerar : (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 17th September, 1931, to parts (a) (i), (e) and (f) of Mr. Anwar-ul-Azim's unstarred question No. 70.

(c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

(d) I am afraid the suggestion has not yet been considered.

CONVEYANCE ALLOWANCE GRANTED TO THE STAFF OF THE GOVERNMENT
INDIA SECRETARIAT AT DELHI.

906. ***Bhai Parma Nand** : (a) Will Government be pleased to state what is the rate of conveyance allowance granted to the staff of the

Government of India while at Delhi? Why and for what purpose was it sanctioned?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers also? If so, what is the percentage of reduction of this allowance in the case of both?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries?

The Honourable Sir James Crerar : (a) Conveyance allowance is granted to those who apply for, but are not provided with accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32 but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.

PAY AND ALLOWANCES OF I. C. S. OFFICERS.

907. ***Bhai Parma Nand :** (a) Will Government be pleased to state what is the time-scale of pay of the I. C. S. officers?

(b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations?

(c) What were the grounds for which these concessions were allowed? Have not those grounds since disappeared? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat?

(e) Is there any special reason for continuing these allowances when the allowances of subordinate staff are being curtailed?

(f) Do Government contemplate to abolish these special pays? If not, why not?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.

(b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions, I would refer the Honourable Member to Rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.

(c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

(d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month respectively in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.

(e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

†908—913.

APPOINTMENT OF MUSLIMS IN RAILWAY SERVICES.

914. ***Mr. Muhammad Azhar Ali :** (a) With reference to the statement made by the Hon'ble Sir George Rainy on the floor of this House in the last Delhi Session to the effect that special measures will have to be adopted by the Railway Department to give the Muslims their due share of Government services, will Government be pleased to state what special measures were actually adopted by the Railway Administration and with what result?

(b) What instructions were issued to the two Muslim Deputy Agents, specially deputed for the purpose of safeguarding the interests of Muslims when recruitments are made for various branches of Railway Services and the extent to which the interests were actually safeguarded?

Mr. A. A. L. Parsons : (a) Recruitment on railways has been practically suspended since the last Delhi Session, but action has been taken by the Railway Department to implement the undertaking given in order to pave the way for securing to Muslims a fair share of representation in the railway services when normal recruitment is resumed.

(b) Of the officers mentioned by the Honourable Member, one was a Muslim and the other a Sikh. Their instructions were :

(i) to visit the headquarters of Railway Administrations and also places on the State-managed Railways and offices under the Railway Board and Financial Commissioner of Railways where recruitment or promotions of non-gazetted employees are made and to observe the manner in which these matters are conducted and also the practical application of the rules relating to the training of the subordinate staff,

(ii) to advise and assist the Agents and other controlling authorities in the instruction of such arrangements as may be necessary to secure the fullest compliance with the policy of Government regarding the adequate representation of Muslims and other minority communities in the various classes of non-gazetted establishments, and

(iii) to report on these matters to the Railway Board.

†These questions were withdrawn by the questioners.

HINDU AND MUHAMMADAN RESERVE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

915. *Mr. Muhammad Azhar Ali : (a) In how many places did the reserve clerks named Zahur Ahmad, B.A., Mokulesur Rahman, B.A., Jittar Rahman, B.A., Waziullah Majumdar, B.A., Zulfikar Ali, B.A., of the Calcutta General Post Office, work during the last two years ?

(b) In how many places did the reserve clerks named Makham Lal Ganguly, Prayagdeb Ganguly, Tarak Chandra Chatterjee and Harendra Nath Bose of Calcutta General Post Office work during the last two years ?

(c) Is it a fact that whenever a Muhammadan reserve clerk is put in the Correspondence Department, Babu Sailendra Nath Banerjee, the Office Superintendent takes the earliest possible opportunity to relieve him from the Correspondence Department ?

(d) Is it a fact that the reserve clerks mentioned in part (b) are never relieved from the Correspondence Department ?

(e) Is it a fact that the reserve clerks mentioned in part (b) have been placed to work in some important places of the Correspondence Department permanently, removing the permanent incumbents from those places ?

(f) Is it a fact that a Reserve Clerk has to learn all sorts of executive work during his reserve period ?

(g) If the replies to the above questions be in the affirmative, are Government prepared to take steps against the Office Superintendent and relieve the Reserve Clerks mentioned in part (b) from the Correspondence Department so that they may learn work of all the Departments of the Post Office ?

Sir Hubert Sams : (a) to (e). Government have no information.

(f) Yes.

(g) The matter is within the competence of the Postmaster General, to whom a copy of the question is being sent.

APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.

916. *Mr. S. C. Mitra : (a) Are Government aware that the candidates who passed in the last competitive examination of the Public Service Commission in the third Division cannot type even from typewritten matter ?

(b) Is it a fact that the abovementioned candidates have been provided with appointments before their typing examination was held ?

(c) If the answer to parts (a) and (b) are in the affirmative, do Government propose not to appoint them before they pass the typing test ?

The Honourable Sir James Crerar : (a) No.

(b) Candidates are appointed subject to their passing a test in typing as soon as this can be arranged. Some of those so appointed have failed in that test.

(c) I will enquire from the Public Service Commission whether it could be arranged to hold the typing test at the same time as the written examination.

APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.

917. *Mr. S. C. Mitra : (a) Will Government be pleased to state the percentage of unpassed candidates replaced by the passed candidates in each department and the number of years Government service these unpassed candidates have ?

(b) Is it a fact that in certain offices of the Government of India the percentage of replacement made is much higher than in other offices ? If so, why ?

(c) Do Government propose to have a uniform percentage of replacement made in each office ?

(d) Are Government aware that almost all the unpassed candidates are being replaced in Headquarters, Royal Air Force, whereas no replacement at all is made in the Medical Directorate ? Is it a fact that in the Indian Stores Department they have appointed about 12 unpassed men against 40 vacancies ? If so, why in the Royal Air Force Headquarters are all the unpassed men being served with notices ?

(e) Is it a fact that 12 candidates appeared at the typing test held on the 29th August, 1931 ? If so, will Government be pleased to state the names of the candidates and the number of words per minute each of the candidates have typed in that test ?

(f) Will Government be pleased to state the number of candidates amongst those 12 who were successful at the typing test ?

The Honourable Sir James Crerar : (a) and (b). The information is not readily available as the labour involved in collecting it would not be commensurate with the results obtained.

(c) No. The rules regarding the recruitment to the clerical staff of the Government of India Secretariat and attached offices, lay down that permanent posts should not be filled by unqualified men except temporarily when no qualified candidates are available.

(d) Under the orders relating to recruitment, permanent vacancies are to be filled by qualified candidates or those specially exempted by the Public Service Commission. In pursuance of these orders the Royal Air Force and the Medical Directorate are replacing their unqualified candidates by qualified ones. In the Indian Stores Department no unpassed clerks are at the moment employed against permanent vacancies.

(e) The reply to the first portion is in the affirmative. I am not prepared to furnish the names.

(f) Three.

ARTICLES IN THE "MUSLIM OUTLOOK" ABOUT KASHMIR.

918. *Mr. S. C. Mitra : (a) Has the attention of Government been drawn to a series of articles in the *Muslim Outlook* of Lahore regarding the Indian State of Kashmir ?

(b) Have Government taken legal opinion or do they propose to take such opinion as to whether these articles contravene the provisions of the Princes Protection Act ?

Mr. E. B. Howell : (a) Yes.

(b) No.

ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

919. *Mr. S. C. Mitra : Has the attention of Government been drawn to a series of articles and communications from special correspondents in the *Statesman* on the subject of the internal administration of Kashmir State and have they taken legal opinion on those articles as to how far they are calculated to bring the administration of Kashmir into contempt and offend against the provisions of the Princes Protection Act ?

Mr. E. B. Howell : The answer to the first part of the question is in the negative. The second part does not therefore arise.

Mr. Gaya Prasad Singh : Was not the *Statesman* allowed to carry on its nefarious propaganda against Kashmir on the eve of the Round Table Conference to show that communal trouble was not confined to British India alone ?

Mr. E. B. Howell : I have no information on the point.

Mr. Gaya Prasad Singh : Why was no action taken against this offending journal under the Princes Protection Act ?

Mr. E. B. Howell : I must invoke your protection, Sir, on the strength of Rule 8 (ii) of the Rules, in which it is laid down that no question shall be asked in regard to any matter affecting the relations of any Prince or Chief under the suzerainty of His Majesty with His Majesty's Government or the Governor General in Council.

Mr. President : The Honourable Member knows that the Chair took a great deal of care in admitting the question. It was admitted in spite of the Rule to which the Honourable Member has drawn attention on the ground that the question relates to an Act of the Indian Legislature. The Chair holds that Honourable Members are entitled to ask questions in regard to legislation which stands on the Indian Statute Book. That being so, any supplementary questions which deal directly with that legislation are admissible. If any questions are asked which come within the purview of the Rule to which the attention of the Chair has been drawn by the Honourable Member, they will be disallowed.

Mr. Gaya Prasad Singh : May I have an answer to my question ?

Mr. E. B. Howell : I have already said that I have no information on the subject.

Mr. Arthur Moore : May I ask the Honourable Member to explain to what propaganda the supplementary question refers ?

Mr. Gaya Prasad Singh : Will the Honourable Member refer to the files of his own paper ? My next question is why was not the provision of the Princes Protection Act invoked against the *Statesman* ?

Mr. E. B. Howell : The Ruler of the State did not ask for the application of the measure.

Mr. Arthur Moore : May I ask what is the Honourable Member referring to, in respect of which this Act has to be invoked ?

Mr. Gaya Prasad Singh : I am not here to answer questions put by Mr. Moore.

Mr. President : Will the Honourable Member put such supplementary questions as will help him to obtain from the Member in charge such information as will elucidate his point ?

Mr. Arthur Moore : May I ask the Honourable Member who is asking supplementary questions to elucidate his question ?

Mr. Gaya Prasad Singh : It is for the member of the Government to say whether the question is sufficiently clear or not. I was going to ask another question. Is it provided in the Princes' Protection Act that the Ruler of the State must have to apply, before action is taken against the offending journal ?

Mr. E. B. Howell : I believe not, Sir.

Mr. Gaya Prasad Singh : Then may I know why the Government of India did not of its own accord proceed against the offending journal ?

Mr. E. B. Howell : Because it was not asked for.

Mr. Gaya Prasad Singh : Is it mentioned in the Princes' Protection Act that, before action is taken against an offending journal, the Ruler of the State must ask for action to be taken ?

Mr. Arthur Moore : May I ask the question, "has the journal offended" ?

The Honourable Sir George Rainy : I may perhaps reply, Sir, to the question put by the Honourable Mr. Gaya Prasad Singh. I should say this, that the Honourable Member is assuming that Government admit that there were grounds for proceeding under the Act. The Government of India have made no such admission. (Loud Applause.)

Mr. Gaya Prasad Singh : Did the Government of India take legal opinion on the subject of the articles that appeared in the *Statesman* relating to the internal administration of Kashmir ? If not, why not ?

The Honourable Sir George Rainy : That is a question of which the Honourable Member should give notice.

Mr. Gaya Prasad Singh : That is a fine way of getting out of an inconvenient position.

MUSLIM AGITATION AGAINST THE KASHMIR STATE.

920. *Mr. B. Das (on behalf of Bhai Parma Nand) : Will Government be pleased to state :

(a) whether they are aware of the agitation which is being carried on by a section of the Muslim Press and of the Mussalman community against the Kashmir State in various parts of British India ;

- (b) whether they are aware that this agitation originated in the Punjab ; and
- (c) whether Government propose to exercise their powers under the Princes' Protection Act ?

Mr. E. B. Howell : (a) I have seen articles in the Press on the subject.

- (b) The Government of India have no information.
- (c) No.

ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

921. ***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state whether they are aware of the propaganda carried on by the *Statesman* for the last few weeks against the Hindus and nationalist Press in general ?

(b) If so, what action has been taken by them against the paper ?

(c) Are Government aware that this paper has opened its columns to a systematic campaign against the Hindu Maharajah of Kashmir ? If so, why has not the Princes' Protection Act been used against it ?

Mr. E. B. Howell : (a) Government are not aware of any articles which have appeared in the journal mentioned that exceed the bounds of reasonable criticism.

(b) Government have taken no action.

(c) The answer to the first part of the question is in the negative and the second part does not arise.

THE PRINCIPLE OF "DIVIDE AND RULE".

922. ***Mr. B. N. Misra** (on behalf of Mr. A. Hoon) : (a) Are Government aware of the fact that in a Despatch, dated the 14th May, 1859, Lord Elphinstone, Governor of Bombay, in a Minute wrote "*Divide Et Impera* was the old Roman motto and it should be ours" ?

(b) Are Government prepared to say that this motto is not followed by them now in carrying on the administration of this country ?

(c) Are Government aware of the fact that it has been declared publicly in newspapers and on the platform in India that the basic principle of administration in India is divide and rule ?

(d) If so, will Government state why they have not taken any action against any one for making such an allegation ?

(e) If the answer to part (c) is in the negative, will Government please say if they have got a Department whose duty it is to report all such matters, if they appear in any newspaper ?

The Honourable Sir James Crerar : (a) I have failed to trace the Minute to which the Honourable Member refers.

(b) I can say most emphatically that the principle is not followed.

(c), (d) and (e). The allegation is sometimes made. The question as to whether such an allegation would be actionable depends on the context in which it is made. Even it were actionable, it would be contrary to the policy of Government to file a prosecution under section

124-A, of the Indian Penal Code unless they regarded the consequences of such an allegation as serious. This, of course, would not ordinarily be the case.

METERS ATTACHED TO CLERKS' QUARTERS AT PHAGLI, SIMLA.

923. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the total cost of the meters attached to the quarters in Phagli ?

(b) Will Government be pleased to state from whom these meters were purchased by the officers of the Public Works Department ?

Mr. J. A. Shillidy : (a) Rs. 11,061.

(b) Messrs. Balmer Lawrie and Company, Calcutta.

THE BURMA REBELLION.

924. ***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state what are the direct and the indirect causes that led to the recent armed rebellion in Burma ?

(b) What is the approximate number of lives, Indian and Burman, that were lost in the rebellion ? What were the casualties on the part of the military forces that were sent to quell the rebellion in Burma ?

(c) What is the estimate of the damage to property occasioned by the rebellion ?

The Honourable Sir James Crerar : I would invite the Honourable Member's attention to parts (a) and (b) of the answer given by me to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September. As regards casualties among the military forces, I would refer to the reply given by the Army Secretary to part (a) of Mr. Ranga Iyer's starred question No. 651.

MUSLIM AND NON-BRAHMIN APPOINTMENTS IN THE CENTRAL POSTAL CIRCLE.

925. ***Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to an article, "Dignified Support of a Broad-minded Hindu", which appeared on pages 22 and 23 of the *Postal Advocate*, Delhi, August, 1931 issue ?

(b) Are Government aware that the Muslims and non-Brahmins who belong to the minority community in the Central Postal Circle are very badly treated there ?

(c) Do Government propose to take any action in the matter ?

Sir Hubert Sams : (a) Government have seen the article.

(b) Government are not aware that the case is as stated.

(c) The matter will be looked into.

+926.

+This question was withdrawn by the questioner.

POPULATION OF THE DEPRESSED CLASSES IN VARIOUS PROVINCES.

927. *Rao Bahadur M. C. Rajah : Will Government be pleased to state the population of the depressed classes in the various provinces in India according to the latest census ?

The Honourable Sir James Crerar : The figures are not yet available.

REPRESENTATION OF DEPRESSED CLASSES IN CERTAIN OFFICES IN MADRAS.

928. *Rao Bahadur M. C. Rajah : (a) Will Government be pleased to state either the number or the percentage of depressed classes representation in the following offices in Madras :—in the superior, subordinate and menial grades ?—

- (1) the Accountant General's Office,
- (2) the Currency Office,
- (3) the General Post Office,
- (4) the Post Master General's Office,
- (5) the Office of the Accountant General, Posts and Telegraphs,
- (6) the Office of the Commissioner of Income-tax, and
- (7) the various Post Offices in the city of Madras.

(b) What steps, if any, have Government taken so far, to recruit depressed classes in these offices ?

(c) Do Government propose to take immediate steps to give the depressed classes, a minority community, their due share of representation in these offices ?

The Honourable Sir George Schuster : The information is being collected and will be communicated to the Honourable Member in due course.

RECRUITMENT OF DEPRESSED CLASSES IN MADRAS POST OFFICES.

929. *Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) how many persons belonging to the depressed classes have been recruited in the Madras General Post Office during the last six months, in the subordinate and in the menial grades ; and
- (b) how many in the Madras Town Sub-Post Offices in the subordinate and in the menial grades ?

Sir Hubert Sams : The information is being compiled and will be furnished to the Honourable Member separately.

RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

930. *Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) if the Inspectors of Post Offices have been instructed to entertain men of the depressed classes as attenders, packers, mail peons, etc. ;

(b) if so, how many have been entertained by them during the last six months ; and

(c) what is the total number of depressed classes candidates on their waiting lists ?

Sir Hubert Sams : With your permission, Sir, I propose to reply to questions Nos. 930 and 931 together.

In the new rules issued by me on the 16th April, 1931, for the recruitment of boy peons and inferior servants in all branches of the Posts and Telegraphs Department and for their promotion to superior non-clerical posts, it is laid down that in making recruitment due regard should be paid by the respective appointing officers, among whom are included Inspectors of post offices, to the claims of the various communities residing in the officers' jurisdictions and that the principles to be followed in this connection should be those laid down by the Government of India for the adjustment of communal inequalities in clerical establishments, namely, by the reservation of one-third of permanent vacancies for the purpose.

Depressed classes are covered by those orders.

It is presumed that the appointing officers are carrying out the rules referred to above, which are specific ones. The results under those rules will be revealed in the reports made for the purpose of the annual reports, after March, 1932, the rules having been issued in April, 1931, as already stated.

RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

†931. *Rao Bahadur M. C. Rajah : Will Government be pleased to state :

- (a) if definite instructions have been given to the Inspectors of Post Offices regarding the recruitment of depressed classes as boy messengers, etc. ; and
- (b) if so, what steps have been taken by them in the matter ?

CONFLICTING RULINGS ON THE LAW OF ATTACHMENT.

932. *Lala Hari Raj Swarup (on behalf of Mr. S. G. Jog) : (a) Are Government aware that different High Courts have given different rulings on the point whether an attachment before judgment ceases as soon as the first application for execution is dismissed ?

(b) Are Government aware that the Allahabad and Calcutta High Courts have taken one view and the Bombay and Madras High Courts a different view ?

(c) Are Government aware that an anomalous position has been created by such conflicting views ?

(d) Do Government propose to take steps to make the law clear by amending the Civil Procedure Code or by adding an explanation to Order XXI, Rule 57 ?

The Honourable Sir James Orerar : (a) and (b). Yea.

(c) and (d). Government are aware of the conflicting decisions but they do not propose to take any action as the High Courts are competent under section 122 of the Code of Civil Procedure, 1908, to make rules to annul, alter or add to all or any of the rules in the First Schedule to the Code.

SIMLA TIME AND STANDARD TIME.

933. ***Mr. B. Das** (on behalf of Mr. Amar Nath Dutt) : Is it a fact that the local time at Simla is far behind the standard time ? If so, what is the difference between these two ?

Mr. J. A. Shillidy : The time locally observed in Simla is standard time. (Laughter.)

TREATMENT OF INTERMEDIATE CLASS PASSENGERS AT HARDWAR RAILWAY STATION.

934. ***Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that Intermediate class passengers are not allowed access to the railway station platform at Hardwar before the arrival of the trains at all but are kept in a fenced area and are only allowed to come on to the platform after the arrival of trains ?

(b) Is such treatment meted out to Intermediate class passengers on any other railway station and on any other railway line ? If not, what is the justification for this treatment on this particular railway station where large numbers of Hindus of all classes of society go for pilgrimage ?

Mr. A. A. L. Parsons : (a) and (b). Government have no information as to the actual practice at Hardwar and other Stations, but they understand that the admission of passengers to a station platform before the arrival of a train is regulated according to local conditions.

DUTY ON CHINESE TEA.

935. ***Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Have Government remitted the duty on Chinese tea which is imported into Afghanistan from Bombay ?

(b) Are Government aware that such remission of duty has adversely affected the tea industry in India generally and in the Punjab in particular ?

(c) Have Government considered the desirability of reimposing this duty ?

The Honourable Sir George Rainy : (a) A refund of Indian import duties is allowed on all goods imported into India and re-exported to Afghanistan. This concession dates from August, 1923.

(b) No.

(c) No.

GRATUITIES PAID TO SENIOR OFFICERS OF THE IMPERIAL BANK OF INDIA.

936. ***Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) : Are Government aware that large amounts, to the tune of one lakh of

rupees and over, are given away by way of gratuities to the senior officers of the Imperial Bank of India and that these amounts are not shown anywhere in the balance sheet of the Bank ?

The Honourable Sir George Schuster : No.

CONFERENCE AT PARIS ON THE SILVER QUESTION.

937. ***Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) : (a) Are Government aware that an unofficial conference of financial experts is to be held on the 17th September, 1931, at Paris under the auspices of the International Chamber of Commerce to discuss the silver problem ?

(b) If answer to part (a) above be in the affirmative and if Government have already sent any representation or views on the question, will they be pleased to place a copy of the same on the table ?

The Honourable Sir George Schuster : The attention of the Honourable Member is invited to the reply given by me to Lala Hari Raj Swarup's starred question No. 828.

PAY OF CLERKS IN THE SECRETARIAT AND ATTACHED OFFICES.

938. ***Mr. B. N. Misra :** (a) Is it a fact that the pay of the First and Second Divisions of the clerical establishment of the Imperial Secretariat is Rs. 175—500 and Rs. 100—350 respectively ?

(b) Is it a fact that the pay of the First Division of Attached Offices is Rs. 120—350 ?

(c) Is it a fact that there is no grade for Second Division clerks in Attached Offices corresponding to the Second Division of the Secretariat ?

(d) Is it a fact that clerks in the First and Second Divisions of the Secretariat and Attached Offices who are recruited on the results of one and the same examination are required to perform almost similar kinds of duties ?

(e) Is it a fact that many clerks of Attached Offices who are qualified for the First and Second Division frequently seek transfer to the Secretariat ?

(f) Is it a fact that such transfers cause dislocation of work in Attached Offices ?

(g) Were any recommendations for removing the differentiation in pay given to the Secretariat and the Attached Offices' staff by reducing the First and Second Division pay of the Secretariat, by raising the First Division pay of the Attached Offices, by introducing a Second Division for Attached Offices or by any other means ever made to Government by any Attached Office, Staff Selection Board or the Public Service Commission ?

(h) If the reply to part (g) is in the affirmative, will Government please place the papers on the table ?

(i) Are Government prepared to take steps for removing the disparity ? If not why not ?

The Honourable Sir James Orerar : (a) to (c). Yes.

(d) No. Government have consistently held that, generally speaking, the duties of assistants and clerks in the Secretariat are more onerous and a higher standard of work is expected from them than from officials of corresponding status in the attached offices.

(e) Yes.

(f) I am not aware that any serious dislocation results from such transfers.

(g) Yes.

(h) Government are not prepared to lay the papers on the table.

(i) For the reasons indicated in my reply to part (d) above, the reply is in the negative.

Mr. B. N. Misra : Will it not be more economical to revise the scales of pay of the Secretariat and attached offices so as to make the difference in pay not so great and invidious as it is now ?

The Honourable Sir James Crerar : I am not prepared to admit, Sir, that the distinction is great and invidious.

Mr. B. N. Misra : And will it not be desirable to remove the discontent among the persons employed in the attached offices ?

The Honourable Sir James Crerar : I do not think that there is any great discontent on this point.

Mr. B. Das : Is it not a fact that the subject is under the consideration of the Retrenchment Committee ?

The Honourable Sir James Crerar : I understand that that is the case.

Mr. B. N. Misra : Was the Public Service Commission consulted in this matter, and is it not the function of the Public Service Commission to advise Government in matters of pay, etc., of the central services ?

The Honourable Sir James Crerar : I understand, Sir, that they have been consulted in the matter.

CREATION OF AN APPOINTMENT OF CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

939. ***Mr. B. N. Misra :** (a) Is it a fact that the Stores of the New Delhi Central Public Works Department are now being centralised and that a new post for the Chief Store-Keeper has been created at a very high rate of pay (i.e., Rs. 900 per mensem) ?

(b) Will Government kindly say why the rates of stores are being thus enhanced by creating so highly paid an appointment ? Is it a fact that all the New Delhi construction works are practically completed ?

Mr. J. A. Shillidy : (a) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(b) No question of the enhancement of stock rates arises. The reply to the second part is in the affirmative.

NON-APPOINTMENT OF AN INDIAN AS CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

940. ***Mr. B. N. Misra :** Will Government kindly give reasons why a preference has been given to a European officer by the Central Public

Works Department authorities over a very experienced Indian Store-keeper ?

Mr. J. A. Shillidy : The Honourable Member is referred to my reply, to part (a) of his question No. 939.

FRAUD IN THE CENTRAL PUBLIC WORKS HORTICULTURAL DIVISION, NEW DELHI.

941. ***Mr. B. N. Misra :** Is it a fact that long ago a very serious case of fraud of Government money was detected by the Audit in the Central Public Works Horticultural Division, New Delhi, which is under a European officer ? If the reply is in the affirmative, will Government be pleased to state why this fraud case has not been filed in court ?

Mr. J. A. Shillidy : The Honourable Member apparently refers to the alleged tampering with muster rolls in the Horticultural Division, New Delhi, which first came to light in July, 1930. If so, the case is as yet under investigation by the police whose report is shortly expected.

PAUCITY OF MUSLIM CLERKS IN OFFICES OF THE CENTRAL GOVERNMENT.

942. ***Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Has the attention of Government been drawn to a series of articles in the vernacular daily *Inqilab* of Lahore published in the last week of June, 1931, regarding the paucity of Muslims in the clerical staff of the offices of the Central Government ?

(b) Is it a fact that the Muslim clerks holding temporary and officiating appointments in those offices are being turned out owing to their having failed to pass the requisite examinations of the Public Service Commission ?

(c) Are Government prepared to issue a supplementary list of qualified Muslims from amongst those who have failed to obtain the prescribed number of marks, and pending the issue of such list, do Government propose to issue orders for the retention of unqualified Muslims temporarily employed in the offices of the Central Government ?

The Honourable Sir James Crerar : (a) No.

(b) Under the orders relating to recruitment for the clerical staff of the Government of India offices at headquarters, permanent vacancies are to be filled by qualified candidates or candidates specially exempted by the Public Service Commission. In pursuance of these orders Departments may be replacing unqualified Muslims by qualified Muslims, but I have no definite information. As regards temporary appointments, the matter is left to the discretion of Departments.

(c) The reply to the first part is in the negative. When qualified Muslims are not available, unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily until qualified Muslims are available.

Mr. Gaya Prasad Singh : Are Government aware that there are Hindus also who have failed to pass the Public Service Commission examination, and will similar concessions be granted to them also ?

The Honourable Sir James Crerar : I must ask for notice of that question.

Mr. Gaya Prasad Singh : It is merely a question of fair-play !

PAUCITY OF MUSLIMS IN THE ARMY DEPARTMENT.

943 *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Army Department have issued definite instructions for the filling of certain 3rd Division vacancies in the offices under that Department by Hindus in preference to any other candidates ?

(b) Is it a fact that there has always been a paucity of Muslims in the offices under the Army Department but such orders have never been issued for the recruitment of candidates from that community ?

(c) Will Government please state the reasons for the issue of orders for the recruitment of one particular community to the total exclusion of other communities ?

(d) In view of the paucity of Muslims in the Army Department and the offices subordinate thereto, are Government prepared to issue similar orders for the recruitment of Muslims alone in the Government of India offices ; if not, why not ?

(e) Do Government propose to issue similar orders for every community, if and when occasion arises ? If not, why not ?

Mr. G. M. Young : (a) No, Sir. Instructions were received by the Army Department that certain vacancies which were reserved for minority communities should be filled permanently by qualified Hindu candidates, as there was no qualified candidates from the minority communities available at the time. These instructions were accordingly issued to Branches but were shortly afterwards withdrawn.

(b) to (e). Do not arise.

Mr. Gaya Prasad Singh : Is it not a fact that the Muslims who failed to pass the examination were held to be disqualified ?

Mr. G. M. Young : So far as my recollection goes all the Muslim candidates who qualified were appointed, but I do not know whether there were any Muslims who failed to qualify.

RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

944. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that Muslims are not adequately represented in the ministerial establishment of the Army and the Royal Air Force Headquarters offices ?

(b) Is it a fact that no Muslim candidate succeeded to pass the last qualifying examination of the Public Service Commission and that many of the Muslims holding temporary appointments in those offices have consequently been replaced by non-Muslims ?

(c) Are Government aware that this course of action has led to an enormous reduction of the Muslim element in the offices in question and has resulted in the preponderance of non-Muslims in the service ?

(d) Is it a fact that the standard of pass marks fixed for the last qualifying examination was very much higher than that fixed for similar previous examinations ?

(e) Are Government prepared to consider the advisability of lowering the standard of the pass marks in the case of the Muslim candidates and to declare at least 30 Muslims as successful for the 3rd Division ?

Mr. G. M. Young : (a) Out of a total establishment of 733 clerks, the minority communities number 270, of whom 153 are Muslims.

(b) The answer to the first part of this question is in the negative : as regards the second part, I am making inquiries.

(c) No, Sir. The proportion of the various communities has been stated in the answer to part (a).

(d) I am informed by the Public Service Commission that this is not the case.

(e) No, Sir. I am informed that the qualifying standard is already quite low enough.

Mr. Gaya Prasad Singh : With regard to part (d), may I know, whether the standard of pass marks is the same for all communities, or only for a particular community ?

Mr. G. M. Young : I must ask the Honourable Member to address his question to the department concerned.

RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

945. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Will Government please state the total number of appointments, both permanent and temporary, in the 1st, 2nd and 3rd Divisions, in the Army and Royal Air Force Headquarters offices, as they stood on the 31st December, 1930 and the 31st August, 1931 ?

(b) Will Government please state the number of Muslims holding permanent appointments in each Division in the offices referred to in part (a) on the dates specified therein ?

(c) Will Government please state further the number of temporary appointments held by Muslims in the three Divisions in the offices in question on the dates quoted above ?

(d) Is it a fact that of the permanent vacancies in the 3rd Division in the Army and Royal Air Force Headquarters Offices, approximately forty were intimated to the Public Service Commission as having been reserved for Muslims ?

Mr. G. M. Young : (a), (b) and (c). The information is being collected, and will be sent to the Honourable Member as soon as possible.

(d) No, Sir. The correct number of vacancies reserved for minority communities (not for Muslims alone) is 29.

RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

946. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that in their communicate regarding the

last competitive examination, the Public Service Commission notified 48 vacancies in the 3rd Division of the Government of India offices of which 15 were stated to have been reserved for Muslims ?

(b) Is it a fact that nearly 100 candidates were declared by the Public Service Commission to have qualified for employment in the 3rd Division of whom only 10 are Muslims ?

(c) Will Government please state why contrary to the notification issued by the Public Service Commission :

- (1) the number of qualified candidates was raised from 48 to 100,
- (2) the number of Muslims was not proportionately increased, and

(3) fifteen Muslims as notified were not ultimately selected ?

The Honourable Sir James Crerar : (a) Yes.

(b) 100 candidates were declared qualified, of whom eight were Muslims.

(c) (1). The number of qualified candidates was not raised. The qualifying standard in this examination was fixed independently of the number of vacancies available.

(2) Does not arise.

(3) Because only eight Muslims reached the qualifying standard.

Mr. Gaya Prasad Singh : Do Government realise that the retention of unqualified men of any community in the public service tends to lower the efficiency of the work ?

The Honourable Sir James Crerar : Government after considering all the circumstances of the case are satisfied that the action taken was reasonable one.

Mr. Gaya Prasad Singh : May I take it that the action taken under the circumstances will apply equally to all communities ?

The Honourable Sir James Crerar : They are not of general application.

Dr. Ziauddin Ahmad : What is the definition of " qualification " ?

The Honourable Sir James Crerar : I think the Honourable Member will find that in the dictionary.

RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

947. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that a sufficient number of Muslims did not succeed in the 1926 examination of the Public Service Commission and that to make up communal inequalities some of the failed candidates had consequently to be included in the list of passed individuals ?

(b) Is it a fact that a supplementary list of ten qualified Muslims was issued by the Public Service Commission some months after the declaration of the examination results ?

(c) Is it a fact that a deputation of respectable Muslims waited upon the Home Secretary to the Government of India and the President of the Public Service Commission with the request that on the analogy of the

action taken in the 1926 examination, some more Muslims may be declared as qualified for employment in the 3rd Division ?

(d) If the reply to part (c) above is in the affirmative, will Government please state what action has been taken by them to comply with the request of the deputation ?

The Honourable Sir James Crerar : (a) The original list of candidates successful in the 1926 examination, which was a competitive one, was a list of those to whom it was anticipated that vacancies could be offered. It omitted many who were qualified but for whom there were no vacancies. As Departments asked for members of a particular minority community in excess of the number mentioned in the original list, the Commission added to that list the names of a sufficient number of qualified candidates belonging to that community. It is not correct to say that these candidates had failed.

(b) Yes, except that the number was fifteen.

(c) This proposal was made to the Chairman, Public Service Commission but not to the Secretary to the Government of India, Home Department.

(d) The Chairman Public Service Commission explained to the deputation that the analogy did not exist, as the addition made in 1926 was an addition of qualified candidates and the addition suggested in 1931 was of unqualified candidates. The Government of India have arranged that unqualified Muslims should be allowed to continue to hold temporarily permanent vacancies reserved for members of that community until qualified candidates are available.

Mr. Gaya Prasad Singh : May I know if the scandal of including failed candidates in the list of successful candidates was perpetrated by the Public Service Commission or the Government of India ?

The Honourable Sir James Crerar : As I have pointed out, it is not correct to say that the candidates had failed.

Mr. Gaya Prasad Singh : I was referring to part (a) of the question.

The Honourable Sir James Crerar : Precisely : I have pointed out there that it is not correct to say that the candidates had failed.

Mr. Gaya Prasad Singh : I am sorry.

APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.

948. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Central Board of Revenue issued an order in 1926 to the Commissioner of Income-Tax, Punjab, that the next appointment of the Assistant Commissioner, if and when it falls vacant, should be given to the senior Muslim Income-Tax Officer ?

(b) If the reply to part (a) is in the affirmative, is it a fact that those orders could not be carried out because the Hindu Superintendent of the Commissioner's office did not bring the papers to the notice of the Commissioner, who was quite new to the job ?

The Honourable Sir George Schuster : (a) No.

(b) Does not arise.

APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.

949. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that under paragraph 24 (2) of the Income-Tax Manual the Commissioner of Income-Tax should consult the Local Government before appointing an Assistant Commissioner or an Income-Tax Officer ?

(b) Is it a fact that the above paragraph has never been complied with in the Punjab Province ? If so, why ?

The Honourable Sir George Schuster : (a) The Local Government has to be consulted before the appointment of any person to the substantive post of Assistant Commissioner of Income-tax or Income-tax Officer. (b) No.

SUPERSESSION OF CERTAIN CLERKS IN THE INCOME-TAX COMMISSIONER'S OFFICE, PUNJAB.

950. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : Is it a fact that one of the juniormost Hindu assistant clerks, named Hans Raj of the Income-Tax Commissioner's Office, Punjab, has been promoted to the higher grade by the supersession of many senior clerks, of whom five are graduates ? If so, why ?

The Honourable Sir George Schuster : The facts are not exactly as stated and the implications are incorrect. Promotions to the higher grades are made by selection and before the man in question was promoted, careful consideration was given to the merits of all those above him.

APPOINTMENT OF MUSLIMS TO THE INCOME-TAX DEPARTMENT IN THE PUNJAB.

951. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that there is very poor representation of Muslims in the Punjab in the non-gazetted cadre of the Income-Tax Department ?

(b) Are Government prepared to consider the advisability of giving an adequate representation to the Muslim community by reserving for them a sufficient number of vacancies in all grades of the Income-Tax Department of the Punjab Province, as laid down by the Government of India in their Home Department letter of the 5th February, 1926 ?

The Honourable Sir George Schuster : (a) I lay a statement on the table, from which it will be seen that the Muhammadan community is very substantially represented in the non-gazetted establishment of the Punjab Income-tax Department.

(b) Does not arise.

Statement showing the communal composition of the non-gazetted staff of the Income-tax Department, Punjab (as on 31st December, 1930).

	Total No.	Hindus.	Muslims.	Sikhs.	Others.
1. Inspectors of Income-tax	35	20	10	3	2
2. Clerical Posts	161	95	47	15	4

ALLEGATIONS OF COMMUNAL BIAS AGAINST A HINDU CLERK IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

952. *Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that since its constitution the Public Service Commission has always had a Hindu clerk to deal with the establishment matters of the ministerial staff of the Government of India Offices ?

(b) Is it a fact that many of the Central Offices have, on various occasions, volunteered to accept, even non-qualified Muslims for temporary vacancies but the Hindu clerk in the Public Service Commission has nominated non-Muslims instead ?

(c) Are Government prepared to take steps to replace this clerk by a non-Hindu ?

The Honourable Sir James Crerar : (a) No.

(b) I am not aware of any such cases.

(c) No.

APPOINTMENT OF SUPERINTENDENT, ARCHÆOLOGICAL SECTION, INDIAN MUSEUM.

953. *Seth Haji Abdoola Haroon : Is it a fact that the Superintendent, Archæological Section, Indian Museum, is about to retire ? If so, do Government propose to consider the claims of senior officers of the Department who have on previous occasions held charge of the Archæological Section in filling the vacancy ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes. In selecting a successor the claims of all officers have been considered.

RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.

954. *Seth Haji Abdoola Haroon : (a) Have the activities of the Archæological Department in connection with exploration been curtailed to a considerable extent ? If so, will Government please state, what is the justification for retaining the posts of Deputy Director for Exploration, Special Officer for Exploration and an Assistant Superintendent for Exploration ?

(b) Have Government considered the question of retrenching two out of these three posts, viz., Deputy Director for Exploration and Assistant Superintendent for Exploration ; if not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The question of the curtailment of the activities of the Archæological Department, particularly in regard to excavations, is under the consideration of Government in connection with the recommendations made by the General Purposes Sub-Committee of the Retrenchment Advisory Committee. Already four posts in the Department are vacant and have not been filled.

Mr. Gaya Prasad Singh : May I know whether these officers whose retrenchment is recommended are Muslims or non-Muslims ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I can not answer that without notice.

APPOINTMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

955. *Seth Haji Abdoola Haroon : (a) Will Government please state, whether there exist any orders to the effect that a minimum figure of 60 per cent. of Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they form above 95 per cent. of the whole population ? If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(b) Will Government please lay on the table the figures department-wise showing in detail the total strength, Muslims, non-Muslims prior to these orders and after they had been in force in the North-West Frontier Province ?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 248 asked in this Assembly by Maulvi Muhammad Shafee Daoodi.

MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

956. *Seth Haji Abdoola Haroon : Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices North-West Frontier Province is 43 per cent. ? If so, what measures are being adopted to raise this percentage to 60 per cent. ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions 956 to 960 together. The Honourable Member is referred to the replies given on the 9th September, 1931, to Dr. Ziauddin Ahmad's starred question No. 90 and to Maulvi Muhammad Shafee Daoodi's starred questions Nos. 249 and 250, on the 11th and 15th September, 1931, respectively.

SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

†957 Seth Haji Abdoola Haroon : (a) Is it a fact that the scheme of reamalgamation of audit and accounts will be operative in the North-West Frontier Province also ?

(b) If so, have any orders been issued to revert, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. of the Muslim representation ? If not, why not ?

SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

†958. *Seth Haji Abdoola Haroon : Will Government please state what steps have been or will be taken to safeguard the rights of frontier recruits at the time of curtailment, reduction or reversion of establishments on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North-West Frontier Province ?

†For answer to this question, see answer to question No. 956.

SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

†959. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931, regarding reduction of about 24 Peshawari clerks as the result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province since the local Muslim employees in these offices are temporary ?

(c) Is it a fact that :

(i) Muslims form only 43 per cent. of the present total strength of the Accounts Offices at Peshawar ;

(ii) out of it only 20 per cent. belong to that Province ;

(iii) while the share of this community in the supervising staff is about 22 per cent. ; and

(iv) the combined ratio of Muslims and non-Muslims of the Frontier in these offices is about 30 per cent. ?

(d) Is it a fact that the Muslim community constitutes more than 95 per cent. of the population of that province ?

(e) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to state, what specific steps, they propose to take to safeguard the Muslim interests at the time of the proposed retrenchment ?

RETRENCHMENT IN THE NORTH-WEST FRONTIER PROVINCE ACCOUNTS OFFICES.

†960. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article in the daily *Inqilab*, Lahore, of the 21st July, last, regarding retrenchment in the North-West Frontier Province Accounts Offices ?

(b) Is it a fact that the proportion of Muslims in the Civil Accounts Department in India is barely 6 per cent. and in the Accounts Offices at Peshawar it is only 43 per cent. against the population of over 95 per cent. ?

(c) Have Government considered the desirability of repatriating the persons imported from out of the North-West Frontier Province instead of throwing out of employment junior Muslim employees at the time of the proposed reduction in these offices ?

SHORT NOTICE QUESTION AND ANSWER.

Nawab Major Malik Talib Mehdi Khan : Will Government be pleased to state the reasons for the recent addition to the Round Table Conference of two gentlemen of the mercantile community, and are Government prepared to set against those nominations the appointment of an equivalent number of representatives of the popular Muslim Party from among the agricultural classes ?

†For answer to this question, see answer to question No. 956.

The Honourable Sir George Rainy : As I have explained in answer to previous questions on the subject the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I regret, therefore, that I am not in a position to make any statement on the questions asked by the Honourable Member.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I move :

“ That the Bill further to amend the Indian Bar Councils Act, 1926 (*Amendment of section 2*), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lalchand Navarai, Mr. A. Hoon, Mr. T. N. Ramakrishna Reddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Sir, this is a highly technical Bill and I am quite sure that a very large number of Members of this House are not really conversant with the antecedent facts in connection with it. I shall, therefore, very briefly recapitulate these facts for the information of Honourable Members. In the first Assembly of 1921, my friend, one of the members of the Allahabad Bar, Munshi Iswar Saran, moved a Resolution to the effect that the Indian Bar should be made self-contained. Honourable Members will remember that this desire on the part of the Indian Bar followed a general feeling in the country that Indians must not, by reason of the fact that they are Indians, be debarred from the position of acquiring the higher status available to the subjects of the British Crown. A strong movement was set on foot that Indians who had distinguished themselves in the field should not be debarred from obtaining the coveted rank of Victoria Cross. For a very long time an opposition was made to Indians obtaining the V. C. on the ground that it was the emblem of the Christian faith and consequently Indians, who were not Christians, could not be given the Cross. But during the War this invidious distinction between British and Indian soldiers was done away with and some of your countrymen and mine have merited and acquired this highly coveted distinction.

Mr. A. H. A. Todd (Madras : Nominated Official) : Was it not at the Durbar of 1911 that the Victoria Cross was thrown open to the Indians ?

Sir Hari Singh Gour : Yes, I was talking of the period before that. The question about Indians being eligible to obtain the King's Commission was another grievance of the Indian people, and Honourable Members will remember that Lord Curzon, the Viceroy of India, passed a rule that Indians would be given the King's Commission upon their retirement, so that they would not be placed in a position of Command over Europeans during their term of office. But that agitation also succeeded, and we have today a movement on foot that Indians who obtained the King's Commission should obtain it in increasing numbers. Following upon this agitation, the members of the Vakil Bar in this House set up an agitation that the perpetual inferiority of the vakil at the Indian Bar was a disability which should be removed. Honourable Members will remember that, prior to the passing of the Bar Councils Act, a barrister of the Inns of Court in England or a member of the Faculty of Advocates in Scotland or a member of the Irish Bar was entitled to seniority over all vakils and advocates of

whatever standing. That was a grievance which the Members of the Vakil Bar and indeed members of the indigenous Bar rightly felt. Consequently a motion was carried in this House in 1921 that steps should be taken to elevate the members of the Indian Bar to the same position which is enjoyed by members of the English Bar. A strong committee was appointed and that committee submitted its recommendation which is contained in this printed book and in which I wish to draw Honourable Members' attention to three passages. The Bar Committee said that English barristers in India—and by English barristers I mean Indian or English barristers called to the English Bar—enjoyed a status of seniority by the mere fact that they have been called to the English Bar and Indians of ability, though they have reached a position of great eminence, irrespective of their seniority and their merit, are classed in a degree inferior to that of the English barristers. This grievance must be removed, and consequently they recommended the enactment of the Act which afterwards became the Indian Bar Councils Act, grading practitioners according to the date of their enrolment in the High Court. But when the Bill came up before this House, I raised an objection and I said that that position which the Members of the English Bar had been hitherto enjoying at the Bar in India could not by one stroke of the Legislature be destroyed, and the Honourable Sir Alexander Muddiman, who was then the Home Member, acceded to my contention and he agreed to circulate that clause of the Bill dealing with the graduation of legal practitioners in India for eliciting public opinion thereon. Honourable Members will find this recorded in the Assembly debates of the 24th August 1926. I have before me pages 398 and 399 of the Assembly debates from which I have made the statement. Well, Sir, my opposition to that clause, though gradually conceded by the Honourable the Home Member, received a chorus of approval both from the Judges as well as from the members of the Bar and indeed from the lay public with the result that a year afterwards, in 1927—I am glad Sir James Crerar is here because he will support me if anybody stands up to oppose me on this motion—he introduced a Bill and he said that the public opinion in the country has been sounded and he wished to give effect to the recommendation of the Bar Committee by grading the Indian practitioners in the following order :

First, Advocate-General ; secondly, King's Counsel ; thirdly, barristers who will count their seniority from the date of their calling ; fourthly, Advocates who count their seniority from the date of their enrolment in the High Court.

Let me give you the *ipsissima verba* of the Honourable the Home Member, Sir James Crerar, spoken on the 18th August 1927, page 3094 of the Assembly Debates. This is what he said, introducing this Bill in 1927. He said, “ The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee.” The words are perfectly clear. The Bill of 1927 was drawn to give effect to the recommendation of the Indian Bar Committee of 1921. That Committee had recommended the gradation of practitioners in the order I have indicated, and in the Statement of Objects and Reasons appended to the Bill which became law in 1927, it was again reiterated that, following the public opinion and the recommendation of the Indian Bar Committee, that Bill was drawn up. That Bill, as I have said, grades the Indian legal practitioners in the order I have named. You

[Sir Hari Singh Gour.]

have first the Advocate General ; secondly the King's Counsel ; thirdly barristers who rank their seniority from their date of call ; and fourthly, you have Advocates who rank their seniority from their date of enrolment in the High Court. The introduction of King's Counsel in the class of practitioners in this country was introduced for the first time in 1926 ; and it was introduced, as the Honourable Sir James Crerar pointed out in introducing this Bill, to carry out a recommendation of the Bar Committee. If Honourable Members will turn to the specific recommendation of that Committee, they will find it in paragraph 16 (page 11) of that Report. What they say is this :

" We have also evidence—it may or it may not be desirable—to provide for the recognition of distinguished merit at the bar by elevation to the highest grade of practitioners. This is a question which does not properly come within the terms of our inquiry, but if it is desirable, we consider that a more suitable form of recognition such as the grant of rank of King's Counsel can be devised than elevation to a grade which while it may contain the highest average outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades."

To paraphrase this recommendation, Honourable Members will find that what the Indian Bar Committee said was this : they said that this artificial distinction between Barristers and Advocates or Vakils in India is unjustified. You have a very large body of very able practitioners in this country ; and therefore if you are merely to grade all legal practitioners from the date of their call or enrolment, you would not recognise special merit which it is the fundamental idea of all forensic practitioners in all parts of the British Commonwealth that it should be recognised. Therefore they recommended that while the barristers were losing their seniority, their unquestionable and unquestioned seniority, they were given the solatium of being lifted to the degree of King's Counsel, and thus a grade was created in which their special merit and talent would be recognised. That was the principle of the Bar Council Committee. That was the principle which the Honourable the Home Member said he was going to give effect to in introducing the King's Counsel amongst the grade of practitioners in the Act of 1927. That Bill became law. From 1927 to 1931, down to the present time, it was expected that this grade of practitioners called King's Counsel, for which a special position has been given by the Act of 1927, would become a reality. As Honourable Members are aware, in 1927 there was no such class of practitioners as King's Counsel in this country. But the Honourable the Home Member, when he introduced his Bill of 1927, must have had it in his mind that this class of practitioners would be brought into being in this country, because you cannot legislate for a non-existing entity, and consequently I submit it was up to the Government to take steps to bring into existence this special grade of practitioners for which provision had been made in the Act of 1927. They have done nothing of the kind. But if that was all, I would not be here to trouble this House. Enumeration of King's Counsel in the list of legal practitioners in India has created an anomaly which every patriotic Indian and every member of the Indian Bar would righteously resent. It is this : that when we introduced this grade of King's Counsel in the Act of 1927, we were enumerating the legal practitioners in India ; but the known definition of King's Counsel in the Act of 1927 would now lead to the ambiguity and anomaly of permitting King's Counsel from across the seas, foreign King's Counsel

from England and the Dominions and the small colonies like Ceylon and British Guiana, to come to this country and claim seniority over barristers who are old enough to be their grandfathers. That I submit is an anomaly which must be removed. You have only two alternatives before you. If you think that you committed a mistake in introducing the term King's Counsel amongst the grade of existing practitioners in India in 1927 and you are not able to make good your promise, then held out, then delete that term. Amend the Act of 1927. The other alternative is that you must make provision to make that clause relating to King's Counsel a reality. These are the two alternatives which present themselves to the Government, and there is no other alternative. When I introduced my Bill on this subject, Sir Lancelot Graham said that we must sound public opinion. I am quite sure he is one of those people who has great respect for public opinion ; but whether he has respect for public opinion or not we shall see presently. For the present let me give this House the result of the public opinion collected upon this Bill. There are printed in this compilation, from which I have analysed all the opinion, *pro* and *con* ; and Honourable Members will find what a singular unanimity of opinion there is in favour of this Bill.

Sir Lancelot Graham (Secretary : Legislative Department) : Did I understand the Honourable Member to say there was singular unanimity in favour of his Bill ?

Sir Hari Singh Gour : I did.

Sir Lancelot Graham : That is a most singular remark.

Sir Hari Singh Gour : Let me give Honourable Members the opinions, and for the benefit of my friend, Sir Lancelot Graham, I will give him the pages of this compilation, and if he further challenges me, I shall read the very statements contained in them. You have first of all the opinion of the Calcutta Bar Association at page 11, of the Calcutta Bar meeting at page 19, of the Incorporated Law Society of Calcutta at page 20, the opinion of the Bengal Chamber of Commerce at page 20, and the opinion of the Indian Chamber of Commerce on the same page.

The opinion of the British Indian Association, pages 14-16 ; the opinion of the Bombay Bar Council, page 35 ; the opinion of the Bombay Advocates' Association, page 28 ; the opinion of the Bihar and Orissa Government and of the High Court, page 21, all in favour ; the opinion of the C. P. Government and Judges, at page 4 ; the opinion of the Punjab Government—they say that the majority of 50 per cent. of them are in favour, and reference is made to the Country League, page 12 ; the N.-W. F. Province, page 2 ; Delhi Government and Bar, page 1 ; the opinion of the Bar Association of Ajmer, page 4 ; the opinion of the Administration of Coorg, page 2. You have thus a strong phalanx of opinion in support of this Bill. The Calcutta High Court at page 1 of the compilation is neutral. The learned Judges say that this is entirely a matter for the legal practitioners in this country. The European Association of Calcutta,—and I ask the Honourable Members to listen to what their own Association have said at page 1—are neutral ; they are neither for nor against this Bill. After recounting these opinions can anybody have the hardihood to say that the chorus of approval from the Bench and the Bar, the public bodies and the Governments is not in favour of this Bill ?

[Sir Hari Singh Gour.]

There are only two opinions to which I would like to advert in this connection, and they entirely bear out the contention I wish to make before this House. Honourable Members will find that the Calcutta High Court and the C. P. Government—and their opinions are contained on pages 1 and 4—seem to labour under a misapprehension that this King's Counsel in the Act of 1927 was intended to give English Counsels superiority and seniority over Indian practitioners.....

Mr. C. Brooke Elliott (Madras : European) : No, Sir.....

Sir Hari Singh Gour : That is a misapprehension which occurs in the opinion of the Honourable Judges of the Calcutta High Court. It will be for the Honourable Sir James Crerar, the author of this Bill, to dispel that view. Did he secretly intend to insert a clause in the Act of 1927 to destroy the autonomy of the Indian Bar by inserting therein a clause giving the foreign King's Counsel a position of seniority over indigenous barristers, advocates and vakils? I say, Sir, that could not have been the machiavellian intention, and that cannot be the construction of the clause of 1927. Can you say that when the legal practitioners in India are to be classed in the following order you do not mean to imply that those are the legal practitioners who habitually live and practise in India? That, I submit, is the plain meaning of the clause inserted in 1927. But because that clause has remained in abeyance, an opinion has grown up in this country voiced by certain English barristers and English bodies that this was only intended to give English barristers coming to India a position of seniority. Sir, I know that the dictates of Islam make one who goes to Mecca a Haji, but I have never yet heard of a dictate of the Englishman that no one shall be King's Counsel unless he lives in England, and that is the position of King's Counsel so far as England is concerned. Look at the position of humiliation to which Indian legal practitioners are exposed if you do not accede to the motion I am making before you today. It has been decided in England that a King's Counsel can only be given to a barrister who lives and practises in the English courts including of course the Indian Privy Council, but an English barrister who practises in India, mind you, will never be given English status. If that is the view of the Lord Chancellor, and if that is the view which the Government of India wish humbly to submit to, it raises a vast constitutional issue. Are the barristers in India always to remain as sepoy and never rise to commissioned rank?

Mr. C. Brooke Elliot : Sergeants perhaps.

Sir Hari Singh Gour : That is the position of humiliation to which Indian barristers, Indian advocates and Indian vakils would be reduced if this clause is misinterpreted and misunderstood to apply only to foreign King's Counsel, and the Indian practitioners will not be given the position of King's Counsel in spite of the recommendation of the Indian Bar Committee, in spite of the statement of the Honourable Sir James Crerar that he was giving effect to that recommendation by introducing the Bill of 1927, in spite of the specific provision in the Act and in spite of the fact that the declared policy of the Government of India following the recommendation of the Indian Bar Committee that they would give effect to the recommendations of the Bar Committee. That, Sir, is a position from which there is no escape. I have therefore tabled this

Resolution in the hope that this House will support it on the ground that it is too late now to go back upon the Act of 1927, and anybody who opposes this Resolution would be doing a great harm to the development of the Indian Bar and to the declared policy of the Government of India that it should be an autonomous one. Members of the Bar all over the country are looking forward to this belated reform. I have pointed out the opinions, singularly unanimous, of large bodies of members of the legal profession and of the other non-legal associations and corporations showing that this is a reform which has been long overdue. If you do not give this reform, you certainly will not look the Indian Bar in the face, who will say that, so far as you are concerned, you had intended to enact that clause inserted in the Act of 1927 with the ulterior motive of providing a foothold for all foreign counsels. That, I submit, is a position which would be intolerable. Do not look at the faces of Members, but look within your own conscience, and say whether you can possibly oppose my motion, which is intended to give effect to your own declared policy, to your own declarations in this House, to your own declared decision which culminated in the enactment of 1927. I move, Sir, that the Bill be referred to a Select Committee.

Mr. C. Brooke Elliott : Sir, I desire to express my regret to Sir Hari Singh Gour that I was not in my place at the start of this debate owing to the early collapse of questions to-day, and a slight indisposition on my part. I, however, did hear a good deal of what he said, and I may say that I have taken a great deal of time and trouble to try and see all that can be said on this matter.

Sir, I am speaking to-day, proud to be a member of the Indian Bar, and the one thought that is uppermost in my mind is to try and contribute something definitely constructive to the end which we all have in view, namely, that in due time and subject to due preparation, and with a sufficient knowledge of facts, there should be in India a superior grade of advocate corresponding to the superior grade of barrister in England commonly known as a King's Counsel. Sir, King's Counsel have the honour to robe themselves similarly to the way in which you are robed; but when I use the word "silk", I mean that I am not speaking of the raw material that King's Counsel actually wear, but of the finished forensic human product that they are. In England, Barristers are known as "Silks," if they are King's Counsel. Below them you have the stuff gownsmen who wear a gown of a different pattern, made of stuff not silk. So when I talk of "Silk" I mean a King's Counsel, and when I talk of stuff gownsmen, I mean the junior barristers in England.

Sir, I think I must make one point at the start. The singular unanimity of which my Honourable and learned friend the Mover spoke is by no means singularly unanimous. That very fine lawyer, our Advocate-General and Leader of the Bar in Madras, can hardly be said to be unanimous with the Mover, when he gave this opinion :

"At the present stage of the bar in this country and in view of the fact that even dual agency has not become a common feature in the several courts in India, I am not in favour of the institution of King's Counsel. At any rate the matter may be deferred till after the proposed constitutional changes in the Government of India and any general reorganisation of the bar that may take place in consequence of such changes."

If I understand the English language, that does not display a singular unanimity. That is the generally expressed, conveyed through its Leader, opinion in Madras. I respectfully agree with our Advocate-General's

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considered opinion. We are not against the making of a somewhat higher degree in the profession, as I shall show you presently, but we must first have a clear background, so that Honourable Members may really understand what the position is. And if I venture to give a brief historical sketch of what "silk" in England is, I trust the House will forgive me because this is a matter of deep and vital import to every lawyer in India. And don't forget that in India the Bar, as in England, is the most highly organised and powerful Trade Union in the land.

Sir, the history of "silk" so far as my researches go is this. Somewhere in Tudor times English sovereigns, who were somewhat masterful, if my reading of history is right, conceived the happy thought of picking out rising barristers and conferring upon them the honour of a silk gown with a patent of precedence and a fee of, I think, £100 sterling per annum, so that that barrister should not appear against the Crown. That is why they were called King's Counsel. The most eminent and one of the earlier examples of silk,—and here every Member who is also a member of Gray's Inn will be associated with me—was that of Bacon. He is the great glory of our Inn. He was a rising and ambitious man and he might perhaps have been troublesome if he had not had silken fetters laid upon him by his sovereign. The silk gown has come down to us from that early form, and to-day in England the profession is organised thus. When you are called to the Bar, you are a member of the outer Bar, or as the expression goes, an "utter" barrister;—utter is a corruption of the word outer;—and after a certain period, when you have attained eminence at the Bar in England, you can apply to the Lord Chancellor to be translated from the outer Bar and called within the Bar as a King's Counsel. You have to apply for that distinction to the Lord Chancellor, after you have given due notice to the profession of your intention so to do. It solely depends upon the judgment of the Lord Chancellor whether such an application is granted by His Majesty or not. Once you take a silk gown, you sit where my leader in this House appropriately enough sits, in the front bench instead of sitting in the back rows of the court; but, once assumed, the silken fetters always remain. There are a number of things which a King's Counsel, by the etiquette of the Bar, which is very strictly observed, may not do. Many a man has taken silk who has been making £3,000, £4,000 or £5,000 at the Bar and yet has failed as a leader and regretted having taken silk: but once a silk, always a silk; and you cannot be disrobed and return to the fold of the junior Bar. That is a very important point, and we have to consider its applicability to Indian conditions as I shall show you presently.

Well, Sir, the first suggestion that I venture to make to the Honourable and learned Mover, and if I may, to the Government of India, is this;—let us have fuller information. So I would suggest that an application be made to the Lord Chancellor inviting him to furnish the Government of India with a clear memorandum tracing the historical origin and growth of silk in England. That is the first constructive suggestion I venture to make. Next I would invite the Government to write to the Secretary of the Bar Council in England, and obtain from him a reasonably detailed statement of the policy, rules, and organisation, of the English Bar to-day. Sir, I think most of my learned friends in India, when they see such a statement, will see at once that it is hardly possible to introduce silk as known in England into India because of the totally different conditions,

that obtain. And I would like to give some of my reasons for saying so. In England the whole foundation of the legal profession is this, there is a system of dual agency. No barrister or King's Counsel in England can ever take a fee direct from the lay client; there must always be interposed the solicitor; for the fundamental principle upon which the Bar in England is organised is this, that the barrister must never come in actual direct contact with the lay client. Sir, a simple illustration and a useful one, will make that clear. The system in England is a sort of legal sandwich. You have one piece of bread the lay client, then a bit of meat, the solicitor—he sometimes takes most of the meat,—and on the other side, the barrister. That barrister bread can never directly meet the lay client bread because there is the solicitor meat in between. (Laughter.) Now, Sir, the moment you see that, you will observe the fundamental difference between the organisation of the profession in England and in India, where to-day we are all enrolled and practise as advocates. Should anybody in this House require the services of the learned Mover he can go straight to him as an advocate and arrange directly with him about the fee, and so forth. In Madras, though we have several eminent firms of solicitors, still they are such a comparatively small portion of the Bar that we must regard their intervention as the exception rather than the rule. In the mofussil we have, I think, no solicitors in practice at all, except perhaps at Ootacamund. Calcutta, in this respect, I know, is different from Madras: and so is Bombay. Please remember that I am now speaking chiefly of the Presidency, of which I have first hand knowledge. The moment you compare the English system with the general system in India you find this difference. Every brief in England must come to a K. C. through a solicitor. Therefore it is very easy to make rules as to what the K. C. shall do, because a solicitor only can instruct him. If we have silk in India, except in the rare cases where an Advocate is instructed by a solicitor in one of the three Presidency towns or very occasionally in the mofussil, in such cases, what is the position of a silk going to be? And before we introduce silk into India and seek to give practical effect to it, it is difficult to understand what the practical working of the suggested system for India is going to be. Nobody wants a mere alphabetical addition of K. C. after his name. It would be only artificial silk, which is a very different proposition from real. I am asking for all this information to be laid before the public (who are deeply interested), and the whole profession before we come to any final decision. Whether you take the title K. C. or a better one is a matter to my mind of very little importance. It is not the shadow that we want, but the substance of seniority, and I think that Sir Hari Singh Gour would be well advised to welcome such information as I have mentioned in order that all the members of the profession throughout India, who cannot get access to such information easily, may be fully informed as to what the existing English system is. Before you transplant a thing from England into India, do let us see exactly what is the professional soil that is required. I have spent many hours reading these opinions of various legal bodies throughout India with very great interest and I find that some of the information desired has already been given. I would only ask that it may be given in a more authoritative form. I notice with interest that one civilian judge has made some very interesting suggestions, well worthy of consideration, as to whether it is possible to introduce into India a higher order of barristers somewhat on the lines that obtain in Germany. I merely say

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that that is a suggestion worth considering. I think, Sir, I have now shown that until we get that information it is a little premature to proceed with this Bill.

The next point I want to make is this. I want to explode, if I may, one or two ideas which have, I think, rather tended to excite feeling in the minds of some members of the profession. I read in the Objects and Reasons of this Bill these words :

"Four years have since passed, but that assumption has not been realized with the result that under the existing law English and colonial barristers raised to the rank of King's Counsel though, it may be, much junior in seniority and standing to their counterparts in India have become entitled to rank above them, and the latter are penalized by the sole fact of their having practised in India."

Now, Sir, I will ask Sir Hari Singh Gour to give me the name of one single English silk who has come to India to practise. Could you give me such a name ?

An Honourable Member : Mr. Kenrick.

Mr. C. Brooke Elliott : I was going to cite him, but he is Advocate-General and would like our Advocate-General wear a silk gown in any case.

Sir Hari Singh Gour : He would not. The Advocate-General had no recognised statutory status before you gave it to him.

Mr. C. Brooke Elliott : He is the Advocate-General of Bengal and as such would have precedence, so that if that is practically the only case, there is not much harm done. (An Honourable Member : "There may be other cases also.") I have hunted for this information and have asked many people. I may tell you that Mr. Eardley Norton was a personal friend of mine and we discussed this matter often, and his considered opinion was that as conditions are in India he did not wish to see English silk introduced into India. He was told by the Lord Chancellor some years ago—I could not tell you which Lord Chancellor it was, but Mr. Norton told me this himself—that by reason of his eminence at the Indian Bar English silk would be given him, but, under existing conditions, only after he had retired from India. I do not think I am at all unsympathetic to the natural aspirations of the Indian Bar. On the contrary I am most sympathetic in the whole matter : but surely the best way to show one's sympathy as a keen member of the profession is to do what you can to help, not to have something introduced which might prove to be unsuitable.

Sir Hari Singh Gour : My friend is entirely besides the mark. I am introducing nothing. I want to interpret the clause as it exists in the Act of 1927.

Mr. C. Brooke Elliott : By seeking to interpret a clause in that way, surely you are doing a great deal. That is the point I want to make. Surely that is quite to the point and I don't think I have strayed one inch from the point. I am going to tell my learned friend that on one interesting occasion in this House many many years ago, an English silk, Mr. Stephen Q. C. (afterwards Sir James Fitz James Stephen, who tried the famous Maybrick case) said, speaking on the Indian Evidence Bill : "I am myself a barrister of 18 years' standing, and a Queen's Counsel of forty years' standing. I believe that there is no barrister in British India" (No barrister,

mind you) "of whom I should not be entitled to take precedence professionally, if I chose to practise here."

This is the only reference that I have ever been able to find and it is printed in the Appendix to Ameer Ali and Woodroffe on the Evidence Act. Mr Stephen, as he then was, an English Q. C. was very careful to say that he could only claim precedence over barristers in India, not over anybody else in the profession. The fact that one K. C. has come to India is hardly an invasion for which we want very prompt legislative action taken. So I venture to ask my learned friend—does he not agree with me that it would be very useful to have the information I have mentioned, and to have the Bill circulated again among the bar in India, and I think my learned friend himself would very much like to have accurate information on these points such as I have indicated.

Then, Sir, I come to the next point. And here again I want definite information as to how silk has been translated from England to the Colonies and the Dominions. Personally I would very much like to know, because I think it would help us if Government could tell us through the channels of information I have indicated—I suppose it would mainly be the Colonial Office—under what conditions and whether by some Order in Council or by statute (local or Imperial) silk was extended to Canada, when Canada was not a Dominion but a Colony. That would be very interesting and helpful because at that time Canada no doubt had an indigenous Bar, or rather a French Bar in full working order. In some parts of Canada I believe, I am not quite sure, there is fusion of the profession. Possibly you may have one firm of lawyers practising in partnership, one of whom is a K. C. It would, I think, be helpful therefore if we knew under what conditions silk was first introduced in Canada. I do not know if my learned friend could give me this information ? If he could I should be very interested to hear what the position exactly is.

Then, Sir, next point is this. When Canada became a Dominion, was there any legislation regulating this matter ? I should like to know that very much. Next, Sir, in South Africa you have a somewhat similar case, because there the Dutch Bar was in full being at the time that South Africa passed under British control ; and I should like to know, if I might, what communications passed between the Colonial Office at home and the Government and the legal profession in South Africa, and under what conditions silk was introduced there. As regards that, I confess I am entirely in the dark and I would like to be enlightened. Now I have tried to sketch, very imperfectly I fear, the history and the present day position of silk in England. I am inviting full information, which only the Government can get, as to the introduction of silk into Canada and South Africa. In Australia, Sir, the question was a different one. Australia had no Bar of its own at any time before colonisation by England. The English barristers went out there in due course and naturally, practising amongst Englishmen, and being members of the English Bar, they took their English traditions with them. It had not to be super-imposed upon any existing system. At the same time I would like to know under what conditions silk was first sanctioned and introduced into Australia, and whether, when Australia became a Commonwealth, there was any legislation dealing with the matter in any way. I am not aware myself what the exact procedure is in either Australia or Canada or South Africa when a barrister wishes to take silk. I think that would be very valuable information as to the conditions under which it is granted in those Dominions, the authority that actually confers it, and the consequences that flow from it

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when you divide the profession into K. Cs. and juniors. Sir, there only remains the question of silk in Crown Colonies. Well, sometimes the suggestion is made here that there may be an influx, a large wholesale importation of silks, into India which would be a great hardship on the Indian Bar. Well, Sir, I am only aware of one colonial silk who has come to India. I do not know if my friend can give me the names of anybody else : and one swallow, one Colonial King's Counsel, would hardly swamp the Indian Bar.

Sir Hari Singh Gour : You are one !

Mr. C. Brooke Elliott : I am, as you have so courteously elicited. I do not deny it. (Laughter.) I admit the allegation,—and I thank the genial allegator. (Laughter.)

Mr. Lalchand Navarai (Sind : Non-Muhammadan Rural) : You will be easily one, having the English silk or Dominion silk, if this Bill is passed.

Mr. C. Brooke Elliott : May I thank my learned friend for his prophetic gifts ? Sir, I accept the compliment in the spirit in which it was meant ; and may I say that, coming up here to the Assembly as a child among his elders, or rather as a baby lion into a den full of Daniels, it is extremely pleasant to meet members of my profession so ready to help me in every way possible ! Now, Sir, may I just draw attention to one peculiar fact that the advent of one Colonial silk should cause any fluttering in our forensic well-stocked dovecotes. Sir, suppose a man came to India and said, " I am a Colonial silk "—and the suggestion I gather is that he might get it while very young. My learned friends apparently do not know that in the Ceylon Bar of some hundreds of Advocates, only 4 silks ever exist at one time, besides the two Law Officers of the Crown. Sir, you cannot take silk in a Colony in a few years—my learned friends are very much mistaken if they think so. But, Sir, if a silk from the Colonies or, I feel sure, from the Dominions, came here and wished to wear silk, he would soon desist from doing so for the very simple reason that one has to be a K. C. in India to sport silk. I fortunately have documentary proof in my possession of that fact. Knowing this interesting question was coming up, I brought with me a copy of the letters patent issued to a Colonial silk in Ceylon, and I take it that letters patent in similar terms are issued to an English K. C. and a Dominion K. C. too. Now, Sir, if I had had made any claim on that account, obviously the Bar would have said, " By what authority doest thou this ? " And obviously I would have produced the actual document, and they would very properly have said at once, " You have no such authority ". No Colonial K. C. therefore would dream of making a claim which could not be substantiated. This is the wording of letters patent for silk in Ceylon (omitting certain formal words) :

" By His Excellency Sir Henry Manning, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof."

I do not think India would claim to be a dependency of Ceylon. The only Dependencies which Ceylon has are a few coral islands about 300 miles south-west of Colombo, and I do not think any K. C. would find much

practice there. I understand the fee, if any, would be 50 or more coco-nuts. Now come the material words :

" TO ALL TO WHOM THESE PRESENTS SHALL COME.

GREETING :

WHEREAS His Majesty George the Fifth of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, being well satisfied of the loyalty, integrity, and ability of....., Barrister-at-law, has thought fit to authorise and require of the said Governor to cause Letters Patent to be passed under the Public Seal of the said Island of Ceylon, constituting and appointing him the said.....to be one of His Majesty's Counsel for the said Island of Ceylon :

NOW KNOW YE that We, by virtue of the powers in Us so vested and in pursuance of His Majesty's instructions to Us, do hereby cause these Our Letters Patent to be issued to him the said.....constituting and appointing him the said.....to be one of His Majesty's Counsel for the said Island of Ceylon, to hold and enjoy within the said Island of Ceylon, all and singular the rights, allowances, privileges, and preeminences, to the said appointment belonging or appertaining in as full and ample a manner as any other of His Majesty's Counsel learned in the Law, in any of His Majesty's Colonies doth hold or enjoy, or of right ought to have held or enjoyed the same, and also the liberty of sitting and practising within the Bar of the said Island of Ceylon, as any of His Majesty's Counsel learned in the Law do, ought to, or may practise."

Obviously, therefore, every Ceylon Advocate knows, that whether he be a King's Counsel, young or old, and comes from the Colonies, he has no rights whatever to be a silk in India. Why, in his own document his privilege is strictly limited as a K. C. in the terms of the document itself. If however a Colonial K. C. from Ceylon goes to England and appears in the Privy Council in a Colonial appeal, he keeps his silk gown and appears as a K. C., merely because the Privy Council is the final court of appeal for Ceylon. Lord Haldane once said in a very illuminating sentence to an advocate in my hearing, when a Privy Council appeal was being argued about Muhammadan law in East Africa something like this :

" You must remember, we are not English judges sitting here in an English court ; we are instead three learned lawyers of an East African court who are experts in the Muhammadan law, and we sit in that capacity as the final court of appeal for Muhammadan appeals from East Africa."

The Privy Council is still to-day the final court of appeal of Canada, and other Dominions and Colonies, and to that extent a Colonial silk is a silk in the Privy Council : but if he was an English barrister and was briefed in a county court in England the next day, he would appear in the county court as a junior barrister and wear a stuff gown. This curious dual professional position I admit may seem a little anomalous, but the answer is that the good sense of the profession prevails, and so we see that a Colonial K. C. when in England is only a silk when appearing in the Privy Council but not for any other professional purpose. Sir, when I came to India, it was only *qua* as an ordinary—a very barrister ordinary—that I could claim precedence or any right whatsoever, and I never have made the slightest claim to professional precedence by virtue of this document, anywhere outside the confines of the Island of Ceylon and its coral-island dependencies or the Privy Council. Therefore, Sir, to go back, I would ask Sir Hari Singh Gour whether he does not think that to obtain the information which I have asked for would be of very real importance. I do not want to speak at great length.

Sir Hari Singh Gour : I think I may inform the Honourable Member that I am already in possession of all the information, and I had in fact a personal interview with the Lord Chancellor himself.

Mr. C. Brooke Elliott : Might I suggest then that that information should be widely circulated? You say that all that information has not been circulated and it is a little difficult to understand, if my Honourable friend had all that information, how it was that he said in his Statement of Objects and Reasons about Colonial silk penalising the Indian Advocate. How can he support that?

Sir Hari Singh Gour : If my Honourable friend will give way, the answer is simple. If my friend will look to the opinions of the Madras High Court and of the Calcutta High Court, they have misunderstood this clause "King's Counsel" in the Act of 1927 to apply only to English and Colonial silks. This misunderstanding I wish to remove. The Calcutta High Court say that in the Act of 1927 the words "King's Counsel" are understood to mean English and Colonial silks, and now this privilege of the English and Colonial silks is sought to be taken away by my Bill. That, I submit, is the misunderstanding which I wish to remove. The Act of 1927 was not intended to confer any privilege upon either English or Colonial King's Counsel. It was intended to create a local Indian silk and it is with that purpose that the term "King's Counsel" was introduced in the Act of 1927. The Judges have misunderstood it, not knowing the history, not having read Sir James Crerar's speech, and not having read the Statement of Objects and Reasons.

Mr. C. Brooke Elliott : I am very much obliged to my Honourable and learned friend for his explanation. I think he had better recirculate the Bill so that their Lordships of Calcutta and Madras may be better informed in future! What I am suggesting is this—that we want to be as fully prepared for the introduction of silk in India as we possibly can. I am as keen as Sir Hari Singh Gour is in this matter, and that is an absolutely sincere statement. If there is any misconception, I should suggest to Sir Hari Singh Gour to circulate the information in his possession together with the information I have given.

Sir Hari Singh Gour : It is there in the Statement of Objects and Reasons.

Mr. C. Brooke Elliott : My learned friend will forgive me, but with all his gifts of compression it is impossible to get all that I have asked for in half a page of print.

Sir Hari Singh Gour : See the last paragraph.

Mr. C. Brooke Elliott : Although like a Rolls-Royce the paragraph referred to has a high ratio of literal compression, I really cannot expect that all that I have asked for is to be found in 17 lines of small print.

I simply want to establish my first point that there is no cast-iron hurry about this important matter. According to professional opinion in Madras on the authority of our Advocate-General, Mr. Alladi Krishnaswami, whose name stands very high in India, I would say Madras opinion is this: we do not think the time is quite ripe yet. I would therefore suggest our procuring further information. Then I come to two other points, on which I should like to hear what my learned friend has to say. They seem to me to be points of substance, and I want definite information about them if it can be procured.

Sir, the new constitution of India will have to deal with immense problems. For the purposes of the legal profession, from what I might call purely interested motives, what will interest us or affect the Bar

most directly is whether there is to be one central High Court for all India and whether the whole of the profession is to be formed into one great Indian Bar. That matter was raised incidentally the other day and of course we could not adequately discuss it on a resolution, and the Honourable Sir James Crerar gave us many reasons proving that it was a subject of infinite complication and implication. But, Sir, does not Sir Hari Singh Gour agree with me that it will make a very great deal of difference if you have one High Court at Delhi, of which I take it we would all be re-enrolled as Advocates; or is it the intention of the authorities that, in the interests of the Bar, the Provincial Bars should still remain in *status quo*? That seems to me an enormously important question and very closely allied to the introduction of silk. Is silk to be central silk, or provincial? If you have a central court sitting at Delhi, with a Lord Chief Justice of India, I take it a great deal will depend as to the nature of the jurisdiction in professional matters that is conferred upon that august tribunal. For my own part I do think that it would be a very fine idea and a very great professional conception that the Indian Bar should be one entity and not divided into provinces—in other words there would be an all-India Bar. I do not want to go into the technical aspects of it, but at the present moment, as my learned friend knows very well, you become a member and enrol in one High Court and you may sometimes appear in other High Courts, subject to certain conditions and to what I may call the comity of the legal profession. A Madras advocate, for instance, may go to Rangoon and appear in one special case. But at the moment the organisation of the profession is such that each Presidency or Province has its own Presidential or Provincial Bar. Now, if you have a Lord Chief Justice of India, and if you concentrate at Delhi the highest judicial authority over India in the hands of a Lord Chief Justice and a Tribunal that like the Lord Chancellor in England is to be entrusted with general jurisdiction over professional matters such as silk, then it seems to me that a very different problem will arise as to the nature of the rank or degree of King's Counsel that you are going to introduce. Personally, therefore if I may say so, following Madras opinion, I would like to see the question of King's Counsel reserved until we know exactly what the future legal constitution of India in such respects is going to be.

Sir Hari Singh Gour : But there is the Act of 1927 in the meantime.

Mr. C. Brooke Elliott : I am endeavouring to show that though the Act of 1927 has remained on the Statute-book, no harm whatever has been done. No K. C. has come in from outside and in any way penalised any Indian advocate. All I am seeking to say is that in view of this very wide and difficult matter, upon which opinion is not unanimous in the profession, would it not be advisable to get fuller information and see what the future constitution of India judicially is going to be? Is there to be one central court at Delhi, or the various High Courts of the Presidencies and provinces to retain in the future the substance of their present jurisdiction in matters professional in co-operation with the Bar Councils or not?

Then, Sir, I come to one further point, and it is this. You will observe that King's Counsel, as the very name itself states, is the grant of a high privilege by His Majesty the King in England, or presumably in his capacity as King-Emperor in India through his Viceroy. Before silk was introduced into Ceylon the proper official machinery had to be created, and His Majesty had first to be asked whether it was his Royal will and

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pleasure to grant silk to Ceylon. I should like to know—here again I am in the dark—whether His Majesty has been so approached in relation to a grant of silk in India? Because, with great respect, I would say that a high constitutional authority like my learned friend would at once, I am sure, see that we should not seek to extract from His Majesty the grant of King's Counsel after a Bill like this has been passed by us in this Assembly. We should seek consent first. Is not that a very real and practical difficulty? Anyhow it is surely a matter of common courtesy towards His Majesty: and it does seem to me that until the Bar Associations of India have been consulted through the ordinary channels of communication and the Government have ascertained that it is in fact His Majesty's Royal will and pleasure to confer silk on the profession in India, are we not a little premature in this matter in spite of the words in the Act referred to by the Mover. I think that is a real difficulty; and Sir Murray Coutts-Trotter, our late and talented Chief Justice, who was I think President of the Bar Committee that toured India and took evidence before the Act was passed, specially stated somewhere that the time might come later on when the question would certainly arise whether King's Counsel or some other like senior professional degree should be introduced into India. I am giving his opinion from memory, but my Honourable and learned friend will doubtless remember the passage in question. This view is reflected in several of the opinions printed for our information. Sir Murray Coutts-Trotter was thoroughly familiar with the traditions and practice that obtained in England, and he said that the Bar would have very seriously to consider whether the degree of King's Counsel was the most appropriate and the most fit form of degree for senior members of the Bar in India, or whether it could be achieved better by some other means, at some future time. Certainly in Madras you may take it from me that the general feeling is against rushing this matter through in a hurry; and as I said before I would like to know (perhaps my learned friend or some Member of the Government will explain), supposing this Bill went through, and if it was enacted that "King's Counsel means a person so appointed from among the legal practitioners in India", who is to appoint the said King's Counsel? I want to know the meaning of "so appointed". By whom is the appointment to be made? I want that question to be answered.

(The Honourable Member then resumed his seat.)

Mr. President: Will the Honourable Member proceed with his remarks?

Mr. C. Brooke Elliott: I only wanted to know "by whom", Sir. I do not know whether anybody in India can appoint. Who has the power?

Sir Hari Singh Gour: Appointed by the Governor General in the exercise of his delegated prerogative as in the case of the Dominions.

Mr. C. Brooke Elliott: I accept that, for the moment. But why was it not said so here? And the next question that arises is this, is the Governor General prepared to do so? Has he actually any such delegated power? Where is there any definite assurance to that effect?

Sir Hari Singh Gour: They must have had the assurance in 1927 when it was introduced.

Mr. President: Order, order. I do not want these interruptions, the Honourable Member has already been fairly long and these interruptions have the effect of prolonging the Honourable Member's speech.

Mr. C. Brooke Elliott: I am sorry, Sir, I put the question. I wish to be as short as possible. When it is said that the Governor General "must" have given that assurance, I can only say that in delicate matters of prerogative I am not going to assume anything rashly. I think that those words really slipped into the Act without all their implications being clearly understood. I am not sure that is not an opinion which is very widely held amongst lawyers in India. Sir, what do we lose by seeking first of all to get a specific assurance that if such a Bill as this eventually went through, the Governor General has power to create silks? Are we satisfied that His Excellency has the power to grant it under what I may call the delegated prerogatives of His Majesty? Personally I doubt it. Surely we ought to get that important point quite clear first. But I want to put it on even higher ground than that. The legal profession has honourable and noble traditions going back a long way. One of these which I value most is its courtesy and its devotion to lawful authority. A man who practises law should serve the law. The very fine word "Sergeant" which I should like perhaps to see introduced in India rather than "King's Counsel", has most delightful professional associations because it means "*Serviens ad Legem*"—one who serves the law. Incidentally Sergeants-at-Law held a higher professional rank than contemporary King's Counsel. No man at our time could become a judge unless he was a Sergeant-at-Law.

I apologise for the length of my remarks. They are only made with the single and sole object of being quite sure that we do not take a premature step, backwards. I shall listen with great interest to what the legal representatives of the Government have to say on these points. My one desire is the ennoblement of our profession and to be quite sure that before silk gowns are actually given, the recipients should know exactly the conditions under which they are going to be given. Are we going to have a long and complicated code of rules brought in, or what is to be the position? Because I know that my Honourable and learned friends at the Indian Bar want the substance of silk, they do not want the shadow, and merely to put the honorific letters K. C. after their names. What they really want is to get the substance. Why I have made these remarks has been because I wish to see such a degree introduced but not at a moment when it is in my humble opinion premature. Above all I have had at the back of my mind in all that I have said to-day the interests of the junior members of the profession. Sir, many of the junior members of the profession in Madras have frequently urged upon me to do what I could in the Bar Council of Madras (of which I have the honour to be a member), to see that the interests of the juniors should be protected and safeguarded. The introduction of silk would help the juniors, and therefore I would be glad to see it introduced in due season. I feel sure that Sir Hari Singh Gour himself has that object also in view. As usual I find myself largely if not entirely in agreement with the Mover, and yet I am going to invite him to accept suggestion that until we have the fuller information, together with that already in his possession, which, if he would show it to me I shall be grateful—the question might be postponed for further consideration and nothing is lost by our waiting a few months more. We do hope that in the course of the next session at Delhi (which I

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am afraid I shall not be able to attend, but my Honourable friend no doubt will), the House will have seen at least the outline of the new constitution for India. That is my main point; I desire earnestly that this great step forward, the introduction of silk to our profession, should coincide with the greater introduction of the new constitution in India. (Applause.)

Pandit Ram Krishna Jha (Darbhanga *cum* Saran : Non-Muhammadan) : Sir, I rise to support the motion of Sir Hari Singh Gour. I am sure what is there in the mind of my Honourable friend is that the man at the top in India should have the same distinction as the man at the top in England. So far as the Vakil Bar is concerned, it has been conceded many a time that there are men in that profession who are not really inferior to any barrister practising either in England or in India. Now my learned friend Mr. Elliott said that there is a great difference between the King's Counsel and others in the matter of practice. He is wrong when he says that there is no middleman between the topmost man in India and the client. As a matter of practice you will find that in Bihar and Bengal, the topmost man is approached by a client through a junior vakil or a solicitor and it is very seldom that lawyers of standing come into direct contact with the clients. So there is no reason why Sir Hari Singh Gour's Bill should not be taken into consideration.

Mr. C. Brooke Elliott : Is there any fixed rule that a senior should not take a brief except through a junior ?

Pandit Ram Krishna Jha : There is no rule. But in the High Court at Calcutta the rule is that the Barristers cannot accept a brief except through a solicitor. In any case in Bihar and in Bengal it is very seldom the case that the seniormost man accepts a brief except through a solicitor or a junior vakil. Therefore that does not matter much. When the Act of 1927 has made a provision for a gradation like this, is there anyone here who says that a grade like this cannot be created. Why should we not then give effect to that ? If the successful lawyers of any High Court do deserve this distinction, there is no reason why it should be withheld from them. I submit, therefore, that the motion of Sir Hari Singh Gour should be carried.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, I rise to support the motion made by Sir Hari Singh Gour, and I would like briefly to touch on the points raised by my Honourable friend, Mr. Brooke Elliott. I must frankly confess that I was disappointed at his speech. I expected much better support from him than he has given to the Bill. He has in fact tried to kill it with soft words. He has appeared as a supporter of the motion, but only in theory. In practice his heart went against the motion.

Mr. C. Brooke Elliott : In actual practice I wanted to give you my support.

Mr. Jagan Nath Aggarwal : I would analyse the various objections that my friend has raised. In doing so, I would try my best to keep this discussion free from technicalities. One is likely to become technical in dealing with this question, because it deals with the constitution of the legal profession, and you cannot escape technicalities.

But I will try my best to keep the discussion to the level where every layman can follow it. Now the chief objection of my learned friend, Mr. Elliott, was, "We want information on the subject". Information, information, information ! What is the limit to the amount of information that my learned friend wants ? He knows full well what King's Counsel in England are, what King's Counsel in the various Dominions and the Colonies are. What is the objection to having precisely that kind of classification in the Members of the profession here ?.....

Mr. C. Brooke Elliott : I do not know ; that was the information I asked for ; when we get the information we shall know how to proceed.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : If you do not know, my only submission is that you ought to know.

Mr. C. Brooke Elliott : I agree.

Mr. Jagan Nath Aggarwal : I am trying to examine this desire and demand for information, whether it is really the desire for genuine information which a person ignorant of the subject has, or whether it is the desire of a person who will not be satisfied in spite of all the information placed at his disposal. I say, here is an Honourable Member who is a K. C. of the Ceylon Bar and who has been practising long in India and also has the honour of belonging to the profession in England ; and he says he is so ignorant of all these things that he wants information and more information at this stage. Let us see what that information is. We find in the Act of 1927, which we have been told that the Honourable Sir James Crerar helped to pass through this House, Act XIII of 1927, one short clause or sentence provided in section 2 (4) that the Advocate General shall have pre-audience before all other advocates, and that K. C.'s shall have pre-audience before all other advocates except the Advocate General. Now we are told there are many dangers if our demand is accepted and K. C.'s are created in this country. But I shall show presently that in 1927 the Act was deliberately passed, after consulting legal opinion and considering the recommendations of a Bar Committee which travelled all over the country ; and by that Act you gave a definite privilege to a class of people known as K. C.'s. If that class does not exist in this country, I should like to know what was the point in getting this Assembly to pass the Bill and obtain the Governor General's assent to a measure in which you allow the privilege of seniority and of pre-audience to these men known as K. C.'s next to the Advocate General. Who is this person known to the law and unknown to the world, this King's Counsel ? We know that he does not exist within this country. But he can be imported into this country. He does not exist so far in the country though legally we have been given that privilege ; and all that my learned friend Sir Hari Singh Gour wants is, he says, "Here is a person known as King's Counsel, whom you have put in your Act and who has a certain privilege of pre-audience and seniority ; create him in this land ; let him be an indigenous product". But that is where the danger lies. My friend fears that it is all very well to have this distinction elsewhere but that it is much better to import him from abroad rather than create him in this country. There is the rub.....

Mr. C. Brooke Elliott : May I say that I want him to be introduced ; I am in favour of it and not against it ; all I say is let us be as ready as possible to have the other scheme ; I am strongly in favour of it in due course.

Mr. Jagan Nath Aggarwal : As usual my friend is very sympathetic ; only he says, let us wait for a time ; let us wait till there is one High Court, one top institution over all courts, a central institution. But what did he do when there was an attempt to bring that institution into existence or to visualise it ? It is all very well to have lip sympathy and when the time comes to go over and vote with the opposite side. We do not want that kind of sympathy.....

Mr. C. Brooke Elliott : Not at all ; I am for it.

Mr. Jagan Nath Aggarwal : Did you vote for it, for the proposition that the High Courts should be centralised ?

Mr. C. Brooke Elliott : I could not on that motion. May I say that I did so because at that stage the Round Table Conference was sitting and all I wanted was to know what they did before we started doing anything.

Mr. Jagan Nath Aggarwal : My learned friend is ready for nothing. We are unfortunately at a stage when my learned friend is not ready for the centralisation of the existing High Courts ; he is not ready for the creation of a centralised High Court or for the creation of the class of people for whom the law has provided a certain privilege. The reason is he wants information. That he says is his trouble. The real trouble, I am sorry to have to say it, is that he does not like the idea that this class should be manufactured in this country and should not be imported. If we have given this right of pre-audience to the K. C. and we do not create him in this country, what is the position ? Sir Hari Singh Gour suspected that it would be the K. C. from abroad, from England or the Colonies who would be able to claim that privilege ; my learned friend, Mr. Brooke Elliott, said he would correct one misapprehension that the K. C. from Ceylon at any rate would not be able to invade us. But I am not sure whether the K. C. from other places, from England for example, would not be able to come here and claim pre-audience.

That brings me to another problem that I must place before the Honourable House in order that they may see the danger lurking behind the present situation. If this provision of the law stands, it means that the King's Counsel will have pre-audience. Where is the K. C. ? A person who is a K. C. in England can come to this country and claim pre-audience over every other man in this land, be he an advocate or barrister or a vakil. Now, it is an unfortunate part of the profession to which I have the honour to belong that a distinction based on no rhyme or reason, once it is brought in, becomes very difficult to obliterate. Honourable Members will have read the debates and they will have seen what great trouble it took to try and obliterate the distinction between an advocate and a vakil, i.e., between persons who had gone abroad and got their qualification in England and those who qualified themselves in this land. And if we have made some progress in obliterating that distinction, though we have not absolutely done so yet, it is not

proper to introduce another. The trouble now is that we are in danger of having another distinction foisted upon the profession, the distinction that persons who have had the honour of receiving silk in England will have an unmerited right of pre-audience or seniority in this country. To this my learned friend has great objections. He says, " Oh, yes ; we are not fit for it ". That is one argument he used—I do not know about the fitness or unfitness of it. I would like to go on with the profession as it is—advocates and nobody else ; but when the legislature of set purpose has brought in that distinction, it is not for me to quarrel with it. If my learned friend should have thought that this idea of having King's Counsel is a thoroughly mischievous one in England and that therefore it should not be brought in here because the moment a man was made King's Counsel he had to starve and we do not want people in this land to starve, I could have understood him if he had proposed a repeal of the Act of 1927. If he had done that I should have appreciated his arguments. But the distinction is there already in the statute ; and he merely says, " We are not ripe for it here ". He said there were great disadvantages and that the time was hardly opportune and that it was in the interests of the juniors that it should not be so.....

Mr. C. Brooke Elliott : I said it is in the interests of the juniors that it should go through. I am sorry if my learned friend did not hear me aright. I said the juniors want us seniors to give them every help, and yet I am told I am against the juniors !

Mr. Jagan Nath Aggarwal : I understood my learned friend to say somehow that in the interests of the juniors this class should not be created.

Mr. C. Brooke Elliott : Should be created.

Mr. Jagan Nath Aggarwal : If that is so, then where is the objection to this Bill going through ?

My Honourable friend then tried another form of attack. He asked, " Who is to create this K. C. ? ". He asked, " Have you asked the Governor General whether he will do it ? ". It is one of those funny objections which I do not think was intended seriously. Are not the advisers of the Governor General there to advise him in exercising this privilege of conferring distinctions ? It only requires that certain powers should be conferred upon the Governor General and there are members of the Bar among his advisers who will see that the privilege is exercised properly. It is a funny proposition to say that the law gives a certain privilege or exercise of a certain prerogative and that the Governor General in Council or the Governor General would not be inclined to exercise it. It is much too puerile for any serious argument. Therefore, my submission is that all the objections of my friend Mr. Elliott proceeded from a lurking fear in his mind that this person known as the King's Counsel might not be created in this country, that the privilege should be restricted to a few to enjoy the honour, lest that honour should become cheap in this land. Whatever that may be, there is absolutely no reason for not trying to face the issue. The issue then is, is it desirable in the interests of the profession to have in the provisions of law this distinction or not. Now, to this proposition I will just invite the attention of the House for a few minutes. Now, those

[Mr. Jagan Nath Aggarwal.]

who object to the distinction between a barrister and a vakil may feel alarmed at the present distinction, but, I submit there is nothing to be alarmed about in this for the very simple reason that the distinction between an advocate and a vakil was due to the accident of birth or the accident of the place where you received your training. That was not at all right; that was neither good for the profession nor for the members of the profession. Therefore, it was deemed to be illogical that a person, who was very learned in law, though he had received his education and training in this land, should be junior to a fresher who came from England. That distinction depended on an accident, and it was objected to and the distinction was removed. Now, Sir, what is this distinction that we are anxious to bring in, which the Legislature has brought in, and which we are trying to retain? This distinction is based on the fact that the person, who has risen to the height of the ladder, has obtained a distinction by merit in the profession, is to be marked by the conferment of an honour by His Majesty the King or his representative the Lord Chancellor or the Minister of Justice. Now, is there any objection to it? I would submit that the eminence of a lawyer should be measured certainly by something more than the amount of money that he can get every month or every year, and if in the profession he tries to obtain the honour not by virtue of some accidental position, but by sheer merit and integrity, it is certainly high time that the law recognised it. That is precisely what this Bill proposes to do. It creates an honour and a distinction not for reasons which are accidental but for reasons of sheer merit for those who have risen in the profession, to which they are entitled. In this connection I would like to place before the House a few lines from the Bar Committee's recommendations to which my Honourable friend Mr. Elliott made a passing reference. At page 11 of the Bar Committee's Report, it is pointed out:

"We have also evidence that in Allahabad, where such a rule exists, this elevation to the Advocates' roll is a distinction which is highly prized by the profession."

This is also the case I submit in some of the High Courts where advocates are created by the Judges.

Continuing the Report says:

"It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry. 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. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades."

That, I submit, was the recommendation, the tentative proposal put forward by the Bar Committee, but the Bill of 1927 went much further. It definitely accepted the position that a class known as the King's Counsel shall have pre-audience and seniority. If that was the view of the Bar Committee, if that was their recommendation, then I do not see why there should be any objection to creating a King's Counsel in this country. The point is, would the executive have the power to do it or the Lord Chancellor or the Chief Justice of the Supreme Court or some other body should have that power, but there is absolutely no reason

why, because the Chief Justice of the Supreme Court or the Minister of Justice does not exist in this country, this Bill should not go to a Select Committee. It cannot be taken up before January; it will take months and months before any such class can actually come into existence, and it would depend on the will of the Governor General or the persons who have the power to create such a class. Therefore, for the reason that the creation of such a class was recommended by the Indian Bar Committee, that such a class was visualised in the Act of 1927 and that certain privileges should be conferred on this class, it is eminently necessary that such a class should be created, in this country, and not left to the off chance of persons coming over here from elsewhere and obtaining that privilege in the profession to which, I submit, according to the rules of the profession, they would not be entitled. I do not see that any objection has been put forward to nullify the proposal of my Honourable friend Sir Hari Singh Gour. I therefore think that this Bill should be allowed to go to the Select Committee and that they submit their report in Delhi or elsewhere.

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.

STATEMENT ON THE FINANCIAL POSITION.

The Honourable Sir George Schuster (Finance Member): Sir, with your permission I will make a short statement on the financial position.

Before I come to the more formal part of what I have to say I should like to express to every Member of this House my sense of appreciation of the great consideration which they have shown to me during the last three days. I can assure all Honourable Members that it has been most irksome and unpleasant for me on my side to have kept them in suspense in this matter. I know that many of them have had their own considerable anxieties, and that they have been constantly pressed by their constituents to make representations to this House; but in spite of this they have not only shown great personal courtesy to me in refraining from harassing enquiries or criticisms, but they have responded with good-will to my representations to them that it would not be in the public interest to discuss the matter until we were in a position to make a definite statement. I hope that I may read into their attitude not merely an expression of personal good-will, but a feeling of confidence that we on this side have been doing our utmost to work out, in the midst of a position of great complexity, a plan which would really be in the best interests of India.

In any case, whatever the reason, I would like to accord to the House my most grateful thanks.

In consultation with the Secretary of State and His Majesty's Government certain arrangements have been concluded in order to ensure that the currency policy announced by the Secretary of State last

[Sir George Schuster.]

Monday may be carried out successfully and in a manner most conducive to the interests of India. There are two special features in these arrangements which I must mention.

In the first place, I am authorised to state that the undertaking given by His Majesty's Government in June last of support for India and reaffirmed by the Prime Minister last week is not in any way affected by the suspension of the Gold Standard in England, and that we are assured of this support of His Majesty's Government for the carrying out of the policy which has been announced. In view of the fact that all the external obligations of the Government of India are sterling obligations, no form of assurance could be more appropriate to India's needs or of greater value. It is in full and confident reliance on this assurance that the Government of India have felt themselves justified in sponsoring the policy.

In the second place the Government of India have had to take into account the possibility that, in present conditions of uncertainty as to the international position, there might be an inducement to speculators to take advantage of unlimited facilities offered by the Government to acquire sterling exchange, and that this might operate to the detriment of genuine traders and of the public interest. The Government therefore propose to take the following course.

The operation of the Ordinance which was promulgated on September 21, will be terminated, and the Government will take powers to control exchange operations, so that their obligations as currency authority to sell sterling can be limited to requirements for genuine trade purposes, for the fulfilment of obligations incurred prior to September 21, and for reasonable domestic requirements. These powers will be based on an Ordinance and rules issued thereunder, the terms of which are being communicated to the Press to-day.

The Government hope to have the co-operation of all banks and other business organisations, so that this system, for so long as it may be required, may work smoothly in the interests of genuine trade.

All banks will reopen for normal business to-morrow, Friday, September 25. In this connection the Government wish again to repeat the assurance given in their communiqué yesterday, that the internal banking position is thoroughly sound, and, that there is not the slightest reason to apprehend any disturbance with normal trade conditions in India. I might in this connection remind the public, in case there are any who have doubts regarding the note issue, that our holding of silver rupees is about 127 crores against a note issue of 148 crores, or to put it in another way, I may say that our stock of silver rupees is about four times the total population of India, men, women and children (Laughter). If, owing to the unexpected declaration of the three public holidays, there is any tendency on the part of the public to display anxiety or to withdraw funds from the banks, the Imperial Bank will render assistance to meet all legitimate demands, and the Government will stand behind the Imperial Bank in their action. It should be made clear that the responsibility for the closing of the banks for three days rests on the Government and not on the banks themselves. The action was taken

in order to give the Government time to assess the international position as regards exchange, to prevent speculation during the first period of uncertainty, and to enable the Government to make arrangements for securing the future position.

That having been accomplished the way is open for the resumption of normal business with complete confidence.

I must now turn to another very important matter, the Government's plan for dealing with our general budgetary and financial position. It was stated by His Excellency the Viceroy in his speech to the Legislature on September 14, that we should shortly be announcing those plans to you. If it had not been for the intervention of a special crisis in the last three days, that announcement would have been made earlier. His Excellency stated that it was essential in these critical times that India should demonstrate to the world her continued adherence to principles of sound finance. The importance of this has, if anything, been increased by what has happened in the last few days. We must balance our current expenditure by current receipts and live within our income. It will have been apparent to all Honourable Members who have studied the financial returns, that the course of our revenue receipts has been falling below our Budget estimates. We are satisfied that we must restore equilibrium and that it would not be sound practice to wait until the next Budget for doing so. It is therefore necessary to introduce an emergency programme in which the main permanent measures towards the restoration of equilibrium must be by way of retrenchment, but in the interval, until the measures of retrenchment can be fully effective, it will be necessary to have recourse to other measures also to ensure immediate equilibrium. I trust that the House will be satisfied with our programme and will find in our retrenchment proposals all those measures to which they attach importance. We shall endeavour to deal honestly and straightly with the position. I have now to announce that our full proposals will be laid before the House on Monday next. This procedure will provide the opportunity for discussing our retrenchment proposals, about which I have been asked so often during the session, and I trust that when they see our full plan all Honourable Members will co-operate with us in doing what we have tried to do, that is to say, in dealing honestly and straightly with the position, thinking only of the public interest at a time of national emergency.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, with your permission, I would like to ask my Honourable friend one or two questions with a view to enable Honourable Members on this side of the House and the public at large to appreciate the exact implications of the statement that the Honourable Member made just now. I would like to know from him, Sir, whether the Government of India have arranged definite credits in their favour by the British Government on which they propose to operate in meeting their sterling obligations and in meeting the demands for reverse councils.

The Honourable Sir George Schuster : I think my statement is sufficiently clear for my Honourable friend. I have told him that we have the assurance of His Majesty's Government that we can count on their assistance. I should have thought that that would have been sufficient in present circumstances.

Mr. R. K. Shanmukham Chetty : That does not make the position perfectly clear. What we would like to know, Sir, is when the help of the British Government will come into operation. Why I am asking this question is this. We apprehend that as a result of a great rush for sterling remittances the gold resources of the Government of India might be depleted, and I would therefore like to know definitely from my Honourable friend whether in meeting their sterling obligations and the demands for reverse councils they would actually utilise the gold resources that they have for the present and then resort to the credits of the British Government or whether they propose to call for that aid immediately.

The Honourable Sir George Schuster : I fully appreciate the importance of my Honourable friend's point and I can assure him that it has the full attention of the Government.

Mr. R. K. Shanmukham Chetty : I would like to have from my Honourable friend another piece of information and to have another assurance. The position of our gold resources to-day is somewhere in the neighbourhood of about 64 crores of rupees, whereas on the 30th August last it stood at 95 crores of rupees, so that we have lost 31 crores of our gold resources during the last one year. I want an assurance from my Honourable friend that they would not allow the gold resources of India to drop below a certain safe limit, and I would like to know from my Honourable friend whether the Government of India have made up their minds what that minimum limit is and whether they propose to stick up to that limit.

The Honourable Sir George Schuster : My Honourable friend in giving figures of gold resources has taken actual gold and sterling securities together. As I informed the House the other day, our actual gold stocks now stand at about 32½ million pounds sterling, that is to say, pounds sterling on their previous parity, and actually exceed by 7 million pounds the value of our gold resources a year ago. My Honourable friend has asked me a question to which I think it would be impossible, and I am sure as a business man he will recognise that it must be impossible, for me as responsible for our currency operations to give a definite answer. If I were to tell him that we will allow our reserves to go down to a particular limit, the whole world would know what we have in hand to support exchange. It is quite impossible for me to answer that question now, but I would again assure my Honourable friend that I am fully cognisant of the importance of the points which he has raised and I would ask him to have confidence in the Government to respect public opinion and the national interests in this matter.

Mr. R. K. Shanmukham Chetty : I quite realise, Sir, that it would not be possible or admissible for the Government to announce to the public at large to what extent they would allow the gold resources to be depleted, but I want that he should be in a position to give an assurance to this side of the House and to the Indian public that they would not allow the gold resources of India to go below a safe limit, and I would like to have an assurance from him that the Government of India, in meeting their sterling obligations, will have that point in view.

The Honourable Sir George Schuster : I can assure my Honourable friend that the Government of India in meeting their sterling obligations will have that point in view.

Mr. R. K. Shanmukham Chetty : I understood from my Honourable friend that in withdrawing the Ordinance and in resuming the plan to sell sterling, they propose to ration the sterling requirements to meet genuine trade demands. I would like to know from my Honourable friend what machinery they propose to set up or what rules they propose to make in determining what are the legitimate demands for sterling. I am asking this question because we seriously apprehend that, unless this is looked into properly, it would lead to a good deal of corruption and it would be against the interests of the public at large.

The Honourable Sir George Schuster : My Honourable friend will have an opportunity of himself studying the regulations in the course of this evening. I will see, if he desires it, that he has a copy. The regulations are of a fairly simple nature, and I believe that they will operate fairly and will not be open to the objections which my Honourable friend apprehends. I think that any further discussion of that matter had better be deferred until my Honourable friend and this House have had an opportunity of studying the actual regulations which we are issuing.

Mr. R. K. Shanmukham Chetty : Only one other question I would like to ask. Am I to understand that there would be no embargo on the export of gold ?

The Honourable Sir George Schuster : It is not quite clear what my Honourable friend means. Embargo on the export of gold by private interests ?

Mr. R. K. Shanmukham Chetty : Yes.

The Honourable Sir George Schuster : There is no provision in the regulations which we have issued till now imposing an embargo on the export of gold.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : While I appreciate fully the difficulties of the Honourable the Finance Member in stating the exact figure below which he will not allow the gold resources of this country to be depleted, is my Honourable friend in a position to state that, in view of the fact that these resources have been very considerably reduced, particularly during the last few months, he will not allow any further depletion ? That statement will convey an assurance which nothing else can.

The Honourable Sir George Schuster : I think I must ask my Honourable friend to be content with the statement which I have made and the answer which I have given to the Deputy President.

Mr. Arthur Moore (Bengal : European) : On behalf of those who sit on this side of the House, I should like to say that we very much appreciate the important statement made by the Finance Member, which in our view is exactly what is required to restore confidence in the country.....

Mr. President : May I draw the Honourable Member's attention to the fact that on this occasion I have permitted Honourable Members to ask questions to further elucidate the statement which the Honourable the Finance Member has made. This is not an occasion when any expression of opinion or a speech can be permitted. Does the Honourable Member wish to ask any questions ?

Mr. Arthur Moore : No, Sir.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Without embarrassing the Honourable the Finance Member, may I ask him whether he intends to throw this open for debate on the floor of this House on Monday—both the retrenchment proposals and his new taxation proposals and also the statement which he has made on the gold resources and the currency policy ?

The Honourable Sir George Schuster : I think my Honourable friend is well aware—and if he will look up the records of the proceedings of this House and his own speeches, he will confirm what I say—that in a general discussion on a Finance Bill it is very easy to make a reference to every possible subject under the sun (Laughter).

Mr. B. Das : Do I take it that it is the intention of Government that Monday will be taken up with the discussion of this subject ?

The Honourable Sir George Schuster : If my Honourable friend is asking whether it is the intention of Government that Monday should be taken up with the discussion of the announcement which I have just made, I would like to inform him that the Government are anxious to ascertain what are the wishes of the House as regards the facilities for discussing that statement. So far as Government are concerned, they would be ready to offer any facility to arrange for one of the two days remaining this week to be utilised for that discussion. We have not had, Sir, any opportunity of discussing this matter with you, but if Honourable Members opposite or the leaders of parties have any proposals to make, I can assure them that Government on their side will do everything possible to meet them.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : The Honourable Member just now said that this Honourable House would have every opportunity of discussing every subject in the new Finance Bill. From that answer am I to understand that his other measures for effecting an equilibrium in the Budget, will be a Finance Bill and that it will also be introduced this session ?

The Honourable Sir George Schuster : My Honourable friend is perfectly correct in his understanding.

Mr. B. Das : When does the Honourable Member wish to move that Finance Bill, on Monday ?

The Honourable Sir George Schuster : On Monday, yes.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I may point out, Sir, that under the Rules and Standing Orders, there can hardly be a discussion on Monday of a Bill that is introduced on that day.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I want to ask two questions. I do not want

to embarrass the Honourable the Finance Member, and from this side we assure him that we will give him all possible facilities to enable him to keep up the credit of this country. My two questions are :

If the value of sterling went down in the world market, then will the value of the Indian rupee proportionately go down, or will he release the rupee from sterling ?

The second question is. Is he prepared to promulgate an ordinance by means of which the flight of gold from India may be checked ?

The Honourable Sir George Schuster : As regards the first part of my Honourable friend's question, it is quite clear that, if the Government maintains its present currency obligations, which is the plan which I have just announced to the House and which was announced also by the Secretary of State on Monday, then of course, if the value of sterling, which is one form by which Government can satisfy its currency obligations, declines in terms of gold, the value of the rupee must also decline in terms of gold ; that is to say, if the pound sterling has been at a discount, as compared with its gold parity value, let us say of $12\frac{1}{2}$ per cent.—and according to the latest quotations it has been dealt in at a discount somewhat greater than that—but let me assume that it stands at a discount of $12\frac{1}{2}$ per cent., that means that the rupee is worth 1s. 4d. in gold. The latest quotation that I saw in New York was that the pound sterling stood at 4.15 dollars, the parity being, as my Honourable friend knows, 4.85 $\frac{1}{2}$ dollars. That I think represents a discount of about $14\frac{1}{2}$ per cent. ; so that the gold value of the rupee, if the rupee is worth 1s. 6d. sterling, would have been reduced to let us say something like 1s. 3 $\frac{1}{2}$ d. This is the position which will exist ; and I would point out to my Honourable friend that, according to all the arguments which have been advanced in the past by the Honourable gentlemen opposite and certain Indian organizations, if those arguments have any force, and if it is in the interest of the country to have a lower gold value for the rupee, then the position in which we are left, by being attached to sterling, is in some ways extremely beneficial to India. You will get what you want, viz., a 1s. 3d. rupee ; we, on the other hand, shall not suffer the disadvantages that we should have to suffer if our currency had depreciated in terms of sterling, in that the rupee equivalent of our sterling obligations would not have been at all increased. I know my Honourable friend is very interested in currency matters, and I would ask him to consider that from his own point of view, that is an extremely advantageous position.

Dr. Ziauddin Ahmad : Am I to understand from the answer of the Honourable the Finance Member that he wishes to connect our rupee with the gold standard and not with the paper sterling ?

The Honourable Sir George Schuster : I know my Honourable friend is a very able mathematician, but I do not know in what form of sub-division of my answer he managed to discover that implication !

Dr. Ziauddin Ahmad : Whatever may be the value of the paper sterling to-day we do not know whether it will remain at that value. Now if the value of the paper sterling went further, will my Honourable friend allow the value of the rupee to go down also ?

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : May I ask the Honourable the Leader of the House when the necessary papers are likely to be distributed to Members ?

The Honourable Sir George Schuster : May I know what my friend considers to be the necessary papers ?

Sir Hari Singh Gour : For example, a copy of the statement, the ordinance and the regulations and other papers which are required for the information of the House.

The Honourable Sir George Schuster : I have already distributed such copies as were available. It will be easy to make more copies and they could be made available to-morrow morning certainly, if that would meet my friend's wishes.

Mr. President : The alternative before Honourable Members is this. If they wish to discuss this subject to-morrow, it will be put first on the Agenda Paper for to-morrow's meeting, and no other business will be taken up till it is disposed of. If, on the other hand, they desire that the discussion should take place on Saturday, then there will be no meeting to-morrow, but the House will meet on Saturday instead. I want the leaders of parties to consult their following and to let me know later what they desire, whether they wish to sit on Friday or on Saturday. I will then adjourn the House accordingly. In the meantime we will proceed with the discussion on the motion before the House.

Sir Cowasji Jehangir : I would respectfully suggest for the consideration of the Government and the Honourable Members that whatever day is fixed for the discussion of this Resolution, we should sit on both the days, Friday and Saturday and work on both days.

Mr. President : At this time I am not prepared to agree to a two-days discussion, because I am not yet satisfied whether it would really take two full days. At present what we are concerned with is to ascertain from the leaders after consultation with their followers whether they want this discussion to be put on to-morrow, or whether they would prefer to have it on Saturday.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL--*contd.*

Mr. Lalchand Navalrai : I rise to support very strongly the measure that has been put forward by the Honourable Member, Sir Hari Singh Gour. Sir, this Bill attempts to amend the Indian Bar Councils Act, 1926, in so far as it aims at creating King's Counsels in India. I do not think many words are needed in support of this Bill, which aims only at one thing, namely, the amelioration of the Indian Bar. What is asked for is to remove the invidious distinction between the members of the English Bar getting silk and the members of the Indian Bar not getting it. The objects and reasons of the Bill are fully given and they give us the history how this Bill has come into this House. The whole Bar of India should be thankful to Sir Hari Singh Gour for having taken so much interest in this matter. He has even seen the Chancellor in England for it. Sir, when his attempt is only to see that the distinction be removed, I do not think that this House should go against the Bill especially when it is being

asked that it should be sent to a Select Committee. I submit that on the contrary there ought to be sympathy for ameliorating the condition of the Indian Bar. The lawyers all over India and all over the world have been useful and are useful to their country and to the people, and I think in a measure like this every one in this House should support it. Sir, there are two reasons which actuated me to lend my strong support to this Bill and they are these. The first is that the attempt is only at removing the discrimination which, as you all know, is an invidious distinction, between Europeans and Indians. Such distinctions have been disturbing the country and I think those days are gone when such distinctions were tolerated and when Europeans were enjoying more privileges and more rights than the Indians. The time is now come when the Indians feel that they should have equal rights, and this Bill aims at equal treatment being given to the members of the Bar in England and in India.

The second reason to be considered is with regard to the recognition of the merit of the Indian Bar. When I heard the discussion to-day, I had an impression that some Members in this House were under the impression that every junior and every senior member of the Bar or many of them will get silk. But that is not so. It will go to only those who deserve it and such will be very few and rare as they are in England. Therefore there is absolutely no reason why this Bill should not be passed.

On this point I must say that the opinions that are given in these papers clearly show that many Judges and many institutions which have been consulted are in agreement on this Bill. I will not take up the time of the House in referring to many of these opinions ; but I feel that I must refer to the opinions which have come from my Presidency--Bombay and its sub-province, Sind. Referring to paper III, I find on page 28, the opinion of the Bombay Government. The Bombay Government have attached several opinions of Judges and of other institutions and have sent a covering letter which I will just now read in which they give no reasons but simply say as follows :

" I am directed to forward copies of the papers noted below and to state that the Governor in Council agrees with the opinion expressed by the Honourable the Chief Justice, High Court, Bombay, and in particular with the first part of that opinion that the Bill further to amend the Indian Bar Councils Act, 1926, is premature."

On this question of the Bill being premature, the Bombay Government advances no reason. But to-day we heard certain reasons which came from Mr. Elliott on this point. I will refer later to certain points mentioned by Mr. Elliott ; at present I am content to say that the Bombay Government itself has given no reasons for calling it premature ; but the papers that are attached to it show that almost all who have given their opinions agree that this Bill should be passed. I read the opinion of the Advocates Association of Western India. They say :

" I am directed by the Council of my Association to state that it has considered the Bill further to amend the Indian Bar Councils Act, 1926, a copy of which was forwarded by you,..... and that it is in entire agreement with the objects and reasons of the said Bill."

Proceeding further I find again that the Bombay Advocates Association says :

" My Association approves of the aim and object of the Bill..... "

Mr. O. Brooke Elliott : May I point out that they go further on to say, "My Council is therefore of opinion that the Bill as drafted is defective", and I was basing my argument on the opinion expressed in the two paragraphs there ?

Mr. Lalchand Navalrai : The Honourable Member should not be impatient ; I shall reply to all his arguments.

Mr. President : Is the Honourable Member going to keep on reading from these papers ?

Mr. Lalchand Navalrai : No, Sir. I shall read only a few lines. The Honourable Member has signified his attitude to me during the recess and many of my remarks would now be not made. I shall read only a few words of the next opinion :

"My Association approves of the aim and object of the Bill to establish an order of King's Counsel in India. Although the Bill in question does not aim at the creation of such an order, we propose that steps be taken to establish it and that the Bill should be passed."

I cannot forget the opinions of my own sub-province, Sind. The Judicial Commissioner's Court has considered this Bill and what they say is this :

"I have the honour to forward herewith copies of the opinions of the District Judges of Hyderabad, Sukkur and Larkana and to state that the Judges of this Court approve of the Bill."

This is what one of the Judges says :

"There is doubtless some force in the contention that the classification for the purpose of seniority was introduced in Act XIII of 1927 on the assumption that some King's Counsel would be created in India from the members of the Indian Bar. This assumption has not yet materialised and the term King's Counsel has for all practical purposes come to mean only those who have taken Silk overseas. Regarded in this light the members of the Indian Bar naturally resent the intrusion of King's Counsel from Great Britain, the Dominions and the Colonies *vis-a-vis* whom they are placed in a position of permanent inferiority."

This is what my learned friend, Sir Hari Singh Gour, has emphasised. He further says that certain hopes were held out and certain assumptions were made that, after the Bill of 1927 became law, the word King's Counsel would be defined. The Act itself, as said in the Statement of Objects and Reasons of this Bill, defines three classes of the legal practitioners, the Advocate General, the King's Counsel, barristers ranking their seniority from the date of call, and advocates ranking from the date of their admission. Now, what is wanted here is that the King's Counsel should include both Indians and English. The fact, however, is that according to the law as it now stands only those that are overseas' barristers can get silk, whereas India should remain as before. I am only asking that this invidious distinction should be removed and it is really necessary that those who are responsible for making that assumption and for creating those hopes must now come forward and fulfil those hopes, for I have seen that the learned Dr. Gour has repeated his statement more than once that the Home Member had at that time shown an attitude that Indians also will get silk as King's Counsel. Any way my submission is that the members of the Indian Bar should be given that distinction. In every walk of life if a man has shown himself to be competent and eminent, he is rewarded. Why should not that be the case here ? I think it is very necessary that this Bill should be sent to Select Committee for consideration.

As I said, I will not take up much of the time of the House ; but I will refer briefly to what Mr. Elliott said. In his eloquent and able speech he dealt very fully with the history of the case and spoke about some difficulties in practice in England. But I must confess that when he began his speech, my feeling was that he was holding a special brief against this Bill ; but I think he was misunderstood even with regard to the attitude of the juniors in Madras. I think the main points he made were only two. One was that there will be a difficulty with regard to the silk being given in India as there is no intermediary between a barrister and a client, and he gave an example of a sandwich. I might point out in that connection that in Bombay and other High Courts there are solicitors who, according to law, have to secure briefs for the barristers. Therefore, it is not correct to say that there is no intermediary between barristers and clients, and that the practice here differs from that existing in England. I may tell the House that if this Bill is passed, that difficulty is not insurmountable, and it can be removed easily. Every High Court can by regulations insist upon every barrister appearing before them through an intermediary. In mofussil towns there is no practice of solicitors, but if this Bill is passed and it is made to apply to all the legal practitioners wherever they are found to be eminent, then that system, if it is so salutary in England, can be introduced here with great advantage.

Sir, I was reading the opinions on this measure, and there is only one which I would like to quote, and that is the opinion of an advocate of the Bombay High Court practising in Sind, who is also a public prosecutor. He is an M.A., LL.B., and Barrister-at-law—Mr. Kishan Chandra. His opinion was invited and he has stated that Sind will not be profited by this Bill being passed. His exact words are :

"In Sind there are no Vakils-Advocates, and there cannot be any until Sind has a High Court which can enrol advocates. It is not clear whether Dominion Silk would be open even to Vakils or Pleaders who are not Advocates."

Referring to the Bill itself, I think the misunderstanding that arose in his mind was on account of his reading a certain portion of the Statement of Objects and Reasons. In that Statement of Objects and Reasons, it is said :

"The only course then left for giving effect to the Statute was either to delete the clause referring to King's Counsel or to institute a Dominion Silk in India open to all Advocates, whether Barristers or Vakils. The deletion of the clause would not be in accordance with the intention of the Bar Councils Committee, not indeed with the principle recognised in the Bar Councils Act."

But I think that rendering is not correct, because the Bill itself refers to all the legal practitioners, and I hope this misunderstanding will be removed now, at least from the mind of the person who has given this opinion. The words in the Bill are :

"The following new clause shall be inserted, namely :

'(a) "King's Counsel" means a person so appointed from among the legal practitioners in India.'

Nothing can be clearer and more comprehensive than this.

Then my friend, Mr. Elliott, said that this Bill is premature. I think if he had said that yesterday with reference to the Press Bill when it was brought here, he would certainly have received the congratulations of the House. He could have said that the Round Table Conference was just sitting to hammer out a constitution for India ; there is already a

[Mr. Lalchand Navalrai.]

pact between Mahatma Gandhi and Lord Irwin, and therefore the Press Bill should not be brought before this House. If he had given expression to such sentiments, he would have earned the gratitude of all Members on this side of the House. I think that is a complete reply to his argument that it is too premature to pass the present Bill. If you are to wait until the new constitution comes, close all the business of the House, and wait till the new constitution comes. Why should you pass only certain Bills and keep certain others until the new constitution comes, particularly a Bill of the nature which is now under consideration?

I must however give credit to my Honourable friend opposite for having opened his mind to me during the short recess. In the observations which he made this morning, there were some things which I and the House too, I think, had misunderstood, but when I talked to him during the recess, I was glad to find that he was entirely in favour of this measure. He has a desire to see that silk is given in India too. His various other arguments which he brought forward were more by way of details which can be considered in the Select Committee. His difference with us is only this, that he thinks that such a high degree of appreciation or distinction to be given to members of the Bar should come only from His Majesty the King direct by a charter. That is also not a difficult matter.

Mr. C. Brooke Elliott : As His Majesty did, Sir, in Canada, I have since been told, by statute.

Mr. Lalchand Navalrai : If this Bill is passed, I ask what objection will there be to move His Majesty the King to give a charter, or what objection will there be if that distinction or privilege is conferred on practitioners by the Indian Legislature with the consent of H. E. the Viceroy, who is the representative of His Majesty the King Emperor?

Then, Sir, I was very sorry that all this criticism should have come from Mr. Elliott. He is a K. C. of Ceylon, and as stated in an opinion in the papers practising barristers in the Dominions and even in the small Crown Colony like Ceylon take the silk.

Mr. C. Brooke Elliott : May I give a bit of information, Sir. In Ceylon the duality of the profession exists between barristers and solicitors to a great extent. When silk was extended to Ceylon, it was on the distinct understanding, as we were informed by the Government, that the duality of the profession continued in that way, and if that ceased, I think probably that silk would be or might be withdrawn from Ceylon.

Mr. Lalchand Navalrai : I think the Honourable Member is too nervous about this. If this Bill is passed, there will be no difficulty in having that practice. But why is the Honourable Member going to object to the Bill now? He must assist us in getting this Bill passed, and these details will be taken care of.

My point is, if Ceylon has got it, why should not India have the privilege? What is asked in this Bill is simply a Dominion silk. I would therefore advise those Members on the opposite Benches not to be alarmed, no harm will ensue if this Bill is passed. This is a matter which concerns only the class of lawyers or the officers of the court as they are called. To object to this most salutary measure would simply mean an attempt

to frustrate the labours of my friend who has taken so much trouble over this Bill. With these words I strongly support the motion.

Sir Lancelot Graham : Sir, I find myself in a somewhat difficult position owing to the vastly interesting statement which was interpolated in this debate by the Honourable the Finance Member. The result is that, I must confess, my memory was somewhat distracted, and I am not quite sure that I shall do my friend Sir Hari Singh Gour justice. I trust therefore that if I appear to be doing him any injustice he will interrupt me freely.

4 P.M.

The first charge of his which I would like to deal with is the charge apparently of complicity levelled against my Honourable friend Sir James Crerar. I understand him to say that, owing to something that the Honourable Sir James Crerar said on the 18th August, 1927, the Government are bound to vote for this Bill. Am I correct?

Sir Hari Singh Gour : What I said, Sir, was never understood by my Honourable friend Sir Lancelot Graham, and therefore I excuse him. (Laughter.) I gave the words of the Honourable Sir James Crerar in 1927 when introducing the Bill amending the Bar Councils Act. Then I said, following the statement that he had made, that he would stand by me if any opposition was offered.

Sir Lancelot Graham : I fail to see the difference between my Honourable friend's explanation and what I have just said. I am very much obliged to my Honourable and learned friend for giving me the details before he made the charge. I was therefore able to get the books. The Honourable Sir James Crerar on the 18th August, 1927, in bringing forward a Bill to amend the Bar Councils Act, said :

"The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee."

I was careful to ask my Honourable and learned friend Sir Hari Singh Gour, what was the precise recommendation of the Bar Committee with which we were concerned. He said, "The recommendations in paragraph 16 of the Bar Committee's Report". I must ask the House to follow me with great care because I am going into some details. Sir, I have in my hands a copy of the Statement of Objects and Reasons of the Bill which was originally introduced by Sir Alexander Muddiman, and its subsequent stages were taken by the Honourable Sir James Crerar in August 1927. In the Statement of Objects and Reasons attached to that Bill I find that the paragraphs of the Indian Bar Committee's Report referred to are paragraphs 18 and 21, not paragraph 16.

Sir Hari Singh Gour : That was already in the original Bill if you see the proviso.

Sir Lancelot Graham : Paragraphs 18 and 21 contain the recommendations. That is what the Honourable Sir James Crerar was talking about when he said that the Bill was a Bill to give effect to certain recommendations. The so-called recommendations in paragraph 16 which are not covered by this Bill are not recommendations at all. What the Bar Committee said in paragraph 16 was :

"It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry."

[Sir Lancelot Graham.]

How my Honourable and learned friend can talk about the recommendations of the Bar Committee being embodied in that Bill on those facts I positively cannot understand. So, I would say that my Honourable friend Sir James Crerar is by no means pledged to support the present Bill.

I should like to ask my Honourable friend Sir Hari Singh Gour one question. I was honestly puzzled about what he said. I did not like to interrupt him. Did I understand him to say that the provisions with regard to King's Counsel did not appear in the earlier Bill?

Sir Hari Singh Gour : They were in the original Bill, and on my motion that particular clause was withdrawn by the late Sir Alexander Muddiman. When that original Bill was in the Select Committee, the whole matter was threshed out and this clause was inserted there.

Sir Lancelot Graham : That is quite right. I am very glad, but as I say, the question really was not before the House on the amendment Bill in 1927.

Passing on from that point, and having exonerated my Honourable friend Sir James Crerar if he should have the courage to vote against this motion (Laughter), I am going to ask my Honourable and learned friend as a lawyer of supreme distinction to give me an intelligible definition of the words "singular unanimity". That is the phrase he used very recently and he should be able to remember it, and I should like to know what he meant by it. I am waiting for a reply.

Sir Hari Singh Gour : Did not my Honourable friend hear me giving the details of the various High Courts and Bar Associations and public bodies, Europeans and Indians, who have supported my Bill? These are the public bodies that count, and whose opinions are generally solicited by the Government and have been solicited in this case.

Mr. President : May I know how long these cross questions will go on?

Sir Lancelot Graham : I was very anxious not to do the Honourable Member an injustice, and that was why....

Mr. President : Every two minutes the Honourable Member wants some explanation or other. At that rate I do not know how long it will go on.

Sir Lancelot Graham : I do not wish to delay the House, but I was myself so surprised at the time that I was unable to avoid an exclamation of surprise when I heard the words "singular unanimity" from my Honourable friend, and at what he said now I am still equally surprised. I am not arguing that there is no opinion in favour of the Bill, I may say that there is a certain amount of opinion in favour of the Bill, very largely from persons who have failed to understand the object of this Bill. But I do say that there is a great weight of well-informed opinion which is solidly against the Bill. I do not propose to read long extracts. I trust I shall not fall into that same happy practice which was confessed by my Honourable and learned friend Mr. Lalchand Navalrai that when you are dealing with a Bill that has been circulated you will only read the opinions on your side. (Laughter.) Sir, I do observe that the High Courts of Madras, Bombay and Bengal—a not altogether insignificant body of opinion—are against Sir Hari Singh Gour's Bill on the very simple ground

that the Bill is entirely premature. I am not here to attack the profession of lawyers in Bombay or in any other part of India. I have the greatest admiration for Sir Hari Singh Gour and other members of the legal profession, but that is entirely irrelevant, and the speakers who have suggested that the object of this Bill is to produce a class of practitioners called King's Counsel in India are entirely mistaken. Sir Hari Singh Gour is not so ambitious as that; he claims to be removing what he calls an anomaly, but he is doing nothing. He is not the King, though he is the king of lawyers. He is not the King and he cannot create King's Counsel in India. I might be permitted to refer to some opinions besides the opinions of the High Courts. There is a certain body called the Bar Association, Calcutta, and I imagine, a body of considerable reputation and weight. They have obviously given very grave attention to this Bill, and I think my Honourable friend claimed support from a passage which occurs at page 11,—I think he quoted page 11. On that page I find they gave what I might call a conditional support. They said :

"My Association is prepared to support an amendment of the Act providing for precedence of local K. C.'s only if the conditions detailed below are jointly and severally fulfilled, but not otherwise."

I do not propose to take Honourable Members in detail into those conditions, but they are conditions which cannot be "jointly and severally" fulfilled. That Association concludes by saying :

"I would repeat that my Association would support the amendment only on each of above conditions being fulfilled but would otherwise oppose it and desire the Bill to be dropped."

There is one other passage, again from Calcutta. It is on page 19 :

"At a meeting of the Calcutta Bar held on the 22nd May, 1931, it was resolved that the Calcutta Bar regard Sir Hari Singh Gour's Bill for the amendment of the Bar Councils Act of 1927 for the creation of Dominion King's Counsel in India as unnecessary and uncalled for, amongst others for the following reasons."

Then six reasons have been given and I do not propose to weary the House by reading them. On the point of collection of opinions, I do not say that we must be bound actually to weigh the opinions and say this side weighs more than that and consequently the House must give its vote to the more weighty opinions. That is not the purpose of circulation. We are not the slaves of the opinions which we solicit, but we do examine them carefully and try to make the best use of them.

Now, to come to what I might call the merits and demerits of the Bill. Here again I find invaluable support from the Honourable the Mover. He said that you cannot legislate for a non-existing entity. Now, Sir, the creation of King's Counsel from amongst the Indian practitioners in India, whether we like it or deplore it, is a non-existing entity and therefore my friend stands condemned out of his own mouth. What he is proposing to do is, as I had occasion to say on an earlier occasion, to take away a privilege from an existing class of practitioners, King's Counsel, and to vest that privilege in a non-existing class of practitioners who are persons so appointed from among the legal practitioners of India. It is freely recognised that the appointment of King's Counsel must either proceed from His Majesty himself or from the Governor General as a result of a delegation to be made in favour of the Governor General. That delegation, Sir, has not yet been made. The great mass of speakers, so far as I can ascertain, this morning were anxious to put before the House the merits of the profession which I have never denied. As to the argument that the merits

[Sir Lancelot Graham.]

of the profession should be recognised by the granting of the rank of King's Counsel, as I have said, the Bill cannot take you a single step towards the creation of King's Counsel in India and until there is the machinery for providing King's Counsel and until there is actually the creation of King's Counsel in India, there is no point at all in providing for pre-audience. The Bill has been condemned generally by many persons, whose opinion I respect, as premature, and I cannot understand how my friend Sir Hari Singh Gour or Dr. Jha or Mr. Aggarwal really think that they are doing any thing towards producing King's Counsel by supporting this Bill. Far from doing that, I think there is a grave risk of their delaying the introduction of King's Counsel in India by supporting this Bill, and my reason for saying that is that it appears to me that the Mover of the Bill has gone out of his way almost to cast a slur upon King's Counsel. King's Counsel now have a certain right of pre-audience. That is to be washed out. No King's Counsel coming from England, however eminent, would be recognised, and the King's Counsel in India is to have pre-audience over him. I do not think, Sir, that is the right way to get recognition of the rank of King's Counsel for Indians practising in India. You are merely offending the powers that be. I have always understood that that is a very dangerous thing to do. In conclusion, I would say quite simply that my Honourable friend's Bill merely consists of that ancient manoeuvre of putting the cart before the horse. It is therefore quite impossible for us to accept the principle of the Bill and to agree in Select Committee to try to get the horse in front of the cart, because we shall not be able to do it. I must therefore oppose the motion for Select Committee.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : If at this late hour I rise to speak, it is not to take up much of the time of the House but to give my whole-hearted support to the principles of the Bill on behalf of the members of the legal profession in Bengal. It is to be regretted that opinions have been collected mostly from individuals who care very little either for the dignity or prestige of the profession. To give pre-audience to King's Counsel who are generally given silk on the recommendation of the Lord Chancellor in England and to deny to members of the honourable profession in India the distinction of silk, is to my mind a grave injustice and lacuna in the statute. If the other Dominions can have silk I do not see why we in India should be deprived of the privilege. There may be some defects here and there in the Bill which my Honourable friend has brought forward, but they can be remedied in the Select Committee. I do not see how the Government can say that they do not accept the principles of the Bill. In fact, I see that many of the Judges whose opinions have been collected are in favour of the principles of the Bill. I support the motion for Select Committee.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I am not interested in this Bill except in my capacity as a Member of this House and as one who has to vote the one way or the other. What I am really anxious about is that there must be able lawyers, good lawyers—not fleeing lawyers.

Mr. Amar Nath Dutt : Is not my friend casting a slur on the profession by speaking of fleeing lawyers ?

Mr. K. P. Thampan : I don't care for my friend's susceptibilities. We must also have able judges who will administer justice impartially without any distinction of caste or creed or race and at minimum cost. So long as that is done, as a layman, I am more than satisfied. I don't care if the lawyers are called vakils, advocates or King's Counsels. There is also another point about which I am equally anxious and it is this. No one of my countrymen, to whatever profession they may belong, should be debarred from rising to the highest rung of the ladder of his profession and there ought not to be any distinction between His Majesty's subjects in India and His Majesty's subjects in the Dominions or for the matter of that even in England. On that point, I hold very strong opinions. So far as the legal profession is concerned, this country has produced many eminent men. So far as my own province with which I am more acquainted is concerned, there were the late Sir V. Bashyam Iyengar, Sir Subrahmanya Aiyar, Mr. V. Krishnaswami Aiyar, Sir Sankaran Nair and even now we have, if I may refer to them, my distinguished friend, Sir C. P. Ramaswami Aiyar and Mr. Alladi Krishnaswami Aiyar, the present Advocate General, who are all stalwarts in their profession. All these eminent men could hold their own against any lawyer in England or in other countries. ("Hear, hear.") That these people are prevented from rising to the highest rung of their profession or treated as inferior to a certain class of lawyers is really a slur on the system of administration. Sir, it has been said that there are King's Counsel in the Dominions and also in little Ceylon. If the Dominions are allowed to have King's Counsel, I do not understand why this country should not have them.

Sir, I have a shrewd suspicion that it is professional jealousy or racial animosity that is behind the opposition to this Bill. Excuse me for saying it ; but I feel so from what I have heard in this House. Sir, I was very much impressed with one thing, that in the Bar Councils Act, to a certain section of which reference is made and which is being proposed to be amended, is a provision made for a species of people who are called King's Counsel. Why ? As long as you do not have such people here in this country and King's Counsels from elsewhere are not recognised as such what is the object of that ? You must either delete that provision in the Act or give effect to it. As a layman I can understand so much. Sir, if the Government of India cannot themselves give effect to it, I submit it is up to them to approach the proper quarters to achieve the object and they will be failing in their duty if they do not do so. My only suggestion is that that provision should not be kept a dead letter. With these words, Sir, I support the motion for reference to the Select Committee.

Mr. B. R. Puri : Sir, about 15 or 20 years ago a Civilian Deputy Commissioner of a district in the Punjab came back to this country after a period of privilege leave and of which he made very good use. For he came back as a married man and brought his wife to this country. On the day that he reached his headquarters all the gentry of the station had gone to receive him, and some of the big *Raises* were there to accord a welcome not only to their Deputy Commissioner but to his newly-wedded wife. The Deputy Commissioner introduced them to his wife as the principal and conspicuous people of the district. The first man stepped forward and shook hands with the young lady. But the Deputy Commissioner stepped in and said, "Oh, my dear, these people neither expect nor deserve such recognition". Well, that incident happened many years ago. At that time the idea was that we people neither expected that we should be shown

[Mr. B. R. Puri.]

the courtesy of shaking hands with a European lady, nor, according to the views which then prevailed, did we really deserve such a concession. At the present day if we approach any subject or any measure in that spirit illustrated by that incident, I think we will be making a fatal mistake; and I would remind some of my friends who are of the same school of thought that they should not approach this subject in that spirit but discuss it on its merits in an honest and academic spirit (Hear, hear).

I submit, Sir, that the weight of those opinions which have been received is entirely in favour of Sir Hari Singh Gour; and my Honourable friend, Sir Lancelot Graham, has contributed precious little so far as his own observations and remarks go. Sir, I carefully listened every word that fell from his lips, but I find, that beyond referring to some of those opinions, he has not told us anything new or original.

Now coming to the merits of the Bill itself, I find that my Honourable friend and a former colleague, Mr. Brooke Elliott, has thrown a considerable amount of light upon this measure which is of a highly technical nature, and the House is really grateful to him for the information which he has laid at the disposal of the House. But I regret I cannot agree with him in the arguments which he has advanced, some of which have been adopted by my Honourable friend, Sir Lancelot Graham. Now the principal argument against the Bill which he advanced was that the tradition of the profession in England was that a K. C. could never come in direct contact with his client. He illustrated it by saying that the relative position of the client and the barrister was that of a sandwich; the solicitor comes in between, and on one side is the client, and on the other side is the barrister, and the two never meet. He said that because in this country the conditions which prevail are entirely different and wholly opposed to the traditions prevailing in England, therefore the conferment of this distinction of K. C. would be incompatible and inconsistent with the dignity of a K. C. and the practice of this country. Let us carefully examine the value and the merit of this argument. I agree that this is the tradition which prevails in England, but this is not a tradition which is only applicable to K. C.'s. It is a tradition by which the members who belong to the utter Bar, those who are stuff gownsmen are also bound. If that be so, then may I ask a very legitimate question of my learned and Honourable friend Mr. Elliott? How is it that the Inns of Court in England still confer the status of an utter barrister on people who practise in India? They confer the diploma and the status of an utter barrister, knowing that these people are going to practise in a country where their ancient traditions cannot be respected and observed. My learned friend, Mr. Elliott, is practising now in a part of the country where that tradition is not observed. He himself conceded that in the course of his practice in this country he comes in contact with his clients directly.

Mr. C. Brooke Elliott: Sometimes yes, certainly.

Mr. B. R. Puri: If that be true, then I say that he is violating the traditions of his profession.

Mr. C. Brooke Elliott: I may say that if one is enrolled as an advocate in Madras, you must conform to the practices in Madras in relation to advocates. With regard to the other question, I do not see how you can import into India English silk with its traditions. If it can be solved, nobody will be more pleased than I.

Mr. B. R. Puri: If as a barrister he is permitted to violate that tradition, does it not *a fortiori* follow that with silk on he would not be committing any greater or higher sin if he did not observe those traditions, the tradition governing the ordinary barristers and K. C.'s being the same?

Mr. C. Brooke Elliott: I would not call it a sin in either case.

Mr. B. R. Puri: If my learned friend, in coming into direct touch with his clients, is not conforming to those traditions, then the only thing he can do is to pack off tomorrow and go back to his country and practise where those traditions are really respected. What difference would it make if today my learned friend were given the distinction of a K. C. and he continued his practice here? What new default or new sin would he be committing any more than he is committing at present? He is violating that tradition now and he would be violating the same tradition then.

Mr. C. Brooke Elliott: Sir, I must really protest. I am violating no tradition. There is a tradition in England and you must not violate it there according to the rules of the legal trade union there. But when you come out here as an advocate and practise as an advocate, you have to observe the local tradition.

Mr. Lalchand Navalrai: Does the Honourable Member mean to say, that if he goes to a country where there are only lame people, he should also be lame?

Mr. B. R. Puri: Sir, am I arguing or are these two people arguing? (Laughter.)

Sir, if this Bill is ever passed, one thing of which I am sure is that neither my friend Mr. Lalchand Navalrai nor myself are likely to get the K. C. and it is therefore not from any personal considerations that I am advocating that the Bill is a perfectly legitimate measure.

Now, Sir, proceeding further, the next point which was urged by my learned friend and old respected colleague Mr. Brooke Elliott was that, before we passed this Bill, it was up to us to ascertain the wishes of either His Majesty or that of His Excellency the Governor General. Now, Sir, I admit that the distinction of a K. C. could only be conferred by His Majesty either directly or through his agents. A case in point is where my learned friend was given the distinction of a K. C. through the Governor General of Ceylon.

Mr. C. Brooke Elliott: By the Governor of Ceylon.

Mr. B. R. Puri: As agent of His Majesty?

Mr. C. Brooke Elliott: Yes.

Mr. B. R. Puri: I submit that if that could be done there, I do not see why the same process could not be repeated here.

Mr. C. Brooke Elliott: Hear, hear; I entirely agree.

Mr. B. R. Puri: What my learned friend wants is that, before we open our mouth, before we say that we are entitled to be created K. C.'s in this country, we should in the first instance phone up the Viceregal Lodge and obtain His Excellency's permission, saying that we are going to discuss this matter and if His Excellency is in an accommodating mood we will continue, otherwise we will stop. Now, Sir, I do not see with what justification this novel procedure is being advocated. All I can say is that my

[Mr. B. R. Puri.]

learned friend need only look at Act XIII of 1927 in order to see that the thing is already there. It is embodied in a legislative enactment.

Mr. C. Brooke Elliott : That is where we differ.

Mr. B. R. Puri : If it is already part of a legislative enactment which has received the assent of the Governor General, what more is needed, it is already in the Statute-book itself. Therefore I say that it does not lie in the mouth of my learned friend to say that we should again start *de novo* and move the authorities to take steps to clothe themselves with the necessary power from His Majesty's Government. It was their look-out and it was up to them, when they knew that such a law was passed to which they themselves had given their assent, to have in the meantime obtained the necessary power in order to be able to carry out an Act which they themselves had passed.

These were the two principal arguments which were advanced by my learned friend and I think this is a plain and simple answer to them. Having regard to the time I do not wish to prolong the debate further.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have listened very carefully to the arguments on this Bill and I must say that I do not understand the relevancy of same. What is the Bill before the House ? It is simply a Bill by which certain privileges which are conferred upon King's Counsel are to be taken away. That is the whole thing and nothing more. Then what is the object of discussing whether King's Counsel ought to be appointed in India and who are to be appointed King's Counsel ? The racial advantages and disadvantages of this question have been discussed threadbare. The grievances which Sir Hari Singh Gour made in the Statement of Objects and Reasons and which prompted him to introduce this measure are contained in paragraph 5 of the Statement :

"The inclusion of King's Counsel and giving them seniority over all Barristers was based on an assumption then made that some Indian Barristers would be granted English Silk and that failing, the Government of India would take steps to establish a Dominion Silk as is the practice even in the smallest of Crown Colonies, e.g., Ceylon and British Guiana.

Four years have since passed but that assumption has not been realised", etc.

His objection is that a junior counsel getting silk in England would be able to practise here as senior, over ripe and senior men. But has that happened in India at all ? If my information is correct, King's Counsel are not allowed, either by procedure, practice, rule or some other thing to practise in India ; and so far as I know, although my experience extends to over 32 years, not a single King's Counsel has ever come out to this country to practise in our courts. The only two King's Counsel who ever came out to India were, as far as I recollect, Mr. Kenrick and Mr. Gibbons. They came out as Advocates General of Bengal, and they practised as Advocates General.

Mr. C. Brooke Elliott : And Sergeant Ballantyne appeared in one famous criminal case.

Mr. S. C. Sen : Take the case of the Calcutta High Court. During my time no King's Counsel ever came out to practise there. As regards Bombay, my information is that no King's Counsel came out there either. As regards Nagpur I have no knowledge, but Sir Hari Singh Gour may be

able to say whether any junior King's Counsel ever came to practise there over his head ; but I do not think such a thing happened. So far as Madras is concerned, my information is the same. Then what is the grievance of which Sir Hari Singh Gour complains ? The old adage that one should be hurt before he cries applies here also. No question has ever arisen as regards King's Counsel, and why should we rush to take out an advantage which has been given by the Bar Councils Act but which, as far as I know, will never be availed of ? In these circumstances I do not see the object or utility of this Bill.

The Honourable Sir James Crerar (Home Member) : Mr. President, it had not been my purpose to take part in this debate. My decision was perhaps based on considerations of prudence and common sense—of common sense because, the particular issues raised in the Honourable and learned gentleman's Bill are issues primarily of interest to lawyers themselves and of prudence because, in a combat in which members of that very distinguished profession are protagonists, an intrusive layman might find his position difficult. Nevertheless, whether I am departing from considerations of prudence or of common sense or whether I am playing a more heroic part, I desire to intervene for a few minutes. My intervention will be very brief and it is merely in order to correct one or two misapprehensions which appear to me to have arisen in the course of the debate. The position which Government take with regard to this Bill has been very clearly and lucidly explained by my Honourable friend, Sir Lancelot Graham, and I should like to take this occasion to deprecate the somewhat unnecessary heat, with which the Honourable gentleman from the Punjab, who I do not see at present here, characterised what appeared to me a perfectly natural expression of a very natural difference of opinion between the Honourable gentleman opposite and my friend on this side. I am sure that Sir Hari Singh Gour will impute no discourtesy to me if I make that observation. I also think it is proper on my part to say a few words because Sir Hari Singh Gour referred to the very brief part which I took in the measure to which he referred as committing me to his present Bill. I cannot, of course, admit this and that point was also made clear by Sir Lancelot Graham. But I have considerations of a more general character which I wish to lay before the House. The general trend of the speeches of Honourable Members who have supported this measure would be almost calculated to give to an observer the impression that they think that any opposition to this Bill must necessarily proceed from a desire to disparage a very distinguished profession, and more particularly those gentlemen in India who with great distinction practise that profession. Nothing is further from my mind. I think that for those of us who have spent long years in India and have identified ourselves with India, nothing can give greater gratification than to recall the very brilliant talents of the many brilliant lawyers that India has produced and with whom we have been brought into contact. Nothing, therefore, could be further from my mind or from the mind of Government than to intend any disparagement to distinguished Indian lawyers by opposing this Bill. Our opposition is based on totally different grounds. If we considered that this Bill was really conducive to raise the status of members practising the profession of law in India, if we believed that the particular method adopted for conferring upon that profession a higher status could be achieved by this Bill, our position would be different. The ground of our opposition is that the Bill—I venture to say with the utmost deference to the legal

[Sir James Crerar.]

talents of the Honourable and learned Gentleman opposite,—the Bill from that point of view is misconceived, whatever its original intention may be, if that is the effect intended. Therefore, I maintain that in opposing the Bill which we feel is not at all calculated to promote that object and may indeed in some respects be calculated to prejudice it, there is no disparagement of the profession of law.

The second point which I wish to impress upon the House was a point which was made with great emphasis and great lucidity by the Honourable and learned gentleman from Madras. He pointed out that India was now at a stage with great constitutional changes ahead and that in particular it is very probable that there will be very great changes in the machinery of the administration of law. He urged that until we know precisely what that position is going to be, till we know with greater precision that it is at the present stage possible for us to know, what kind of picture these new ideas are to present, we should postpone consideration of this matter, and that I think is a very material consideration. It weighs very strongly with me and I hope the House will accept the assurance I have already given that the views which we found it necessary to express on this side of the House do not proceed in the slightest degree from the motive which I fear some Honourable Members opposite were inclined to suppose. Very far from it. The position requires much more careful exploration and if the information we have with regard to the English practice in the matter is found to be deficient, I shall certainly act upon the suggestion of the Honourable and learned gentleman from Madras and take all proper steps to supplement it. These are the grounds very briefly on which we find it necessary to oppose the motion which will commit us to the principle of a Bill which we do not think is calculated to achieve the object in view and which it is certainly premature for this House to be called upon to accept.

Sir Hari Singh Gour : Sir, we have spent the whole day over the discussion of this very short Bill, and I am very sorry to find that no one on the Government Benches has yet explained how that phrase King's Counsel found its place in the Act of 1927. It was up to the Honourable the Home Member to explain what he intended by that phrase in the Act of 1927. That Act was intended to classify the legal practitioners in India and there is a provision in that very Act that the High Court shall enrol legal practitioners in the following order : amongst them occurs King's Counsel. He is the author of that Bill and it was up to him to explain what he meant by putting into the Bill of 1927 an imaginary entity. The Act of 1927 was intended to give effect to the declaration made by the Indian Bar Committee and accepted by the Government of India that the Indian Bar shall be an autonomous Bar. Autonomous Bar means that from top to bottom it will have an individuality and independence of its own. That was the underlying purpose of the Act of 1927.

I, therefore, submit that all the discussion, that has proceeded to-day,—shall we have King's Counsel in India or should we not have King's Counsel,—is entirely beside the mark. You have got it here on the statute of 1927 and what do you mean by it ? The Honourable the Home Member knew full well the weakness of his case and consequently he put up the Legal Secretary, relying fully upon his characteristic frivolity and irrelevance ; and not having any reply to give, all that he did say was

that his head was somewhat muddled on account of the financial crisis and that I should interrupt him as often as I liked so that his speech might be a short and inconclusive one. That, I submit, is all the reply that he has given. He has not been able to take the bull by the horns, which I expected him to do, and the only answer I can give is that my case is unanswerable. My friend refers to a meeting of the Calcutta Bar, overlooking the Resolution of the Bar Association of the Calcutta High Court.....

Sir Lancelot Graham : I read out the Bar Association's Resolution.

Sir Hari Singh Gour : The Bar Association has supported the Bill ; one point they made was that they were anxious to get English silk and not any Dominion silk. As a member of the Calcutta Bar, I can quite sympathise with their feelings. For the last twenty years the Calcutta Bar has been struggling for the distinction of getting English silk as distinct from local silk, and it is on that account that they oppose this Bill, except on the ground they say that, " If we get English silk then we are satisfied and we will support the Bill ". But neither the Calcutta Bar nor anybody nor any Judge has yet explained how you are going to make the provisions of the Act of 1927 effective, unless you define King's Counsel. My friend, Sir Lancelot Graham, says, " Oh ! you are taking away the privilege of the members of the English Bar who have been entitled to practise in India under the provisions of the Act of 1927 ". No Member who had anything to do with the Act of 1927—and I happened to be one of them because I took part and collaborated with the Government through all its stages including Select Committee—if I had once dreamt that there was a secret intention on the part of the Government to let in English King's Counsel under this clause and give them pre-eminence and superiority over Indian counsel, I would have been the last person to sign the report of the Select Committee which culminated in the enactment of this Act. I say if there was any Machiavellian design intended to entrap this House in 1927 by placing upon the Statute-book a terminology which I find is placed there with the secret intention to allow any English King's Counsel and place them in superiority over Indian barristers and Indian advocates, irrespective of their seniority and standing, then I submit that this House has not been a willing Legislature and has not willingly accorded its sanction to the Act of 1927. I cannot ascribe to the Government of that day that intention, and I must therefore feel that the Act of 1927 was an honest Act designed and constructed to give effect to the policy of the Government of India that the Indian Bar shall be a self-contained Bar. That, I submit, is the Act of 1927 and every patriotic Indian, who feels that this country should not be left in a position of subordination, will vote for this motion, regardless of what may happen in the Round Table Conference. We are always told, " Wait till the Round Table Conference ". Will the Honourable the Home Member assure us that he will withhold his Press Bill and his Foreign Relations Bill till the result of the Round Table Conference is known ? Here is a fair offer ; if he is willing to withhold his Bills, I am going to withdraw mine. (Laughter.) And as my friend, Mr. Elliott, says, ask him to include the Budget also. It is all very well to say that, when you do not want us to do anything, we should wait for the Round Table Conference. We have waited for four years, from 1927 till now ; we cannot wait any longer and I therefore press my motion.

Mr. President : The question is :

"That the Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of Section 2), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lakhand Navalrai, Mr. A. Hoon, Mr. T. N. Ramakrishna Reddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Assembly divided :

AYES—29.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Bhuput Singh, Mr.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Ismail Ali Khan, Kunwar Hajee.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Kyaw Myint, U
Lalchand Navalrai, Mr.

Maswood Ahmad, Mr. M.
Pandit, Rao Bahadur S. R.
Patil, Rao Bahadur B. L.
Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Rajah, Raja Sir Vasudeva.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Sir Abdullah.
Thampar, Mr. K. P.
Tun Aung, U

NOES—45.

Abdoola Haroon, Seth Haji.
Abdul Qayyum, Nawab Sir Sahibzada.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crapper, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Naharsingji.
Knight, Mr. H. F.
Lal Chand, Captain, R. B.

Lall, Mr. S.
Leach, Mr. F. B.
Misra, Mr. B. N.
Montgomery, Mr. H.
Moore, Mr. Arthur.
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.
Rama Rao, Rai Bahadur U.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Sykes, Mr. E. F.
Tait, Mr. John.
Todd, Mr. A. H. A.
Young, Mr. G. M.

The motion was negatived.

Mr. President : I understand that it is the general desire amongst non-official Members that we should adjourn now till Saturday. (*Several Honourable Members :* "Yes, yes"), and take up a Resolution on the statement made by the Honourable the Finance Member. That being so, I adjourn the House till 11 o'clock on Saturday.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 26th September, 1931.

LEGISLATIVE ASSEMBLY.

Saturday, 26th September, 1931.

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

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to state that the Council of State has, at its meeting held on the 24th September, 1931, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 16th September, 1931, namely :

1. A Bill further to amend the Indian Mines Act, 1923, for a certain purpose,
2. A Bill further to amend the Indian Succession Act, 1925, for a certain purpose,
3. A Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes,
4. A Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody, and
5. A Bill to amend the Land Customs Act, 1924, for a certain purpose."

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 during the week beginning Monday, the 28th. The business on that day will be the motion to take into consideration the Press Bill as reported by the Select Committee. On Thursday last my Honourable colleague the Finance Member said that he would introduce a Finance Bill on Monday, but it has proved impossible to complete the arrangements in time, and the Bill will therefore be introduced on Tuesday. It is not expected that the Press Bill will be finished on Monday, and it will be taken again on Tuesday. On that day, we shall ask you, Sir, to adjourn the House for a short time after 4-30 until 5 P.M., in order to allow of the Finance Member making a statement at that hour to be followed by a motion for leave to introduce a Finance Bill. For the remaining days of the week on which the House sits—and for this purpose we shall probably invite you, Sir, to direct that the House shall sit on Wednesday, Thursday, and Friday—it is proposed to go on with the Government Agenda now on the paper, that is to say, after the conclusion of the Press Bill the other business which has already appeared on the Agenda will be taken.

As regards the subsequent programme for the Finance Bill, I am not in a position to make any announcement except to say that Government desire to consult with the Leaders of the different Parties in this House before coming to a conclusion.

RESOLUTION *RE* EXCHANGE, GOLD RESERVES AND THE SUPPLEMENTARY FINANCE BILL.

Mr. President : Mr. R. K. Shanmukham Chetty.

The Honourable Sir George Schuster (Finance Member) : Sir, I have received a copy of the motion which my Honourable friend the Deputy President proposes to move, and I wish to refer you, Sir, to the Indian Legislative Rule 24A which reads as follows :

“ Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor General under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with the rules governing the moving of Resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.”

Inasmuch as it has been decided by my Honourable friend to adopt the procedure of moving a motion which is covered by the rule which I have just read out, I find it necessary to inform you as the Member of the Government in charge of the Department to which the motion relates that we find it impossible to give our consent to the third paragraph of my Honourable friend's motion which reads as follows :

“ Further, this Assembly records its emphatic condemnation of, and resentment against, the manner in which far-reaching decisions affecting the financial and economic life of the country have been taken by the Secretary of State for India without any reference to the Indian Legislature, although it was in session.”

I think the House will appreciate that in dealing with the whole matter we have been desirous to afford to the House every possible opportunity for expressing their opinions, but I think that all Honourable Members will also appreciate that as the Government under this rule have to take the active process of giving their consent to the motion being moved, it would hardly be possible for us to give our consent to the particular part of the motion to which I have referred. Therefore, on behalf of the Government, I wish you to accept that expression of opinion and my inability to give consent to that portion of the Resolution being moved.

(At this stage Sir Hari Singh Gour rose in his seat.)

Mr. President : I take it that the consent of the Member in charge as required by Legislative Rule 24A has not been obtained. That being so, the Honourable Member will have to move the motion in the form in which the Honourable Member in charge is agreeable to give his consent. I see that Sir Hari Singh Gour wishes to speak. I should like to know what he has to say on the subject.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : This is what I wanted to say. I do not think the Honourable the Finance Member will raise any objection if we modify the clause, which the Honourable Member has just read out, in the following terms :

“ Further, this Assembly records its disapproval that far-reaching decisions affecting the financial and economic life of the country have been taken by the Secretary of State for India without any reference to the Indian Legislature, although it was in session.”

We merely record our disapproval.

The Honourable Sir George Schuster : I am, I am afraid, unable to recognise any distinction between the words which my Honourable friend

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has just read out and those to which I originally took exception. I am afraid there is no possibility of the Government being able to accept any modification of that particular portion of the motion.

Mr. President : I take it then that the position of the Government is that they will give their consent to the motion *minus* the paragraph to which objection is taken.

(The Honourable Sir George Schuster nodded assent.)

I wish now to know from Mr. Shanmukham Chetty whether he is agreeable to move the motion in the form consented to by the Member in charge.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan) : Mr. President, I have really no choice in the matter. I am fully aware of the fact that under the rules and Standing Orders a motion of this nature cannot be made without the consent of the Member in charge of the subject to which the motion relates. I have not obtained his consent for the motion as it stands on the Order Paper to-day, and if my Honourable friend really objects to my moving that part of the motion, as I said, I have no alternative and I shall certainly move my motion without that paragraph.

Mr. President : I will now call upon the Honourable Member to do so.

Mr. R. K. Shanmukham Chetty : Mr. President, with your permission, I beg to move the following motion that stands in my name on the Order Paper :

“ *WHEREAS* it is apprehended that it would be seriously detrimental to the interests of India to link the rupee to sterling under present conditions ; and

WHEREAS the action of the Government of India as currency authority in maintaining the exchange value of the rupee at 18*½* has had disastrous effects on the agricultural and industrial interests of the country and has resulted in the depletion of the gold assets in the currency reserves ; and

WHEREAS it is further apprehended that the linking of the rupee to sterling and the consequent obligation imposed upon the Governor General in Council by the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931) will result in further frittering away the gold assets to the grave detriment of the financial and economic life of the country ;

This Assembly is of opinion that the Governor General in Council should immediately take such steps as are necessary to ensure that the total amount of the gold and sterling assets in the Paper Currency and Gold Standard Reserves are not allowed on any account to fall below the level at which they stand at present ; and

This Assembly is further of opinion that under the present circumstances it would be in the best interests of the country for the Governor General in Council to take steps to restore the Ordinance No. VI of 1931 and to relieve himself from the obligation imposed upon him by section 5 of the Currency Act, 1927, or by Ordinance VII of 1931, and that in any case if Government are determined to continue Ordinance No. VII of 1931, such obligation ought not to be undertaken unless and until substantial long term credits are forthwith granted in favour of the Government of India in London by His Majesty's Government on reasonable terms and conditions.

With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session.”

Mr. Arthur Moore (Bengal : European) : On a point of order. With reference to the last paragraph, may I ask whether it does not raise an entirely different issue and is therefore out of order under the terms of the Rules and Standing Order ?

Mr. President : The point raised has been very carefully considered by the Chair. At one time it was intended by non-official Members to move a separate Resolution on the subject of the Finance Bill. When some doubts were raised, it was represented to the Chair that the motion which was proposed to be moved at to-day's special meeting was in regard to the statement which the Honourable the Finance Member had made on the floor of the House. In the course of that statement the Honourable the Finance Member did state that he intended to introduce a Finance Bill. It was therefore clear that the Finance Bill formed a part of the statement made by him and therefore this paragraph in the motion is quite in order.

Mr. R. K. Shanmukham Chetty : Mr. President, I thank you for the ruling that you have given on the point of order raised by my Honourable friend, and before I come to the main theme of the motion that I have moved, I would like to say a few words on the last paragraph of the motion with reference to the expression of opinion of this House relating to the intention of the Honourable the Finance Member to introduce a second Finance Bill during the current session of the Assembly. That part of my motion relating to this subject records the opinion of this House that when Government contemplate taking a serious measure of the nature involved in the introduction of a Finance Bill, and the consequent imposition of fresh taxation on the country, it is but natural and proper that Honourable Members on this side of the House should demand of Government that sufficient notice ought to be given to them so that they might be prepared to receive the taxation proposals of the Government and make arrangements to be present in Simla for the consideration of those proposals. It is no doubt true that for the last few weeks informed circles were anticipating the introduction of fresh taxation proposals, but I submit that not one of us, even the most well informed person, imagined that fresh taxation proposals in the form of a second Finance Bill would be hurled on this House at such short notice. It might be argued that when a session is on, it is up to Honourable Members to be present in Delhi or Simla to attend to the business that might come on in the House from day to day, but I submit that the position with which we are faced to-day is entirely different. Every one knows that in the normal course of business during the Delhi Session somewhere in February or March the Government always introduce their financial proposals, and Honourable Members make it a point to arrange their programme with a view to enable them to be present during the discussion of those financial proposals but the position to-day is entirely different. Many Honourable Members before the legislative session in Simla was announced were under the impression that this session would be a very uneventful one. To their great surprise they were presented with the Press Bill and as an emergency measure they did not think it proper to complain of want of notice, but we are not prepared to adopt that course in the case of the Finance Bill. Many Honourable Members have not come to Simla because they thought that there could not be any important proposals coming forward this session and many who were in Simla during the earlier part of the session thought that there would not be any sensational or eventful measure brought forward and consequently many of our Members have left Simla. Under these circumstances I would submit to you, Sir, that it is highly improper for Government to introduce any taxation proposals during this session, and I do hope that my Honourable friend the Finance Member will realise the justice underlying the plea that I am making on behalf of the non-official Members and give due consideration to the point of view that I have urged before him and make some

arrangement with a view to give due notice to Honourable Members about the taxation proposals. When I make this request to him, let me make my position perfectly clear.

We on this side of the House do not want to shirk any discussion of any financial proposals that my Honourable friend wants to bring forward, but whatever might be those proposals and their merits, we are entitled to claim in justice that our Members shall have due notice of those proposals, and I do hope that Honourable Members who follow me will impress upon the Government the necessity for giving due notice to Honourable Members and making such arrangements as may be necessary and advisable, so that due notice might be given. I shall leave that part of my motion at that and I shall now come to the main theme of my motion.

During the last one week we have all been passing through a period of great excitement and the excitement has been all the greater because of the fact that many of us did not know what we were excited about. We all realized that there was something momentous going on around us, but very few realized the gravity and seriousness of the situation with which we were faced, and in face of this serious situation it is no wonder that a great deal of confusion has been caused not merely in the minds of Honourable Members in this House but in the mind of the public at large ; and I would submit that the action of the Government in declaring three consecutive Bank holidays has added to the confusion. In dealing with a matter like the one raised in my motion, I quite realize that it is difficult to avoid technicalities to a certain extent, but that it is also necessary to make the position clear even to those who do not ordinarily trouble themselves about these things. I will therefore, Sir, attempt to cover in my speech the main grounds in three aspects. I will first of all attempt to give Honourable Members a narrative of the facts which have led to the present position. I shall then indicate to them the manner and the method which the Secretary of State has thought fit to adopt and the implication of the measures that he has imposed upon this country ; and lastly, I shall try to explain to Honourable Members what the apprehended economic and financial consequences of the proposals made by my Honourable friend are.

Last Monday morning at half past eight, we heard the startling news that Great Britain had gone off the gold standard. Before last Monday, anyone in England who took to the Bank of England currency notes was entitled to demand, in return for those notes, a certain amount of gold at a rate fixed by statute. The effect of the announcement made on Monday morning was that the Bank of England was relieved of the obligation to give gold in exchange for currency notes. Even before we got out of the shock caused by this announcement, we heard the statement that my Honourable friend, the Finance Member, made in this House that H. E. the Viceroy had issued an Ordinance relieving the Government of India as the currency authority of the obligation to give gold or sterling exchange in return for rupees or currency notes. Under the Currency Act of 1927, the Government of India as the currency authority of the country are bound to give to anyone who took currency notes or rupees either gold in exchange or sterling remittance at the rate fixed in that Act. The meaning of the announcement made by my Honourable friend on Monday morning was that the Government of India as the currency authority was relieved of this

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obligation. Sir, it took some time for us to realize the implications of this momentous step taken by the Government in Great Britain, and the consequential step taken by the Government in India. But before we recovered from our confusion, we heard the startling news across the wires that the Secretary of State made before the Federal Structure Committee a statement which was absolutely contrary to the statement made by my Honourable friend here at 11 o'clock that morning. Sir, it is not given to us to know the secrets that pass behind the room where meetings of the Executive Council are held, nor is it open to us even to have a glimpse at the messages that flash across between Whitehall and Simla : but, reading between the lines, we can picture to ourselves the events of that day. Evidently my Honourable friend, the Finance Member, had a very unpleasant dish at his breakfast table that morning in the form of a telegram announcing the abandonment of the gold standard by Great Britain. And I take it, though I have not first-hand information on that point, that he immediately got into his rickshaw or mounted his pony—I do not know which—and rushed to Viceregal Lodge ; and I do not know if he took his Secretary, the Honourable Mr. Denning, with him, but certainly he must have rushed to Viceregal Lodge and he must have told the Viceroy that something had gone wrong and presumably he asked him to put his signature to a certain Ordinance. Soon after the Ordinance was issued, I take it the Government of India sent a copy of that across the wires to the Secretary of State, and the Secretary of State and his officers were evidently startled by this news that was flashed out from Simla : and without losing a moment, the Secretary of State hurried to the Federal Structure Committee in the same hurry, but perhaps in a motor car (Laughter) and there announced to them what in effect comes to this. “ The Finance Member has acted in a manner which I consider is not in the interests of India and England. He certainly has acted without my consent. He has no business to act in that manner. I therefore overrule what he announced there three hours ago and I tell you, gentlemen, that in the interests of India again I have determined to maintain the rupee linked to sterling (Hear, here).” That, Sir, was the dramatic episode which, though I have not witnessed it, I can very well imagine must have taken place on Monday between 11 o'clock in the morning and 4 o'clock in the afternoon.

I want Honourable Members to realize this, that the announcement made by the Secretary of State at the Federal Structure Committee is the direct negative and opposite of the statement which my Honourable friend made in this House and of the policy enunciated in the Ordinance promulgated by the Viceroy. Sir, with regard to a matter vitally affecting the economic life of India, I would rather trust the Finance Member of the Government of India as compared to the Secretary of State in London. (Loud Applause.) When my Honourable friend, the Finance Member, was on Monday faced with a serious situation, he, whether consciously or unconsciously—I hope and believe consciously—acted on his first impulse and did something which was really in the interests of India. And I would take this opportunity of tendering to him the thanks of this side of the House for having acted in the interests of India. (Loud Applause.) In tendering him my thanks, I know I am creating an embarrassing situation for my Honourable friend. I am not going to ask him the direct question whether, when the Secretary of State cancelled his announcement, he consulted the Honourable the Finance Member of the Government of India.

I do not want my Honourable friend to answer that question, I know the answer myself. Sir, my Honourable friend took objection to that part of my motion which relates to the condemnation of the Secretary of State's action. But I am glad that you cannot prevent me from saying what I feel on that subject. The Indian Legislature was in session ; the Finance Member of the Government of India as the man on the spot must be trusted to know what was in the best interests of the country when the country was faced with a crisis of this nature, and yet what happens ? Without reference to the Indian Legislature, and I say without reference even to the Government of India, the Secretary of State, acting on the advice of the financial interests in Great Britain, prescribes to us and imposes upon us a policy the result of which will be disastrous to the economic welfare of this country. I know the limitations of my Honourable friend the Finance Member and the Government of India in this matter. I know that they are subordinate agents of the Secretary of State. I know that if in the place of my Honourable friend the Finance Member there were a Minister responsible to this Legislature, and if that Minister were overruled by a higher authority, he would have had no option but to tender his resignation. I do not want my Honourable friend the Finance Member to tender his resignation. I do hope that, in spite of his having been ruled out by higher authorities, he will still remain with us and carry on the burdens of the Finance Membership of the Government of India. But, Sir, though the Government of India as the subordinate agents of the Secretary of State can pocket this insult, we on this side of the House, representing the people of this country, are not prepared to pocket this insult. If really the Secretary of State thought that the Finance Member had committed an error of judgment, if the Secretary of State and his advisers honestly thought that the course recommended by my Honourable friend the Finance Member was not in the best interests of the country, even then I submit, it was up to the Secretary of State, in consultation with the Government of India and with their approval, to bring before this House the necessary measures to effect legislation embodying his proposals. Instead of doing that what has happened ? The Ordinance issued by the Viceroy on Monday morning under the advice of the Finance Member was cancelled within three days ; a new Ordinance has taken its place, and I ask how long is this Ordinance to be in force ? When the power of making Ordinances was vested in the Viceroy, was it not the intention of the authors of the Government of India Act that this power of making Ordinances must be used by the Viceroy only in great emergencies when the Legislature was not in session, or if the Legislature was in session but refused to give assent to the proposals of the Government ? This Ordinance No. 7 of 1931, that was issued three days ago, alters one of the fundamental provisions of the Paper Currency Act of 1927, an Act passed by this Legislature. And I put it to the Government whether it is treating the House fairly and justly to cancel one of the main provisions of an Act of the Indian Legislature by an Ordinance of the Viceroy when the Legislature is in session. I am prepared to grant that when they were faced with an emergency and a crisis of this nature, it was certainly the duty of the Viceroy, acting under the advice of his financial advisers, to issue any Ordinance that he pleased. But I also submit, Sir, that the Government of India ought to take the earliest opportunity of bringing before this House the necessary legislation embodying the provisions of that Ordinance. That Ordinance was issued three days ago and we have not yet heard from the Government whether they contemplate bringing before this House any Bill incorporating the provisions of that Ordinance ; and so long

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as the Government of India fail to do that, it would be a serious insult to the non-official representatives in this House, an insult which they can protest against only by giving expression to their feelings in this House and by passing the motion that I have tabled today. I therefore hope that apart from the technicalities of the motion involved, every non-official Honourable Member in this House, including my Honourable friends of the European Group, will realise the implications of the step taken by the Viceroy in issuing the Ordinance and the reluctance shown by the Government of India.

(8) Volume VI, No. 3, dated 26th September, 1931, page 1062, line 11, insert the word "in" before "London".

London discussing the question of delegating to the representatives of the Indian people more powers over internal affairs, at that time we find the Government of India acting under the instructions of the Secretary of State depriving this House even of the little power entrusted to it by the Government of India Act; and I ask the Honourable Members whether they are prepared to tolerate a position of that nature. (*Cries of "No, no."*) If they are not prepared to tolerate that position, they have no other course but to walk with me into the lobby when the motion is put to the vote.

Having said so much about the arbitrary action of the Secretary of State in over-ruling the decision of the Government of India and in imposing his decision upon the Indian people, I should like to say a word or two about the implications of the action of the Secretary of State. The action of the Secretary of State comes to this, that the Ordinance issued on Monday morning stands cancelled, that the provisions of section 5 of the Paper Currency Act stand cancelled. In place of that the obligation is imposed upon the Government of India as currency authority to sell sterling at the statutory rate for legitimate trade and other purposes. The position of our rupee, Sir, the currency of our country, has undergone many vicissitudes within three days. On Sunday evening every rupee that we had in our pockets was linked to gold through the medium of sterling. On Monday morning it was linked neither to gold nor to sterling; on Monday afternoon it was linked by the Secretary of State to sterling as divorced from gold. These are the vicissitudes through which our national currency has passed, and let us take stock of the position today. I want to explain to Honourable Members in the briefest manner possible the economic and financial repercussions on our country of this step taken by the Secretary of State. In order to enable Honourable Members to follow me in my arguments, I must ask their indulgence if I take them back in historical retrospect just for a few years and ask them to rivet their attention on what took place in the years 1926 and 1927. The ashes of controversy are still hot in the furnace and I do not want to take this opportunity of kindling the fire again.

We all remember the public agitation that was caused as a result of the determination of the Government of India to fix the exchange value of the rupee at 18d. The Indian commercial and public opinion in 1927 emphatically protested against the contemplated action of the Government of India and Indian commercial opinion was practically unanimous that if the rupee was fixed at 18d. gold would lead to serious consequences to the great detriment of the economic and financial interests of the country. We were told at the time that we were indulging in

a jeremiad, that we were picturing to ourselves a gloomy state of things which was not warranted by the economic conditions of India and the world as they existed then. We were told that India would not suffer but stood to gain by linking the rupee to 18d. in gold. But, Sir, subsequent events have proved that the apprehensions that we entertained in those days were not altogether unfounded, that even though other causes have intervened, even though other phenomena have occurred in the world during the last five years, the fact yet remains that the step that the Government of India took in 1927 in fixing the exchange value at 18d. against the almost unanimous wish of the Indian public, has resulted in serious economic consequences to our country. What has been the result? As a result of the attempt made by the Government to maintain the exchange value of the rupee at 18d., there has been a contraction of currency in this country to an extent which cannot, in any circumstances, be justified. By contraction of currency is meant withdrawing of actual currency from circulation, and how much of currency was withdrawn in 1926-27 soon after the Bill was passed? Contraction of currency took place to the extent of 29½ crores in that one year. In 1927-28, 4 crores and 10 lakhs were withdrawn. In 1929-30, 32 crores and 41 lakhs were withdrawn. In 1930-31, 38 crores and 64 lakhs were withdrawn, and during the last five months of the current financial year, 36 crores worth of currency have been withdrawn. The total comes to 138½ crores of currency withdrawn from circulation. I would ask Honourable Members to realise what the economic consequences in the country will be when you withdraw from circulation currency to the extent of 138½ crores of rupees in the course of four or five years. The result has been stringent money conditions. Agriculture and industry have been starved of the necessary funds to carry on current operations. The Bank rate has been kept high and all these have resulted in creating enormous difficulties to the vast agricultural population of this country and in practically crippling the resources of the industries of this country. Nor was this the only effect of the attempt of the Government to maintain the value of the rupee at 18d. Our gold assets have been frittered away. On the 30th April, 1926, our gold assets stood at 51 crores of rupees in the form of sterling securities, and 30 crores in gold bullion, to which was added in 1928-29 2.45 crores of rupees gold bullion, in 1930-31, 1.89 crores and in 1931-32, about 9 crores, so that the total gold reserve that we ought to have to-day is 124.3 crores. As against that, what is the gold reserve that we are left with to-day? To-day, our gold resources, taking the gold bullion and sterling securities together, stand at only 58 crores of rupees. The meaning of this is that within the last four or five years we have lost our gold resources to the extent of 66½ crores of rupees. I know I will be told that the diminution in the gold reserves ought not to be wholly attributed to the attempt of the Government to maintain the exchange. I know that I will be told of the flight of capital abroad, and that the extraordinary political conditions that prevailed in the country have contributed to this diminution of our gold reserves; but even making allowance for all these extraordinary factors, I still maintain, Sir, that if it were not for the attempt of the Government of India to maintain the exchange value of the rupee at 18d. our gold resources to-day would have stood in the neighbourhood of 124 crores of rupees instead of the 58 crores at which they stand to-day. My Honourable friend, the Finance Member, wanted this House to go away under the impression that our gold has increased by nearly 7 millions

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as compared with the last year. He would pardon me if I venture to say that his statement is a half-truth. So far as it goes, it is technically correct. But, Sir, when we talk of our gold resources, we do not only take into account the gold bullion that we have, but we have to take into account the sterling and gold securities that we have, and I submit that if you consider your gold assets, taking into account both the gold bullion and sterling securities, the fact remains that during the last five years our gold resources have been depleted to the extent of 66½ crores. What is the nature of the gold which has come into the currency charts and about which my Honourable friend, the Finance Member, spoke? He spoke of the currency authorities having acquired seven million pounds of gold. But I do not know how many Honourable Members know the fact that these seven million pounds of gold were not attracted into the currency treasuries as a result of the expansion of our export trade, but these seven million worth of gold came from up-country, and it is what is called distressed gold. This seven million worth of gold is the gold that the poor people have had to part with in the villages as a result of the depression and crisis with which they were faced. This seven million worth of gold is the accumulation of small quantities of gold which the poor man and the agriculturists in the villages had to part with to purchase the necessary articles of food for themselves and this phenomena of seven millions worth of gold coming into the currency reserves is not one on which we ought to congratulate ourselves. But that is neither here nor there. What I want to impress upon Honourable Members is this, that our gold resources to-day have been depleted to the extent of 66½ crores of rupees. Nor is this the whole story. In the effort to maintain exchange, we have not merely depleted our gold reserves to the extent of 66½ crores of rupees, but we have incurred additional sterling liability to the extent of 52 million pounds or about 70 crores of rupees. The meaning of that is this, that within the last five years, to maintain exchange, in addition to the depleting of gold resources, we had raised money in London to the tune of 70 crores of rupees and to-day India is burdened with an external debt of 70 crores of rupees more than what it was five years ago and that certainly is not a matter on which we can congratulate ourselves.

I am not one of those who attribute all the economic ills of India to the ratio. I am not one of those who believe that a 16d. ratio is the panacea for all the economic ills of the country. But I certainly believe that the economic crisis through which we have been passing has been seriously accentuated by the policy of the Government of India in maintaining the exchange value of the rupee at 18d. Most modestly put in that way, no one can challenge the accuracy of my statement. Government have been deaf to the demands of the Indian public in this matter. They were actuated by motives of prestige, and whenever there was a discussion on any form about the exchange value of the rupee, the Finance Member repeatedly assured India and the world at large that the Government were determined to maintain this exchange value of the rupee and that they had enough resources to maintain that obligation. They were deaf, I say, to Indian public opinion: but an opportunity came to them unexpectedly last Monday morning. What they could not do in response to Indian public opinion they could have done on Monday morning. I would not be the cynic to say that England's difficulties are India's opportunities. But on Monday morning the position was this; the

difficult situation in which England found herself that day and her consequent abandonment of the gold standard in England certainly offered a splendid opportunity for the Government of India to retrieve the mistake of the last five years and again to put the rupee on a proper basis. Acting on the first impulse my Honourable friend the Finance Member acted that day in a manner that was in the best interests of the country. But unfortunately he was overruled by the Secretary of State. Can there be any justification for this action taken by the Secretary of State? England abandoned the gold standard on Monday morning, because there was a flight of money from England and there was a demand for the gold which was in the vaults of the Bank of England. Was not that in a lesser degree the same position in which we found ourselves that day. Has it not been the case that the Government of India's sterling resources have had to bear a tremendous strain during the past few months in meeting sterling obligations? England and India, I submit, were faced with the same problem and the same crisis; and if the abandonment of the gold standard was good for England, I ask, was it not good for India also? What is sauce to the English goose must certainly be sauce to the Indian gander; and yet India was not allowed to adopt a course of action which England with her enormous resources thought necessary to adopt in a time of crisis; and a new standard of exchange value was imposed upon us. And that standard has been imposed upon us in the name of stability. The Government of India have in season and out of season sung the song of stability of exchange. I am all for stability ("Hear, hear" from the *European Benches*), but I am not for phantom stability, coupled with real insolvency. ("Hear, hear" from the *Nationalist Benches*). I repeat that I am not for phantom stability and real insolvency, and that is the position with which we are faced to-day.

Mr. B. Das (Orissa Division : Non-Muhammadan) : They will not be insolvent : it is we who will be insolvent.

Mr. R. K. Shanmukham Chetty : If the song of stability has been sung all these years, I ask my Honourable friends on that side of the House, have we now been placed on a stable basis? Has the Ordinance promulgated three days ago placed our currency on a stable basis? It has not. It has been tied to the chariot wheels of sterling to go the way of sterling, whatever it may be; and I ask, with sterling divorced from gold, do you call a rupee linked to sterling a stable currency?

Therefore we are faced with a position of instability; and that instability is not of our making. Our only complaint is, why add to the difficulties of our unstable position by imposing upon us a scheme of things which will lead to insolvency and nowhere else? Be it remembered that the Act of 1927 fixed the exchange value of the rupee at 18d. gold and not at 18d. sterling. In the very first sentence of the speech which Sir Basil Blackett made on that occasion, he made it perfectly clear that the object of the Currency Act of 1927 was to fix the exchange value of the rupee at 18d. gold; and with all the boasted resources of the Government of India, backed by the enormous resources of His Majesty's Government, where, I ask, is that 18d. gold rupee? The 18d. gold rupee has gone in spite of the attempts of the Government of India to maintain it; and let it be realised by my Honourable friends to-day that in spite of the phantom stability, we are not on the basis of 18d. gold but we are on the basis of 18d. sterling, at the mercy of the fortunes of sterling. In other words we have abandoned the practical gold standard on which we have been

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working from 1927, and we have been linked to the new standard which might be called a sterling exchange standard. Can there be any justification for the Secretary of State to take such a momentous step to bring about such a radical alteration in the value of our currency without consulting Indian public opinion, and without consulting the Indian Legislature? There can only be one answer to that question, that there cannot be the slightest justification.

The Ordinance issued three days ago in accordance with the announcement made by the Secretary of State is sought to be justified on two grounds. Firstly it is maintained that since our obligations are mainly in sterling, it will be in the best interests of India to be linked with and stabilised in terms of sterling; and secondly it is maintained that, if we go away from 18d. sterling to a lower level, it will create budgetary difficulties for the Government of India. Now, I want my Honourable friends to analyse the reasoning underlying these two propositions. Our obligations in sterling are to the extent of £35 millions. But, I ask, in determining the value of your rupee, are you to be guided only by your sterling obligations? The total value of the foreign trade of India in the year 1929-30 was Rs. 559 crores. Out of this total, the share of the United Kingdom was only Rs. 172½ crores. In other words, while the value of our trade with the United Kingdom is only Rs. 172½ crores, the value of our trade with the other countries of the world is Rs. 386½ crores. Are you going to keep in mind the welfare of this enormous volume of trade which we carry on with the rest of the world, or are you going to regulate your currency policy with a view only to meet your sterling obligations? I submit in the interests of the trade of our country, you must pay greater regard to the volume of trade that this country carries on with the rest of the world. Take again the argument about the budgetary difficulties which might be created.

12 NOON.

My Honourable friend, in answer to a question the other day in this House, said that if exchange was reduced from 1s. 6d. to 1s. 4d. sterling, there would be a deficit of five crores in the Budget. To put it the other way, it comes to this: by having exchange at 1s. 6d. rather than at 1s. 4d. you practically save five crores. Surely if the Government of India save to the extent of five crores by a change amounting to two pence in the exchange value of the rupee, may I ask who pays these five crores? Surely, these five crores do not fall from the heavens. I maintain that ultimately to make this deficit of five crores of rupees, the Indian agriculturist is probably mulcted to the extent of 50 crores. Is budgetary consideration the only consideration to be kept in view in regulating your exchange policy? My Honourable friend the other day, in a sarcastic manner, twitted us for believing in a depreciated rupee, and it has often been thrown at us our face that if 1s. 4d. was beneficial to India, 1s. 2d. must be more beneficial and 1s. must be still more beneficial and so on *reductio ad absurdum*. Can I not turn the table on my Honourable friend and ask if in the Budget at 1s. 6d. means a saving of five crores, 1s. 8d. means a saving of 10 crores, 1s. 10d. means a saving of 15 crores, 2s. means a saving of 20 crores, ultimately with three shillings there should be no taxation in India at all. Surely no student of finance can be frightened away by an argument of that nature. If to-day we believe in the beneficial effect of a depreciated currency, it is because, like other things, this lesson also we have learnt from England. It is because men

like Professor Keynes, and journals like the *Economist* have been singing the praises of a depreciated currency. Professor Keynes wanted the British Government to fix the exchange value of the pound at a lower parity. Professor Keynes and other economists in England have always maintained that the prosperity of France and of Belgium are in a large measure due to the fact that they had depreciated their currency. Soon after the war while France and Belgium depreciated their currency, while other countries depreciated their currency, India was the only example, of a country, which appreciated her currency, and that to-day has landed us in all this mire. These two advantages claimed for the 1s. 6d. are therefore more illusory than real.

But my objections to this present scheme are really more fundamental. I maintain that as a result of the obligation imposed by Ordinance VII of 1931, there is still a danger of the depletion of our gold resources. No doubt my Honourable friend would say they have provided for the rationing of sterling that they will sell sterling only for trade and other legitimate purposes; in other words, that they have guarded against the speculator coming into the field and putting a strain on the demand for sterling, but I would put it to my Honourable friend that there is a limit beyond which he cannot succeed in that object. The speculator and the man who wants to remit sterling to England for other than legitimate purposes would always get his sterling requirements by purchasing export bills, and the man who wants to meet his import bills will always go to the currency authority, and under the Ordinance demand sterling at 1s. 6d. Where then have you stopped the speculator? I submit that in spite of all the precautions taken in that Ordinance, the result will be the depletion of our gold reserves as a result of this illusory claim. It is here that I want to say a word about one paragraph of my motion, that if the Government want to persist in their policy, let them not at any rate touch one ounce of our gold reserves. If they persist in carrying out that policy, let them arrange with His Majesty's Government to open long term credits in London at reasonable rates. When I make this proposal, let me not be understood as acquiescing in the policy of the Government of India. But knowing as I do the limitations of the power of this Legislature, knowing as I do that our voice will be like the voice of one crying in the wilderness, I say that for God's sake, if you are going to pursue a policy which we consider to be ruinous to India, do not touch our gold reserves. If my Honourable friend can succeed in persuading His Majesty's Government in spite of all their difficulties in their own home, if he can persuade them to give to the Government of India substantial long term credits at favourable rates, then he will have mitigated to some extent the otherwise evil effects of his policy. I am not prepared to say anything more or anything less on that point.

My fundamental objection to this whole new scheme, therefore, is firstly, that it will deplete our gold resources. Secondly when you begin to examine this question in detail you find that it is again our old friend Imperial preference to England in another manner; while our rupee is allowed to depreciate in terms of gold and in terms of the other currencies of the world, it has been kept at the same level with regard to sterling, and the result of that will be that the importer of goods from England will have a better advantage over an importer from Japan or any other country. Here again we are having the principle of Imperial

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preference in another manner. Lastly, I come to the most important objection. I said that the rupee has been linked to sterling. What is the ultimate consequence of such a course? The rupee is tied to the charriot wheels of sterling, and in relation to gold it must follow the fortunes of sterling. I do not anticipate that England will for ever remain off the gold standard. It may be that after six months or one year or two years England might think that the time had then come for her to go on a gold standard again, and if such a thing happens in England, we will also automatically go on the gold standard; with what consequence? Every country must restore the gold standard and fix its currency in terms of gold with due regard to the economic condition of that country. But under the present circumstances, irrespective of the economic conditions of India, irrespective of the intrinsic value of our currency, the moment the economic conditions in England become propitious for the linking of sterling to gold, we will automatically be linked to gold. That, I submit, is a danger, the possibilities of which are far-reaching, and the consequences of which I dread to imagine. I hope I have made it clear to my Honourable friends that the Secretary of State has imposed upon this country, and I would say, against the wishes of the Government of India, a scheme which is not in the best economic interests of the country, Mr. President, it is a strange irony of fate that at a time when our delegates in London are discussing constitutional advance, when the representatives of the Indian people are fighting for the political emancipation of this country, the Secretary of State by one stroke of the pen should subject us to an economic slavery which has been unheard of or unthought of even in the melancholy history of India. (Applause.)

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : We are providing the world to-day with the unusual spectacle of the Legislature of a country which is supposed to enjoy a fair measure of self-government, having to content itself with passing a Resolution expressing its condemnation and apprehensions about a policy embarked upon without the least reference to them, a policy greatly detrimental to the vital interests of the country.

Sir, last Monday, my Honourable friend the Finance Member stated to this House that, as Great Britain had decided to go off the gold standard, the Government of India were obliged to suspend the operation of section 5 of the Currency Act, which imposes an obligation on them to sell sterling or gold at their discretion. A few hours later, the Secretary of State announced to the Round Table Conference that in view of the action taken by Great Britain, it had been decided that the rupee should be linked to sterling. Sir, I regard it as a very eloquent commentary on the system of Government under which we live, that a gentleman sitting 5,000 miles away,—and I wish it to be distinctly understood that I am not referring to the present Secretary of State—for whom personally we have respect though not for his political convictions—or any one individual.....

Mr. B. Das : I have no respect for him.

Mr. H. P. Mody : I say, Sir, that it is an eloquent commentary on the system under which we live that a gentleman sitting 5,000 miles away, whose acquaintance with India has often been confined to what

he has seen of her on the map, who probably has come from the Admiralty or from managing the Duchy of Lancaster, and whose knowledge of economics and finance cannot, in the best of circumstances, be very profound, should by a stroke of the pen be able to lay down and carry out policies which may mean life and death to the vast masses of the population. And, Sir, it has not been the case in the past that these gentlemen ruling our destinies from Whitehall have done the best by this country. The financial muddles of which India has been made the victim in the course of the last 10 or 15 years have contributed in my opinion materially to the very parlous state in which the agriculturist and the industrialist in India finds himself. Therefore, there is not even this justification that a benevolent Providence is looking after us, and that it does not matter whether we are consulted about our own affairs or not.

Sir, I hope that my Honourable friends on the Treasury Benches will realise that an unanswerable case has been made out for those who insist that in the next constitution India should have complete fiscal and financial independence, the complete right to manage or mismanage her own affairs.

My Honourable friend Mr. Chetty has anticipated me in a great many of the things which I wanted to say, but I shall try and avoid the ground which he has covered so ably. I should like to say a few words about the policy which was announced on Monday, and in this connection it is a matter of very considerable regret, a tragedy, that my Honourable friend who was not responsible for the policy which has brought such disasters upon the agricultural population, should not hitherto have seen his way to reverse that policy regardless of consequences. In England, under similar circumstances, a decision has been taken which has far greater implications, which means far more to a country which is the financial capital of the world, than a reversal of the policy could possibly mean to India. When England found that she could no longer maintain the gold standard, she immediately broke off. In India under similar circumstances, my Honourable friend did not find it possible to break away from a policy for which he was not responsible, and which I am sure in his heart of hearts he must have deplored.

There is another point that I wish to make in this connection. During the last few days, from all parts of India criticisms of the announcement made by the Secretary of State have poured in on every one of us here at Simla. Many people have contended—responsible people, responsible commercial bodies, that this was a heaven-sent opportunity of doing away with the ratio and letting the rupee drift for itself. Sir, my Honourable friend the Finance Member has attempted no reply to these arguments. The other day he had the opportunity of placing the House in full possession of the various reasons which have induced the Government of India and the Secretary of State to peg the rupee to sterling. I take it, Sir, that the main object of pegging the rupee to sterling was to ensure the stability of the rupee. What I want to know is—is the rupee any more stable to-day, when linked to a very wobbling sterling, than it would be if left to look after itself? During the last few days, from 4.86 sterling dollar exchange it has come down

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to 3.82, and the rupee to-day is worth 14½d. I want to ask my Honourable friend if he can cast his eyes into the future and hazard a speculation as to what the rupee would have sunk to in these four or five days, if left to take care of itself. The danger of instability has increased in the last day or two. Yesterday we heard that Japan was thinking of going off the gold standard. I do not know how far that rumour is correct. It seemed at any rate to affect exchanges throughout the world. In Liverpool on the receipt of that news something like 43 points dropped off. If Japan is going off the gold standard—and I cannot see how she can keep on to it much longer—and if other countries are going to follow suit, where is the pound sterling going to be and if the pound sterling is going to flop up and down, where is the rupee going to be, and where your stability? That, Sir, is a question which my Honourable friend the Finance Member should answer very fully because India certainly is most anxious to know why it has been found necessary to peg the rupee on to sterling.

There is another question I want to ask my Honourable friend. It is a question which has exercised the minds of people in Bombay particularly—is the rupee really linked to gold or to sterling? It has officially been linked to sterling, but there are two sections in the Currency Act which have not been touched by the Ordinance promulgated by the Government of India, and which may therefore be still said to be in operation. Section 2 of the Currency Act lays down the gold content of the rupee at 8.475 grains of gold. That section has been left unaffected, as also section 5, which the Government of India did away with by Ordinance on Monday and again restored, and which lays an obligation on the Government of India to pay out either gold or sterling. I am not suggesting for a moment that the Government of India could be so mad or so reckless as to pay out gold, but my point is that technically as it stands, you cannot say that the rupee is linked to sterling and has broken away completely from gold. Now the question that intrigues every one of us is, are we linked for all time to the pound sterling, or is this a temporary expedient which appealed to the Government of India and those at home as the best solution of the present difficulties, the best remedy for preventing panic and dislocation of business. I regard that question as of very considerable importance. My Honourable friend Mr. Chetty in his very able speech just now said that his objection was that some day or other England may decide to go back to the gold standard, and under those circumstances India may have to follow suit. My objection goes further than that. I for one cannot conceive of England going back to the gold standard for as far ahead as I can see, but, Sir, it may conceivably be that after the present depression has passed away and something approaching normal times have been restored, the pound sterling may move up in parity with gold. Is the rupee then to move up also and appreciate in value? If that is the case, then I for one must stoutly oppose this present position of the rupee being linked to sterling.

Now, Sir, the great anxiety which the people of India have in connection with these wonderful operations which have gone on during the week is, what is to happen to the gold resources of the country. My Honourable friend Mr. Chetty pointed out one direction in which the

Ordinance for rationing gold could be driven a coach and four through by the simple expedient of a man, who imports bullion, for instance, buying export bills by offering an attractive rate, and, thereby keeping these bills from the banks, and accentuating the exchange position. That is only one of the many ways in which a coach and four can be driven through this Ordinance. I am not denying the utility of the Ordinance. I am only saying that there are many ways in which this Ordinance can be made ineffectual for the purposes for which it has been imposed. What I want then to know is, after the sterling securities are exhausted, and they will be exhausted unless the balance of trade improves materially in favour of India at an early date, what is going to be the position? How are the Government going to prevent a raid on the actual gold resources of the country, and if they are going to permit a raid on the gold reserves, what will be the effect of linking the rupee to sterling, which has at the same time depreciated considerably in terms of gold? The obligation on the Government to pay out gold still remains, and I want to know from my Honourable friend, if and when our sterling securities are exhausted, whether he is going to touch the gold, and if so, at what rate. We were given an assurance the other day that Government were going to arrange credits. I am afraid, while fully appreciating the action of the British Government in giving us an assurance on that point, I cannot be satisfied with the position as it stands. We want to know, Sir, on what terms and conditions these credits are going to be given—whether they are going to be long term credits, and whether any guarantees and conditions will be imposed, which if not altogether impossible might be so onerous that India could not possibly accept them. After all, if you raid your gold resources and if you take credits, it comes to really the same thing, because credits have to be met at the proper time, and it is therefore a matter of great importance that very long term credits should be arranged. What was the experience of England? She arranged credits in Paris and New York. They were short term credits, and when they expired England was much in the same position as she was before. She had merely staved off the evil day, and not her difficulties. Therefore it is very essential that the country should know at the earliest possible moment whether the Government of India are really in a position to arrange long term satisfactory credits. There is just another point I want to make and that is in connection with the policy of the Government of India towards trade and industries. While Government were maintaining the exchange at 1s. 6d., they did so at the expense of India. They could not meet the position in the ordinary way. So they had to bring about a contraction of currency, which had disastrous effects on the trade and industry of the country. How are they going to manage the situation now? To-day we have something like 80 crores of rupees of Treasury Bills outstanding. Before the end of October something like 35 crores of rupees of these Bills have got to be met. Fresh bills would be perhaps at the rate of something like 2 crores a week, whereas the maturities would be at the rate of 7 or 8 crores a week. Then, Sir, the cash balances of the Imperial Bank have gone down to Rs. 12 crores. The question that the commercial community would like to ask is, "How are the Government of India going to manage their ways and means position? Are they going to revive *ad hoc* securities to the extent of say, Rs. 25 crores, or 30 crores? Are they going to expand currency just as they contracted it during all the difficult days through which we have passed?" Sir, the

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various measures that are necessary to be undertaken for the purpose of improving the trade and industry of the country are the measures on which the commercial community would like most definite information.

One other consideration, and that is, that the time has come when the Government of India should take effective steps to consult the Legislature and public opinion in the country on the question of the ratio. There are two schools of thought, one of which holds by stability, and the other is anxious that the rupee should no longer be pegged either to sterling or to gold, but should be left to take care of itself. Both are united in their demand that in no conceivable circumstances should the rupee be allowed to be pegged to anything at an appreciated value. What I want, Sir, is that, if the Government of India have decided upon the present position merely as a temporary expedient, they should declare their policy at the earliest possible date, and should give the Legislature and the country the opportunity of saying what they really want. I must not be understood as criticising my Honourable friend unduly. I join whole-heartedly in the tribute which my Honourable friend, Mr. Shanmukham Chetty, paid to the Finance Member. I think he is a striking example of a good man come unto a bad inheritance. I only hope he will shake off this wretched inheritance which he has derived from his predecessors, and that he will start on a clean, fresh slate. The currency policy of the Government of India has an enormous bearing on the fortunes of India; and I urge my Honourable friend to reconsider the whole position, come to the Assembly and the public, and set about finding out ways and means of putting our currency on a sound basis, where it can serve the purpose for which it really exists. Sir, in these last few years, in the disastrous attempt to maintain the ratio, the agricultural population has suffered enormously; and if the prosperity of India is to be restored, it can only be restored on a sound currency and exchange policy. We may get the largest measure of self-government that we may be demanding, but it will all be an empty shell, unless the position of India is made financially strong. The India of the future will require enormous resources to finance all the starving social services, and the various other things that go to make up a modern State, and unless the Government of India regard it as their solemn and bounden duty to promote and protect industries of the country, and the interests of the vast mass of the agricultural population, the boon of self-government will be worth nothing at all. And I hope my Honourable friend—whose heart, if I may say so without impertinence, is in the right place,—will regard it as his solemn duty to come forward and take the public into his confidence and consult them as to how their destinies are to be ruled hereafter in matters of such vital importance.

Mr. J. Ramsay Scott (United Provinces : European) : Sir, the motion which has just been proposed is tantamount to a vote of censure on the Government and can only add to Government's difficulties. (*An Honourable Member* ! "England's" difficulties !)

I, and many on the other side of the House, have in the past been anxious that, in the best interests of India, the ratio should be 1s. 4d., but I feel that this is not the right moment to press these claims and at such a time as the present it would be sheer madness to swap horses when crossing the stream.

We should be very loath to add to the already heavy burden of the Finance Member and the only way to play the game for the general good of the Indian Empire is to forget petty private considerations and to come forward with a constructive policy avoiding destructive criticism as much as possible. (Hear, hear.)

This is not the first time in the history of the world that a country has passed through financial difficulties. You all know the story of Pharaoh, the Egyptian, and how Joseph revealed his dream to him, predicting seven years of plenty to be followed by seven lean years. Joseph commanded that in the years of plenty, provision should be made for the time of famine. Many a Joseph in this Assembly has urged on Government the conservation of resources and vainly tried to prevent the frittering away of money on wild-cat schemes. Eighteen months ago, we of the European Group, took the Government to task and suggested that the word Retrenchment now only too well known, should be a feature of the Budget. The Government, however, went on its spendthrift way, and the sword of retrenchment has now to be wielded with a heavy hand, cutting down superfluous activities and slicing of the pay of Government officials. But this is not the moment for recriminations. We must trust our Government at a time like the present. The Finance Member has shown great wisdom in preventing speculators and profiteers from juggling with exchange. (Applause.) The *bona fide* trader will be free to carry on his normal business without let or hindrance. For some time past, the rest of India has felt that they were being exploited for the pecuniary benefit of a small community in Bombay and Ahmedabad; (*Some Honourable Members* : "Question.") and I maintain that the whole of the North of India and Bengal wish that this small clique should be sternly discouraged from attempting to profit from the temporary troubles of the Indian Empire. I understand that over 40 crores have been transferred to England in fact I believe it is nearer 80—in the hope that it can be brought back at a profit !

The present financial situation has practically placed India on a 1s. 4d. basis with every country except Great Britain. This will help the agriculturist and the exporter. Prices of grain, jute, cotton and other commodities should rise and have already risen. Let us hope that the benefit of this rise in price will actually be felt by the poverty stricken ryot and *not only* by the exporter.

The Indian Government's commitments are in Sterling and it is very important for this reason, alone that the rupee should not be divorced from sterling. An expert on Exchange, a recent Member of this Assembly, bearing an honoured name in the financial world of Bombay is reported to have just said :

"There has been a great deal of wild talk going round and the suggestion made that linking the rupee to sterling is a form of granting imperial preference by the backdoor is laughable to say the least of it. Whether the rupee is fixed at 1s. 6d. gold or 1s. 4d. gold or 1s. gold while sterling is at a discount the sterling rate would always be higher than the gold rate. This not only applies to trade between India and Great Britain but to Great Britain's relations with all the world. So if it is to be held that the drop in sterling gives imperial preference to Great Britain by India it could equally be held that the same imperial preference is being granted to Britain by the United States."

The remarks just quoted were made by Sir Victor Sassoon.

British politicians of all parties have sunk their differences and members have come together in a serious endeavour to balance the Budget and

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keep the finances of the Empire on a sound basis. If all the parties in the Indian Legislature would for once compose their disagreements and support the Government, the Finance Member would have fewer difficulties in finding means to balance the Indian Budget, for balanced it must be. The rupee cannot be allowed to find its own level as if left to itself, while India is in the throes of internal strife it might sink to undreamt of levels and involve India in financial disaster! Sir, we much appreciate the Prime Minister's offer of help and in a moment like this I turn to Robby Burns as a Muhammadan would to Hafiz, and I find :

"The hearts aye the part aye that makes us right or wrong."

Sir, the British heart is in the right place, and I would bid the Finance Member be of good cheer for if we all pull together we shall weather the storm. The European Group and the European mercantile community offer you their good wishes and what is more to the point, their whole-hearted support and co-operation and I feel sure that my Indian friends will be no less generous. Sir, I oppose the motion.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, my Honourable friend, Mr. Scott, who has just spoken, is perfectly right in saying that the present motion is a motion of censure. But in one way I differ from him when I say that it is really more than a vote of censure. The action taken by the Secretary of State has produced a great consternation and feeling of disappointment and resentment in the mind of every person interested in Indian finance. There were many people, including men like myself, who believed that financial safeguards may be given to the British Government in the future constitution of India in the ground that the payment of our liabilities to England may be guaranteed. But the action taken by the Secretary of State has clearly shown that such a power is impossible for India to give, and if in the future constitution this power is not reserved in the hands of the Federal Assembly, I have no hesitation in saying that that Federal Assembly will be no better than a debating society. Sir, I was told by some Magistrates that the first police report is always an important one and that the second report may be made under the influence of threats or expediency. We find just the same thing in connection with the two Ordinances. The first Ordinance which was promulgated on Monday last really expressed the true opinion of the Government of India in regard to Indian finance, and it received the approbation of the people of India and the Members of the Legislature. But the change which was made under the pressure of the Secretary of State altogether changed the position. Sir, in 1909 a similar position arose and the then Finance Member did not acquiesce tamely, but requested the Secretary of State to reconsider the situation. The question was about the Gold Standard Reserve. The Government of India renewed their appeal to the Secretary of State in these words :

"The Gold Standard Reserve is the recognised fulcrum of our whole currency system ; and its strength is of vital importance both to Government and to the merchants, capitalists, and investors who are associated with us in the development of India."

These were the remarks of the Government of India in 1909. They considered the Gold Standard Reserve as the fulcrum of Indian finance. This thing was again recommended very strongly by the Hilton-Young Commission and that Commission, practically foreseeing a situation which has

arisen just now, recommended that the Government of India should cease to be the currency authority and the authority should be transferred practically to the Central Bank. I will just quote the words of the Hilton-Young Commission on this particular point. They said :

"Any balances of the Government of India and the Secretary of State outside India should be placed in the charge of the Reserve Bank, through its branches or agencies. Only then will any danger of the Government's remittance policy interfering with the proper management of the currency be eliminated. We recognise that this recommendation involves the amendment of section 23 of the Government of India Act. We recommend that such an amendment should be made."

This Report was made in 1926, and since then no action has been taken by the Government of India to give effect to the recommendation. Sir, I will give one more quotation from this Report about the necessity of keeping up the gold reserve. They said :

"No favourable opportunity of fortifying the gold holding in the Reserve should be allowed to escape."

In the same paragraph they said that the gold reserve, which was 12.8 per cent. at that time, should be increased to 25 per cent. This was the recommendation of the last Commission appointed by the Government of India, but we are sorry to say that no action was ever taken to safeguard our gold, which is so important for the credit of the country.

Now, Sir, I come to some of the difficulties of the recent Ordinance now promulgated. It is said in this Ordinance that :

"The sale of gold or sterling under the said section shall be made provided that the contracts are completed before the 21st September, 1931."

I should like to know how much gold has been sent away under this particular clause. I hope that the Honourable the Finance Member will be able in his reply to give the figures of the amount of gold that has been taken out of our Reserve only on account of the provision of this particular clause. The second loophole in the present Ordinance is that a large number of people will buy export Bills in terms of sterling, and the import Bills will have to be paid by the reverse councils, i.e., in terms of gold. This is a very big loophole, and this is not an affair of academic interest, but the mercantile communities all over India have got the same apprehension. I have received a large number of telegrams from different places about this particular point and I do not wish to take up the time of the House by reading them all, but I should like to quote at least one in support of this point. The Indian Chamber of Commerce, Calcutta, says :

"Committee, Indian Chamber of Commerce, Calcutta, surprised at change of attitude adopted by Government regarding exchange position. Sir George Schuster on Monday stressed necessity of maintaining reserves. But now suddenly that desirable policy is changed and fresh Ordinance is issued authorising sales reverse councils which will deplete reserves. Safeguards provided not of much value. firstly, because they leave sufficient loopholes for remittance by non-Indians, and secondly, because those who want to remit funds can ship goods or buy export bills available in market thus leaving import bills to be provided for by reverse councils. High bank rate besides being detrimental to agriculture, trade and industry, has depressed Government securities market, thereby seriously prejudicing innumerable holders thereof, including banks and insurance companies. Commodity prices still very low and all impediments in way of their rise should be removed. Committee think that when even England has adopted a bold and correct policy to right its position by currency depreciation to suit its own condition, no plausible arguments can now be advanced to continue to keep India as a subsidiary and servile companion instead of allowing her to protect her best interests. Country's interests imperatively require maintenance of reserves and lowering of bank rate. Issue of fresh currency to undo the effects of past heavy contractions should be

[Dr. Ziauddin Ahmad.]

made whenever necessary to prevent any comparative rise of exchange which may be indicated by the rupee sterling point."

This is a genuine fear which the whole mercantile community have before them. Sir, I do not want to take up much time in discussing the question of the ratio. I said enough on the occasion of the Finance Bill last winter, but I may draw the attention of the House to one or two points. When this question was considered in 1927, Sir Basil Blackett, the then Finance Member, said that the fixation of the ratio was not a permanent feature, but it was only a temporary measure. If it was only a temporary measure, I would like to know what more serious occasion would arise when this ratio would be modified. There cannot be any occasion more serious and more critical than the occasion that has now arisen. Sir, a good many Members on this side of the House thought that this exchange of 1s. 6d. was detrimental to the export trade of India and particularly of the agricultural products, and if this ratio is linked up with sterling whose value we do not know, it is in my opinion a suicidal policy and the weight of the Hilton-Young's Commission is on my side. The moment it was announced that we were linked up in this way, the value of the rupee has gone down. I need not give you the figures. The gilder of Java had stood at 89.9 for Rs. 100 last week and they have now come down to 68 for Rs. 100. The American dollar was 100 for Rs. 287 last week and it is now Rs. 380 for 100 dollars. The same is the case in regard to the exchange of other countries and naturally, as was pointed out by the Mover of the motion, our trade with outside countries being three times that with Great Britain, our trade will be seriously affected on account of the depreciation of the rupee, as a result of its being linked to a sinking ship.

Sir, one thing more I should like to point out. If we read the Currency Act, it clearly provides that the linking of the rupee should be with gold sterling and not with paper sterling and sub-section 2 of section 5 of the Currency Act clearly says :

"Such sum in sterling as is required to purchase one tola of fine gold in London at the rate at which the Bank of England is bound by law to give sterling in exchange for gold."

If this law disappears and if the Bank of England is not bound to pay gold equivalent to sterling, then is it at all desirable or is it at all legal or is it at all right that we still continue to tag our rupee in terms of sterling when it is off gold? I am not an expert lawyer, but I hope those lawyer friends who follow me will consider this point. When we tagged our rupee with sterling we fixed a condition precedent that England was obliged to give so much gold for so many rupees and as England has now washed off its responsibility of paying gold in terms of rupees, is it lawful for us still to continue to tag our rupee with sterling? The third difficulty which I have in the present Ordinance is that in the list of the banks quoted by the Honourable the Finance Member, the important Indian banks are excluded, like the People's Bank or the Punjab National Bank and other banks in the various parts of India. They are excluded and they are thus debarred from having parts of India. They are excluded in sterling. Sir, the financial position or the credit of a country depends upon two factors, one the balance of trade in favour of the country and the other, the balanced Budget. If the country is safe in these two things, then it can be safely left to its own resources to find its own

solution. Now, as regards balance of trade, the figures given by the Honourable the Mover show that the balance of trade has always been in our favour. As regards the balanced Budget, there is no doubt that we have deficits. The non-official Members will always come forward to help the Government in critical times. But before they can agree to any kind of fresh taxation, they would like to know whether all the avenues of retrenchment have been exhausted by Government before they come to the country for fresh taxation. My Honourable friend is not right in forcing the Finance Bill at this hour upon the country before making a definite announcement that he has carried out all the retrenchments in the different Departments of the Government as recommended by the various Retrenchment Committees. I should like to know how much retrenchment he has already effected and then and then alone will be able to judge how much more money is required in adjusting the Budget. There is a very strong feeling in the country that the first thing which should be removed is what is called the Lee concessions, or what is popularly known as the Lee loot. I should like to know whether the Honourable the Finance Member is prepared to remove the Lee concessions altogether, whether he is prepared to carry out the recommendations of the various Retrenchment Committees. If after carrying out all these retrenchments, after cutting down the expenditure, the Finance Member comes to us and says, "I have done all I could, I cannot do any more, you please help me and give me some more money", I am sure that he will have the unanimous support of the Assembly, and the unanimous approval of the country. But if without taking any action on his part, without retrenching anything, without giving effect to the recommendations of the Retrenchment Committees, he simply comes up at the last moment, and at a time when the representatives of the people are away, not having had any previous notice, such an action would be unfair. He may carry his proposals, but he will produce enormous consternation and enormous resentment in the country. I said before that we sympathise with the

1 P.M.

wishes of the members on the treasury benches in their desire to maintain order and peace in the country and we are ready to give them our support. Similarly I request that the Assembly and the country will support the Government in their desire to maintain the credit of India. Still the methods they adopt in achieving their ends are open to grave doubts. Instead of having our fullest possible support, they are driving us to a position of opposition, and I think that shows bankruptcy of intellect.

I should like to draw the attention of the Honourable the Finance Member to one more point, that on account of the happenings of this week, I have received letters from small towns and villages that panic has already been created. Currency notes are not cashed in the markets and the people refuse to take them, but want coins; and I think in order to avoid such a panic in the country, which has arisen on account of the wrong actions and change of policy and wrong dictatorship from above, it is desirable to allay it. That panic can only be removed if, as pointed out by the Mover of this motion, we really inflate our currency and not contract it: we must put more money and more coins in circulation and I hope this temporary panic will be removed.

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

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

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the Resolution moved by my Honourable friend, Mr. Chetty, the Deputy President.

The Resolution is divided into several parts and embraces a number of points, very important in themselves. I shall try to confine myself to one or two of them only.

By the memorable announcement in Parliament the Right Honourable the late Edwin Montagu, declared that India would be given responsibility by successive stages, and in furtherance of that policy a Bill was passed in the British Parliament in 1919. Under that Bill diarchy was established in the provinces, but no substantial advance was made in the Central Government. The number of Indian Executive Councillors was raised to three, and the majority in the Assembly was that of elected members. This was no doubt an advance. But the executive was not made responsible to the Legislature. The Executive Council continued to govern under the old system and it has been very autocratic. But the Joint Select Committee thought it desirable that the Legislative Assembly ought to be associated more and more in sharing the responsibility about financial matters. Up to the days of the reforms the whole centre of authority was in Whitehall. By the new Government of India Act, some powers were transferred to Delhi and more to provincial capitals. It is evident that India will progress politically as further powers are transferred from London to Delhi. And on the degree and rate of this transference the advance of India really depends.

In their memorable Report called the Montagu-Chelmsford Report, a description of how this transference of power is to be achieved is given by what is called the "fiscal convention". I shall read a few lines from the Simon Report about the convention :

"The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial Governments. In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement. This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt....."

(And I am very sorry to say that that belief exists even now.)

"That there ought to be no room for it in the future is equally clear. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and the Legislature are in agreement, and they think that this intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party." This convention has been in operation, and even the Simon Commission have not recommended its withdrawal.

Now, let us see what has happened in the present case. The Government of Great Britain had taken very great pride on the soundness of their policy of linking sterling with gold, and thus its value was raised in the markets of the world. Many financiers expressed their doubts as to the propriety of the step then taken. For a time the credit of England rose very high, but at what sacrifice ? The hoarded gold of England began to fly and ultimately the National Government came to the decision that unless they reversed their policy and severed the sterling from its gold value they would be faced with bankruptcy, because all the hoarded gold would go away and then there would be nothing to rely upon. By hurriedly rushing a Bill through both Houses of Parliament, England at once depreciated her currency. The Government of India had previously linked their rupee to gold and under law were bound to give either gold or sterling exchange to whoever demanded it.

I pay my tribute to the sagacity of the Government of India in general and to that of the Honourable the Finance Member in particular that they at once saw the danger and took prompt measures to avert it by issuing the Ordinance on Monday, the 21st. The views of the Government of India have been thus unequivocally expressed. The duty of the new Secretary of State was either to accept the policy which was evidently adopted by the Government of India in the interests of India or if he did not agree with that policy to ask the Government of India to consult the Legislative Assembly. For such a purpose a special session of the Assembly would be justified ; but there was no necessity at the present juncture to convene a special session. The Assembly was already in session and it would have given its verdict in a very short time, I think in a couple of days. But the Secretary of State anticipated that the Assembly was certain to support the views of the Government of India and thus the Fiscal Convention would have to be brought into operation. In order to avoid this contingency he has taken the arbitrary step of over-ruling the Government of India and ignoring the Legislative Assembly altogether. This arbitrary and despotic conduct deserves our severe condemnation, and I cannot find words sufficiently strong to express my resentment at this disrespect to the Assembly. By starting the Fiscal Convention the late Mr. Montagu and the British Government gave us a promise that Indian finances would be managed in future with the sole eye to the benefit and advancement of India and the Government of India and the Legislature were appointed the judges to decide what course was in the real interest of India. The Secretary of State by this present order has broken that promise and taken upon himself to decide what is good for India and has ignored the Legislative Assembly as I have said just now. The Ordinance of the 24th does not really express the opinion of the Government of India as they had to obey the orders from Whitehall. Their first Ordinance of Monday last embodies their true opinion and if that opinion is supported now by this Assembly by their vote, their verdict under the Fiscal Convention ought to prevail.

I am conscious that an objection might be taken that in the case of exchange the Fiscal Convention does not operate and that its operation is limited to tariff and revenue matters only. My reply is that the

[Mr. B. V. Jadhav.]

convention is not restricted in this way and it relates to every fiscal matter. In the Report of the Joint Select Committee the instance of tariff has been given by way of an illustration and it is not exhaustive at all. I hold that the convention ought to be observed in every fiscal matter and the word "fiscal" is explained in the dictionary as "of or pertaining to financial matters generally". As has been pointed out, the action under the Ordinance will, I am afraid, result in completely depleting our gold reserves and then Government will be forced to withdraw the present Ordinance. Our demand is that it should be withdrawn immediately as according to the joint opinion of this House and that of the Government of India it is not safe to tender gold or gold exchange in order to keep up a fictitious rate of exchange at 18d. The whole monetary system of the world is in the melting pot and every attempt made to bolster up prices whether in America or in England have completely failed. The Farm Board of America attempted to raise the price of cotton and wheat and we know with what disastrous results. They had to stop their operations and to allow things to drift for themselves. The present policy of the Government of Great Britain to keep the ratio between the rupee and sterling at 18d. is, I am afraid, of the same nature and is doomed to failure. The attempt of the Secretary of State to keep up the exchange at 18d. and to sacrifice gold in keeping it up will, I apprehend, be very costly to India, and sooner or later the ordinance will have to be withdrawn. We advise Government to realise the gravity of the situation and to save India her slender gold resources.

Mr. Arthur Moore : I should like to congratulate the Honourable the Mover of this Resolution on the extremely lucid speech which I think, whatever our views, must have roused the admiration of us all, and before going into points of disagreement, I should like to examine the points on which I think there is a certain measure of agreement. First of all about this question of long term credits. I do not think that, if the Honourable the Finance Member can succeed in arranging long term credits any one of us can be anything but pleased. I am afraid that in such a strictly business matter the Resolution of this Assembly or of any legislative body cannot possibly be the deciding factor, but at the same time as we already have the very valuable pledge not only of the previous Labour Government but also of the present National Government to support India's credit in case of need, I think we can all feel sure that the obligation will be honoured in full and in spirit to whatever extent may at any time be necessary. Another point is with regard to the method in which this news reached India. I strongly agree with Mr. Chetty that the Honourable the Finance Member is and ought to be at least as good a judge of the necessities of the financial situation for India as any Secretary of State for India in London can possibly be and I do feel that it was regrettable that the Secretary of State should have made or be in a position to make on Monday morning in the Federal Structure Sub-Committee an announcement which apparently the Government of India was not at that time in a position to make in this Assembly. Therefore, in so far as the Resolution refers to the Government of India, in that regard we feel some sympathy with it. But I am bound to say that when it comes to analysing the decision that was taken by the Secretary of State and the Finance Member, and the answer that has now been given to the question as to what was to happen

to the rupee, I find myself entirely in agreement with the decision taken, and I do not read it in the same way as the Honourable Member. He has suggested that there was a glaring contradiction between the two Ordinances, that the one was a revocation of the other. As I read it, Sir, on Monday morning, necessarily when the banks were opened on a business day, the Government of India had to relieve themselves at the earliest possible moment of the obligation under the Ratio Act of 1927 to sell either gold or sterling. Otherwise, they might have been faced with an enormous panic demand for sterling. That left them in a position to proceed, after they had elaborated their further measures for the control of the sale of sterling, to terminate the first Ordinance and supplement or replace it by an Ordinance directed towards the limitation of the sales of sterling. And when it comes to examining this limitation of the sale of sterling, I must say that I feel that Mr. Chetty did the subject less than justice. His speech in fact was so lucid that it had the defect of its qualities, because it was quite impossible to conceal the fact that it contained a series of contradictions. I will mention one or two with regard to the sale of gold. I understood him to complain at one time that what was sauce for the goose was not sauce for the gander. He said that the Government of England had, in its wisdom, decided to go off the gold standard, but India had not been allowed to do so. Well, we know that India has been allowed to do so. That is exactly what has happened; and I understand the real point of his Resolution is to suggest that it is not enough to let it go off the gold standard, but that it must also be allowed to go off the sterling standard. And yet in the latter part of his speech he was again complaining that while the Government of India in 1927 had undertaken the solemn obligation of maintaining the rupee at a certain gold parity it did so no longer, and he asked where is that obligation to-day. Surely the Honourable Member must admit, that the obligation is gone, and that that is what he wants. But I did not detect any admission of pleasure; in fact the burden of his speech was very largely an old story. He gave us very closely and elaborately the history of the last five years, but we heard very little about either the present or the future situation. Now in dealing with the last five years, or to go even further back, I have always been in agreement with the Honourable Member that the initial error was due to our common friend, Mr. Winston Churchill, who in 1925, I think prematurely, brought England back to the gold standard, acting under the advice of bankers rather than of industrialists. The bankers of those days were still completely enamoured of gold, and they did not realize that the accumulation of international indebtedness during the war, combined with the tremendous modern rise of tariffs to prevent the interchange of goods, created an entirely new problem such as the world had never seen, and that the gold standard might not be able to cope with it at all. They have unfortunately been forced to learn a great deal during the last seven years, and their point of view is beginning to approximate much more closely to that of the trader and the industrialist. But we have reached the stage where the world is being forced off the gold standard by the accumulation of debt which is owed to America and by the drain of gold to America and France. England has been forced to come to an entirely new position. Now, in that position, I understand my Honourable friend would like to seize the opportunity, not only to let the rupee move downwards gradually with sterling, but also to cut loose from sterling altogether and let it take its course. Well, I do not believe that it is any good disguising to ourselves that taking into consideration, the

[Mr. Arthur Moore.]

fact of the civil disobedience movement, the economics which Mr. Gandhi preaches, the suggestion which overhangs the Round Table Conference that India wants, and will be content with nothing except, to cut loose from the British Empire, and that she wants to have no financial safeguards, and also the declaration which has already been made by Mr. Gandhi in London that he and the Congress Party do not stand by this policy of linking the rupee to sterling,—taking all these facts into consideration,—there is not that confidence in the rupee that there was, and indeed there is not the confidence in the rupee that there is in the pound. If the pound has gone off the gold basis and stands in a lower ratio to gold, we all know that in the existing circumstances the fall of the rupee would be far faster and far steeper. We do know that,—whatever may be the final result when you come to the end of a period of fall and when after an immense upheaval you recover a stable price level,—in that intervening period thousands and thousands of people will be ruined. We know that the fall of the rupee by a sharp descent is bound to involve this country in disaster.

The immediate effect of the present fall has been what Honourable Members opposite always predicted would come from a fall, and what as a matter of fact everybody knew would come of a fall. It has stimulated the export of produce, and we are a witness already to a beneficial rise in prices both in India and in England and right throughout what you may call the sterling world. In America already we see that there is a drop in prices. The situation in America from the trading point of view has been aggravated in the last few days. But we must remember that when one country's currency begins to sink in terms of another country's currency, the inevitable result is that the prices in the first country tend to rise and the prices in the outside country tend to fall; so that ultimately,—and I think it is very important to remember this word “ultimately” because the lag is very great and the intervening period very long and very irksome,—ultimately when prices outside have come down sufficiently and the prices inside have risen sufficiently, you are able to get back to some kind of stability again. But in the meantime what it means and must mean is that the country with a falling currency has to pay more either in goods, or services or in gold in order to settle its external obligations. The producer and the exporter benefit and the foreign buyer benefits. Between them they split that profit, but the whole of that profit which accrues to them must be borne by the rest of the population in the country with the falling currency. I do not think there is any escape from that, and that means that the limits to the extent to which a fall in currency is profitable to you are obvious. But if your currency begins to sink with no apparent means of checking it, because your credit in the world is going, then there are no limits to the disaster that may overtake you. I do feel, Sir, that we are in for a very heavy and long period of world economic crisis. I agree strongly with my friend, Mr. Mody, when he said that he saw nothing in the future to suggest any particular time at which England could return to a gold standard. I feel that the gold standard may be in the present situation of the world a vanishing dream, and in a sense we have already embarked on the next world war, which is an economic war, but which will, in one country or another almost certainly be punctuated by revolutions. In that world situation I believe that Great Britain is to-day the most stable country that exists, and is in the most hopeful situation to confront these critical times

ahead. I believe that India at the present moment, through what has happened in the last week, is actually enjoying an enormous advantage. She has got the benefits already of a 1s. 2d. rupee in gold, and the prices of her agricultural produce will rise and trade will improve. But at the same time, by a totally unexpected piece of good fortune, she will not have to pay any more for her sterling commitments.

Mr. H. P. Mody : Only if Government can buy sterling in the open market and not otherwise.

Mr. Arthur Moore : Government will buy its exchange under the new rules. Government will get exchange at 1s. 6d. and not pay more. If you were to adopt the suggestion of my Honourable friend and merely repeal both the obligation to sell gold and sterling then the position of Government would gradually come to be extremely acute. But we are confronted with the tremendous problem of the accumulation of debts and the drift of the money of the world to certain countries which themselves are not willing to realise that money by coming as free buyers in foreign countries. We are faced with a long period of crisis in which the ultimate interests of Great Britain and India are absolutely inseparable. If they stand together they will stand; but if they were to adopt this policy of separating their credit and separating their resources, then they would contribute not only to their own downfall, but to a possible disaster to the whole basis of our international finance.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Leader of the European Group who has just concluded his speech has spoken with his characteristic optimism and invited us to have a little patience and to submit to the linking of the rupee to the pound because “England is the most stable country in the world” and it would be to India's advantage that the rupee should be linked with the pound. Sir, England considered that she was the most stable country in the world when she returned to the gold standard. The Honourable gentleman was pleased to take us back to the time, I think he said 1925, when the gold standard was again adopted by England, forgetting the controversy that raged at the time as to England's stability to return to that standard.

The Honourable gentleman further told us that gold standard was accepted because unfortunately the bankers of England did not have adequate experience, did not have the experience they have had for the last 7 years. That, I believe, is what the Honourable gentleman said. But if the Honourable the Leader of the European Group had followed the controversy that was going on in England in those days, he would have found that there was a great deal of dispute, a great deal of misapprehension about embarking on the gold standard. He would have recognised that this misapprehension was shared not only by Honourable Members of the Opposition, including Mr. Snowden himself, because, as I shall presently show, in the House of Commons an amendment was moved to the motion of the Conservative Party saying that gold standard should not be embarked upon with that precipitancy. It was also shared by great financiers like Sir Alfred Mond, who protested against England being “hanged” on what he called “a cross of gold”.

Sir, there were also grave doubts in important industrial circles. In spite of all that, the Conservative Party, led by that admirable man,

[Mr. C. S. Ranga Iyer.]

Mr. Winston Churchill, admirable notwithstanding his hostility to Indian aspirations, admirable for his precipitancy, did embark, on the 28th of April, 1925,—following the City as he always did, following the big financial groups as he always did—precipitantly on the gold standard when he presented the Budget. Sir, had England not been so hasty, I do not think England would be repenting to-day. Sir, in the House of Commons at that time, Mr. Snowden, moved the following amendment to the Government Resolution committing the country to the gold standard :

“ The House cannot at present assent to the second reading of a Bill which, by providing for a return to the gold standard *with undue precipitancy*, may aggravate the existing grave condition of unemployment and trade depression.”

Sir, there are tragedies in politics and there is no greater tragedy than that in a position of responsibility when called to office, and taking into consideration all the circumstances that a patriot ought to consider, Mr. Snowden has to-day to face what, if left to himself had he been in power in 1925, perhaps England might not have had to face. Even so, my Honourable friend, the Finance Member, has to-day to reap the whirlwind ; the wind was sown by his predecessor when he introduced the eighteen pence ratio.

Sir, the Honourable the Leader of the European Group was telling us that India would very well be advised in the present circumstances to depend on England and to perpetuate what I may call *the slavery of the rupee to the pound*. That, Sir, is my paraphrase of linking the rupee to the pound. Politically and constitutionally we are aware we are dependent on England, but financially we would rather stand by the first ordinance than the second. Oftentimes in politics and in ordinary life, first thoughts are the best thoughts and I think, Sir, we would rather stand by the first ordinance than the second which seems more or less to be his master's voice, (Laughter.) the voice, Sir, of Sir Samuel Hoare, the Secretary of State for India.

The second ordinance is the result, beyond the least shadow of a doubt, of, what Lord Curzon once said in a controversy with the late Edwin Montagu, the Government of India being “ a subordinate branch ” of the Imperial Administration. Sir, I am glad that the late Lord Curzon corrected his original expression. His original expression was that the Governor General was a subordinate of the Imperial Administration ; on hearing which there was such an uproar in this country ; and so he said he meant that the Government of India was a subordinate of the Imperial Administration. That was a much better way of putting things. And we are sure that had the statesman who presides over the destinies of India to-day had his own way, the first ordinance would have continued and not the second. The second at any rate cannot stand, Sir, with the support of the Indian people behind it, notwithstanding all the logic that the brilliant editor of the *Statesman* has brought to play in his beautiful speech.

Sir, he was warning Mr. Chetty, he was warning the able mover of this Resolution, who moved it with his usual force of reasoning and lustre of eloquence and to which he has devoted so much of his energy and so much of his thought, in a speech which did the subject a great

deal of justice, judging from the applause that came from both sides of the House, including the applause of the Honourable the Finance Member who applauded him to the last. Sir, Mr. Chetty was told by Mr. Moore that he need not be frightened of the divorce of the rupee from sterling. That is where Mr. Arthur Moore and Members on this side of the House are in disagreement. Mr. Moore not being very much of an expert—though I know from the writings that he indulges in in these days in the columns of the *Statesman* that he has been giving a good deal of attention to the subject—we have to consult a better authority than Mr. Moore and that authority is none other than the Royal Commission on Indian Currency and Finance—The Hilton-Young Commission. And what does this Commission say ? This Commission says—as against what Mr. Arthur Moore has been pleased to favour us with—this Commission emphatically states exactly the opposite of what the Secretary of State has said and should not have said, and as between Sir Samuel Hoare, a remarkable politician, a distinguished man having, I think, a great future in his country, as between him and this Commission, I think this House as well as experts in England will attach importance to the opinion not so much of a Secretary of State, however zealous and however able, but to a competent body of experts who have had their say on the subject and this is what they said. I invite the attention of the Honourable the Finance Member to paragraph 25 of this Report. I am sure he knows most of these important things almost by heart. (Laughter.) This Report says :

“ We do not indeed regard the possibility of sterling again becoming divorced from gold as of much practical likelihood.”

But they were very bad prophets, though perhaps they were not unprepared for a remote crisis like this as the subsequent passages presently show :

“ It is unlikely to happen except in a world-wide catastrophe that would upset all currency systems. Nevertheless there is here a danger to be guarded against which is real, however remote. There is undoubted disadvantage for India in dependance on the currency of a single country, however *stable* and fairly linked to gold.”

And as there is no more of that linking to gold to-day, we need not be reminded of the stability of England. We are all conscious of the present State of England and want that England should be stable because India's finances are a great deal dependent on England's credit, but England unfortunately is not so stable to-day as very much we would like her to be :

“ There is no doubt disadvantage for India in dependance on the currency of a single country, however stable and fairly linked to gold. For these reasons were the standard of India to be an exchange standard, it should undoubtedly be a gold exchange standard and not a sterling exchange standard.” (Applause.)

That is not my opinion, that is opinion of an authority to whom even Mr. Moore must submit. That is something more than my opinion, the opinion of a layman.

Mr. Arthur Moore : Do I understand that the Honourable Member wants a gold exchange standard ?

Mr. C. S. Ranga Iyer : We do not want anything different from what I have just quoted. We do not want a sterling exchange standard. We want release from the bondage to sterling. That is the long and the short of what we want.

[Mr. C. S. Ranga Iyer.]

We have been told by the Honourable the Leader of the European Group that there is such a thing as trade with England. Quite true. But India trades not only with England, India trades with Holland; India trades with America; India trades with Japan; India trades with Germany and India trades with France. Why should we not be dependent as much on the guilders of Holland or the franc of France or the dollar of the United States of America or the mark of Germany? What we want is a place under the sun in this financial world. (Applause.)

Politics and big politics are being discussed in England; we would rather try to avoid so far as we may the introduction of politics into this debate, because where politics create controversies, financial matters, especially when the Government and the people have the common good of the country at heart, should create the least controversy; and on this side of the House our effort has been on these occasions to keep the debate at as reasonable and less heated a level as possible. But I wish that the Honourable the Leader of the European Group had not imported politics into this debate.....

Mr. B. Das: And bad politics at that.

Mr. C. S. Ranga Iyer: And I wish he had not referred to the civil disobedience movement and Mahatma Gandhi. We are not to-day in the middle of the civil disobedience movement, and I cannot understand why a talented gentleman like the leader of the European Group, why such a responsible man should come and lecture to us of the civil disobedience movement. Our very presence here is a dissociation from the civil disobedience movement—that was. Even our polling booths were picketed. Surely the Honourable gentleman ought to have known better. (Hear, hear.)

As for the future of Gandhi, which he seems to view with a great deal of trepidation, I believe the future of Mahatmas, like the future of politics, must always be left on the lap of the gods. I would rather not go into the future to-day because I fear no future, however unpleasant it may be; and the actual experience of calamity is always less fearful than a prospective view of it. Therefore I will put it to the Honourable gentleman not to think of civil disobedience when civil disobedience is not in existence to-day; and not to talk of Gandhi in terms of civil disobedience, but rather of the constructive work that he is attempting to do in England as we all sincerely believe.

Then he was referring to the Congress Party and the Congress view; and because the Congress and we happen to be in agreement in regard to the linking of the rupee to the pound, that is no reason why we should be in the wrong. Why should we be always warned, I cannot understand, "The Congress thinks so and therefore you must not think so." The very fact that the sole delegate of the Congress was carrying on long conversations in the Viceroy's House, dressed in a loin cloth and feeding in the vessel in which he fed in his own prison cell, ought to show that the Congress has been much elevated from the level in which the Honourable Member would like to see it still. But I would rather leave politics alone and but for provocation I would not have touched it at all to-day.

Then he was saying that the rupee would be in greater disaster if released from the pound than affairs in England are. I am afraid his long separation from his mother country has made him rather indifferent to the things that are going on in England. Affairs in England are pretty bad, and if only he reads the manifesto issued by His Majesty's Opposition, yesterday His Majesty's Government, he will understand that things are far from good; things to-day are as bad as one can wish they were not so. His Majesty's Opposition think that the present situation has been created—they have stated it in their manifesto—by a group of financiers and banking interests, because those interests are not answerable to the people, are not responsible to the people. England is faced with a disaster the like of which we do not see in India to-day, and I hope the like of which will not invade this country.

I need only say before conclusion that whatever our political relations with England may be, so far as India is concerned, we would rather like to be in the position of a country like the United States of America, which India resembles the most in her wide and varied extent, in the multitude of her thrifty population and in her abundance of natural resources; and if that were the position I am certain India to-day would not be so much affected as she is affected by the attitude that the Secretary of State in a most irresponsible way has forced the Government of India to adopt, an attitude which the Government of India would not have adopted had only the Government of India been responsible to the Legislature. I have every sympathy with the Honourable the Finance Member. He is to-day between the devil and the deep sea. He has the deep sea of public opinion in front of him and he has the devil of a responsibility to the Secretary of State and His Majesty's Government which is not responsible to us, which is responsible to a people who are separated from us by more than half the world, and on occasions like this, whose interests, I do not want to say, so much clash with ours but do not so much seem to be the same. They are more concerned with their own interests, and naturally being human we are concerned with our own interests, not forgetting the higher interests, the interests of the Empire that we have at heart. But the whole point is this: supposing the rupee is linked on to the pound India and England sink together and we may not be in a position to save the pound or the rupee. But if on the other hand the rupee is released from the pound, we may be in a position to save old England. Therefore even in England's own interest the release of the rupee from this attachment to the pound is absolutely necessary. That is a point that should have occurred to the Leader of the European Group.

Mr. Winston Churchill while speaking on the return to the gold standard said in the House of Commons in his striking eloquent and picturesque phraseology that the gold standard may of course vary in itself from time to time, but the position of all countries related to it will vary together "like ships in a harbour whose gangways are joined and who rise and fall together with the tide". Then he had in mind countries like Holland, the Dutch East Indies and so on. We would rather anxiously suggest to the Government to put it to the Secretary of State that that is the position we ask for, that the rupee should be released from bondage, so that we may be financially independent and consequently interdependent as pictured by Mr. Churchill.

[Mr. C. S. Rangaiya.]

Lastly, I should like to say a word about the last part of the Resolution in the framing of which I had no part, but in the dealing with which I have from this side a duty to the Opposition to perform. It runs thus :

"With reference to the announcement made by the Honourable Finance Member about the introduction of a Second Finance Bill this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session."

I was unfortunately absent when this decision was reached, and therefore I had no opportunity of contributing my own little wisdom to the subject. But I must put it to the Honourable the Finance Member whether it will not be proper for the Government to hold a special session of the Assembly, say, some time... (A voice : "in November.") My Honourable friend the Rajah Sahib of Kollengode, for whom I have the highest respect, says November. Many of our Members have gone away; they did not know that this calamity was in store for the people. Will it not be proper, when a matter of such paramount importance is going to be discussed, to give due notice to Honourable Members so that they may have an opportunity of considering it? If the Honourable the Finance Member wants to rush through the Bill, as he will certainly be considered by the country as doing, then I can only say that he cannot get the support of this side, he cannot even get the considered support of this House. If, on the other hand, the Honourable Member were to give us some notice, were to invite Honourable Members to a special session, and in the meantime, inform the country of the situation that the Government are up against, I am sure that he would command more sympathy than he is otherwise likely to command in a difficult position like this. Therefore, I would very strongly put it to the Honourable Member in charge to consider the question of having a special session instead of bringing it before this House with what public opinion in the country will describe as "indecent haste". (Applause.)

The Honourable Sir George Sutherland : Sir, I am very grateful to my Honourable friend who has just spoken for the somewhat unusual calm of his speech, and I may also thank him for his sympathy with me in my position which he described as being one of sitting between the devil and the deep sea. I rather gathered that he was the one and the Secretary of State was the other (Laughter); but he did not tell us which was which. (Laughter.)

Sir, I think I may say that to-day's discussion has been of considerable value; I would at least for my own part attach great value to it. I should like, if I may, particularly to congratulate my Honourable friend the Deputy President on his most excellent, I might say, brilliant speech. (Applause.) I should also like to congratulate Mr. Ramsay Scott on his maiden speech (Applause), which I am glad to say supported the case for which I stand.

But returning to the speech of the Honourable the Mover, I venture to say that it was in itself an illustration of some of the dangers of discussing a subject of this kind in a political Assembly. I feel that there is a great danger in applying the arts of rhetoric to business, or in handling finance not in the cold atmosphere of realism but in the heated controversy of political debate.

Sir, my Honourable friend is a wonderful advocate. I can imagine that if he could come over to this side he would be able to make an almost equally convincing speech for the case for which I stand as he did in support of his own motion.

In that connection I might perhaps say that I am not going to attempt to follow my Honourable friend in making an advocate's speech. I want to ask the House to consider both sides of this question, and even if they admit that my Honourable friend has been able to advance very telling arguments, I wish them also to consider the balancing considerations with which we, who hold the responsibility, have had to deal.

Sir, this is no easy case. It is a matter on which great issues hang, in regard to which the dangers on either side are tremendous, and for that reason, I am particularly grateful to every speaker who has spoken on the subject that he has preserved an atmosphere of calm, and to that extent contributed to a fair consideration of the problem. I will not attempt to follow my Honourable friend, as I said before, in his arts of rhetoric; I will follow him perhaps in one feature only, and that is in telling the story of the last few days. I do not know from what source my Honourable friend got his information, but in some respects he was extremely accurate. He depicted me coming down to breakfast at 8-30 A.M. on Monday morning, opening my press telegrams and finding that the British Government had decided to divorce sterling from a gold basis. He pictured my hurried consultations with the Finance Secretary, he pictured a sudden dash to the Viceregal Lodge,—and there I must tell him that he was inaccurate just in one detail, for the journey was in one of His Excellency's motor cars (laughter), and not on a pony or in a rickshaw. Sir, at that hour on Monday morning, we, who were responsible for the finances of the Government of India, were confronted with a very serious problem. If anything was to be done, we had to act and convey orders to Calcutta and Bombay before 10 o'clock in the morning, for although the ordinary business hour is 10-30, Honourable Members are aware that there is a difference in time with Calcutta, so that 10-30 A.M. in Calcutta is 10 A.M. at Simla. So, we had ninety minutes exactly in which to consider what to do. I think perhaps we may congratulate ourselves that in those ninety minutes we settled on immediate action and we were able to produce an ordinance and get it signed by His Excellency the Viceroy. I think looking back on the last few days, we may claim with confidence that our action was correct. We felt that, with the sudden news of the break in sterling coming on the market there might very well be a panic both in Bombay and in Calcutta. Speculators would not pause to consider to what depths sterling might go or whether it was wise to keep to their rupees and keep out of sterling. It was almost certain that in the first excitement there would be a rush to ask us as the currency authority to deliver sterling to them. If that rush had developed, it might have led to very serious results indeed. I may inform Honourable Members that, as evidence in support of what we had apprehended, we actually received in Bombay, in the first ten minutes after business opened and before the market was aware of the issue of the ordinance, demands for 425,000 pounds sterling. If matters had gone on at that rate we might have had a very serious run and confidence might have been so shaken that it would have been impossible to

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 restore it. We therefore took emergency action. We did what I explained to the House on Monday. We took steps in order to preserve the position until we could take a look round and see what was the best thing to do. We decided further that we should order bank holidays for the next three days. We thought it desirable that the whole business world should have time to take stock of the position and that there should be no opportunity for panic to develop until every one had got their balance. I think we may claim that our action was completely successful. My Honourable friend who moved this Resolution referred to the bank holidays as having created further disturbance. It is quite true that while those bank holidays were passing we did receive disquieting news from various centres throughout the country. There were apprehensions of runs on banks. The ordinary people did not understand why it had been necessary to close the banks. They suspected that there was something wrong with the internal position and it might well have been that when business reopened a serious situation might have developed. We therefore took further action, issued communiqués, and I explained the position still more clearly in the statement which I made in this House on Thursday and which we circulated over the telegraph wires to every branch of the Imperial Bank, to every Local Government and to every district officer. The result was that inasmuch as our announcement made it clear that the Imperial Bank would stand behind all other banks and that the Government would stand behind the Imperial Bank, we were able to create an atmosphere of complete confidence for the opening of business yesterday. Business in fact opened quite normally everywhere. There were in a few centres runs of minor dimensions on some of the banks, but nothing of any serious consequence resulted at any place. I may read to the House the normal daily report which we received last night from the Controller of the Currency in Calcutta. It reads as follows :

"The exchange market closed firm at 17 and 25/32. No reverse councils here to trouble apprehended. British members of Eastern Exchange Banks and associations have cabled their appreciation and offered to co-operate in any way. General tone is better all round."

I think, Sir, that that is a significant fact that there were no demands for sterling from Government at their selling rate. The banks were dealing freely at 17 and 25/32, and we had been able to create confidence and to accomplish the difficult task of opening business without any disturbance to normal conditions.

Now, Sir, I have thought it worth while to go over that story because I feel that what has actually happened and what is actually before us is very much more important than theoretical arguments as to what ought to be done or what is to happen in the distant future. We have got through a crisis and I think it is fair to say a crisis of such potential significance as India has never had to face before. The shock to the world of the pound sterling being divorced from gold, the reactions that it might have produced in an atmosphere which was already nervous and apprehensive, might have been tremendous. Yet we have weathered the storm. The ship is still afloat and the Government's reserves are practically untouched. Let us therefore concentrate on the actual steps

which have been taken and the next steps which can be taken. The last few days have been extremely interesting. I think we may say that we have in the last few days been face to face with realities. Many Honourable Members and many public speakers, who have in the past advocated a complete divorce of the rupee from gold at its present level, who have advocated a period of complete instability, suddenly woke up to find that what they had been in the habit in the past of looking upon as visionary and beautiful dreams might suddenly confront them in all the stark grimness of reality. I think many of them were frightened of the picture when they saw it in that light. I had a good deal of conversation with Honourable Members in those three days and they were not quite certain as to what the Government were going to do. I did not find the same certainty of opinion as has been expressed to-day. Why? Because now the Government have decided on a definite course of action, Honourable Members have not got to think what they would do in the circumstances, with all the difficulties in front of them. They can now satisfy themselves with the easy task of uniting in the criticism of Government which has already done its task. It is an easy task. I envy Honourable Members the easy task of a critic. I wish for a moment that my Honourable friend could come across these ten yards that separate us and seat himself in my place. I wonder if he would then treat with quite so much certainty the course which he tells us that we ought to have taken. Sir, in all the discussion which has passed to-day and in the conversations which I have had in the past and the communications which I have received from various commercial bodies all over the country—and I may tell my Honourable friends that until they knew what the Government was going to do those communications were by no means unanimous and that at least one Indian Chamber of Commerce strongly advocated that we should link the rupee to the pound sterling—in all these messages.....

Mr. B. Das : May I know the name of that Indian Chamber ?

The Honourable Sir George Schuster : I have no objection to telling my Honourable friend that it was the Bengal National Chamber of Commerce. In all that has passed, I have tried to detach those points on which there is agreement and those points on which I feel that there is a certain amount of reason. And it seems to me that there are four points on which everybody agrees. When I said at the beginning that I was not going to play the role of an advocate, seeing only one side of the case in what I have to say to-day, I may say at once that I had in mind these points which I am going to mention, in all of which I feel there is a great deal of substance. The first point, I think, is that policy on a vital matter of this kind ought to be settled by the Government of India in consultation with Indian opinion. I think there can be no doubt that all Honourable Members who spoke opposite have given voice to that particular opinion. The second point is that it is desirable to bring about some depreciation in the gold value of the rupee. The third point is that Honourable Members are not quite certain whether the rupee being linked to sterling will give India the exact measure of depreciation in the gold value of the rupee which she wants. They feel that the course of sterling is uncertain. Some fear that it may go down too low ; others fear that it may go too high and that the rupee may be dragged up again

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at the tail of sterling to 1s. 6d. gold. And the fourth and last point is that, whatever we do, we must not let India's gold reserves be dissipated. I think I may say on all those points that there is a measure of agreement in what Honourable Members opposite have said to-day, and in what I heard in the days before I made my announcement on Thursday. Let me take those points. As regards the first point—that policy on a vital matter of this kind ought to be settled by the Government of India in consultation with Indian opinion; I would ask Honourable Members to recognize the difficulties, the practical difficulties that lie in the way of giving effect to that particular point. Decisions have to be taken very quickly in times of crisis like this. I think Honourable Members will recognize from what I have told them how quickly our decision had to be taken; and it would have been impossible to allow the final course to remain in doubt after we had taken what was merely emergency action to protect the position on the first day. The world had to know what we were going to do; there was no time for full discussion with public opinion. Nor—and I hope Honourable Members opposite will not take it amiss if I may say—nor do I think that a discussion on the floor of this House is really the method by which one can arrive at correct conclusions on a matter of this kind. (Applause.) It is a matter on which, in the first instance, the Executive Government must take the responsibility. Whether there will be occasion in the future to reconsider the more distant policy, that is a question in connection with which, with that possibility in view, such a discussion as we have had to-day is of great value. But as far as immediate action is concerned, I do submit it was impossible to act in any way differently from that in which we have acted.

Then, if we take the second point, that it was desirable to bring about some depreciation in the gold value of the rupee, I think on that point also I can agree with Honourable Members. I agree, because the world is suffering to-day from a state of affairs brought about by a complete break-down of the gold standard. Gold had become far too valuable, which meant that currencies based on gold had become far too valuable, and that commodities on the contrary had become far too cheap. The point was brought out in the Report of the Committee which the British Government themselves appointed four months ago,—the Macmillan Committee. They said that it was quite clear that if gold prices remained at their present level, there was practically no country in the world that could remain on the gold standard. What the state of things required was international co-operation, better arrangements for the economic distribution of the gold resources of the world—a form of co-operation which would have led to a general rise of prices. That was the course which I, whenever currency matters were discussed, tried to impress upon Honourable Members opposite was the right course. I had always felt it necessary to resist the proposal, for instance, that India should take action on her own account, and, apart from the rest of the world, depreciate her currency, because I felt that isolated action of that kind by India might produce such chaos in India, such a break-down of India's credit, that all the advantages of a rise in prices would disappear, and that we might be landed in a morass of difficulties from

which we could not extricate ourselves without running half the country. But now, Sir, a new condition has come upon us; and we must approach the matter from a different angle. We are confronted with conditions for which we are not responsible and in which it is possible to take action on the lines which have always been advocated by Honourable Members opposite without producing those results which I had felt isolated action by India might produce.

And that brings me to the third of the four points which I mentioned, namely, the fears which Honourable Members opposite hold as to what may result from the rupee being linked to sterling. Here, if I may say so, I should like to congratulate my Honourable friend, Mr. Ranga Iyer, for having discovered, either by his own ingenuity or with the help of some friendly adviser, that very telling passage from the Report of the Currency Commission, the Hilton-Young Commission, which he read out to the House. I confess I had my apprehensions that that passage would be mentioned (Laughter). It was very present to my own mind, and it was entirely legitimate to mention it. The arguments that were adduced were all good arguments. In normal times those considerations must certainly be weighed and taken into account; but what I would put to my Honourable friends is this, that we have now to consider what at any rate for the immediate future is the best course for India, and I do ask of Honourable Members to weigh this in their minds: what would have been the risks of entirely detaching the rupee from any sort of stable basis, and how do those risks compare with the present position where we have retained at least some anchor, some link to the comparatively stable basis of sterling? A great deal has been made of the danger to our reserves if we continue on the course which has been taken, but I would ask my Honourable friend, the Mover of the Resolution, to consider what would have been the position in the contrary case. He seems to imagine that if we had detached the rupee from any sort of basis at all, and left it in common parlance to "drift" or to "find its own level", we should have been able to sit on our reserves and keep them intact. But my Honourable friend must remember that we have very heavy recurring sterling obligations to meet. Our actual sterling obligations are something like 32 millions every year. We have moreover, on the 1st January, 1932, a sterling loan of 15 million pounds maturing, and another of 7 millions later in the year. If we were entirely detached from any stable basis, I venture to say that our difficulties in raising money abroad, either in London or elsewhere, would be almost insuperable. We should then be forced back on to drawing on our sacred reserves in order to meet our recurring obligations. That is the possibility on the one side. On the other side we had the definite assurance and absolute guarantee,—and as I informed the House on Thursday it was on the strength of that guarantee that we felt ourselves justified in sponsoring the policy,—we had the definite guarantee of assistance from His Majesty's Government both to meet our sterling recurring obligations and to maintain the level of the rupee. On the one side there is the policy of drifting, a chance of seeing prices rise perhaps higher than they would have if we had remained linked to sterling, but the danger that in order to meet our recurring requirements we should have to draw on our own resources; and on the other side the comparative stability of a sterling basis and the assurance of support from His Majesty's Government. Is

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the choice between the two alternatives quite so easy as my Honourable friend would represent it? Is he quite so full of assurance that the course he advocated to-day would have been in the best interests of India? I should like him to sleep over that question and imagine himself in our place and consider what decision he would have arrived at.

Then, Sir, there is a good deal of misunderstanding on this question. It has been pictured that if sterling depreciates very heavily, the rupee would be dragged down with it and that on that side there is a danger to India. But I would remind Honourable Members that our obligation as regards sterling is only an obligation to sell sterling against rupees. We are by no means bound to buy sterling. We are not bound to give out rupees to an unlimited extent in order to acquire sterling; and therefore if what some Honourable Members fear happens, if sterling depreciates too far, and the level of the rupee really could be maintained above that of sterling, there is nothing in the present position to prevent that. We have sterling below us as a support, we have not got sterling above us as a weight that can press us down. Our only obligation as a currency authority to buy anything against the issue of rupees is to buy gold, and therefore there is nothing to prevent, even under present conditions, the rupee rising with natural forces operating in that direction. There is nothing to prevent the rupee rising to the upper gold point again.

Then, Sir, my Honourable friend referred to what he described as the fallacy of saying that we could save money by remaining on a parity with sterling. He referred to an answer which I gave a few days ago in which I was asked what would be the effect on the Budget if the rupee stood at 1s. 4d. sterling as compared with 1s. 6d. sterling. I pointed out that that would mean, as far as our external charges went, that their equivalent in rupees would rise by 5 crores of rupees. My Honourable friend went on to say that that was a fallacy and that I had attempted to represent that we were benefited to the extent of 5 crores by maintaining the rupee at 1s. 6d. I can assure him that I never gave utterance to any doctrine of that kind. I merely stated the fact. I did not say that we could get 5 crores from nothing. This world is not a place where anyone can get money for nothing. In fact all my arguments on this question have been to point out to others who argued in the contrary sense that by depreciating the rupee you could not get money for nothing. You could, by alteration of your currency value, distribute money differently as between different classes, but one man's gain is another's loss; and that is a stern reality from which there is no escape. But in the present circumstances, in the arrangement which has now come upon us, there is a very definite advantage, and from that I do not think my Honourable friend's ingenuity will be able to find any escape. We have now got a certain advantage in the fact that the gold value of the rupee has gone down. Certain classes in the country will get the advantage in that the rupee prices of their commodities will rise. That should ease the situation in many ways, but on the other hand we do not suffer what we should have suffered if that change had been brought about by divorcing the rupee from sterling. Sterling has come down with us and therefore, although prices will rise and we may get some

improvement, for example, in our Customs returns, we shall not lose on our sterling charges because our parity with sterling remains the same. That, I venture to think, is a special reason for justifying the arrangement which has now been made in the present circumstances.

Then, Sir, I should like to deal with another argument that has been advanced. It has been said, and very cogently, that a certain condition arises in a country's affairs as regards its exchange policy. A point comes when the strain of maintaining the gold parity is so great that the country has to say that it will be better to go off the gold basis and preserve its reserves. I have been told quite rightly that that is what they have decided to-day in England, and I have been asked, if that is the right policy for England why was it not the right policy for India? A very cogent question. But I think there are three points of distinction between the two cases. In the first place you must remember that the difficulty which has come upon England is not a difficulty due to anything in the internal position of England. England still remains a creditor country, a creditor country holding thousands of millions of pounds of investments in other countries. The difficulty that has come upon England is solely due to England's position as the international banking centre of the world. London was the market where funds were most readily raised and where deposits could be most readily realised. Everybody engaged in international trade liked to have a balance in London. The result was that London held enormous sums of foreign balances. During the period when the French franc was depreciating from 25 to 125, enormous quantities of French capital were exported to and held in London. That put London, in a sense, in the position of being at the mercy of those depositors who held deposits there and who, if there confidence was shaken in any way, could withdraw their deposits. That is what is happening. London is in the position of a bank on which there is a sudden run. The bank is perfectly sound. The bank has assets sufficient to cover its deposits many times over, but in the present condition of the world, the assets which England holds in the form of investments in foreign countries cannot be realised because all the countries producing primary products are unable to sell their goods at present. So that with frozen assets on one side and a sudden run on deposits on the other, London is suddenly being put in the position, as I said, of a bank which for a special reason has a run on it. But that run will stop, and the position, when it is stopped, will be a strong position, a position quite different from that of India, which at present unfortunately must be regarded as one of the debtor countries. England has adopted a course which means that, although they go off their gold standard, there is not likely to be a sudden collapse in the value of the pound. But such a course might have quite different results in India. I would again ask Honourable Members to consider that the risks in our case of a sudden leap into the unknown would have been very much greater than in the case of England.

Then there is a second point of difference between our position and that of England, and that lies in the fact that we have somebody who can help us, who has promised to help us. The assurance which we have got from His Majesty's Government is something which the British Government could get from nobody else. Having that

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the choice between the two alternatives quite so easy as my Honourable friend would represent it? Is he quite so full of assurance that the course he advocated to-day would have been in the best interests of India? I should like him to sleep over that question and imagine himself in our place and consider what decision he would have arrived at.

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Then, Sir, my Honourable friend referred to what he described as the fallacy of saying that we could save money by remaining on a parity with sterling. He referred to an answer which I gave a few days ago in which I was asked what would be the effect on the Budget if the rupee stood at 1s. 4d. sterling as compared with 1s. 6d. sterling. I pointed out that that would mean, as far as our external charges went, that their equivalent in rupees would rise by 5 crores of rupees. My Honourable friend went on to say that that was a fallacy and that I had attempted to represent that we were benefited to the extent of 5 crores by maintaining the rupee at 1s. 6d. I can assure him that I never gave utterance to any doctrine of that kind. I merely stated the fact. I did not say that we could get 5 crores from nothing. This world is not a place where anyone can get money for nothing. In fact all my arguments on this question have been to point out to others who argued in the contrary sense that by depreciating the rupee you could not get money for nothing. You could, by alteration of your currency value, distribute money differently as between different classes, but one man's gain is another's loss; and that is a stern reality from which there is no escape. But in the present circumstances, in the arrangement which has now come upon us, there is a very definite advantage, and from that I do not think my Honourable friend's ingenuity will be able to find any escape. We have now got a certain advantage in the fact that the gold value of the rupee has gone down. Certain classes in the country will get the advantage in that the rupee prices of their commodities will rise. That should ease the situation in many ways, but on the other hand we do not suffer what we should have suffered if that change had been brought about by divorcing the rupee from sterling. Sterling has come down with us and therefore, although prices will rise and we may get some

improvement, for example, in our Customs returns, we shall not lose on our sterling charges because our parity with sterling remains the same. That, I venture to think, is a special reason for justifying the arrangement which has now been made in the present circumstances.

Then, Sir, I should like to deal with another argument that has been advanced. It has been said, and very cogently, that a certain condition arises in a country's affairs as regards its exchange policy. A point comes when the strain of maintaining the gold parity is so great that the country has to say that it will be better to go off the gold basis and preserve its reserves. I have been told quite rightly that that is what they have decided to-day in England, and I have been asked, if that is the right policy for England why was it not the right policy for India? A very cogent question. But I think there are three points of distinction between the two cases. In the first place you must remember that the difficulty which has come upon England is not a difficulty due to anything in the internal position of England. England still remains a creditor country, a creditor country holding thousands of millions of pounds of investments in other countries. The difficulty that has come upon England is solely due to England's position as the international banking centre of the world. London was the market where funds were most readily raised and where deposits could be most readily realised. Everybody engaged in international trade liked to have a balance in London. The result was that London held enormous sums of foreign balances. During the period when the French franc was depreciating from 25 to 125, enormous quantities of French capital were exported to and held in London. That put London, in a sense, in the position of being at the mercy of those depositors who held deposits there and who, if their confidence was shaken in any way, could withdraw their deposits. That is what is happening. London is in the position of a bank on which there is a sudden run. The bank is perfectly sound. The bank has assets sufficient to cover its deposits many times over, but in the present condition of the world, the assets which England holds in the form of investments in foreign countries cannot be realised because all the countries producing primary products are unable to sell their goods at present. So that with frozen assets on one side and a sudden run on deposits on the other, London is suddenly being put in the position, as I said, of a bank which for a special reason has a run on it. But that run will stop, and the position, when it is stopped, will be a strong position, a position quite different from that of India, which at present unfortunately must be regarded as one of the debtor countries. England has adopted a course which means that, although they go off their gold standard, there is not likely to be a sudden collapse in the value of the pound. But such a course might have quite different results in India. I would again ask Honourable Members to consider that the risks in our case of a sudden leap into the unknown would have been very much greater than in the case of England.

Then there is a second point of difference between our position and that of England, and that lies in the fact that we have somebody who can help us, who has promised to help us. The assurance which we have got from His Majesty's Government is something which the British Government could get from nobody else. Having that

[Sir George Schuster.]

assurance lends justification to the course which otherwise would have been absent.

Then as the third, and last point of difference, I would refer to the fact which I have already mentioned, that for us to be linked with sterling has special advantages, because all our external obligations are in terms of sterling. I quite agree with my Honourable friend, the Mover and with my Honourable friend, Mr. Ranga Iyer, that as regards foreign trade, the trade done in sterling with England only represents a portion of India's total trade. But although it is only a portion, it is a very important portion and to have one important portion of foreign trade conducted on a stable basis without fluctuations of currency is an enormous advantage, as I am sure all Honourable Members, who have any experience of business, will bear out. It is true that as regards the United States, as regards Italy, as regards Holland, as regards Germany, we shall have to conduct our trade now on a fluctuating basis; but still a very large portion of the trade will be on a stable basis with England. But far more important than that is this question of the service of our foreign debt and our foreign obligations. Here it is in sterling that our payments have to be made, and that fact alone would be a tremendous argument, at least for the present, and until we can see better how things are going, for us to retain the comparative stability of being linked with sterling.

Then, Sir, I come to the last of the four points which I mentioned. 4 P.M. Reference has been made in all speeches of Honourable Members opposite to our preserving our reserves in tact. I can assure them that we have that very fully in mind. We hope that our arrangements will be such as to cause no anxiety to those who support the retention of gold reserves. (Applause.) I trust that Honourable Members will not press me further on that point now. I would ask them to have confidence in the Government and to believe that unless we had faith in the assurance which we have received we should not have sponsored the policy which is under discussion to-day.

There were many points raised in my Honourable friend's speech, but I think I have already detained the House long enough.....

An Honourable Member : What about a separate session for the Finance Bill ?

The Honourable Sir George Schuster : And I would like to turn to the passage with which I began and in which I described to Honourable Members the course with which we were faced, and in telling of which I ventured to take up a position which at least claimed some measure of appreciation from the House for the action which Government have taken. When one is faced with the sort of choice we had, of staying more or less under known conditions, under conditions which gave one some basis of stability, or leaping into the unknown, it is necessary to weigh the matter very carefully, and whenever I am in that position I am reminded of a scene about seven years ago, when I happened to be in the position of discussing a very important matter with the present Prime Minister. I hope that if he reads the report

of this speech he will forgive me for referring to the somewhat homely language which he used. We were discussing a course of action which I had been urging upon him which I thought was very essential and urgent but which would have opened the way to very great dangers. He was arguing that until he was further convinced of the necessity, he preferred to remain in an atmosphere of comparative calm and take no risk, and he said to me, "I am always reminded of what happens when I go to sea and it is rough. I am a very bad sailor and when it is rough I get myself a deck chair in a sheltered place and I wrap myself up in a rug and keep as quiet as I can : and all my friends come up to me and say, 'What a fool you are, Mac. Why don't get up and walk about and get it over ?' and my reply always is 'No. Once I start being ill I do not know when it is going to stop : I would rather keep quiet as long as I can'." (Laughter.) That is a homely simile, but it illustrates the point which I have been trying to make, and before I sit down I would like to put before Honourable Members another picture, also taken from what happens at sea. We had a very interesting debate in this House the other day when we were discussing the economic conditions of the country. We took the line that we must preserve certain principles and maintain the ship of State and not allow it to founder. I pictured to my mind, as I was listening to that debate, the Government in the position of the Captain of a ship standing on his bridge in the midst of a terrible storm. I pictured Honourable Members opposite, some of them coming up to the Captain and saying, "Why do you not start an inquiry into the causes of this storm (Laughter.) and see if you can stop it ?". My Honourable friend Mr. B. Das said, "There you sit or rather stand upon the bridge in the cool air ; you do not know what horrible things are happening to the people in the cabins down below". Mr. Amar Nath Dutt said, "You must go down and see the misery that is going on, people lying on top of each other being ill in every corner—absolute misery and distress and you sit up there ; you ought to go down and see it for yourself and then you would know what to do". Much as I sympathise with my Honourable friends, I think it would do very little good for us to come down and look into those particular matters. Our task at the moment is to keep this ship afloat in a period of extreme danger and difficulty ; and if we say, "Trust us in our position of responsibility on the bridge", it does not mean that we do not sympathise with the condition of the country, it only means that we feel that we have got a more important task up here and that our first task must be to preserve our freedom of action in performing that task. When we say that, I think we are talking reasonably, and we are justified in asking the House to have confidence in us. We have got through a very dangerous cyclone. I am not prepared just now to say what course we are going to steer in the distant future. Sufficient unto the day is the evil thereof. We have decided to take a certain line. Mr. Mody asked me all sorts of questions : "What is going to be the ultimate result of all this ? Are you going to continue in this way for all time ?" I must tell my Honourable friend that I cannot answer those questions. We are now in a position in the world for which there has been no parallel within the living memory of any of us. No one can tell exactly what is going to happen. We may be content to take each step as it comes and ; if we preserve the ship from foundering from weak-

[Sir George Schuster.] week, I think we shall have deserved well of Honourable Members in all parts of this House. (Applause.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, on more than one occasion I have had the pleasure of listening to my Honourable friend, the Finance Member ; but never do I remember him trying to defend his case with, shall I say, such modesty—I will not say reluctance. The sum total of his argument is that he had to take a choice of two evils ; and to rely on him that he has taken the choice of the evil which he considers to be not the worse of the two. He has already frankly admitted that there was a great deal in the brilliant speech of my Honourable friend, the Deputy President, with which he quite agreed. I am sorry he did not go further and tell us that the present steps taken by Government are merely temporary ; that might have given us some hope.

The main point made by my Honourable friend, the Deputy President, was, notwithstanding all the disadvantages of having the rupee linked to sterling, are Government going to save our gold reserves ? If they will guarantee that, the position they have taken up may be tolerated. But if they cannot guarantee to us the preservation of our gold reserves, their proposals are unacceptable so far as we are concerned. What has been the answer of my Honourable friend ? An assurance that, if the steps taken now lead us to bankruptcy, somebody will come and help us after we are bankrupt. I am not prepared to take a guarantee of help after I am a bankrupt. I would much rather see that guarantee of help materialises when I am on the verge of bankruptcy and before I actually become bankrupt—a guarantee that will protect me from going into bankruptcy—rather than a guarantee of help that is coming to me after I have been robbed of all I have. If there is anything in that assurance, could it not have matured immediately when we are on the verge of bankruptcy ? Could not my Honourable friend and his friends on the Government Benches persuade the British Government to give us a credit of £50 millions immediately and save, even temporarily, our gold reserves ? We fully sympathise with England in the position in which she finds herself, and there is no one on this side of the House, especially one who has lived there for many years, who sympathises more with the English people in their time of trial and calamity. But to tell me that we are to rely on a guarantee of a £50 millions sterling loan, when we know that it is difficult for England in these hard times to secure credit in the United States or France for herself, is asking me to believe a little more than I am inclined to do at this present moment. The whole foundation of the Honourable Member's argument for the steps he has asked us to endorse are two : firstly, the assurance, and secondly the ordinance which he wants us to believe will prevent the flight of gold from this country, making allowance only for ordinary trade purposes. I regret I am absolutely unable to accept either plea. What is this ordinance ? Honourable Members have said on this side of the House that anybody can drive a coach and four through that ordinance, and my Honourable friend the Finance Member knows it. I wish he had told us a word or two about it. He knows very well that just now, if I desire to remit

50 lakhs to England, not for any trade purpose, I could under the ordinance arrange to do so.

An Honourable Member : It was done in 1921.

Sir Cowasji Jehangir : He knows it has been done in the past, and I am confident that he is extremely nervous that it will be done in the future. Those are the two main points about which we asked for assurances. We have received none, and still we are asked to withdraw or not to support the Resolution moved by my Honourable friend the Deputy President.

May I ask another question. I will not only ask it, I will answer it myself at the same time. If after these reserves are exhausted—and they are bound to be very shortly—as the ordinance is not going to be of much use to us—and if the rupee is to break away from sterling, what is my Honourable friend going to do ? And what will then be the position ? The position will be that the rupee will break away from sterling minus the gold reserves we have got at present. My Honourable friend said that if the rupee was allowed to find its own level the gold reserves would go all the same. I cannot endorse that statement. There are more chances of the reserves being depleted quicker with the rupee linked to sterling than if the rupee was allowed to find its own level. Sir, the main point on which we want an assurance is that Government are doing for India what the British Government have done for England. The assurance we ask for is that as the British Government at a time of trial have determined to preserve their gold resources, Government will do so by every means in their power. Sir, it is an irony of fate that at a time when some of our most distinguished Indians are today in England discussing the future constitution of our country, we find ourselves far from being a democracy, far from being a bureaucracy,—we find ourselves an autocracy, we are governed by one man. Sometimes, an autocracy is to the greatest advantage of a country, but the country must be confident that the autocrat is acting in the best interest of the country, that there are no ulterior motives which guide him and lead him in his actions. But if the country is doubtful about the motives that underlie his actions, what is the use, Mr. President, of Indians going to England and discussing the future constitution of this country ? It is becoming a farce. Here we have found, and it has been so often repeated to-day, that the Secretary of State is dictating the currency policy of this country, and let me admit frankly before this Honourable House that a large majority of Indians do not trust the Secretary of State for India. They feel that the Secretary of State is acting as an autocrat, not in the interests of the country which has been entrusted to his care, but in the interests of some one else, and that is what we stand up here to resent and condemn. What is the use of my Honourable friends sitting in a line on the opposite Bench ? They are as impotent as we are. We are impotent enough, and if they come down to our level and are not able to make their voice heard, to raise little finger to defend the interests of this great country, what is it you expect us to do on this side except to protest, to condemn, and if necessary, to walk out ?

Mr. B. Das : Don't go to the Round Table Conference.

Sir Cowasji Jehangir : Believe me, Sir, if Government could assure us that, autocrat as he is, the Secretary of State was imbued with only one motive, the best interests of this country, it would be bearable. But the

[Sir Cowasji Jehangir.]

position Government are creating to-day, believe me, is becoming intolerable, and it is the duty of every Honourable Member of Government to inform the Secretary of State of the great danger that lies ahead. Sir, we do not believe that the policy adopted is in the best interests of the country and we firmly believe that that policy has been dictated to Government and therefore we refuse to accept it.

Sir, I was sorry to hear the maiden speech of my Honourable friend Mr. Ramsay Scott and the very ungenerous remarks that fell from his lips; he muttered them so that most of my Honourable friends may not have heard them, but unfortunately I did. He stated that there was a clique in Bombay, a powerful clique, who in their own interests and for their own advantage and benefit desire that the exchange should fall. And he tried to do something more, something that the Anglo-Indian Press has been doing for a long time. (Hear, hear.) He tried to drive a wedge between the industrialists and the agriculturists in this country. But every one of my Honourable friends know, whether they be industrialists or agriculturists, that in this case at least our interests are one, and I would appeal to them not to allow such wedges to be driven in between the friendly feelings and relations that have subsisted in India between Indians industrial and agricultural. But I will tell my Honourable friend why he (Mr. Scott) desires that the exchange should be maintained at 1s. 6d. Because he wants to remit his money home at an exchange which gives him a bonus from the pockets of the poorest agriculturist in this country. If Mr. Scott imputes motives to honest men, let me tell him what Indians will think of him—and why he is supporting 1s. 6d.

Mr. J. Ramsay Scott: Sir, I have always been in favour of 1s. 4d.

Sir Cowasji Jehangir: I am aware of that, but notwithstanding that, he has supported 1s. 6d. to-day, and all these years he and his friends have remitted all their monies to their native home at a rate of exchange which put into their pockets a bonus from the rate-payers and taxpayers of this country. Can he deny it? I challenge him, can he deny it? (Some Honourable Members of the European Group: "Yes.") I challenge him now to deny it. I venture to suggest that, far from imputing motives to others, he should realise that he is living in a glass house himself. I am sorry that Mr. Scott in his maiden speech should have attempted to create bad blood between Indians and Europeans; I regret it more than anybody else. (Mr. K. Ahmed: "Suppose they change the angle of vision.") (Laughter.) I recommend to my Honourable friend that when he makes another speech, he will see to it that he does not impute motives to a class of men who have served their country far better than he could ever have done.

Mr. President, I think my Honourable friend Mr. Moore said that in one argument he could not follow the Honourable the Mover, the Deputy President. The Deputy President said that what is sauce for the goose is sauce for the gander. What he meant was that if England can take steps to preserve her gold resources, why should we not be allowed to do the same by the same method? The analogy is a perfectly good one. We are both in difficulties. We are in greater difficulties than England and greater I trust than she will ever experience, but surely we have a right to protect our interests and we have a right to claim from our Government

that they shall protect our interests just as the great British public have a right to call upon their Government to protect their own interests. Then why, may I ask, if the Government in England can take the desperate step of severing sterling from gold to save their gold resources, should we be not allowed to let our rupee find its own level and preserve our gold reserves. We are told that this instability will ruin India. We have been frightened of it for a good deal of time, but we see England to-day boldly facing this instability. To-day sterling has depreciated compared to gold to the extent of 16 per cent. Now, will that not mean ruin for a large number of merchants and industrialists in England? Will not that cause great inconvenience? It may be to a lesser degree than if the rupee were allowed to find its own level, but still England is to-day facing that instability, is suffering that inconvenience and loss to many an individual. Why should we be afraid of doing the same for our country if in the end it is in our best interests? I would appeal to my Honourable friends not to be led away on this occasion. It is an occasion of the greatest gravity for two reasons, firstly, because the policy has been dictated by one man 7,000 miles away. I believe it is unconstitutional. I am not going into that point. Secondly, we firmly believe that the policy is not in the best interests of India. I would therefore appeal to every Honourable Member, whatever party he belongs to, whether he be an agriculturist, industrialist or a professional man, to support the Resolution moved by my Honourable friend the Deputy President and show once for all to the Secretary of State for India that, although he may consider himself the Great Moghul, we are not going to tolerate dictation at his hands in this way.

Mr. B. K. Chinnaiyamm Chetty: Mr. President, I do not think it is necessary for me to speak at great length by way of reply. My Honourable friend the Finance Member complimented me on my powers of rhetoric and advocacy, and after hearing his speech this afternoon, I have made up my mind to take some lessons in rhetoric and advocacy from my Honourable friend. He asked us to view this question free from political passion and in the cold atmosphere of realism. After listening to the masterly speech of my Honourable friend, Mr. Ranga Iyer, I am sure you must feel convinced that every one of us has made the best attempt to view this question in the cold atmosphere of realism. The Finance Member asked me to picture to myself what I would have done if I were in his place on Monday morning and my answer to him is straight. If I were in his place on Monday morning, I would have acted exactly as he acted on Monday morning, but, with this difference that after having heard of the speech that the Secretary of State made in the Federal Structure Sub-Committee, I would have used to the Secretary of State language which you will not permit me to use in this House. With that difference I would have acted exactly as my Honourable friend had acted. My Honourable friend asked us to consider what would be the state of our gold reserves if the rupee were left unstable when the time came for us to meet our sterling obligations. If I were in his position again, I would have put it to His Majesty's Government that the financial situation of India, thanks to the administration of the Honourable the Finance Member, is as sound as the financial position of England; and even as England appealed in a time of crisis to the United States and France, I would appeal to His Majesty's Government to open credits in favour of the Government of India to maintain the stability of the

[Mr. R. K. Shanmukham Chetty.] rupee. That is what I would have done and if His Majesty's Government were the real trustees of the Indian people and if they cared for the financial interests of India, I have no reason to think that they would not have responded to my appeal. I would ask my Honourable friend whether, when His Majesty's Government came forward with the re-assurance of their help, they made it a condition precedent that the rupee must be linked to sterling at 18d. If they did that, then I must revise my opinions about the *bona fides* of their offer for help.

It is not necessary by way of reply, Mr. President, to go into the details of the various arguments. I am glad to have had one admission from my Honourable friend. He seems to have realised, though late in the day, that the time has come to depreciate the gold value of the rupee. After maintaining the gold value of the rupee for five years at a certain figure, after having lost a great part of our gold reserves in that attempt, he now wakes up and agrees with us that the time has come to depreciate the gold value of the rupee. He gave us a homely story that Mr. Ramsay MacDonald related to him. I am reminded in this connection of another homely story which is told in my part of the country. A very rich gentleman in my part of the country spent all his fortune in a ruinous litigation for about 10 years and he lost all his money. The case was over and when his friends told him, "What a fool you are? Could you not have become wiser earlier? Why have you wasted all this money on this futile litigation?", he replied, "Even though I lost the case, I have learnt the principles of the law". Similarly I can imagine my Honourable friend saying to-day, "Even though I and my predecessors have frittered away gold assets to the extent of 66 crores of rupees, I have now learnt the principles of finance". My Honourable friend in his rhetorical conclusion gave the example of the Captain on the bridge being worried by persons with whom a rough sea did not agree. Sir, that is not the correct way of looking at the question. I would take his own simile. The Government of India are not like the Captain on the bridge. The Government of India are like the Captain sleeping soundly in his cabin. We were not worried by sea sickness and frightened; and we did not ask him to institute an inquiry about the matter. We suspected that there was a hole in the ship. We searched for the Captain and we had to ascend 8,000 feet above sea level to find the Captain sleeping, and when we wake him up from his cabin and tell him that there is something wrong with the ship and that we suspect there is a hole, he tells us, "No, everything is all right. My Controllers of Currency in Calcutta and Bombay are looking after the thing. You had better go to your cabins and mind your business". That, Sir, is the position between the Government of India and the people of this country. We are not taken into the confidence of the Government; and when, at a time of crisis, we point out to them the dangers, we are asked to look after our own business, and we are told that it is the supreme responsibility of the Finance Member to take care of the financial ship of India. That is the position. We feel, however, serious apprehensions for the safety of our ship as a result of the policy forced upon us by the Secretary of State, and we have brought this motion before the House. It is not in a spirit of capering criticism of the action of Government that we have brought it forward; it is with a

view to give expression to our genuine apprehensions as to the economic welfare of our country that we thought it necessary to raise this debate.

Mr. President: The question is that the following Resolution be adopted:

"WHEREAS it is apprehended that it would be seriously detrimental to the interests of India to link the rupee to sterling under present conditions; and

WHEREAS the action of the Government of India as currency authority in maintaining the exchange value of the rupee at 18d. has had disastrous effects on the agricultural and industrial interests of the country and has resulted in the depletion of the gold assets in the currency reserves; and

WHEREAS it is further apprehended that the linking of the rupee to sterling and the consequent obligation imposed upon the Governor General in Council by the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931) will result in further frittering away the gold assets, to the grave detriment of the financial and economic life of the country;

This Assembly is of opinion that the Governor General in Council should immediately take such steps as are necessary to ensure that the total amount of the gold and sterling assets in the Paper Currency and Gold Standard Reserves are not allowed on any account to fall below the level at which they stand at present; and

This Assembly is further of opinion that under the present circumstances it would be in the best interests of the country for the Governor General in Council to take steps to restore the Ordinance No. VI of 1931 and to relieve himself from the obligation imposed upon him by section 5 of the Currency Act, 1927, or by Ordinance VII of 1931, and that in any case if Government are determined to continue Ordinance No. VII of 1931 such obligation ought not to be undertaken unless and until substantial long-term credits are forthwith granted in favour of the Government of India in London by His Majesty's Government on reasonable terms and conditions.

With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session."

The Assembly divided:

AYES—64.

Abdool Haroon, Seth Haji.
Abdur Rahim, Sir.
Ahmed, Mr. K.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Bhuput Singh, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Singh.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Shaikh.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.

Isra, Chaudhri.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Kyaw Myint, U.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Mody, Mr. H. P.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Patil, Rao Bahadur B. L.
Puri, Mr. Goswami M. R.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Rajah, Raja Sir Vasudeva.
Rajan, Baksh Shah, Khan Bahadur.
Makhdum Syed.
Ranga Iyer, Mr. C. S.

AYES—*contd.*

Rastogi, Mr. Badri Lal.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sarda, Rai Sahib Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Shah Nawaz, Mian Muhammad.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sohan Singh, Sirdar.

Suhrawardy, Sir Abdullah.
 Sukhraj Rai, Rai Bahadur.
 Talib Mehdi Khan, Nawab Major Malik.
 Thampan, Mr. K. P.
 Tun Aung, U
 Uppi Saheb Bahadur, Mr.
 Wilayatullah, Khan Bahadur H. M.
 Yamin Khan, Mr. Muhammad.
 Ziauddin Ahmad, Dr.
 Zulfikar Ali Khan, Sir.

NOES—40.

Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dyer, Mr. J. F.
 Elliott, Mr. C. B.
 Fazl-i-Husain, The Honourable Khan
 Bahadur Mian Sir.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelet.
 Griffiths, Mr. G. I.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Knight, Mr. H. F.
 Lall, Mr. S.

Leach, Mr. F. B.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Rai Bahadur U.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramisay.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Todd, Mr. A. H. A.
 Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the clock on Monday, the 28th September, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 28th September, 1931.

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

QUESTIONS AND ANSWERS.

PURCHASE BY POSTAL OFFICIALS OF MOTOR CARS FROM MOTOR MAIL CONTRACTORS.

961. ***Mr. B. N. Misra** : (a) Is it a fact that officers of the Postal Department, Madras, purchase motor cars from motor mail contractors and have money dealings with them ?

(b) Do Government propose to issue proper instructions on the subject to all such officers concerned ?

Sir Hubert Sams : (a) Government have no information that the fact is as stated.

(b) Does not arise.

APPOINTMENT OF MUSLIMS IN THE INDIAN ARMY ORDNANCE CORPS.

962. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state the number of persons employed from different communities in the following posts in the Indian Army Ordnance Corps and also state the educational qualifications of various Assistant Store-keepers so employed :

(i) Assistant Store-keepers,

(ii) Store-men, and

(iii) Upper, Lower and Routine Division Clerks.

(b) Is it a fact that the posts of Assistant Store-keepers and Store-men have recently been Indianised under a new scheme ?

(c) Do Government realise that there is a clear paucity of Muslims in the newly created posts of Assistant Store-keepers and Store-men ? Are there any reasons for that ? If so, what are they ?

(d) How many Indians, and within what period, are to be taken under the above scheme ?

(e) Are Government aware that many qualified Muslims are available who have applied for the above posts ?

(f) Do Government propose to give chances to such other Muslims who may be already in the Indian Army Ordnance Corps and as such have also the required Ordnance experience ?

Mr. G. M. Young : (a) A statement is laid on the table.

(b) Schemes for the appointment of civilians as Assistant Store-keepers and Storemen were sanctioned in April, 1928 and November, 1930,

respectively. Under these schemes Indians, Anglo-Indians and members of the domiciled community are eligible for appointment to these posts.

(c) Government do not consider that the proportion of Muslims is inadequate.

(d) The number of posts at present earmarked for civilian Assistant Storekeepers is 133 : and the rate at which vacancies occur at present is about six a year.

236 civilian storemen are required, of whom 132 have already been appointed. The balance will be recruited as vacancies occur within the next 12 or 18 months.

(e) and (f). Yes.

Statement referred to in the reply to part (a) of starred question No. 962.

	Hindus.	Muslims.	Sikhs.	Chris- tians.	Other com- munities.	Total.
Assistant Storekeepers ..	9	6	3	2	..	20*
Storemen	74	28	21	8	1	132
Clerks, Upper Division ..	39	5	5	7	4	60
Clerks, Lower Division ..	176	61	23	13	1	274
Clerks, Routine Division ..	93	33	21	4	1	152
Total ..	391	133	73	34	7	638

*16 are graduates. The remaining 4 were specially selected as they had done similar work for 3 or 4 years before appointment as Assistant Storekeepers.

SAFEGUARDING THE INTERESTS OF MUSLIMS IN RETRENCHMENT IN THE INDIAN ARMY ORDNANCE CORPS.

963. ***Shaikh Fazal Haq Piracha :** Have Government issued any instructions to heads of various Ordnance establishments in India to safeguard the interests of the Muslim minority while proposing the retrenchment of temporary or permanent establishments of the Indian Army Ordnance Corps ? If not, do Government propose to do it now ; if not why not ?

Mr. G. M. Young : No special instructions are necessary. The interests of minority communities are carefully watched whenever appointments are filled or vacated.

ARRANGEMENTS FOR MEDICAL AID FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

964. ***Shaikh Fazal Haq Piracha :** (a) Are Government aware that there are no arrangements made by Government for medical aid for the Members of this Honourable House ?

(b) Are Government aware that medical aid could not immediately reach the late Mr. K. C. Roy, Member of this House, in the Legislative Assembly Chamber ?

(c) Are Government also aware that Members of this House very often cannot get competent medical advice when they require it during the session period, which prolongs their illness and is often the cause of their continued absence from the House ?

(d) Are Government prepared to make arrangements in future for medical aid to the Members of this House when they require it during the session period of the Assembly ; and, if so, arrange to mention the full address and telephone number of the doctor or doctors appointed for the purpose in the list of Members of the Legislative Assembly supplied to every Member ?

The Honourable Sir George Rainy : (a) Yes.

(b) Immediately after the late Mr. K. C. Roy was taken ill in this Chamber, his own doctor was telephoned for and arrived as soon as he could. There was no unusual or unnecessary delay in obtaining medical aid.

(c) No.

(d) In view of the large number of medical practitioners, private and official, both at Delhi and Simla, whose services are available to Members of the Legislative Assembly during the sessions, Government do not consider it necessary to make any such special arrangements as suggested. The names, addresses and telephone numbers of most of such medical practitioners will be found in the telephone directories.

Mr. K. Ahmed : In view of the fact that Government even in the boarding houses and hostels of colleges and public institutions have got medical officers to look after the people there, do Government propose, for the benefit of the public and the representatives of the country, to adopt a similar method in the Western Hostel at Delhi and other quarters and hotels at Simla ?

The Honourable Sir George Rainy : The point of my answer was this. The services of private medical practitioners are available for the service of Members of Legislature to exactly the same extent as they are for officials. They are so for this reason that their services can be obtained at short notice, with equal ease in either case.

Mr. K. Ahmed : My question is that, in view of the fact that there is a permanent arrangement in public institutions and in the hostels of Government colleges all over India for medical assistance, do Government propose, for the benefit of the people coming here from long distances and taking their residence at Longwood Hotel or at the Summer Hill Station or at the Cart Road or at the Western Hostel in Delhi or away from the town, to arrange for medical assistance near at hand to those places where Government had made arrangements for their stay ?

The Honourable Sir George Rainy : I am afraid the Honourable Member is better acquainted with the arrangements at colleges and hostels throughout India than I am. But naturally Government would give great weight to a generally expressed desire of the Members of the House.

NAMES OF OFFICIALS HOLDING CERTAIN EDUCATIONAL POSTS IN DELHI.

965. *Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the names of the officials who held the important educational posts of Headmaster, Government High School, Assistant Superintendent of Education, District Inspector of Schools and the Head Clerk in Delhi, and period of tenure of respective officials :

- (a) so far as it can be ascertained before its formation as a separate province in 1912 ; and
- (b) after its formation as a separate province up to the end of 1927 ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : With your permission, Sir, I shall deal with questions Nos. 965—968 together. The information asked for is being collected and will be supplied to the Honourable Member in due course.

NUMBERS OF HINDU AND MUHAMMADAN TEACHERS EMPLOYED IN SCHOOLS IN DELHI.

966. Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the numbers of Hindu and Muhammadan teachers, employed as on the 31st March, 1912 and the 31st March, 1928, in (a) Municipal schools in Delhi, (b) Municipal schools in New Delhi, and (c) District Board schools in Delhi ?

NUMBERS OF HINDU AND MUSLIM SCHOOLS IN DELHI.

967. *Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the numbers of Hindu and Muslim Primary, Middle and High Schools in the areas of (a) Delhi Municipal Committee, (b) New Delhi Municipal Committee, and (c) District Board, Delhi, as on 31st March, 1912 and 31st March, 1928 ?

APPOINTMENT OF MUSLIM TEACHERS IN DELHI.

968. *Lieutenant Nawab Muhammad Ibrahim Ali Khan : (a) Will Government kindly state the number of Hindu and Muslim teachers as on 31st March, 1931, and explain why the proportion of Muslims has still remained inadequate in the Delhi Municipal schools after the explicit orders contained in his letter No. 3197, dated the 14th May, 1915, of Sir Malcolm Hailey, the then Chief Commissioner, Delhi, on the point and whether they are prepared to direct the local Government to take early steps in consultation with the Education Department to redress this vast inequality ?

(b) Will Government kindly give the number of Hindu and Muslim teachers as on 31st March, 1931, in District Board schools ? Are Government aware that the number of Muslim teachers in those schools is very disproportionate ? If so, are they prepared to take steps to redress the inequality ?

†For answer to this question, see answer to question No. 965.

SAFEGUARDING THE INTERESTS OF MUSLIMS IN THE CLERICAL STAFF OF GOVERNMENT OF INDIA OFFICES.

969. *Lieutenant Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that the Home Department have decided that no examination for the selection of ministerial staff should be held during the current year ?

(b) When do Government propose to hold the next examination for the selection of ministerial staff ?

(c) Is it a fact that there are no qualified Muslim candidates available for employment in the Government of India offices ?

(d) If the reply to part (c) is in the affirmative, do Government propose to fill up all future vacancies by non-Muslim candidates ? If not, how do they intend to fill them ?

(e) To avoid communal inequalities, are Government prepared to issue orders that :

(i) the unqualified Muslims now employed in the offices in question should be retained till the next examination ; and

(ii) the unqualified Muslims should be recruited on a *pro rata* basis in vacancies occurring hereafter ?

(f) If the reply to part (e) be in the negative, will Government please say how they propose to safeguard the interests of the Muslims so far as the clerical staff of the Government of India offices is concerned ?

The Honourable Sir James Crerar : (a) and (b). It has not yet been decided when the next examination for vacancies in the Secretariat will be held.

(c) Yes, but for the Third Division only.

(d), (e) and (f). The Government of India have arranged that unqualified Muslims should be allowed to continue to hold temporarily vacancies intended for members of that community until qualified Muslim candidates are available.

Mr. Gaya Prasad Singh : If unqualified Muslims are allowed to be in service, why should not unqualified members of other communities also be given the same privilege ?

The Honourable Sir James Crerar : Circumstances arise which do not apply generally to all communities.

Mr. Gaya Prasad Singh : I refer to unqualified members of other minority communities, such as Sikhs and depressed classes.

The Honourable Sir James Crerar : If the Honourable Member will give notice of the question, I shall have the point examined.

APPOINTMENT OF OFFICER SUPERVISORS AT ARMY HEADQUARTERS.

970. *Lieutenant Nawab Muhammad Ibrahim Ali Khan : (a) Will Government state the total number of Officer Supervisors at Army Headquarters ?

(b) How many of them are Indians ?

(c) Will Government kindly give the proportion of Indian to European Superintendents who have been superseded, in the last three years, when making permanent or temporary appointments to Officer Supervisor ?

Mr. G. M. Young : (a) There are 18 Officer Supervisors in Army and Royal Air Force Headquarters.

(b) One.

(c) Three Indian and nine European Superintendents have been superseded during the last three years.

ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.

971. ***Mr. Bhuput Sing :** (a) Is it a fact that amongst the Government quarters at Phagli there are some blocks on a higher level and nearer the Secretariat than others which are very far down the *khad* ?

(b) Is it a fact that for the exchange of Phagli quarters from a lower level to a higher level of the same type a register is maintained for registering the names of candidates for such exchanges ?

(c) Is it a fact that in spite of the registration of the names in that register the tenants are asked to renew their applications for such exchanges every year ?

(d) Is it a fact that such renewal applications for exchanges are received direct by the clerks of the office of the allotting authorities from the applicants themselves and not officially through the respective Departments where these applicants are employed ?

(e) Is it a fact that the names in the register of applications are rearranged every year and new priority given to the applicants every year according to the time and the date of receipt of such annual renewal applications direct from the tenants of Phagli by the clerks of the office of the allotting authorities ?

(f) Are Government aware that by this method of renewal of applications the allotting authorities and the clerks of that office give on some applications a prior time and date of receipt and thus allot higher level quarters in the subsequent allotment ? If not, do Government propose to inquire into the matter ? If not, why not ?

Mr. J. A. Shillidy : (a), (b) and (c). Yes.

(d) Applications are received direct by the allotting office.

(e) Yes. The names are entered in the order they are received in the office.

(f) No.

No. Government do not consider any such inquiry necessary.

ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA

972. ***Mr. Bhuput Sing :** Are Government aware that candidates who applied for exchanges of quarters to a higher level in Phagli in 1927, and whose names were registered in that year for such exchanges have not been given any exchange up till now whereas others who entered Government Phagli quarters later have been given such exchanges ?

If not, do Government propose to inquire into such cases and state why those candidates have not been given such exchanges up till now ? If not, why not ?

Mr. J. A. Shillidy : Government have no information, and have no reason to consider that an inquiry is necessary.

ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.

973. ***Mr. Bhuput Sing :** Is it a fact that in the annual allotment forms sent by the Estate Officer to the various Departments for being filled in by the employees of those Departments for being provided with Government quarters at Phagli there is a column to be filled up by such candidates mentioning the quarters they would prefer to have ? If so, will Government be pleased to state whether filling up this column is treated by the Estate Officer as a renewal of application for exchange of quarters ? If not, will Government be pleased to state why such a column is printed in the form at all ?

Mr. J. A. Shillidy : Yes.

No.

The column is intended for new applicants. Those who hold liens on quarters but want a change have to apply separately in writing.

ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.

974. ***Mr. Bhuput Sing :** Do Government propose to do away with the system of annual renewal of applications for exchanges of quarters in Phagli ? If not, why not ?

Mr. J. A. Shillidy : No. The present system has been found by experience to be the best of several tried.

BANNING OF CERTAIN NEWSPAPERS FROM KATHIAWAR STATES.

975. ***Mr. S. G. Jog :** (a) Are Government aware that the delivery of certain newspapers was banned in some States of Kathiawar under the orders of the Postmaster General, Bombay ?

(b) If the reply to part (a) be in the affirmative, was the Government of India consulted before taking any such action ?

(c) Are Government aware whether any criminal action was taken against the editors of these papers ?

(d) Are Government aware whether the matter in those papers was declared to be seditious before taking action by the Postmaster General, Bombay ?

Mr. J. A. Shillidy : Inquiry is being made and its result will be communicated to the Honourable Member in due course.

ARRANGEMENTS ON STEAMERS CARRYING COOLIES FROM MALAYA TO INDIA.

976. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that the B. I. S. N. Company chartered steamers for carrying coolies from Malaya to India ?

(b) Will Government be pleased to state :

(i) how many such steamers have made voyages since 1st January, 1931 ;

(ii) the capacity of each steamer for carrying passengers ;

(iii) the number of passengers that were actually carried on each of these steamers ; and

(iv) the number of passengers that died on each voyage, with the causes thereof ?

(c) Is it a fact that there is no canvas over the decks of these steamers ?

(d) What is the number of medical officers in attendance on the steamers with their qualifications ?

(e) What is the number of beds maintained for the sick patients on the steamers ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The information is being obtained and will be supplied to the Honourable Member in due course.

RESOLUTION IN THE MADRAS LEGISLATIVE COUNCIL TO RAISE MADRAS INFANTRY BATTALIONS.

977. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state if they are aware that a Resolution for the raising of certain Madras infantry battalions was passed in the Madras Legislative Council on the 5th August, 1931 ?

(b) Was the record of that debate forwarded to the Government of India by the Madras Government ?

(c) What action do the Government of India propose to take on that resolution ?

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

(b) The Government of India have seen a copy of the proceedings of the Madras Legislative Council ; but it has not been forwarded to them officially by the Government of Madras.

(c) The whole question of the future defence of India depends upon the outcome of the constitutional discussions now proceeding, and it is therefore impossible for the Government of India to take any action for the present on the Resolution, which recommends the raising of no less than ten new regular battalions of infantry.

REGIMENTS ADMITTING MEMBERS OF DEPRESSED CLASSES.

978. ***Rao Bahadur M. C. Rajah :** Will Government be pleased to state the names of regiments in which the members of the depressed classes can be recruited ?

Mr. G. M. Young : Members of certain depressed classes are recruited to the following five units :—

(1) Queen Victoria's Own Sappers and Miners.

(2) 1st and 2nd Battalions and Corps Headquarters, Madras Pioneers.

(3) 4th Indian Divisional Signals and Waziristan District Signals.

HIGH RENTS IN BOMBAY PAID BY THE ARMY AUTHORITIES.

979. ***Mr. G. I. Griffiths :** (a) Will Government be pleased to state whether the letter from the General Secretary, European Association, to the Secretary, Government of India, Army Department, dated 5th June, 1931, has been received ?

(b) If the answer to part (a) is in the affirmative, what action has been taken thereon ?

(c) Is it a fact that the Army authorities still pay very high rents, i.e., Rs. 400 to Rs. 500 per mensem for residential flats in Colaba ?

(d) Are Government aware that landlords are demanding similar high rents from civilians for like accommodation in other parts of Bombay ?

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

(b) Inquiries were made from the local military authorities and a reply is being sent to the Association.

(c) I am informed that the average rent paid for an officer's flat in Colaba is Rs. 450 a month. This rental was considered reasonable by the local Military Engineer Services for the accommodation provided at the time the leases were executed.

(d) I am informed that no cheaper flats were available at the time these were leased. As Colaba is not a cantonment, the military authorities have no power to regulate the rents of privately-owned flats or houses in that locality.

As the Honourable Member is no doubt aware, there is a considerable shortage of Government-owned quarters for military personnel in Bombay. Hiring of accommodation is, therefore, unavoidable. The military authorities endeavour to obtain the lowest possible rental in every case ; and, before hiring any accommodation, make inquiries into the rents paid for similar accommodation in the vicinity.

Mr. B. Das : Is the Honourable Member aware that the Army authorities are to-day paying the same rent in Colaba that they paid in 1922 and that they have made no efforts to see that their officers occupy premises on lower rents and reduce house-rents accordingly ?

Mr. G. M. Young : I am not aware of the exact rents paid to-day as compared with the rents paid in 1922. But it is certainly not a fact that the Army authorities have made no efforts to reduce rents for the accommodation provided for their officers.

Mr. B. Das : Is it necessary for military expediency that so many Army officers should be located at Bombay ?

Mr. G. M. Young : Yes.

Mr. B. Das : Is the Honourable Member aware that a certain Army officer pays an amount of something like Rs. 4,000 a month on the Malabar Hill for his office premises ?

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Mr. B. Das : Is the Honourable Member aware that a certain Army officer pays an amount of something like Rs. 4,000 a month on the Malabar Hill for his office premises ?

Mr. G. M. Young : No, Sir ; I am not aware of that.

Mr. B. Das : Will the Honourable Member look into the matter in view of the retrenchment problem in the Army Budget ?

Mr. G. M. Young : The general question of hiring accommodation is under consideration in connection with retrenchment. If my Honourable friend will supply me with any facts relating to the hiring of accommodation at exorbitant rents for officers, I shall be very glad to receive them and to inquire into them.

PAY AND ALLOWANCES OF STAFF OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

980. ***Mr. B. N. Misra :** (a) Are Government aware that there is a perpetual and general discontent among the staff of the Government of India attached and subordinate offices on account of the Government's treatment towards them in respect of pay and allowances ?

(b) Is it a fact that they have memorialised several times to Government for the betterment of their pay and allowances and Government have on all occasions rejected the memorials ? If so, why ?

(c) Is it a fact that there has been a great difference between the pay and allowances drawn by the Secretariat staff and the staff of the attached and subordinate offices ? If so, why ? Do Government propose to bring down all pay and allowances to the same level ? If not, why not ?

The Honourable Sir James Crerar : (a) and (b). The staff in question have from time to time made representations that the emoluments of attached and subordinate offices should be increased. The representations failed because Government were not satisfied that there were adequate grounds for undertaking a general revision.

(c) I would refer the Honourable Member to my answers to his question No. 938. For the reasons there offered, there seems to be no case for reducing the emoluments of the Secretariat staff and the staff of attached and subordinate offices to a common level.

PAY AND ALLOWANCES IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

981. ***Mr. B. N. Misra :** (a) Is it a fact that in the Central Board of Revenue there are some men who enjoy privileges of Secretariat people while others are treated as attached office staff ? If so, why is such differential treatment in existence in the same office ?

(b) Will Government please state whether there is any difference in the quality of the work in that office for which better facilities are given to men who do it ? If so, what is the nature of the work done by each class of men who draw more pay and allowances and who are deprived of it ?

The Honourable Sir George Rainy : Sir, my Honourable friend, Sir George Schuster has asked me to apologise to you and to the House for his inability to be in his place this morning : with your permission I will answer the questions standing in his name.

(a) There are nine men in the office of the Central Board of Revenue who are on the Secretariat scales of pay—two Superintendents, four

Assistants and three clerks. This scale is personal to them as on the formation of the Central Board of Revenue, they were transferred from the Departments of Industries and Labour and Commerce with the Salt and Customs work respectively and were in those Departments on the Secretariat scales of pay. They were given an undertaking that by their transfer to the Central Board of Revenue, they would not be losers. Whenever any of these men retires or goes on leave, the substitutes are entertained on Attached office scales only.

(b) There is no difference in the quality of work.

DISCRIMINATION IN PAY BETWEEN THE SECRETARIAT AND ATTACHED AND SUBORDINATE OFFICES.

982. ***Mr. B. N. Misra :** (a) Will Government please state whether it is not a fact that men for employment in the attached and subordinate offices and in the Secretariat are recruited by the Public Service Commission ?

(b) Is it not the fact that all passed candidates secure the same amount of marks in the examination ? If so, what is the difference in merit when a man is in the Secretariat and another is in the attached offices ? Why is such differential treatment meted out to the same class of men though holding appointments in the different offices ? Do Government propose to abolish such distinction ? If so, when ? If not, why not ?

The Honourable Sir James Crerar : (a) and (b). A common test is held for the Secretariat and other offices which recruit through the Public Service Commission and the candidates are arranged in the order of the marks which they secure. Those higher in the list are appointed to the Secretariat, and the others to the other offices, according to the number of vacancies available in each. Vacancies which arise after the publication of the results of the competitive examination are filled by candidates in order of merit irrespective of the fact that the particular vacancy is in the Secretariat or in an attached office. The fact that all pass the same test does not mean that all should get the same pay. The pay must depend upon the character of the post.

ABSORPTION OF ATTACHED AND SUBORDINATE OFFICES IN DEPARTMENTS OF THE SECRETARIAT.

983. ***Mr. B. N. Misra :** In view of the financial stringency, do Government propose to abolish all attached and subordinate offices and make curtailment in their expenditure by making those offices as the Branches of the Departments to which they are attached at present ? If not, why not ?

The Honourable Sir James Crerar : The question whether attached offices can be abolished has been raised by the General Purposes Subcommittee of the Retrenchment Committee and is still under their consideration. I may say, however, that, if instead of abolishing these offices, they were to be made into branches of the Secretariat, the probabilities are that, instead of economy, there would be an increased expenditure. The abolition of subordinate offices or their amalgamation with the Departments does not appear to be a practicable proposition.

APPOINTMENT OF ORIYAS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

984. *Mr. B. N. Misra : (a) Will Government be pleased to state the number of Oriyas working at present in the ministerial staff of the various Departments and the attached and subordinate offices of the Government of India ?

(b) Is it a fact that there is not a single Oriya among the permanent employees of the Government of India ? If the answer to the above is in the affirmative, what special step do Government propose to take in this direction ?

(c) Do Government propose to accord the same treatment towards Orissa as that accorded to the backward tribes and minority communities and unrepresented provinces as regards representation in the services ? If not, why not ?

(d) Will Government lay on the table a comparative statement showing the percentage of Oriyas with the men from other Provinces working at present in the Government of India ?

The Hon. (9) Volume VI, No. 4, dated 28th September, 1931, page 1116, reply to question No. 984, for question No. 489 "question No. 489" read "question No. 409" taken to see of particular communities. Candidates from Orissa have equal opportunities with those from other provinces and it is not proposed to take any special action in the matter. This being the case, I do not think any useful purpose would be served by the collection of the statistics for which the Honourable Member asks.

LOW PRICES OF WHEAT.

985. *Sirdar Harbans Singh Brar (on behalf of Sirdar Sohan Singh) : (a) Are Government aware that there are a large number of exemptions from import duty, that such exemptions have nullified the effect of that duty upon wheat prices in India and that wheat is selling at most unremunerative prices ?

(b) If so, what further action do Government intend to take to strengthen prices ?

(c) Do Government intend to introduce legislation to extend the wheat Import Duty Act to another two years ?

The Honourable Sir George Rainy : (a) and (b). The attention of the Honourable Member is invited to my speeches in the Legislative Assembly on the 31st March, 1931, on the Wheat (Import Duty) Bill, in which I explained that, apart from securing the Indian market for the Indian produce, the import duty was not likely to have any effect on the prices of wheat in India until the surplus existing in the Northern India markets was absorbed and that any action that could be taken would not have the effect of raising the level of prices.

(c) The conditions which rendered it necessary to pass the Wheat (Import Duty) Act, 1931, in March last unfortunately still exist, and unless there should be a material change of circumstances during the next three or four months, it will be necessary to continue the Act for a further period.

RAILWAY FREIGHT ON WHEAT AND COTTON.

986. *Sirdar Harbans Singh Brar (on behalf of Sirdar Sohan Singh) : (a) Are Government aware that the railway freight on wheat and cotton is very high as compared with most other commodities ?

(b) Is it a fact that the freight on cotton was increased during the Great War ? Has it been reduced since then ? If not, why not ?

(c) Do Government intend to lower the same to pre-war rates ?

Mr. A. A. L. Parsons : (a) Railway rates for wheat are the same as for the majority of other food-grains and are comparatively low. The rates for cotton are considerably higher than those for wheat and for a number of other commodities.

(b) and (c). I would refer the Honourable Member to the reply I gave on the 9th March, 1931, to Mr. E. F. Sykes's question No. 879. No general reduction in the rates for cotton has been made since these were enhanced during the war and post-war period. The question of a reduction in the rates for cotton, full-pressed, is under examination.

†987—994.

EXTENSION OF OPTION TO PURCHASE THE ASSAM BENGAL RAILWAY.

995. *Dr. Ziauddin Ahmad : (a) Is it a fact that the Assembly on the 18th July, 1930, adopted the following amendment of Mr. Fazl Ibrahim Rahimtullah "This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company and obtain for Government one year's extension of their existing option to terminate the Company's contract on the 31st December, 1931" ?

(b) What action, if any, have Government taken on this Resolution ?

(c) Have Government entered into a new contract with the company ? What are the terms of the contract ?

(d) Will Government be pleased to lay a copy of the contract on the table ?

(e) When will Government actually take the administration of the Assam Bengal Railway in their own hands ?

Mr. A. A. L. Parsons : (a) The Honourable Member's recollection is correct.

(b) and (c). I would refer the Honourable Member to the replies given by me on the 17th instant to Mr. S. C. Mitra's question Nos. 462 and 463.

(c) The terms of the original contract provide for its continuance for another period of ten years if not determined on the 31st December, 1931. No new contract was therefore necessary.

(d) Copies of the printed volume of contracts with the Company are in the Library of the House.

†These questions were withdrawn by the questioner.

Dr. Ziauddin Ahmad : Is it not a fact that the Government originally proposed to extend the term of contract for ten years and then an amendment was moved and the Government accepted that it should be extended only for one year ?

Mr. A. A. L. Parsons : My recollection is that Government originally proposed not to give notice of the termination of the contract,—it was not a question of extending the contract—and that what the Assembly desired was that negotiations should be entered into with the company to get an opportunity of taking over the line one year later.

Dr. Ziauddin Ahmad : The Assembly recommended the extension for one year. I should like to know why, without coming to the Assembly again, you yourself have extended this term for ten years.

Mr. A. A. L. Parsons : I must correct the Honourable Member, there was no question of extending the contract ; it was a question of not exercising the option to close the contract. The reason why the wishes of the Assembly were not fulfilled was that the Company was not prepared to give us an extension of the option.

Dr. Ziauddin Ahmad : If the Company did not agree to the extension by one year, why was not the matter referred to the Assembly explicitly again ? We had the last meeting in the cold weather in January, February and March.

Mr. A. A. L. Parsons : Our option to terminate the contract was only up to the 31st December, 1930. The Assembly did not meet again till some time late in January, 1931. It was therefore not possible to refer the matter again to the Assembly.

Dr. Ziauddin Ahmad : If such emergency arose, why were not all the papers laid before the Assembly as soon as it met ?

The Honourable Sir George Rainy : A question was put on the subject in the Assembly during the last cold weather session and was answered on the floor of the House.

INTERVIEW WITH SIR SAMUEL HOARE ON THE PRESS BILL.

996. ***Mr. S. G. Jog :** (a) Is it a fact that Mr. A. Rangaswami Iyenger, a delegate to the Round Table Conference, interviewed the Right Honourable Sir Samuel Hoare, the Secretary of State for India, on the question of the Press Bill now before the House and had a discussion with him ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to announce to this House the result of that interview before the House proceeds further with the discussion on the Bill ?

The Honourable Sir James Crerar : (a) The Government of India have no information.

(b) Does not arise.

EMPLOYMENT AS A MEMBER OF THE PUBLIC SERVICE COMMISSION OF THE HEAD OF THE CRIMINAL INTELLIGENCE DEPARTMENT.

997. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if it is a fact that they propose to employ the head of the C. I. D.,

now on the verge of retirement as a Member of the Public Service Commission ?

(b) If so, will Government be pleased to state what are the special qualifications of this gentleman to occupy the post ?

The Honourable Sir James Crerar : Under section 96-C of the Government of India Act, the Secretary of State in Council has appointed Sir David Petrie to be a Member of the Public Service Commission in a vacancy which requires under the rules to be filled by a person who has been for at least ten years in the service of the Crown in India. He selected Sir David Petrie on account of his distinguished career and wide knowledge of service matters. Sir David reaches the age of compulsory retirement from the Indian Police Service in 1934.

REDUCTION IN NUMBER OF MEMBERS OF THE PUBLIC SERVICE COMMISSION.

998. ***Mr. C. S. Ranga Iyer :** (a) Is it a fact that the Retrenchment Committee have recommended the reduction in the number of the Members of the Public Service Commission from five to three ?

(b) Was this question sent to the Public Service Commission for their report ? If so, what was their report ?

(c) If they concurred in the reduction, are Government going to make it ? If not, why not ?

(d) What economy would this reduction effect per annum in the expenditure of the Government of India ?

The Honourable Sir James Crerar : (a) to (c). The views of the Public Service Commission on the question whether the number of Members of the Commission could be reduced to a smaller number than five were placed before the General Purposes Sub-Committee of the Retrenchment Committee. The Retrenchment Committee's observations on the subject have not yet been received, and there is no further information that I can give at present.

(d) The pay of Members of the Commission, not being Chairman, is Rs. 3,500 a month.

Mr. C. S. Ranga Iyer : Will the Honourable Member be pleased to say if the Public Service Commission recommend that their number should be reduced from five to three, whether the Government of India will be pleased to carry out that recommendation ?

The Honourable Sir James Crerar : I am afraid I cannot supply the House with an answer to that question.

Mr. C. S. Ranga Iyer : Are the Government aware that the Public Service Commission is so highly paid that the country cannot afford the cost and also that it need not have five Members to carry on the work that they are performing in view of the financial crisis we are at present in ?

The Honourable Sir James Crerar : I believe, Sir, the Honourable Member is asking me to express an opinion.

Mr. C. S. Ranga Iyer : Will the Honourable Member be pleased to consider the desirability of reducing the number of Members of the Public Service Commission ?

The Honourable Sir James Crerar : The Government will no doubt consider any recommendations on the subject which the Retrenchment Committee might make.

Mr. Gaya Prasad Singh : Is it a fact, Sir, that the Public Service Commission have agreed to their number being reduced from five to three ?

The Honourable Sir James Crerar : I have no information to that effect.

Mr. Gaya Prasad Singh : But this is part of the question.

Mr. C. S. Ranga Iyer : May I inform the Honourable Member that the Public Service Commission have so recommended ?

Mr. K. P. Thampan : May I know whether the Members of the Public Service Commission are full-time officers ?

The Honourable Sir James Crerar : Yes, Sir.

Mr. K. P. Thampan : Are Government satisfied that there is sufficient work for five men on the Public Service Commission ?

Sir Lancelot Graham : Yes.

Mr. C. S. Ranga Iyer : Are the Government aware that the opinion of the Public Service Commission was called for by the Retrenchment Committee ?

The Honourable Sir James Crerar : I have already replied in the affirmative.

Mr. C. S. Ranga Iyer : Will the Government be pleased to issue a communiqué as soon as they get the information on the subject as to what they propose to do in regard to the recommendation of the Retrenchment Committee ?

The Honourable Sir James Crerar : I must remind the Honourable Member that the appointment of Members of the Public Service Commission and the constitution of the Commission are under the control of the Secretary of State for India.

Mr. C. S. Ranga Iyer : Will the Government of India be pleased to recommend to the Secretary of State that the recommendations of the Public Service Commission that the number of Members should be decreased from five to three, should be accepted ?

The Honourable Sir James Crerar : I am afraid I must have sufficient information before I can reply to such a hypothetical question.

Mr. Gaya Prasad Singh : Have not the Government of India received any report from the Members of the Public Service Commission on this point ?

The Honourable Sir James Crerar : To the best of my knowledge we have no official proposals in this matter.

Mr. Gaya Prasad Singh : That is contained in part (b) of the question which asks " Was this question sent to the Public Service Commission for their report ? If so, what was their report ? " I am asking for their report. I want to know if their report has been received by Government or not ?

The Honourable Sir James Crerar : To the best of my recollection, Sir, the Retrenchment Committee asked for information on these points

and the papers were laid before them. What views they might have on the subject, as I have already explained, I do not yet know.

Mr. Gaya Prasad Singh : My point is, have you received a report from the Public Service Commission agreeing to their number being reduced from five to three ? Have you received a report or not ?

The Honourable Sir James Crerar : I think, Sir, the answer to that question is in the negative, but if the Honourable Member wishes me to do so, I will ascertain the facts.

Sir Hari Singh Gour : Is the Honourable Member prepared to assert that he has received no reply from the Public Service Commission relating to the numbers of the *personnel* of the Commission being reduced from five to three ? Was not a report called for by the Retrenchment Committee from the Public Service Commission ? Does the Honourable Member say that the Public Service Commission has made no report ?

The Honourable Sir James Crerar : I think the position is that the questionnaire was issued by the Retrenchment Committee, to which a reply was made by the Public Service Commission. So far as I am aware the Retrenchment Committee have not yet made any recommendation.

Sir Hari Singh Gour : Will the Honourable Member be pleased to give this House an opportunity of giving its views upon the subject before coming to a decision ?

The Honourable Sir James Crerar : I am not in a position to give the Honourable Member an assurance on that point.

Dr. Ziauddin Ahmad : In view of the fact that the Members of the Public Service Commission are in a better position than the Home Department to know about the quantity of work the Commission is doing, I would like to know whether the Home Department would agree to the reduction of their number if the Public Service Commission recommended that their number should be reduced from five to three ?

The Honourable Sir James Crerar : Their views on the subject will receive the very careful consideration of the authorities concerned.

APPOINTMENT AND REDUCTIONS IN MEMBERS OF THE PUBLIC SERVICE COMMISSION.

999. ***Mr. C. S. Ranga Iyer :** Are Government prepared to give the Assembly an opportunity to discuss the propriety of appointing a C. I. D. man to the Public Service Commission and of the necessity or otherwise of bringing two posts in the Commission under retrenchment ?

The Honourable Sir James Crerar : The appointment of Members of the Public Service Commission is made by the Secretary of State in Council under Section 96-C. of the Government of India Act one of the objects being to ensure that that body shall be entirely independent. The Honourable Member will, I am sure, agree with me that on public grounds it is undesirable that appointments to Public Service Commission should be a matter of discussion in the Legislatures. In regard to a reduction in the number of Members of the Public Service Commission, the Government of India await proposals from the Retrenchment Advisory Committee and will give them their careful consideration when they are received.

DEBTS OF PORT TRUSTS.

1000. ***Lala Hari Raj Swarup** : Will Government be pleased to give the following debt particulars of the major Port Trusts ? (The latest available figures may be given) :

- (a) Amount of outstanding direct loans ; (i) rupee, (ii) sterling ;
- (b) Amount of advances taken from the Government of India ;
- (c) Amount of advances taken from the Provincial Governments ;
- (d) Amount of money borrowed from such institutions as the Imperial Bank of India ; and
- (e) The amount of accumulated sinking fund in each case and the places where it is deposited ?

The Honourable Sir George Rainy : The Government of India are not in possession of complete information. The Port Trusts concerned have been asked to supply it, and when received it will be communicated to the Honourable Member.

NUMBER OF EUROPEAN AND INDIAN PORT COMMISSIONERS IN THE MAJOR PORTS.

1001. ***Lala Hari Raj Swarup** : (a) Will Government be pleased to state the number of European and Indian Port Commissioners in the case of major ports in India ?

(b) When do Government propose to bring forward the necessary legislation to increase the proportion of Indians on those bodies ?

The Honourable Sir George Rainy : (a) A statement showing the number of European and Indian Port Commissioners at the major ports in India is laid on the table.

(b) Government do not contemplate legislation for this purpose. An increase in the proportion of Indians will follow on the accession of Indians to posts of which the holders are *ex-officio* or nominated members of the Port Trusts.

Statement showing the number of European and Indian Port Commissioners in the major Port Trusts.

Port.	Europeans. Indians.		Total.
Calcutta	14	5	19
Chittagong	8	4	12
Madras	11	4	15
Rangoon	12	5*	17
Bombay	12	10	22
Karachi	8	6	14
Aden	8	3†	11

*Includes Indians, Burmese and Chinese.

†Includes 1 Arab.

THE WAGON INDUSTRY.

1002. ***Lala Hari Raj Swarup** : Will Government be pleased to lay on the table a statement as regards the position of the State wagon industry ever since it was taken over by Government a few years ago, together with a few statistics of its position before it came under the present control ?

Mr. A. A. L. Parsons : The Honourable Member is mistaken in thinking that Government have ever taken over the wagon industry, in India ; it was always, and is now, in private hands.

TREASURY BILLS OUTSTANDING.

1003. ***Lala Hari Raj Swarup** : (a) Will Government be pleased to state (i) the amount, and (ii) the rate of interest of Treasury Bills of 3, 6, 9 and 12 months outstanding up-to-date ?

(b) Could Government give an approximate idea as to how much of the same are held as short term balances of foreign countries ?

The Honourable Sir George Schuster : (a) The amount of three, six and nine months Treasury Bills outstanding on the 14th September, 1931, was approximately 79½ crores. These were issued at various rates which were given in the weekly communiqués published by the Controller of the Currency. There are no 12 months' Bills outstanding.

(b) The Government of India cannot provide an accurate estimate.

OUTFLOW OF CAPITAL FOR STERLING LOANS.

1004. ***Lala Hari Raj Swarup** : (a) Has the attention of Government been drawn to newspaper reports that Bombay and Calcutta subscribed heavily to sterling loans raised in February and May last ?

(b) If so, what steps have Government taken to check the outflow of capital thus caused ?

The Honourable Sir George Schuster : (a) Yes.

(b) None. The Government of India understand that it would be greatly resented if Indians should be prevented from subscribing to sterling loans issued by the Government of India.

PRINCIPLES FOR INVESTMENT OF PROVIDENT FUNDS.

1005. ***Lala Hari Raj Swarup** : (a) Will Government be pleased to state if there are any principles on which Provident Funds are at present invited by Government for investment ? If so, what ?

(b) Can non-Government but aided institutions also avail themselves of the privilege ? If so, how ?

The Honourable Sir George Schuster : (a) The Honourable Member's question is not very easy to understand, but I would inform him that Government do not invite subscribers to Provident Funds to

withdraw their deposits so as to invest them in Government loans as their utilisation for the purpose of investment would be contrary to the provisions of the Provident Funds Act, which applies to all Government provident funds.

(b) Does not arise.

ANNOUNCEMENT BY THE PREMIER REGARDING FINANCIAL HELP FOR INDIA.

1006. ***Lala Hari Raj Swarup** : (a) Will Government be pleased to state if the announcement of the Premier regarding financial help to India was made in response to some request of the Government of India ?

(b) If so, what is the nature of help demanded or expected of the British Treasury so far as the announcement is concerned ?

The Honourable Sir George Schuster : (a) I regret that I am unable to give any information regarding the communications which have passed between the Government of India and the Secretary of State on this subject.

(b) That will depend on circumstances if the necessity arises.

Mr. B. Das : Does that mean that the Government of India never asked for any credit from the British Government ?

The Honourable Sir George Rainy : The Honourable Member will be rash to draw inferences too hastily. I would remind the House that my Honourable Colleague, the Finance Member, when he made his statement on Thursday and again on Saturday, I think, gave all the information he was in a position to place before them.

RENEWAL OF THE CONTRACT WITH THE IMPERIAL BANK OF INDIA.

1007. ***Lala Hari Raj Swarup** : Will Government be pleased to state what steps Government have taken for the renewal of the contract with the Imperial Bank of India ?

The Honourable Sir George Schuster : The attention of the Honourable Member is invited to the reply given by me to Mr. B. Das' starred question No. 113 on the 21st January, 1930.

EXCHANGE FACILITIES OF THE IMPERIAL BANK OF INDIA.

1008. ***Lala Hari Raj Swarup** : Will Government be pleased to state with what banking institutions the Imperial Bank of India has got arrangements for the provision of exchange facilities for the sake of its regular or casual customers ? And on what terms ?

The Honourable Sir George Schuster : The Government of India have no information on the subject.

RATES FOR STERLING POST OFFICE MONEY ORDERS.

1009. ***Lala Hari Raj Swarup** : Will Government be pleased to state what have been the rates for the sterling money orders sent through the

Post Office ever since the present statutory ratio was fixed ? (The rates may be given for full pounds.) Why are these rates fluctuating ?

Sir Hubert Sams : The rates for sterling remittances through the Post Office since the present statutory ratio was fixed were as follows :

From 14th February, 1928 to 7th July, 1929 ..	£1 = Rs. 13-11-0
From 8th July, 1929 to 29th August, 1929 ..	£1 = Rs. 13-15-0
From 30th August, 1929 to 1st June, 1930 ..	£1 = Rs. 13-11-0
From 2nd June, 1930 to 25th March, 1931 ..	£1 = Rs. 13-15-0
From 26th March, 1931 to 10th June, 1931 ..	£1 = Rs. 13-11-0
From 11th June, 1931 to 19th September, 1931 ..	£1 = Rs. 13-15-0

The rates fluctuate to approximate as nearly as possible to the market rate.

PROMOTION OF UPPER SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT.

1010. ***Mr. T. N. Ramakrishna Reddi** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Will Government be pleased to state the total number of P. W. D. Upper Subordinates on Indian State Railways, and the percentage of the Sub-Engineers (all three grades taken together), Supervisors (both the grades taken together) and Overseers (all three grades taken together) on 1st January, 1920, and on 1st October, 1929 ?

(b) Is it a fact that the percentage strength of the Sub-Engineers' grade has decreased and that of Supervisors' grade increased from 1920 to 1930 ?

(c) Is it a fact that on account of the above reduction in Sub-Engineers' grade the promotions of the P. W. D. Upper Subordinates employed on Indian State Railways have been very slow inasmuch as they have not had any promotions for the last 2½ to 10½ years ?

(d) Is it a fact that further recruitment to the P. W. D. Upper Subordinates establishment in Indian State Railways has been stopped and some of the lower grades have already disappeared inasmuch as the Overseer grade in the above establishment will cease to exist on further promotion to the class ?

(e) If answer to parts (b), (c) and (d) is in the affirmative, are Government prepared to raise the strength of Sub-Engineers' grade and allot due promotions to the Upper Subordinates and compensate them for their slow and deferred promotions ?

Mr. A. A. L. Parsons : (a) I am sending a statement giving the information available to the Honourable Member.

(b) Yes, the percentage of Sub-Engineers has decreased by two while that of Supervisors has increased.

(c) The reduction in the percentage of Sub-Engineers has to some extent effected the promotion of Upper Subordinates.

(d) Yes.

(e) The question of raising the strength of Sub-Engineers will be examined.

ISSUE OF 6½ PER CENT. TREASURY BONDS.

1011. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether their attention has been drawn to the Press statements of Sir Parshotamdas Thakurdas and Mr. Jamal Mahomed on the issue of the 6½ per cent. Treasury Bonds for 1935 characterising these bonds as injurious to the real interests of the country and the floatation of the loan as suicidal ?

(b) What step or steps do Government contemplate taking to prevent the diversion of capital from commerce, industry and agriculture ?

(c) What persons and commercial bodies have protested against the issue of these new bonds ? Has any public body supported Government's action ?

(d) Were the different Chambers of Commerce in India consulted before the loan was issued ?

The Honourable Sir George Schuster : (a) Yes.

(b) This is a matter of opinion. Government are not prepared to admit that these bonds have caused a diversion of capital.

(c) The Southern India Chamber of Commerce, Madras, the Federation of Indian Chambers of Commerce and Industry, and the Federation of Bombay Commercial Associations.

(d) No.

REPORTED SEIZURE OF CONGRESS PROPERTY.

1012. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they are aware of the Press message from Mymensingh, dated 2nd September, 1931, published under the heading "Violation of Truce—Congress properties seized, Volunteers roughly handled" as published in the "Advance" of Calcutta of 5th September, 1931 ?

(b) If so, did Government consider it necessary to inquire into the truth or falsity of the allegations ?

(c) Were Congress sign-boards, working utensils, charkhas, national flag, actually seized by the police by raiding the Congress office ?

(d) Were volunteers roughly handled while engaged in peaceful picketing carried on in accordance with the Gandhi-Irwin agreement ?

(e) Are Government in a position to state the result of the inquiry, if any, made ?

The Honourable Sir James Crerar : (a) I have seen the Press message referred to.

(b) to (e). I am having enquiries made and will give the Honourable Member a reply in due course.

DELEGATES TO THE ROUND TABLE CONFERENCE FROM BIHAR AND ORISSA.

1013. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state how many Hindus and Muhammadans have gone to London to attend the

Round Table Conference as delegates from Bihar and Orissa ? Does any of them belong to Orissa ?

(b) Who attended the first Round Table Conference and what names have been added and on what principles have the additions to the old list been made for the whole Conference ?

The Honourable Sir George Rainy : (a) and (b). I would refer the Honourable Member to the reply which I gave to Sardar Sant Singh's starred question No. 480 on the 17th September, 1931.

DATE OF CONCLUSION OF THE ROUND TABLE CONFERENCE AND PUBLICATION OF ITS RESULTS.

1014. ***Mr. Bhuput Sing :** (a) Are Government in a position to state when the work of the Round Table Conference is expected to be over and when the new constitution will be introduced in this country as a result of the Conference ?

(b) Do Government contemplate publishing the news and the proceedings of the Conference in different languages in the form of bulletins in order to familiarise the general public with the work and make it popular in India ?

The Honourable Sir George Rainy : (a) I have no material for an estimate.

(b) No, Sir.

PROMOTION OF CLERKS TO THE LOWER DIVISION OF THE SECRETARIAT.

1015. ***Mr. Badri Lal Rastogi :** (a) Will Government please state how many clerks qualified for the Lower Division of the Secretariat in the qualifying examination held by the Public Service Commission in 1929 ?

(b) How many of them have been provided permanently or temporarily in that Division and how many still await their chance for promotion to that Division and are at present working either in the Lower Division of the attached offices or Third Division of the Secretariat, which carry the same scales of pay ?

(c) Is it a fact that when an officer is away for any reason, the vacancy caused by his absence is immediately filled by promotion ?

(d) Is it a fact that there are Lower Division vacancies in some of the Departments of the Government of India, e.g., Foreign and Political Department, Finance Department, Agricultural Research Council, and in spite of the fact that Lower Division clerks are available in those Departments, they are not promoted to that Division but are being employed in the Third Division ?

(e) Do Government propose to promote them in such vacancies forthwith ? If not, why not ?

(f) Is it a fact that even when there were several Lower Division clerks unprovided in that Division, examination for the Lower Division was held by the Public Service Commission in 1931?

(g) Is it a fact that candidates who qualified for the Lower Division of the Secretariat in the 1931 examination have been provided in permanent vacancies, while those who qualified in previous examinations still remain unprovided?

(h) Will Government please state what steps they propose to take to provide for those who qualified in examination prior to 1931?

(i) Do Government propose not to hold any further examination for the Lower Division of the Secretariat till these men are permanently provided? If not, why not?

The Honourable Sir James Crerar : (a) Thirty-one.

(b) The information readily available shows that in August, 1930, there were only eight men who have been provided with permanent appointments in the Second Division of the Secretariat or the First Division of attached offices. I have no information in regard to the rest.

(c) Yes, ordinarily.

(d) Yes, in the offices referred to.

(e) The matter is left to the discretion of Departments, who I understand are not overlooking the claims of qualified candidates for promotion to the Second Division.

(f) and (g). Yes.

(h) and (i). Under the recruitment scheme now in force, a proportion of vacancies in each Division must be filled by direct recruits. The Government of India have given the most careful consideration to the claims of qualified candidates serving in Lower Divisions and have come to the conclusion that no injustice is done to them by the filling of a proportion of vacancies by direct recruitment. Reasonable provision exists in the scheme for the promotion or confirmation of existing qualified men.

GOVERNMENT EMPLOYEES LIABLE TO INDIAN INCOME-TAX.

1016. ***Mr. L. V. Heathcote :** (a) How many employees of Government, both Central and Provincial, including those employed by the State Railways, who are engaged in civil employment, were declared liable to Indian income-tax during either or both of the financial years 1929-30, 1930-31?

(b) How many Government servants in the Army and in the Army Department, not included in the number referred to in part (a) above, were declared liable to Indian income-tax in either or both of the financial years 1929-30, 1930-31?

The Honourable Sir George Schuster : (a) and (b). A statement is laid on the table giving such information as is available.

Statement showing the number of Central Government servants, in Civil employment including Railways and Army Department declared liable to Indian income-tax during the financial years 1929-30 and 1930-31.

	1929-30.	1930-31.
1. Central Civil Departments including Railways ..	20,598	22,131
2. Army Department	16,706	16,451

NOTE.—The figures mentioned above are approximately correct, but may not be quite complete as they refer only to those from whom tax was deducted at the time of the disbursement of the salaries and pensions. Information regarding officers under Provincial Governments is not available. Their number may be taken as roughly two and a half times that of the officers in the Civil Departments of the Central Government including Railways.

RECRUITMENTS IN THE OFFICE OF THE ROYAL AIR FORCE ON THE EVE OF MOVING TO DELHI.

1017. ***Maulvi Sayyid Murtuza Saheb Bahadur** (on behalf of Haji Chaudhury Muhammad Ismail Khan) : (a) Is it a fact that the Headquarters, Royal Air Force, India, have asked for four qualified candidates to join on the 7th October, 1931, though the office is moving down to Delhi on the 9th October, 1931? If so, will Government be pleased to state the reasons why those candidates could not be asked to join after the office opens in Delhi?

(b) Will Government be pleased to state whether that would have given a saving of Rs. 500 to Government which they are paying, viz., travelling allowance to those men and the payment of Delhi camp allowance? Is it a fact that men recruited in Delhi are not entitled to the Delhi camp allowance? If so, why have those men been asked to join on the 7th October, 1931?

Mr. G. M. Young : (a) No, Sir. The Public Service Commission was asked to direct the clerks to report at Delhi on the 15th October, if they were not already employed in Government offices in Simla, and to report in Simla, on the 7th October, if they were already so employed.

(b) No, Sir. If the clerks are already employed in Government offices, it will make no difference financially whether they join the Army Headquarters in Simla or in Delhi.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1018. ***Mr. Muhammad Anwar-ul-Azim :** Will Government be pleased to state :

(a) the number, in each Division of such Muslim candidates working in temporary or officiating capacity, in the Government of India Secretariat or attached offices, who have qualified in the Public Service Commission or the Staff Selection Board examinations held prior to 1931, but have not yet been confirmed in the Division for which they have qualified ;

- (b) the number of vacancies, in each Division, kept vacant for the prospective candidates coming out successful from the 1931 competitive or qualifying examination ;
- (c) the number of candidates, Muslims and non-Muslims, separately in each Division, who passed the 1931 competitive or qualifying examination ;
- (d) in the statement below, how the posts in the various Divisions have been offered to the candidates who have passed in the 1931 competitive or qualifying examination :—

	Division in which passed.	Appointment offered in					
		1st Division.		2nd Division.		3rd Division.	
		Secretariat.	Attached Office.	Secretariat.		Secretariat.	Attached Office.
Muslims	I Dn. II Dn. III Dn.						
Non-Muslims	I Dn. II Dn. III Dn.						

- (e) the number of posts, in each division, not yet filled in permanently ?

The Honourable Sir James Crerar : The information asked for is being sent to the Honourable Member separately.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1019 ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that, as a result of the 1931 competitive or qualifying examination, Government could not get an adequate number of Muslim candidates to offer them appointments with a view to adjust their poor representation in the ministerial establishment of the Government of India offices ?

(b) If the reply to (a) above be in the affirmative, are Government disposed to consider the advisability of filling in the posts not yet permanently filled in and kept vacant for Muslim candidates, as well as those posts likely to fall vacant consequent on the compulsory or voluntary retirement of officials as a result of the retrenchment campaign in vogue, by—

(i) confirming Muslim candidates who have qualified themselves prior to 1931, and

(ii) holding a separate competitive examination for Muslims only ? If not, why not ?

The Honourable Sir James Crerar : (a) Yes, in respect of the Third Division only.

(b) I have already explained the orders which have been issued in the matter.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1020. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that when a candidate is confirmed in any Division his name is removed from the list of candidates kept by the Public Service Commission, irrespective of the fact that he has qualified for a Division higher than the one in which he has been confirmed ?

(b) If the reply to part (a) above be in the affirmative, are Government aware of the difficulties with which the candidates especially Muslims, are confronted in securing the appointment in the Division for which they have qualified ? If so, are Government prepared to consider the desirability of keeping the names of such candidates on the list referred to above, till they have been confirmed in the Division for which they have qualified ? If not, why not ?

The Honourable Sir James Crerar : With your permission, Sir, I propose to reply to questions Nos. 1020 to 1022 together. I would refer the Honourable Member to the replies given on 22nd September, 1931, to Mr. Muhammad Muazzam Sahib Bahadur's questions Nos. 744—746.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

†1021. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that the candidates who have passed the 1931 examination have been given permanent appointments, whereas those candidates who have passed similar examinations prior to that, are working satisfactorily in the offices, and have years experience at their credit, are still working in temporary or officiating capacity ?

(b) If the reply to part (a) above be in the affirmative, will Government please state the reasons why such a preferential treatment has been meted out to the new entrants ?

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

†1022. ***Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that orders have been issued by the Government of India that in regard to the passed candidates who will not be given permanent appointments (or will not be confirmed) up to a specified limit (up to 30th September, 1931, for the present) the fact of their having passed the prescribed test will be considered as null and void ?

(b) If the reply to part (a) above be in the affirmative, are Government disposed to confirm Muslim candidates who have qualified themselves prior to 1931 immediately, so that they may not be affected adversely by the orders referred to above, after 30th September, 1931 ? If not, why not ?

†For answer to this question, see answer to question No. 1020.

CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

1023. *Mr. Muhammad Anwar-ul-Azim : Will Government please lay down particulars of the clerical establishment of the Railway Board office in the statements A and B below ?—

A

Statement showing strength of clerical establishment of the Railway Board office at the end of each of the last five years.

	31-3-27.			31-3-28.			31-3-29.			31-3-30.			31-3-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
Permanent—															
(i) Total No. of employees in each Division.															
(ii) No. of Muslim employees in each Division.															
Temporary—															
(i) Total No. of employees in each Division.															
(ii) No. of Muslim employees in each Division.															

B

Statement showing vacancies occurred and filled in in the clerical establishment of the Railway Board office during the last five years.

	1926-27.			1927-28.			1928-29.			1929-30.			1930-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
Permanent—															
(i) Total No. of vacancies occurred in each Division.															
(ii) No. of vacancies filled by Muslims in each Division.															
Temporary—															
(i) Total No. of vacancies occurred in each Division.															
(ii) No. of vacancies filled in by Muslims.															

Mr. A. A. L. Parsons : A statement is being sent to the Honourable Member.

CADRES IN THE POSTAL DEPARTMENT IN BURMA.

1024. *Mr. Muhammad Anwar-ul-Azim : (a) Will Government be pleased to state whether prior to 1st January, 1930, all appointments in the grade of Rs. 250—350 in the Rangoon General Post Office, Burma Mofussil Post Offices and the Circle Office were on a common cadre ? Were such appointments interchangeable ?

(b) Is it a fact that an official in the grade of Rs. 250—350 either from the Rangoon General Post Office or Burma Mofussil Post Office was liable to be transferred to the Circle Office without any prejudice to his future prospects ?

(c) Is it a fact that the Circle Office was made a self-contained cadre and was separated from the rest of the Post Office and R. M. S. with effect from the 1st January, 1930 ?

(d) Is it not the policy of Government to protect an official from any adverse effect arising out of an administrative arrangement ?

Sir Hubert Sams : (a) Yes.

(b) Liability to transfer between the units mentioned by the Honourable Member existed. Prospects were as they existed at the time.

(c) Yes.

(d) Instructions were issued on the occasion referred to in part (c) that, if any individual case merited special consideration, it should be reported in detail by the Postmaster General for orders.

ALLEGATIONS AGAINST AN EXECUTIVE ENGINEER OF THE PUBLIC WORKS DEPARTMENT, DELHI.

1025. *Mr. Muhammad Muazzam Sahib Bahadur : With reference to the reply given by Government on the 23rd March, 1931, to Sir Muhammad Yakub's questions Nos. 1086 and 1091 during the last Delhi Session of this House, will Government be pleased to state whether the said questions were referred to the Central Public Works Department ? If so, will Government place on the table the explanation received ?

Mr. J. A. Shillidy : The questions were referred to the Chief Engineer, Central Public Works Department. No explanations were called for, as it was not necessary to do so.

TRANSFER OF DR. DEISH, ASSISTANT SURGEON, COMBINED HOSPITAL, NEW DELHI.

1026. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government please state if Dr. Deish, the New Delhi Assistant Surgeon, who has served for ten years in the Combined Hospital, New Delhi, has been transferred in pursuance of the promise held out by Government at the last session of the Assembly that steps were being taken to have him transferred ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It is not a fact that Dr. Deish, Assistant Surgeon, New Delhi, has been serving for ten years in the Combined Hospital or that any promise was made during the last session of the House that steps were being taken to have him transferred. What was said was that the question of his transfer would be considered in due course. That promise will be kept.

1134

LEGISLATIVE ASSEMBLY. [28TH SEPTEMBER 1931.]

PARTNERSHIP IN AN ELECTRICAL FIRM OF THE EXECUTIVE ENGINEER, VII PROJECT DIVISION, NEW DELHI.

1027. ***Mr. Muhammad Muazzam Sahib Bahadur** : Will Government state if it is a fact that Mr. Soi, Executive Engineer, VII Project Division, is a partner in an electrical firm in Bombay ? Is it a fact that electrical goods have been ordered from this firm for Government use ?

Mr. J. A. Shillidy : The reply to the first part of the question is in the negative. The second part does not arise.

POWER HOUSE SUPERINTENDENTS IN NEW DELHI.

1028. ***Mr. Muhammad Muazzam Sahib Bahadur** : Is it a fact that there are two Power House Superintendents in New Delhi ? Are Government prepared to consider the necessity of engaging one whole-time qualified Superintendent ?

Mr. J. A. Shillidy : No. There is one Superintendent, and an Assistant Superintendent. The existing staff is considered adequate.

QUANTITY OF ELECTRICAL GOODS BOOKED AND USED FOR THE GENERAL POST OFFICE, KASHMIR GATE, DELHI.

1029. ***Mr. Muhammad Muazzam Sahib Bahadur** : Will Government please state what quantity of conduit and other electrical goods were charged and booked against the work of installing electric light and fan points in the new building of the General Post Office, Kashmir Gate, Delhi ? Is it a fact that far less quantity than was ordered was actually used ?

Sir Hubert Sams : Enquiry is being made and the information will be supplied to the Honourable Member separately.

ALLEGED SALE OF COAL FROM THE POWER HOUSE IN NEW DELHI.

1030. ***Mr. Muhammad Muazzam Sahib Bahadur** : Are Government aware that large quantities of coal from the Power House, Public Works Department, New Delhi, are being sold privately in the bazaar and that a portion is being privately utilised by some of the VII Division staff ?

Mr. J. A. Shillidy : Government have no information.

MAINTENANCE OF ELECTRIC INSTALLATIONS AND ROAD LIGHTING IN OLD DELHI.

1031. ***Mr. Muhammad Muazzam Sahib Bahadur** : Is it a fact that in the absence of Mr. Prabhu the work of maintenance of electric installations and road lighting in Old Delhi was recently in charge of one electric assistant only and is it a fact that now there are two highly paid men ? If so, do Government propose to reduce the expenditure ?

Mr. J. A. Shillidy : The reply is in the negative.

REPRESENTATION OF COMMUNITIES IN THE OFFICE OF THE EXECUTIVE ENGINEER, VII DIVISION, NEW DELHI.

1032. ***Mr. Muhammad Muazzam Sahib Bahadur** : Will Government state how the several communities are represented in the office of the

Executive Engineer, VII Division, New Delhi, and on the outdoor work connected therewith ?

Mr. J. A. Shillidy : As regards office staff, the numbers are : Hindus thirteen, Muslims six, Sikhs six, Indian Christians none, total 25 ; while the corresponding numbers in the case of outdoor staff are 132, 41, 45, 4 and 222, respectively. But I may remind the Honourable Member that the staff is only part of a common cadre.

WORKING HOURS IN THE SECRETARIAT.

1033. ***Maulvi Sayyid Murtuza Saheb Bahadur** : Will Government be pleased to state as to :

- (a) what the working hours in the Secretariat are ;
- (b) whether they are uniform or vary in the several Branches of the Secretariat ;
- (c) whether it is a fact that in many Branches of the Secretariat the clerks are obliged to work for 9 or 10 hours a day ; and
- (d) whether they are prepared to issue orders that the circular setting forth working hours is acted up to ?

The Honourable Sir James Crerar : (a) and (b). The question of office hours is, within limits, one for each Department to decide for itself but generally the prescribed hours of work in the Secretariat are from 10-30 A.M. to 4-30 P.M. except on Saturdays when the hours are usually 10-30 A.M. to 2 P.M.

(c) It sometimes happens that in the exigencies of the public service, members of the office staff are required to work longer hours than those mentioned.

(d) No, Sir.

ABOLITION OF THE POST OF ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

1034. ***Maulvi Sayyid Murtuza Saheb Bahadur** : (a) Is it a fact that as long as Mr. Watkins remained the Superintendent of Education for Delhi and Ajmer-Merwara there was no Assistant Superintendent of Education for Ajmer-Merwara ?

(b) Will Government please state if it is a fact that some one was appointed as Assistant Superintendent of Education, Ajmer-Merwara, after the abolition of the post of the whole-time Superintendent of Education for Delhi and Ajmer-Merwara in 1922 ?

(c) Is it a fact that on the appointment of a whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India in April 1931, the post of the Assistant Superintendent of Education, Delhi, was abolished ?

(d) Will Government please state whether, in these days of extreme financial stringency and on the appointment of a whole-time Superintendent of Education, Government propose to consider the abolition of the post of Assistant Superintendent of Education, Ajmer-Merwara ? If not, why not ?

(e) If the reply to part (d) above is in the negative, will Government please state why they abolished the post of the Assistant Superintendent of Education, Delhi, after the appointment of the whole-time Superintendent of Education?

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

(b) The post of whole-time Superintendent of Education for Delhi and Ajmer-Merwara was held in abeyance from 1923 to 1931, while the post of Assistant Superintendent of Education in Ajmer-Merwara was created in 1925.

(d) Government have considered the suggestion and have come to the conclusion that the retention of the post is necessary.

(e) It was decided to abolish the post of Assistant Superintendent of Education, Delhi, as the whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India has his headquarters at Delhi, and the retention of the former post at Delhi could not in consequence be justified. The conditions at Ajmer-Merwara are quite different. It is essential that a whole-time officer, such as the Assistant Superintendent of Education, should be on the spot for ready consultation by the local authorities in educational matters.

Mr. Gaya Prasad Singh : With regard to part (b) of the question in which a recommendation has been made for the abolition of the post of Assistant Superintendent of Education, Ajmer-Merwara, may I know if the post is held by a Muslim or a non-Muslim?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It is very difficult for me to carry in my head the officers in my Department and the communities to which they belong.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that the post is held by Mr. Joshi who is a Hindu?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No.

Rai Sahib Harbilas Sarda : Is it a fact that there never was a whole-time appointment of Assistant Superintendent of Education for Delhi and that the Headmaster of a High School at Delhi was appointed Assistant Superintendent to do the work of that appointment in addition to his work as Headmaster?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It is quite possible.

Rai Sahib Harbilas Sarda : Is it also a fact that the Superintendent of Education has all along been located at Delhi, and that even when the Educational Commissioner to the Government of India, was *ex-officio* Superintendent of Ajmer-Merwara and Delhi, he had his headquarters at Delhi and paid only furtive visits to Ajmer, probably for three or four days in a year?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I should have expected that.

INSPECTION OF SCHOOLS IN AJMER-MERWARA.

1035. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please place on the table of the House a list of recognised schools in Ajmer-Merwara?

(b) Is it a fact that the Assistant Superintendent of Education, Ajmer-Merwara, does not inspect the Primary Schools?

(c) Is it also a fact that the Assistant Superintendent of Education, Ajmer-Merwara, does not inspect the High Schools in Ajmer-Merwara?

(d) Will Government please state the duties of the Assistant Superintendent of Education, Ajmer-Merwara?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A list of all schools recognised in Ajmer-Merwara on the 1st April, 1931, is placed on the table.

(b) No.

(c) The Assistant Superintendent of Education assists the Superintendent of Education in the inspection of High Schools.

(d) A statement is laid on the table.

List of all recognised colleges and schools in Ajmer-Merwara and along the Railway line in Rajputana, posted up to April 1st, 1931.

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
1	Ajmer-Merwara.	Ajmer ..	<i>Government Colleges.</i> Government College ..	B.A., B.Sc.	
1	Do. ..	Beawar ..	<i>Aided Colleges.</i> S. D. Inter College in Commerce	C.D.	
1	Do. ..	Ajmer ..	<i>Government A. V. High School for Males.</i> Government High School ..	X	
2	Do. ..	Do. ..	Moinia Islamia High School ..	X	
1	Do. ..	Do. ..	<i>Aided A. V. High Schools for Males.</i> D. A. A. V. High School ..	X	
2	Do. ..	Do. ..	Husband Memorial High School	X	
3	Do. ..	Do. ..	Oswal Jain High School ..	X	
4	Do. ..	Nasirabad	Cantonment Mission High School	X	
5	Do. ..	Beawar ..	Mission High School ..	X	
6	Do. ..	Do. ..	Sanatan Dharma High School	X	
7	Sirohi ..	Abu Road	Railway A. V. High School ..	X	
1	Ajmer-Merwara.	Ajmer ..	<i>Aided High School for Indian Females.</i> Sophia High School ..	IX	Cambridge Junior and Senior and High School Examinations.
..	Do. ..	Nasirabad	Christian Girls A. V. Middle School. ..	X	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Aided European High School for Males.</i>		
1	Ajmer-Merwara	Ajmer ..	St. Anselm's High School ..	X	Senior Cambridge examination.
			<i>Aided European High School for Females.</i>		
1	Do. ..	Do. ..	Convent High School ..	X	Senior Cambridge examination.
			<i>Technical School.</i>		
1	Do. ..	Do. ..	Railway Technical School ..	..	Candidates work as paid apprentice for Railway employment only.
			<i>Aided A. V. Middle Schools for Males.</i>		
1	Do. ..	Do. ..	Railway Adler School ..	VI	
2	Do. ..	Do. ..	Agarwal Pathshala ..	V	
3	Do. ..	Kekri ..	Municipal A. V. Middle School	VIII	
4	Rajputana	Mt. Abu ..	Walter A. V. Middle School ..	VIII	
5	Jaipur	Bandikhui	Railway A. V. Middle School ..	VIII	
6	Do. ..	Phulera ..	Ditto ..	VIII	
7	..	Nasirabad	Veoparik Pathshala ..	VIII	
			<i>Aided A. V. Middle School for Females.</i>		
1	Ajmer-Merwara.	Ajmer ..	U. F. C. Mission School for Females.	VI	
2	Do. ..	Ajmer ..	M. E. Mission ..	VI	
			<i>Government Vernacular Middle School for Males.</i>		
1	Do. ..	Pushkar ..	Vernacular Secondary School ..	VII	
2	Do. ..	Pisangan	Ditto ..	VII	
3	Do. ..	Bhinai ..	Ditto ..	VII	
4	Do. ..	Sawar ..	Ditto ..	VII	
5	Do. ..	Saradhna	Ditto ..	VII	
6	Do. ..	Deolai ..	Ditto ..	VII	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Government Vernacular Middle Schools for Males—contd.</i>		
7	Ajmer-Merwara.	Shreenagar	Vernacular Secondary, School	VII	
8	Do. ..	Jalia ..	Ditto ..	VII	
9	Do. ..	Masuda ..	Ditto ..	VII	
10	Do. ..	Bhim ..	Ditto ..	VII	
11	Do. ..	Harmara	Ditto ..	VII	
12	Do. ..	Ajmer ..	Model School, Mirshali	VII	
			<i>Government A. V. Middle School for Females.</i>		
1	Do. ..	Do. ..	Central Girls' School ..	VIII	
			<i>Aided Vernacular Middle Schools for Males.</i>		
1	Do. ..	Beawar ..	Mission Vernacular Final School	VII	
2	Do. ..	Ajmer ..	Saidia Vernacular Middle School	VI	
			<i>Recognised Vernacular Middle School for Males.</i>		
1	Do. ..	Beawar ..	Holland Municipal Middle School	VII	
			<i>Aided Vernacular Middle Schools for Females.</i>		
1	Do. ..	Ajmer ..	Arya Putri Pathshala ..	VI	
2	Do. ..	Nasirabad	Christian Girls' Vernacular Boarding School ..	VI	
3	Do. ..	Beawar ..	Mission Girls' School, Piplia Bazar.	VI	
4	Do. ..	Beawar ..	Society Girls' School ..	VI	
5	Do. ..	Ajmer ..	Sri Savitri Kanya Pathshala ..	VI	
			<i>Aided European Primary Schools (for both sexes).</i>		
1	..	Ajmer ..	Railway European School ..	IV	
2	Sirohi ..	Abu Road	Ditto ..	IV	
3	..	(Bandikui)	Ditto ..	IV	
4	Jaipur ..	{ Phulera Gangapur. }	Ditto ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
1	Ajmer-Merwara.	Ajmer ..	<i>Government Vernacular and A. V. Training School for Males.</i> Government Normal School ..	V. T. C. & C. T.	
1	Do. .	Beawar ..	<i>Recognised Training School for Males.</i> Mission Training School ..	P. T. C.	
1	Do. ..	Nasirabad	<i>Recognised Training School for Females.</i> Christian Girls' Boarding Training School ..	V. T. C.	
1	Do. ..	Ajmer ..	<i>Government Vernacular Primary Schools for Males.</i> Model School, Mirshali (Ajmer Circle).	IV	
2	Do. ..	Ararka ..	Vernacular Primary School ..	IV	
3	Do. ..	Bhinai ..	Ditto ..	IV	
4	Do. ..	Brikchiawas	Ditto ..	IV	
5	Do. ..	Bandanwara.	Ditto ..	IV	
6	Do. ..	Bhanvta ..	Ditto ..	IV	
7	Do. ..	Beer ..	Ditto ..	IV	
8	Do. ..	Bergaon ..	Ditto ..	IV	
9	Do. ..	Barli ..	Ditto ..	IV	
10	Do. ..	Bajta ..	Ditto ..	IV	
11	Do. ..	Bogla ..	Ditto ..	IV	
12	Do. ..	Baghera ..	Ditto ..	IV	
13	Do. ..	Bithur ..	Ditto ..	IV	
14	Do. ..	Bagsuri ..	Ditto ..	IV	
15	Do. ..	Chachiawas	Ditto ..	IV	
16	Do. ..	Chanpaneri	Ditto ..	IV	
17	Do. ..	Deoli ..	Ditto ..	IV	
18	Do. ..	Deolia ..	Ditto ..	IV	
19	Do. ..	Dhani ..	Ditto ..	IV	
20	Do. ..	Dhundri ..	Ditto ..	IV	
21	Do. ..	Dabrela ..	Ditto ..	IV	
22	Do. ..	Deogan ..	Ditto ..	IV	
23	Do. ..	Dantra ..	Ditto ..	IV	
24	Do. ..	Deranthu	Ditto ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
25	Ajmer-Merwara.	Govindgarh	<i>Government Vernacular Primary School for Males—contd.</i> Vernacular Primary School ..	IV	
26	Do. ..	Gagwada ..	Do. ..	IV	
27	Do. ..	Ghatiali ..	Do. ..	IV	
28	Do. ..	Goela ..	Do. ..	IV	
29	Do. ..	Gulgaon ..	Do. ..	IV	
30	Do. ..	Gola ..	Do. ..	IV	
31	Do. ..	Harmara	Do. ..	IV	
32	Do. ..	Thilawara	Do. ..	IV	
33	Do. ..	Junia ..	Do. ..	IV	
34	Do. ..	Jhipian ..	Do. ..	IV	
35	Do. ..	Jethana ..	Do. ..	IV	
36	Do. ..	Kadera ..	Do. ..	IV	
37	Do. ..	Khawas ..	Do. ..	IV	
38	Do. ..	Karel ..	Do. ..	IV	
39	Do. ..	Karonj ..	Do. ..	IV	
40	Do. ..	Kalesra	Do. ..	IV	
41	Do. ..	Kerote ..	Do. ..	IV	
42	Do. ..	Kanpura	Do. ..	IV	
43	Do. ..	Kharekri	Do. ..	IV	
44	Do. ..	Kumharia	Do. ..	IV	
45	Do. ..	Khanpura	Do. ..	IV	
46	Do. ..	Kekri ..	Do. ..	IV	
47	Do. ..	Mahrn ..	Do. ..	IV	
48	Do. ..	Makrera ..	Do. ..	IV	
49	Do. ..	Nagelao ..	Do. ..	IV	
50	Do. ..	Nareli ..	Do. ..	IV	
51	Do. ..	Nyaran ..	Do. ..	IV	
52	Do. ..	Nand ..	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
53	Ajmer-Merwara.	Nandsi ..	Government Vernacular Primary School for Males—contd. Vernacular Primary School ..	IV	
54	Do. ..	Nagola ..	Do. ..	IV	
55	Do. ..	Pushkar ..	Do. ..	IV	
56	Do. ..	Pisangan ..	Do. ..	IV	
57	Do. ..	Piplaj ..	Do. ..	IV	
58	Do. ..	Pranhera ..	Do. ..	IV	
59	Do. ..	Paran ..	Do. ..	IV	
60	Do. ..	Picholian ..	Do. ..	IV	
61	Do. ..	Ramser ..	Do. ..	IV	
62	Do. ..	Rajgarh ..	Do. ..	IV	
63	Do. ..	Rajosi ..	Do. ..	IV	
64	Do. ..	Singawal ..	Do. ..	IV	
65	Do. ..	Sanod ..	Do. ..	IV	
66	Do. ..	Sarana ..	Do. ..	IV	
67	Do. ..	Sarandhna ..	Do. ..	IV	
68	Do. ..	Shreenagar ..	Do. ..	IV	
69	Do. ..	Satawaria ..	Do. ..	IV	
70	Do. ..	Sadara ..	Do. ..	IV	
71	Do. ..	Tanthoti ..	Do. ..	IV	
72	Do. ..	Tabiji ..	Do. ..	IV	
73	Do. ..	Tihari ..	Do. ..	IV	
74	Do. ..	Taragarh ..	Do. ..	IV	
75	Do. ..	Tilonia ..	Do. ..	IV	
76	Do. ..	Untra ..	Do. ..	IV	
77	Do. ..	Andhidevri ..	Do. ..	IV	
78	Do. ..	Bhim ..	Do. ..	IV	
79	Do. ..	Baghana ..	Do. ..	IV	
80	Do. ..	Barar ..	Do. ..	IV	
81	Do. ..	Barakhan ..	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
82	Ajmer-Merwara.	Barakhera	Government Vernacular Primary School for Males—contd. Vernacular Primary School ..	IV	
83	Do. ..	Bali ..	Do. ..	IV	
84	Do. ..	Baral ..	Do. ..	IV	
85	Do. ..	Biliawas ..	Do. ..	IV	
86	Do. ..	Bijainagar ..	Do. ..	IV	
87	Do. ..	Bar ..	Do. ..	IV	
88	Do. ..	Baylan ..	Do. ..	IV	
89	Do. ..	Chhapli ..	Do. ..	IV	
90	Do. ..	Chitar ..	Do. ..	IV	
91	Do. ..	Chang ..	Do. ..	IV	
92	Do. ..	Dawer ..	Do. ..	IV	
93	Do. ..	Dewanta ..	Do. ..	IV	
94	Do. ..	Delwara ..	Do. ..	IV	
95	Do. ..	Durgawas ..	Do. ..	IV	
96	Do. ..	Hanutiya ..	Do. ..	IV	
97	Do. ..	Jhak ..	Do. ..	IV	
98	Do. ..	Jaitgarh ..	Do. ..	IV	
99	Do. ..	Jalia ..	Do. ..	IV	
100	Do. ..	Jamola ..	Do. ..	IV	
101	Do. ..	Jawaja ..	Do. ..	IV	
102	Do. ..	Kachhbali ..	Do. ..	IV	
103	Do. ..	Kotra ..	Do. ..	IV	
104	Do. ..	Kukia ..	Do. ..	IV	
105	Do. ..	Kalalia ..	Do. ..	IV	
106	Do. ..	Kaldehy ..	Do. ..	IV	
107	Do. ..	Kukerkhera ..	Do. ..	IV	
108	Do. ..	Kabra ..	Do. ..	IV	
109	Do. ..	Kirap ..	Do. ..	IV	
110	Do. ..	Kharwa ..	Do. ..	IV	

No. 1	District. 2	Locality. 3	Name of School. 4	Highest standard taught. 5	Remarks. 6
			<i>Government Vernacular Primary School for Males—conold.</i>		
111	Ajmer- Merwara.	Kania ..	Vernacular Primary School ..	IV	
112	Do. ..	Liri ..	Do. ..	IV	
113	Do. ..	Lotiana ..	Do. ..	IV	
114	Do. ..	Lulwa ..	Do. ..	IV	
115	Do. ..	Lakhaguda	Do. ..	IV	
116	Do. ..	Lamba ..	Do. ..	IV	
117	Do. ..	Miyalakhet	Do. ..	IV	
118	Do. ..	Masuda ..	Do. ..	IV	
119	Do. ..	Mangarh	Do. ..	IV	
120	Do. ..	Naikalan	Do. ..	IV	
121	Do. ..	Nandwara	Do. ..	IV	
122	Do. ..	Nayagaon	Do. ..	IV	
123	Do. ..	Pipli ..	Do. ..	IV	
124	Do. ..	Rajiawas..	Do. ..	IV	
125	Do. ..	Rawatmal	Do. ..	IV	
126	Do. ..	Ramgarh	Do. ..	IV	
127	Do. ..	Rupnagar	Do. ..	IV	
128	Do. ..	Sawar ..	Do. ..	IV	
129	Do. ..	Sathana ..	Do. ..	IV	
130	Do. ..	Saroth ..	Do. ..	IV	
131	Do. ..	Shyamgarh	Do. ..	IV	
132	Do. ..	Shikhari ..	Do. ..	IV	
133	Do. ..	Sendra ..	Do. ..	IV	
134	Do. ..	Sheopura	Do. ..	IV	
135	Do. ..	Sarmalian	Do. ..	IV	
136	Do. ..	Tikarwas..	Do. ..	IV	
137	Do. ..	Toghi ..	Do. ..	IV	
138	Do. ..	Taragarh	Do. ..	IV	

No. 1	District. 2	Locality. 3	Name of School. 4	Highest standard taught. 5	Remarks. 6
			<i>Females.</i>		
1	Ajmer-Mer- wara.	Pushkar	Government Vernacular Girls' Primary School ..	IV	
2	Do. ..	Masuda ..	Do. ..	IV	
3	Do. ..	Kekri ..	Do. ..	IV	
4	Do. ..	Shrinagar	Do. ..	IV	
5	Do. ..	Pisangan..	Do. ..	IV	
6	Do. ..	Barar ..	Do. ..	IV	
7	Do. ..	Deoli ..	Do. ..	IV	
8	Do. ..	Sawar ..	Do. ..	IV	
9	Do. ..	Bhinai ..	Do. ..	IV	
10	Do. ..	Harmara	Do. ..	IV	
11	Do. ..	Bijainagar	Do. ..	IV	
12	Do. ..	Todgarh ..	Do. ..	IV	
			<i>Recognised Primary Schools. (Aided by Government or Local Board.)</i>		
			<i>MALES.</i>		
1	Ajmer-Mer- wara.	Ajmer ..	D. A. A. V. Primary School ..	II	
2	Do. ..	Do. ..	Husband Memorial Primary School.	II	
3	Do. ..	Do. ..	Railway Adler Primary School	II	
4	Do. ..	Do. ..	Agrawal Primary School ..	II	
5	Do. ..	Do. ..	Oswal Primary School ..	II	
6	Do. ..	Do. ..	Madarsa Himayatul Islam ..	IV	
7	Do. ..	Do. ..	Madarsa Moinul Islam .. (Akbari Masjid).	IV	
8	Do. ..	Do. ..	Islamia Moinia Dargah Orphan- age. Primary School.	IV	
9	Do. ..	Do. ..	Saidia Primary School ..	IV	
10	Do. ..	Do. ..	Gujrati Primary School ..	IV	
11	Do. ..	Do. ..	Gulab Bari Primary School ..	IV	
12	Do. ..	Ajmer Cir- cle.	Mission Primary Schools (4) ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
<i>Recognised Primary Schools—</i> contd. (Aided by Government or Local Board.)					
13	Ajmer-Merwara.	Beawar ..	Mission Primary School ..	II	
14	Do. ..	Do. ..	Sanatan Dharma Primary School	II	
15	Do. ..	Todgarh ..	Mission Primary School ..	IV	
16	Do. ..	Beawar ..	Shanti Jain Primary School ..	IV	
17	Do. ..	Merwara Circle.	Mission Primary Schools (8) ..	IV	
18	Do. ..	Nasirabad Circle.	Mission Primary Schools (9) ..	IV	
19	Do. ..	Nasirabad	Vioparik Primary School ..	II	
20	Do. ..	Do. ..	Mission Primary School ..	II	
21	Do. ..	Do. ..	D. A. V. Primary School ..	II	
22	Sirohi ..	Abu Road	Railway Primary School ..	II	
23	Jaipur ..	Gangapur	Do. ..	IV	
24	Do. ..	Bandikui..	Do. ..	II	
25	Do. ..	Phulera ..	Do. ..	II	
<i>FEMALES.</i>					
1	Ajmer-Marwara.	Ajmer ..	Railway Adler Girls' Primary School.	IV	
2	Do. ..	Do. ..	Sophia Girls' Primary School ..	II	
3	Do. ..	Do. ..	Sultania Girls' Primary School	IV	
4	Do. ..	Do. ..	Savitri Primary School ..	II	
5	Do. ..	Do. ..	Moinia Girls' Primary School ..	II	
6	Do. ..	Do. ..	M. E. Mission Primary School	II	
7	Do. ..	Do. ..	Drynan Repressed class primary School.	II	
8	Do. ..	Do. ..	Lakhan Kotri Primary School..	II	
9	Do. ..	Do. ..	Sita Kanya Primary School ..	IV	
10	Do. ..	Beawar	Mission Primary School (Suraj-pole).	IV	
11	Do. ..	Nasirabad	Kanya Pathshala ..	IV	
12	Jaipur ..	Bandikui..	Railway Indian Girls' Primary School.	IV	
13	Sirohi ..	Abu Road	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
<i>Municipal Schools. Males.</i>					
1	Ajmer-Merwara.	Ajmer ..	Moinia Islamia Primary School	IV	
2	Do. ..	Do. ..	City Vernacular Primary School	IV	
3	Do. ..	Beawar ..	Holland Municipal Primary School.	II	
4	Do. ..	Do. ..	Municipal Primary School (Shahpura).	IV	
5	Do. ..	Do. ..	Municipal Primary School (Surajpore).	IV	
6	Do. ..	Do. ..	Municipal Primary School (Bicharli).	IV	
7	Do. ..	Do. ..	Night school (Bicharli) ..	IV	
<i>FEMALES.</i>					
1	Ajmer-Merwara.	Ajmer ..	Municipal Girls' Primary School (Naya Bazar)	IV	
2	Do. ..	Do. ..	Do. (Mohalla Hindu Mochian).	IV	
3	Do. ..	Do. ..	Municipal Girls' Primary School (Diggi Bazar).	IV	
4	Do. ..	Do. ..	Municipal Girls' Primary School (Nagra).	IV	
5	Do. ..	Do. ..	Municipal Girls' Primary School (Khari Kunwa).	IV	
<i>Indigenous Schools aided by Local Board.</i>					
1	Ajmer Merwara.	Somalpur	Muslim League Primary School	II	
2	Do. ..	Rasulpur..	Do. ..	II	
3	Do. ..	Hatundi	Do. ..	II	
4	Do. ..	Ajesar ..	Do. ..	II	
5	Do. ..	Makupura	Do. ..	II	
6	Do. ..	Madarpura	Hindu Sabha Primary School ..	II	
7	Do. ..	Atitmand	Do. ..	II	
8	Do. ..	Athun ..	Do. ..	II	
9	Do. ..	Jethana ..	Adult Night School ..	IV	
10	Do. ..	Bhim ..	Do. ..	IV	
11	Do. ..	Jalia ..	Do. ..	IV	

No.	District.	Locality.	Name of school.	Highest standard taught.	Remarks
1	2	3	4	5	6
<i>Indigenous Schools aided by Local Board—contd.</i>					
12	Ajmer-Merwara.	Kukra ..	Adult Night School ..	IV	
13	Do. ..	Jawaja ..	Do. ..	IV	
14	Do. ..	Bhawani-khera.	St. Martin Mission Primary School.	IV	
15	Do. ..	Bhadole ..	Mission Primary School ..	II	
16	Do. ..	Dorai ..	Do. ..	II	
<i>Oriental Institutions.</i>					
(Aided by local Boards.)					
1	Ajmer Merwara.	Ajmer ..	Sanskrit Hitaishni Pathshala ..	..	Prathma and
2	Do. ..	Beawar ..	Sanskrit Pathshala ..	..	Madhyama
3	Do. ..	Nasirabad	Do. ..	..	examinations of
4	Do. ..	Pushkar ..	Do. ..	..	Benares Hindu University.

Statement showing the duties assigned to the Assistant Superintendent of Education, Ajmer-Merwara.

1. Signing the pay, contingent and travelling bills of the Sub-Deputy Inspector, Office and all the Government Primary and Middle Schools as well as of the Government Normal School, Ajmer.
2. Grant of leave, casual and otherwise, to the officials given in paragraph 1 above, within the sanctioned allotment for travelling allowance and leave salary.
3. Disposal of miscellaneous papers referring to the Indian Aided High, Middle and Primary Schools, for boys and girls.
4. Appointing menials in the Government Middle and Primary Schools within the sanctioned pay.
5. Appointing teachers in Government Middle and Primary Schools up to and including Rs. 30 per mensem and with the concurrence of the Superintendent of Education above Rs. 30 per mensem.
6. All cases dealing with transfer of boys from one school to another.
7. Inspection of all the Indian Government and aided schools, males and females except Government College, Government High School, Moinia Islamia High School and Government Normal School.
8. All correspondence in connection with the middle school examination of boys and girls, the Vernacular Teachers' Certificate Examination and the Normal School Examination.
9. Preparation of Educational Budget subject to the approval of the Superintendent of Education.
10. Preparation of educational returns and draft report.
11. Preparation of draft progress report for submission to Commissioner.
12. Recognition of schools and inter-school rules except that the recognition of High Schools may be made with the previous sanction of the Superintendent of Education.

13. The disposal of routine and miscellaneous questions, i.e., circulation of routine orders received from the Accountant General, Central Revenues, etc.

14. Calculation of grants-in-aid to Indian aided schools.

15. Signing bill and issuing cheque for Kekri school.

16. Papers regarding construction and repairs of all the schools except Government High Schools.

17. Diary of Sub-Deputy Inspector of Schools.

18. All other miscellaneous work in connection with the Indian Government and M. B. Middle and Primary Schools and aided schools.

19. All letters to the Local Government asking for orders and sanction to matters in connection with Government middle and primary schools will be sent by the Superintendent of Education. The Assistant Superintendent will submit to the Superintendent the complete file or files together with proposed drafts.

20. Appointments in all Vernacular Schools for boys up to Rs. 40 per mensem.

21. Control of accounts and correspondence due to the centralisation of work in Ajmer in 1927.

AUDIT SCHEMES.

1036. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that the local audit scheme has already failed ?

(b) What are the causes of its failure ?

(c) Has any improvement been made under the new scheme ?

(d) If so, what are they ?

(e) Do Government propose to resort to the old system of check, i.e., on inward basis ?

Mr. A. A. L. Parsons : (a) and (b). No. The scheme has not been abandoned in the main, but that part of it which required group accounts offices at various centres of a railway has been discontinued, as it was possible to carry on further experiment with the main features of the scheme in a centralised office at less cost than in a group of separate accounts offices.

(c) and (d). The Local Traffic Accounts scheme was introduced as an experimental measure on the North Western Railway and other State-managed Railways with a view mainly to :

- (i) effect an early check of invoices by the accounts staff and thereby reduce station outstandings ;
- (ii) relieve the station staff of accounts work and thereby reduce station establishment ;
- (iii) expedite the closing of the accounts ; and
- (iv) effect economy in expenditure by avoiding duplication of work.

(e) The experiment is still continuing with suitable modifications on the North Western Railway, and no final decision has yet been arrived at.

APPOINTMENT OF CLERKS IN THE OFFICE OF THE DEVELOPMENT COMMISSIONER OF THE NORTH WEST FRONTIER PROVINCE.

1037. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government be pleased to state if it is a fact that :

- (i) certain appointments were created for the office of the Development Commissioner of the North West Frontier Province ;

- (ii) several senior Muslim clerks submitted applications for the appointments, and
- (iii) they were filled up by selecting non-Muslim junior clerks ?
- (b) If the replies to the above questions be in the affirmative, will Government be pleased to state why
- (i) no consideration was given to the claims of the senior Muslims, and
- (ii) no competitive examination was held to secure the services of the best men ?

Mr. E. B. Howell : The information required has been called for and will be supplied to the Honourable Member in due course.

REVIEW OF COMMUNAL INEQUALITIES IN THE NORTH-WEST FRONTIER PROVINCE.

1038. ***Maulvi Sayyid Murtuza Saheb Bahadur :** With reference to the reply given by Government to question No. 236 (regarding interpretation of the term minority community as applicable to the North West Frontier Province) asked on the 2nd March, 1931, by Khan Bahadur Haji Wajihuddin, will Government be pleased to state if the review declared by Government to be still being made in regard to the effect of the orders of the 5th February, 1926, relating to communal inequalities, has now been completed and final conclusions arrived at ?

The Honourable Sir James Crerar : The necessary material for the review was complete only recently. The Government of India hope shortly to be in a position to arrive at their conclusions in the matter.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

1039. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (1) With reference to the reply given by Government to question No. 208, asked by Khan Bahadur Haji Wajihuddin, in the Legislative Assembly on the 17th February, 1931, regarding the preponderance of non-Muslims in the Military Accounts Department in India, will Government be pleased to state if it is a fact that :

- (a) the total strength of the establishment in the Military Accounts Department in India, as it stood on the 28th March, 1930, was as follows :—

Name of Post.	No. of Muslims.	No. of non-Muslims.	Percentage of Muslims.
Clerks	316	3,404	8.5
Accountants	23	444	4.9
Deputy Assistant Controllers	3	97	3

- (b) Government issued instructions in the abovementioned Department from time to time regarding adequate representation of each community ;

- (c) the Establishment Officer, Government of India, Army Department, issued Circular letter No. 33346-1 (A.D.), dated the 19th November, 1926, to all Heads of Military Departments directing them occasionally to examine the communal composition of their respective offices and to give adequate representation to members of such communities as have been less represented ;
- (d) In reply given to a question asked by Mr. A. H. Ghaznavi, M.L.A., in the Delhi Session of 1930, regarding the policy of Government in the matter of communal representation in Government services of minority communities, Mr. Parsons said on behalf of Government that the prevention of undue preponderance of any community in the service, the security of adequate representation of minority communities and the removal of the existing communal inequalities was the keystone of the Government policy to which effect was being given ?
- (2) If the answers to the above questions are in the affirmative, will Government be pleased to state :
- (a) whether a preponderance of members of one community has been allowed to take place in the clerical and other establishment of that Department ;
- (b) whether they are prepared to direct that recruitment by selection of temporary clerks should be confined to the members of the Muslim community in India till their number reaches one-third of the total strength of clerks in the Department ;
- (c) whether they propose to adopt special measures to reserve 1-3rd appointments of the present total strength of the accountants and D. A. C. M. As. for such Muslim clerks and accountants respectively as have already qualified themselves and are yet on the waiting list ; and
- (d) whether highly qualified Muslims may not be enlisted as probationers as is being done in other Accounts Departments if the existing number of qualified Muslims happens to be inadequate in the Military Accounts Department ?

The Honourable Sir George Schuster : I invite the attention of the Honourable Member to the reply already given by me on the 22nd September, 1931, to a similar question No. 724 by Khan Bahadur Haji Wajihuddin.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

1040. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state if it is a fact that :

- (i) out of 66 permanent Assistant Accounts Officers in India the Muslims hold only one appointment ;
- (ii) out of 321 permanent appointments of subordinate accounts service the Muslims hold only 8 ;
- (iii) out of 3,076 permanent appointments of clerks the Muslims hold 177 ;

- (iv) out of 246 permanent appointments of Divisional Accountants the Muslims hold only 10 ;
- (v) out of 9 permanent appointments of stenographers none is held by Muslims ;
- (vi) out of 81 permanent appointments of typists the Muslims hold only 8 ; and
- (vii) the percentage of Muslims in all the appointments calculated together (out of a total number of 3,793 posts the Muslims hold only 200) comes to only 5.14 per cent. ?

(b) If the replies to the above questions be in the affirmative, will Government be pleased to state whether the declared policy of Government regarding redressing the communal inequality is in force in this Department ? (See Home Department letter No. 176/25, dated the 5th February, 1926.)

(c) If the reply to part (b) above be in the affirmative, will Government be pleased to state :

- (i) why the preponderance of the members of one community is allowed in the Department ; and
- (ii) what special and effective steps do Government now propose to take to remove the existing unprecedented communal inequality in the Department ?

The Honourable Sir George Schuster : (a) (i). There are 73 posts of Assistant Accounts Officers out of which two are held by Muslims. Promotions to the rank of Assistant Accounts Officers is made by selection from the rank of Accountants and no preference is given to the members of any community in respect of such promotion.

(ii) No. The correct number is 557 of which Muslims are 27.

(iii) to (vii). The collection of information in the form required would take a long time, but I may state for the information of the Honourable Member that the total clerical staff in the civil Audit and Accounts Department is 7,760, out of which 522 are Muslims, i.e., nearly 10.6 per cent.

(b) The instructions contained in the Government of India, Home Department, Memorandum No. 176/26-Ests., dated the 5th February, 1926, contemplate that one-third of all future vacancies should be filled by members of minority communities of which Muslims are one. These instructions apply to the civil Audit and Accounts Department. They are not disregarded, and in order to see that they are observed the Government of India receive and scrutinise annual statements showing the communities to which personnel recruited during the year belong.

(c) (i) and (ii). Do not arise.

GRIEVANCES OF IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

1041. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to an article appearing in the *Daily Herald*, dated the 4th September, 1931, under the caption "Ihsan Ilahi in Jail" ?

(b) If so, will Government please state what steps they have taken to redress the grievances mentioned in the above article ?

(c) If no steps have been taken, will Government please state the reasons for not taking action ?

(d) If the answer to part (a) be in the negative, do Government propose to look up the article and take steps for redress ?

The Honourable Sir James Crerar : (a) I have seen the article.

(b) If the Honourable Member will refer to the replies given by me this session to Sardar Sant Singh's question No. 100, Mr. Jagan Nath Aggarwal's question No. 150 and Mr. Muhammad Azhar's question No. 822, he will see what the facts are regarding most of the complaints made.

I have no information regarding the allegation of delay in attending to the State prisoner's personal wants in jail, but will send a copy of the question and of this reply to the Punjab Government for any action considered necessary.

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

PERSONS KILLED AND WOUNDED IN THE RIOT IN THE BANNU DISTRICT, NORTH WEST FRONTIER PROVINCE.

1042. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state how many persons were killed and wounded on the side of the crowd on the 24th August, 1930, at Spina Tanga, District Bannu, North-West Frontier Province by the firing of the military ?

(b) Were any machine guns used to disperse the crowd ? If so, how many machine guns were used ?

Mr. E. B. Howell : (a) The Honourable Member presumably refers to the engagement which took place between Government forces and an armed crowd in Hathi Khel country, Bannu District, on the 24th August, 1930. The casualties sustained by the armed crowd in this engagement are estimated at 40 killed and approximately the same number wounded.

(b) One Lewis gun came into action during the engagement.

POSTS RETRENCHED IN THE ARMY DEPARTMENT.

1043. ***Mr. S. C. Mitra :** (a) Is it a fact that in connection with the contemplated retrenchment three Superintendents and certain assistants and clerks whose posts will be abolished in the Army Department Secretariat, have been served with notice of discharge in the beginning of August last ?

(b) If the answer to part (a) is in the affirmative, will Government please state whether similar notices have been issued by other Secretariats of the Government of India ?

(c) Do Government propose to give any concessions to the persons to be retrenched on the abolition of their appointments ?

(d) If the answer to part (b) be in the negative, will Government please state whether Departments other than the Army are awaiting the settlement of the concessions referred to in part (c), and if so, what are the special reasons for the issue of notices in the Army Department so early and in advance of other Secretariats ?

The Honourable Sir George Rainy : (a) Yes. The Army Department, owing to recent reorganisation, were in a position to effect certain

retrenchments at once, provided that retrenchment concessions were granted. They, therefore, issued the three months' notice prescribed in article 436, Civil Service Regulations, as it was expected that before such notice took effect, the special terms (if any) for retrenched personnel would be settled. On this understanding the notices were given.

(b) Similar notices have not yet been issued by other Secretariat Departments of the Government of India.

(c) Yes. The matter is under consideration.

(d) Other Departments have been awaiting the reports of the Retrenchment Committee. The reasons for earlier action by the Army Department have been given in the answer to (a).

Mr. Gaya Prasad Singh : Sir, may I know if the retrenchment in the Army Department has been effected in pursuance of any recommendation of the Army Retrenchment Sub-Committee?

The Honourable Sir George Rainy : I understand, Sir—if the Honourable Member is referring to the answer to clause (a) of the question—the position is that these notices were given before the recommendations of the Retrenchment Committee were received; but I cannot claim an intimate personal knowledge of these matters.

†1044—1045.

REDUCTION OF SALARIES OF THE INDIAN CIVIL SERVICE.

1046. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state :

- (i) if they propose to take steps to secure the consent of the Secretary of State for India to reduce the salaries of the members of the Indian Civil Service and other superior services by twenty per cent.
- (ii) if any correspondence has passed between the Government of India and the Secretary of State for India on the subject :
- (iii) if the answer to part (ii) is in the affirmative, whether the Secretary of State has agreed to reduce the said salaries, and, if so, by what percentage and till what period?

(b) Will Government be pleased to make an announcement in regard to this question?

The Honourable Sir George Rainy : Government are unable to make any statement at present.

Mr. B. Das : Did the Government of India address the Secretary of State on the subject?

The Honourable Sir George Rainy : I think, Sir, the Honourable Member might wait and see, a little longer. (Laughter.)

FUTURE POLICY REGARDING BROADCASTING.

1047. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state their policy regarding the future of broadcasting in India?

†These questions were withdrawn by the questioner.

(b) Have any alterations or improvements been made in broadcasting under State management with a view to popularising the same? If so, has there been any increase in the number of receiving licences?

Mr. J. A. Shillidy : (a) Government have the matter under their consideration and hope to make an announcement shortly.

(b) The answer is in the affirmative to both parts of the question.

QUALIFICATIONS OF DIVISIONAL ENGINEERS (WIRELESS).

1048. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the qualifications of their Divisional Engineers (Wireless) who have been in charge of broadcasting, with special reference to their training in radio engineering and broadcasting?

(b) Have these Divisional Engineers had the requisite training, and is there a specialist staff in the department?

Mr. J. A. Shillidy : (a) Divisional Engineers (Wireless) are not in charge of broadcasting.

(b) The first part of the question does not arise: the reply to the second part is in the affirmative.

INDIAN OFFICERS IN THE WIRELESS BRANCH.

1049. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the number of officers attached to the Wireless Branch drawing Rs. 500 and over?

(b) How many of these are Indians and how many of non-Indian domicile?

(c) How many were recruited after 1928?

Sir Hubert Sams : (a) Eighteen.

(b) Three Indians; one Anglo-Indian; thirteen definitely of non-Indian domicile and one the question of whose domicile has not yet been decided.

(c) None.

IMPROVEMENT OF WIRELESS COMMUNICATION.

1050. ***Rao Bahadur M. C. Rajah :** Do Government contemplate increasing the activities of the Wireless Department with a view to improving the communication systems of the country?

Mr. J. A. Shillidy : The use of wireless to improve the communications of India and Burma receives continual attention and a number of schemes have been examined in details. Owing, however, to financial stringency, many of such schemes, could not be carried out and in the present financial situation no large increase in the activities of the Wireless Branch can be provided for.

PROGRESS OF EDUCATION IN AJMER-MERWARA.

1051. ***Rai Sahib Harbilas Sarda :** (a) Is it a fact that between the years 1925 and 1931 the number of recognised educational institutions in Ajmer-Merwara has risen by 105 and the number of pupils in attendance

by over 9,000 and that rural education in Ajmer-Merwara has made very great progress and extra curricular activities like scouting, first-aid, vocational training, village libraries, adult night schools have been started successfully during this period ?

(b) Have Government perused the annual Administration Reports of Ajmer-Merwara for the years 1925 to 1931, and are they aware that the progress of education as recorded in these reports is satisfactory ?

(c) Will Government please state the name of the officer who has been the Superintendent of Education in Ajmer-Merwara during the major portion of the last six years ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Between the years 1925 and 1930, the number of recognised educational institutions in Ajmer-Merwara rose by 76 and the number of scholars by 6,365. Figures for 1931 are not yet available. The reply to the latter part of the question is in the affirmative.

(b) Yes, except the report for the year 1930-31 which is not yet available. The progress of education recorded in these reports is, on the whole, satisfactory.

(c) Mr. R. Littlehailes, C.I.E., M.A., Educational Commissioner with the Government of India.

EDUCATIONAL CODE FOR AJMER-MERWARA.

1052. ***Rai Sahib Harbilas Sarda :** (a) Will Government please state whether Ajmer-Merwara has got an Educational Code of its own ?

(b) Are Government aware that a large number of the questions against the Ajmer-Merwara Education Department asked in this Assembly during the last four or five years relate to the alleged violation of the United Provinces Code rules by the Educational Officers ?

(c) Is it a fact that in reply to a certain question regarding the acceptance of private tuitions by the Principal, Government College, and the Headmaster, Government High School, the Honourable the Member for Education stated that the United Provinces Education Code was not absolute in its application to Ajmer-Merwara and that the Local Government had discretion to follow it as far as practicable ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) No.

(b) A few questions on the subject were asked in the years 1929 and 1930, but none prior to 1929.

(c) Yes, except that the reply was not given by the Honourable Member.

SATISFACTION BY THE RAJA OF PISANGAN OF THE DEMANDS OF HIS PEASANTS.

1053. ***Rai Sahib Harbilas Sarda :** (a) With regard to starred question 272, answered on the 16th July, 1930 (regarding visit of the Assistant Commissioner of Ajmer-Merwara to Pisangan), are Government aware that the peasants of Pisangan have recently apologised to the Raja for the no-tax campaign, which was launched by them last year under instigation of certain persons ?

(b) Are Government also aware that as a result of the above the Raja of Pisangan has satisfied all the demands of the peasants ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Government have no information on the subject.

SALARY OF THE HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

1054. ***Rai Sahib Harbilas Sarda :** With regard to the answer given on the 11th September, 1931, to my starred question No. 234 to the effect that the salary of the post of the Health Commissioner to the Government of India was fixed some years ago and that the Health Commissioner, whatever his grade may be in the Medical Service, would draw that salary, will Government state if the present incumbent, who is a Major-General, draws the fixed salary of the post or draws a higher salary ? If he draws a higher salary will Government state their reasons for incurring this higher expenditure by keeping a Major-General in that appointment instead of appointing a man of a grade contemplated when the salary was fixed ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The present incumbent of the post of Public Health Commissioner draws the fixed salary of the post, viz., Rs. 2,500—100—3,000, plus £13 6s. 8d. a month overseas pay. The second part of the question, therefore, does not arise.

ATTENDANCE BY GOVERNMENT SERVANTS AT POLITICAL MEETINGS.

1055. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the President of the Simla Congress Committee requested Government to allow Government servants to attend a public meeting, which was addressed by Mahatma Gandhi in Simla, on the 14th May last ? What reply, if any, was given to this request ?

(b) Will Government kindly state the position of Government servants regarding their attendance at public and political meetings ? Has there been any relaxation, or deviation from the rules prescribed ? If so, on what occasions ?

The Honourable Sir James Crerar : (a) The reply to the first part of the question is in the affirmative. The reply given was to the effect that it was not customary for Government in such cases to give orders either permitting or prohibiting the attendance of Government servants.

(b) I would refer the Honourable Member to the reply which I gave to Sirdar Harbans Singh Brar's starred question No. 1137 on the 25th March, 1931. There has been no modification of the Government Servants' Conduct Rules.

Mr. C. S. Ranga Iyer : Was it customary for the Government to permit any public man to address a meeting in Simla in the place in which the meeting was addressed ?

Will the Government be pleased to state whether it was not an extraordinary occasion when an extraordinary man addressed a public meeting and therefore where the ordinary rules regarding Government servants attending a meeting could have been suspended ?

The Honourable Sir James Crerar : I think the Honourable Member has asked me for an expression of opinion !

EXAMINATIONS FOR THE PROMOTION OF POSTAL OFFICIALS.

1056. *Mr. Goswami M. R. Puri : (a) Is it a fact that deserving junior officials of the Posts and Telegraphs Department, with certain restrictions of age were allowed to sit for the lower selection grade examination held in December, 1930 ? If so, will Government be pleased to state the number of such junior officials allowed to sit for the said examination from each Circle ?

(b) Is it a fact that no junior official from the Central Circle was allowed to sit for the said examination ? If so, will Government be pleased to state the reasons why the junior officials of the Central Circle were debarred from appearing in the said examination ?

(c) Will Government be pleased to state whether the lower selection grade examination for Posts and Telegraphs officials will be held this year ? If so, will the junior officials be given a similar concession as was done last year ? If not, and if the reply to the first part of part (b) be in the affirmative, do Government propose to hold a special examination for the junior officials of the Central Circle only ?

(d) If, however, it is decided to hold the examination this year and the senior officials are also allowed to appear for it, will the junior officials number allowed for this year ?

Sir Hubert Sams : (a) Yes, subject to a further restriction regarding the number of candidates to be allowed to appear as junior candidates. This restriction was that the number of such candidates should not exceed 25 per cent. of the probable vacancies in the lowest selection grade during the year 1931-32. The number of junior officials who were allowed to sit for the examination held in December, 1930, from each Circle, was as follows :—

Bengal and Assam Circle	..	..	..	11
Bihar and Orissa Circle	..	..	..	4
Bombay Circle	..	..	..	1
Burma Circle	..	..	..	1
Central Circle	..	..	..	Nil
Madras Circle	..	..	..	25
Punjab and North-West Frontier Circle	..	..	..	11
United Provinces Circle	..	..	..	10
Sind and Baluchistan Circle	..	..	..	Nil

(b) The Honourable Member's attention is invited to part (a) of the reply to Rai Sahib Harbilas Sarda's starred question No. 620 in this House on the 22nd September, 1931.

(c) With respect to the first two parts the Honourable Member's attention is invited to the reply to Mr. S. C. Mitra's starred question No. 607 in this House on the 21st September, 1931. The third part does not arise.

(d) Does not arise in view of the reply to part (c).

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to speak up so that we might put certain supplementary questions ?

Sir Hubert Sams : Yes, Sir.

EXAMINATION FOR APPOINTMENTS TO THE AUDIT AND ACCOUNTS SERVICE.

1057. *Nawab Major Malik Talib Mehdi Khan : (a) Is it a fact that in the competitive examination of the Public Service Commission in 1930 for appointments to the Audit and Accounts Service no candidate taking up Arabic as one of the subjects for the examination obtained sufficient marks even to qualify in the examination ?

(b) Is it a fact that the total number of marks obtained by the first hundred students in 1930 was higher than the marks obtained by the first hundred candidates in 1929 ?

(c) Is it a fact that the number of marks obtained by the first three candidates in Arabic fell from 314, 270 and 250 in 1929 to 168, 152 and 146 in 1930 respectively ?

(d) Will Government kindly state if the percentage of marks allotted to candidates in Arabic was the lowest as compared with the percentage allotted to the candidates in other subjects ?

(e) Were any instructions issued by the Public Service Commission to the examiner or examiners concerned about the marking of the Arabic papers ; if so, will Government kindly place a copy of these instructions on the table of the House ?

The Honourable Sir George Rainy : (a), (b) and (c). Yes.

(d) No.

(e) No instructions as to marking were given other than the common form of instructions given to examiners in other language subjects. These instructions are confidential and cannot be laid on the table.

EXAMINATION FOR APPOINTMENTS TO THE AUDIT AND ACCOUNTS SERVICE.

1058. *Nawab Major Malik Talib Mehdi Khan : (a) Is it a fact that the total number of marks in Arabic is 400 and that the maximum marks shown on the question papers was 200 in the Indian Audit and Accounts Service examinations of 1929 and 1930 ? Will Government kindly state their reasons ?

(b) Have Government satisfied themselves that no mistake was done by the office in recording the marks given by the examiners by overlooking the maximum marks ?

(c) Is it a fact that the candidates standing first in the various subjects obtained the following marks ?—

Subject.	Marks obtained.	Percentage of the marks obtained.
English	190	63
Economics	279	70
Mathematics	298	75
Physics	263	65
Chemistry	244	61
History	296	74
Philosophy	262	65
Botany	295	74
Geology	244	61
Sanskrit	279	69
Persian	265	66
Arabic	168	42

(d) Do Government propose to reduce all marks to the same scale ? Is not that the practice followed in most examinations ?

The Honourable Sir George Rainy : (a) The maximum marks for *Arabic* were 400. Examiners sometimes find it convenient to mark to a maximum of 100. In such cases the necessary multiplication is made to bring the total to the prescribed maximum.

(b) Yes.

(c) Yes, if the Honourable Member refers to the 1930 results.

(d) An endeavour is made to secure that all subjects are marked on the same standard, but obviously if the candidates for subject A are very bad and the candidates for subject B are very good, the candidates in subject A cannot be awarded the same marks as the candidates in subject B.

Dr. Ziauddin Ahmad : I should like to know whether any attempt was made to reduce the marks to a common scale ? This question was asked in the last session and no reply was then given. I made inquiries and found that the candidates in *Arabic* obtained very high marks otherwise in University examinations. Will the Honourable Member let me know whether any attempt was made to reduce the marks obtained by different candidates in different subjects to a common scale ?

The Honourable Sir George Rainy : I am afraid, I did not quite follow the Honourable Member's question, but I think he will obtain the information, he desires, more readily by asking my Honourable Colleague privately about it. I am very doubtful whether I am in a position to provide it now.

UNSTARRED QUESTIONS AND ANSWERS.

SHOP RUN BY THE HEAD CLERK, GOVERNMENT OF INDIA PRESS, SIMLA.

91. **Mr. S. C. Mitra :** Is it a fact that the Head Clerk, Government of India Press, Simla, is running a book binders' shop and a stationery mart just above his residence in Simla and the Press binders work *gratis* in that shop after office hours, and on holidays ? If the reply is in the affirmative, will Government please say what action they propose to take against the Head Clerk ?

Mr. J. A. Shillidy : Government have no information, but they are asking the Controller of Printing and Stationery to enquire into the allegations in this question.

EMPLOYMENT OF RELATIVES OF THE HEAD CLERK IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

92. **Mr. S. C. Mitra :** (a) Is it a fact that in the Simla Government Press relatives of the Head Clerk are recruited when vacancies occur, preference being given them over individuals possessing better qualifications ?

(b) Is it a fact that a promise has been given to his son for the latter's employment in an anticipated vacancy in the Press establishment ?

Mr. J. A. Shillidy : The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

QUALIFICATIONS OF INSPECTORS OF POST OFFICES.

93. **Mr. S. C. Mitra :** (a) Is it a fact that it is essential for an Inspector of Post Offices to be qualified in telegraphy ?

(b) Is it a fact that an Inspector of Post Offices must be conversant with the branch office rules ?

(c) Is it a fact that an Inspector of Post Offices has to inspect the traffic branch of a combined Post Office ?

(d) Is it a fact that the syllabus for the lowest selection grade examination of Postal candidates does not include branch office rules, pension rules, traffic instructions or the hand book on elementary telegraphy ?

(e) Is it a fact that the answering of questions in the lowest selection grade examination is done with the aid of books ?

(f) Is it a fact that an official passing the above examination is eligible for promotion as Inspector of Post Offices ?

Sir Hubert Sams : (a) Yes.

(b) Yes.

(c) Yes.

(d) Branch Office rules are not included, being covered by the Head Office and Sub-Office rules, which are included. Inspectors do not sanction pensions. Inspectors who are not already qualified in telegraphy have to undergo a course of training in that subject which includes traffic instructions and the handbook of elementary telegraphy.

(e) Yes.

(f) Yes.

SYLLABUS OF EXAMINATION FOR INSPECTORS OF POST OFFICES.

94. **Mr. S. C. Mitra :** (a) Is it a fact that the syllabus for the old examination for Inspectors of Post Offices contained branch office rules and the Traffic Instruction Manual ?

(b) Is it a fact that a knowledge in telegraphy was an essential qualification for nomination as a candidate for the old Inspectors' examination ?

(c) Is it a fact that non-combined hand Inspectors had to undergo six weeks' course of compulsory training in telegraphy and that they had to pass an examination in three papers for being duly declared as qualified in telegraphy ?

(d) Do Government treat the officials passing the lowest selection grade examination equally in the matter of appointments of Inspectors of Post Offices with those who passed the old Inspectors' examination ?

Sir Hubert Sams : (a) Yes. The Honourable Member's attention is invited to part (d) of the reply to his unstarred question No. 93 in the current session.

(b) No.

(c) The facts are substantially as stated by the Honourable Member.

(d) The officials who have passed the lowest selection grade examination are grouped together with officials who passed the old examination for Inspectors and Head Clerks of Superintendents of Post Offices, and both classes of officials are eligible for promotion to the lowest selection grade posts whether in the general or the Inspectors' line, in order of seniority. Junior officials who passed the old examination for Inspectors and Superintendents' Head Clerks, or who have passed the lowest selection grade examination are entitled to every fifth vacancy in that grade whether in the general or Inspectors' line.

NAMES AND QUALIFICATIONS OF CERTAIN INSPECTORS OF POST OFFICES.

95. Mr. S. C. Mitra : Will Government be pleased to state the names of the following officials with the kind of departmental examination passed by each of them ?—

- (i) Town Inspectors of Rangoon General Post Office ;
- (ii) Town Inspector of Mandalay General Post Office ;
- (iii) Inspector of Post Offices, Pegu Sub-division ; and
- (iv) Inspector of Post Offices, attached to the Postmaster-General's Office, Burma, for investigation.

Sir Hubert Sams : The information is being called for and will be furnished to the Honourable Member when it is received.

INSPECTORS OF POST OFFICES IN THE BURMA CIRCLE.

96. Mr. S. C. Mitra : (a) Will Government be pleased to state :

- (i) the total number of Inspectors of Post Offices in the Burma Circle ; and
- (ii) the total number of approved candidates for promotion to the lowest selection grade appointments who passed the old Inspectors' examination ?

(b) Will Government be pleased to state if they are prepared to consider the advisability of giving preference to the officials mentioned in part (a) (ii) above in making postings to Inspectors' posts whenever that could be done without incurring any extra expenditure on that account ?

Sir Hubert Sams : (a), (i) 13 and (ii) 14. As on the 31st March, 1931.

(b) Government regret that they are unable to accept the Honourable Member's suggestion.

NON-TRANSFER OF CERTAIN TOWN INSPECTORS OF POST OFFICES IN RANGOON.

97. Mr. S. C. Mitra : Will Government be pleased to state :

- (a) whether it is a fact that two of the Town Inspectors in the Rangoon General Post Office have been working as such for nearly 10 years without a change to any different station ;
- (b) whether they are liable to be transferred either as Head Clerk or Sub-Postmaster ;
- (c) why these officials are kept for so long as Town Inspectors ; and
- (d) when these two officials are likely to be shifted from their present position ?

Sir Hubert Sams : (a) to (d). Government have no information. The matter is within the competence of the Postmaster-General, Burma, to whom a copy of the question is being sent.

APPOINTMENT OF INDIANS AS POSTAL SUPERINTENDENTS IN THE BURMA CIRCLE.

98. Mr. S. C. Mitra : (a) Will Government be pleased to state if there is any rule debarring Indian employees of the Postal Department in Burma from being nominated as candidates for the Postal Superintendent's examination ? If the reply is in the affirmative, why is there such racial discrimination in the Department ?

(b) Will Government be pleased to state how many Indian employees from the Burma Circle have been allowed to sit for the Postal Superintendent's examination during the last 15 years ?

(c) Will Government be pleased to state if Indian employees of the Postal Department in the Burma Circle will be allowed to sit for the future examinations ?

(d) Will Government be pleased to state when the next examination is likely to be held ?

Sir Hubert Sams : (a) The reply to the first part is in the negative. The second part does not arise.

(b) One since 1919, prior to which the records are not available.

(c) Does not arise in view of the reply to (a).

(d) Government are not in a position to make any statement at present.

CASUAL LEAVE FOR OFFICERS AND CLERKS OF THE NORTH WESTERN RAILWAY.

99. Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state how many days' casual leave an officer on the North Western Railway is entitled to take during the year ?

(b) Is a member of the clerical staff also entitled to a similar privilege ?

(c) How many days at a time can an officer take casual leave on the North Western Railway ?

(d) Does a member of the clerical staff enjoy a similar privilege ?

(e) Is any record kept of the casual leave taken by officers during the year? If no such record in the case of officers is kept, will Government be pleased to state reasons for not doing so?

Mr. A. A. L. Parsons : Government have no information. Casual leave is unrecorded leave and its grant is entirely at the discretion of the Agent.

ACTIVITIES OF THE INTERNATIONAL CHAMBER OF AGRICULTURE OF ROME.

100. **Mr. E. F. Sykes :** Will Government be pleased to place in the Library any records they may have of the activities of the International Chamber of Agriculture of Rome, Italy?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes; necessary action is being taken.

THE PRESS EMPLOYEES' ASSOCIATION, CALCUTTA.

101. **Mr. S. C. Mitra :** (a) Are Government aware that the Government of Bengal, in pursuance of a Resolution passed in the Bengal Legislative Council in 1925, appointed a Committee consisting of both official and non-official Members of the Council including the representative of the Press Employees' Association, Calcutta, to inquire into the grievances of the employees of the Bengal Government Press, Alipore?

(b) Is it not a fact that during the strike in the Government of India Press, Calcutta, in 1920, negotiations were carried on between the Government of India and Mr. B. Chakravarti, Bar-at-Law, the then Vice-President of the Press Employees' Association on the situation then existing?

(c) Is it not a fact that the Secretary, Department of Industries and Labour, issued a circular in 1920 to the effect that Government Press employees might join any organised union?

(d) Is it not a fact that in 1925 the Honourable Mr. Ley communicated with the Secretary, Press Employees' Association, Calcutta, regarding the grievances of the employees of the Government of India Press, Calcutta?

(e) Is it not a fact that the representatives of the Press Employees' Association consisting of the President, Vice-President, Secretary and the Organising Secretary waited in a deputation in 1925, before the Honourable Sir B. N. Mitra, the then Member-in-Charge of the Department of Industries who, on the representation of the said deputationists, personally inquired into the grievances of the employees of the Government of India Press, Calcutta, and removed some of them?

(f) Are Government aware that the opinion of the Press Employees' Association, Calcutta, was invited and submitted to the Royal Commission on Labour in the shape of a printed memorandum as well as oral evidence in the year 1930?

(g) Are Government aware that in matters relating to labour legislations or sending delegates to the Geneva Conference, the opinion of the Press Employees' Association, Calcutta, is invited both by the Government of Bengal as well as the Government of India?

(h) Are Government aware that the Press Employees' Association is a registered body under the Indian Trade Unions Act, 1926?

(i) If the answers to parts (a) to (h) are in the affirmative, will Government be pleased to state the reasons that led Mr. J. A. Shillidy to state in answer to the starred question No. 258, dated 2nd February, 1931, that the Press Employees' Association, Calcutta, is not recognised by the Government of India?

Mr. J. A. Shillidy : (a) Yes. But the Government of India are not aware that any representative of the Press Employees' Association, Calcutta, was on the Committee.

(b) Mr. B. Chakravarti, Bar-at-Law, made certain representations to Government on behalf of the employees of the Government of India Press, Calcutta, who were on strike in 1920.

(c) I am unable to trace any such circular in 1920.

(d) The Secretary, Press Employees' Association, Calcutta, interviewed Mr. Ley in 1926, and informed him that the Association had been recognized by Government. On this understanding Mr. Ley undertook to consider a general representation submitted by the Association. As the Association had not been recognized by Government, the Secretary of the Association was informed that the Government of India were unable to consider any representation made by it.

(e) Sir B. N. Mitra while agreeing to receive a deputation of employees in the Government of India Press at Calcutta definitely refused to receive any deputation on behalf of the Association.

(f) Yes.

(g) No special invitation is issued to the Association in regard to the nominations for the International Labour Conferences. On proposals for labour legislation on which opinions are invited, the Association may be consulted by the Government of Bengal.

(h) Yes.

(i) The Press Employees' Association, Calcutta, does not fulfil the conditions which entitle an association of Government employees to official recognition.

NON-GRANT OF MEDICAL LEAVE WITH PAY TO TEMPORARY PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

102. **Mr. S. C. Mitra :** (a) Are Government aware that the temporary piece-employees of the Government Printing, Bengal, are allowed medical leave with pay?

(b) Is it a fact that the temporary piece-employees of the Government of India Press, Calcutta, are not allowed medical leave with pay?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons of part (b)?

Mr. J. A. Shillidy : (a) Government have no definite information.

(b) No. Attention of the Honourable Member is invited to the reply given by me to his unstarred question No. 259 in the Legislative Assembly on the 2nd February, 1931.

(c) Does not arise.

GOVERNMENT PRINTING WORK PLACED WITH PRIVATE PRESSES.

103. **Mr. S. C. Mitra :** (a) Is it a fact that the rate of the private firms for printing the Army Department Training Manual and the binding charge of Army Form No. A-64 were considerably higher than that of the Government Presses ?

(b) Is it not a fact that Mr. H. I. Macdonald, Special Officer, Central Revision Section, Army Department, Government of India, in his note, dated 1st July, 1931, expressed the desirability of work being done at the Government Presses on economic grounds ?

(c) Is it not a fact that charges of the private printing firms with whom contracts are placed by the Government of India are higher than that of the Government Presses ? If so, will Government be pleased to state the reasons for placing printing orders on an increased scale every year with private firms ?

Mr. J. A. Shillidy : Enquiries are being made.

PAYMENTS MADE TO PRIVATE PRESSES FOR GOVERNMENT PRINTING WORK.

104. **Mr. S. C. Mitra :** (a) Will Government be pleased to refer to the statement made by the Controller of Printing and Stationery in forwarding to Government the annual statistical return showing the working of the Government of India Presses, to the effect that, during 1929-30 the payments for outside printing reached upto Rs. 12,93,697 ?

(b) Will Government be pleased to explain this statement with reference to the statement made by Mr. J. A. Shillidy in reply to starred question No. 248 of the 2nd February, 1931, showing the amount paid to the private contractors for printing work during 1929-30 was Rs. 4,02,000 ?

(c) What amount was paid to the private contractors during 1927-28 to 1930-31 for printing orders placed with private contractors ?

Mr. J. A. Shillidy : Information is being collected and will be furnished to the Honourable Member in due course.

PRINTING OF REPORTS OF COMMISSIONS ON LABOUR, RETRENCHMENT, ETC.

105. **Mr. S. C. Mitra :** (a) Will Government be pleased to state :

- (i) the number of Commissions and Committees appointed from 1923 to 1931 to inquire into the conditions of labour, retrenchment as well as political conditions in India ;
- (ii) where the reports of these Commissions and Committees were printed ;
- (iii) the total expenditure incurred for printing the reports of those Commissions and Committees ;
- (iv) the total expenditure incurred for printing in India, if any, the reports of these Commissions and Committees ; and
- (v) the total expenditure incurred for printing outside India, the reports of those Commissions and Committees ?

(b) Is it not a fact that the Government of India has four well-equipped and efficient presses at Simla, Calcutta, Delhi and Aligarh ?

(c) Is it not a fact that not a single report of the Commissions and Committees was printed in India ?

(d) If the answers to parts (b) and (c) are in the affirmative, will Government be pleased to state the reasons of part (c) ?

Mr. J. A. Shillidy : (a) I do not propose to call for the information required by the Honourable Member, unless he specially desires it, as its collection would take a great deal of time and trouble and because he is, I think, under the impression that the printing of the reports of these Commissions and Committees has been done outside India. I would refer him to my answer to (c).

(b) Yes.

(c) So far as I am aware, without having detailed information, most of the reports lately published have been printed in India.

(d) Does not arise.

CASE OF BABU ABINASH CHANDRA CHAKRAVARTI, A COMPOSITOR INVALIDED FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

106. **Mr. S. C. Mitra :** (a) Is it not a fact that, in answer to unstarred question No. 356, Mr. J. A. Shillidy stated on the 21st March, 1931, that the case of Babu Abinash Chandra Chakravarti, compositor, Section 4, Government of India Press, Calcutta, is being examined by the Controller of Printing and Stationery ?

(b) Is it not a fact that the case of Babu Abinash Chandra Chakravarti has not yet been finally disposed of ? If so, will Government be pleased to state what it intends to do in the matter ?

Mr. J. A. Shillidy : (a) Yes.

(b) Government have no information ; but they are asking the Controller to look into the case.

MEMORIAL FOR THE INTRODUCTION OF A WORKS COMMITTEE AT THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

107. **Mr. S. C. Mitra :** (a) Is it not a fact that the compositors, distributors, binders and machinemen of the Eastern Bengal Railway Press, Calcutta, submitted a memorial to the Government in April, 1929, praying for the introduction of a Works Committee on the election basis ?

(b) Is it not a fact that the Royal Commission on Labour in India recommended for the introduction of such Works Committees ? If so, what action Government intends to take with regard to part (a) ?

Mr. A. A. L. Parsons : (a) The reply is in the negative.

(b) The reply to the first part is in the affirmative. As regards the second part the question will be considered when a decision has been come to by Government on the recommendations of the Royal Commission on Labour as regards a Works Committee.

MEMORIALS FROM EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES, CALCUTTA.

108. **Mr. S. C. Mitra :** Is it not a fact that, in answer to unstarred question No. 360 regarding memorials from employees of the East Indian and Eastern Bengal Railway Presses, Calcutta, Mr. A. A. L. Parsons stated on 21st March, 1931, that the original memorial of the employees of the Eastern Bengal Railway Press, with the Agent's remark is awaited ? If so, will Government be pleased to state what action has been taken in the matter ? If not, why not ?

Mr. A. A. L. Parsons : The reply to the first part is in the affirmative. The views of the Agent, Eastern Bengal Railway, are awaited and he has been asked to expedite them.

MEDICAL CERTIFICATES OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

109. **Mr. S. C. Mitra :** (a) Is it a fact that in answer to starred question No. 372 regarding medical certificates submitted by employees of the Eastern Bengal Railway Press, Calcutta, Mr. A. A. L. Parsons stated on 11th February, 1931, that the information with regard to parts (b), (c) and (d) would be communicated on its receipt from the Agent, Eastern Bengal Railway ?

(b) Is it a fact that the information was not supplied as stated ? If so, will Government be pleased to supply the information ?

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

(b) The information was supplied to the Honourable Member in the Railway Board's letter No. 579-E.G., dated the 22nd June, 1931.

DISMISSAL OF AN INKMAN IN THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.

110. **Mr. S. C. Mitra :** (a) Is it a fact that in answer to starred question No. 371, regarding dismissal of Mustafa, an Inkman in the Eastern Bengal Railway Press, Calcutta, Mr. A. A. L. Parsons stated on the 11th February, 1931, that the action intended to be taken by the Government with regard to parts (e), (h) and (i) would be communicated later on ?

(b) Is it a fact that the action intended to be taken by the Government has not yet been communicated ? If so, will Government be pleased to state what action is intended to be taken with regard to the employees referred to in starred question No. 371, dated 11th February, 1931 ?

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

(b) The reply was sent to the Honourable Member in June, 1931, vide Railway Board's letter No. 579-E.G., dated the 22nd June, 1931.

MEMORIAL FROM THE EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

111. **Mr. S. C. Mitra :** (a) Is it a fact that in answer to the unstarred question No. 360, Mr. A. A. L. Parsons stated on the 21st March, 1931, that the memorial from the employees of the East Indian Railway

Press, Calcutta, is under consideration ? If so, will Government be pleased to state the action taken on it ?

(b) If nothing has been done as yet, will Government kindly state when they mean to take steps in the matter ?

Mr. A. A. L. Parsons : (a) and (b). The reply to the first part of (a) is in the affirmative. As I have just said in my reply to question No. 108, the views of the Agent, Eastern Bengal Railway, on a similar memorial from the Eastern Bengal Railway Press Employees are awaited and it is proposed to deal with both the memorials, when a reply is received from the Agent.

STRENGTH OF SUPERVISING AND OPERATING STAFFS IN THE EAST INDIAN RAILWAY PRESS AT CALCUTTA AND AT HOWRAH.

112. **Mr. S. C. Mitra :** (a) Is it a fact that the number of the supervising staff of the East Indian Railway Press, Calcutta, and Howrah, are on the increase while the operative staff have been decreasing since 1926 ?

(b) Is it not a fact that the present total strength of the operative staff, in Calcutta and Howrah, is 550 whereas the number of the supervising staff is 840 making, 1 supervising staff responsible for 6 operators ?

(c) Is it not a fact that the strength of the compositors, in Calcutta and Howrah, was 101, of the distributors 31, of the binders 134, of the proof-pullers 16, of the machinemen 30, of the inkmen 45, and of the pressmen 11, in 1926, while it has come down to 66, 24, 100, 12, 26, 37 and 5, respectively in 1931 ?

(d) Is it not a fact that there was only 1 overseer, 1 foreman, 2 section-holders, 2 computers, 1 assistant timekeeper and 6 clerks, both in Calcutta and Howrah, in 1926 whereas they have been increased to 2, 3, 4, 15, 4 and 30, respectively in 1931 ?

(e) Is it not a fact that the posts of the Office Superintendent, the Press Mechanic, the Workshop Accountant and Checker were not in existence in 1926 whereas they exist in 1931 ?

(f) If the answers to parts (a) to (e) are in the affirmative, will Government be pleased to state what necessitated an increase in the supervising staff though the operative staff has appreciably been reduced ?

(g) Will Government be pleased to lay on the table a statement showing the strength of the operative staff in compositors, distributors, proof-pullers, machinemen, inkmen, pressmen and binders as well as of the supervising staff of the East Indian Railway Press both in Calcutta and Howrah, for the years 1926 and 1931, respectively ?

Mr. A. A. L. Parsons : I have called for certain information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

PAY, APPOINTMENTS AND DISMISSALS OF SUPERVISING AND OPERATING STAFFS OF THE EAST INDIAN RAILWAY PRESS.

113. **Mr. S. C. Mitra :** (a) Is it a fact that at the last revision of pay, the supervising staff of the East Indian Railway Press were allowed increments while the operative staffs were not ?

(b) Will Government be pleased to lay on the table a statement showing :

- (i) the pay, with the names, of any two section-holders, foreman, overseers, computers and checkers as well as the earnings of any five compositors, five binders of the 1st, 2nd and 3rd class, five distributors, five pressmen, five machinemen and five inkmen, with their names ; and
- (ii) the number of appointments, dismissals and retirements from the service, both of the supervising and operative staff from January, 1924 to June, 1931 ?

Mr. A. A. L. Parsons : (a) I have called for information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

(b) Government regret they can not undertake to collect the information required as it would entail a disproportionate expenditure of time and labour.

REPRESENTATION FROM THE EAST INDIAN RAILWAY PRESS EMPLOYEES' ASSOCIATION.

114. Mr. S. C. Mitra : Is it a fact that the Deputy Secretary, Railway Board, in his letter No. 5018-E., dated the 5th June, 1931, informed the Honorary Secretary, Press Employees' Association, Calcutta, that his letter, dated the 20th May, 1931, had been forwarded to the Agent, East Indian Railway for disposal ? If so, will the Honourable Member be pleased to inform the House of its contents and the result of the communication ?

Mr. A. A. L. Parsons : The reply to the first part is in the affirmative. As regards the second part, I am unable to give the information asked for, as the letter from the Association was forwarded in original to the Agent, East Indian Railway, and I am not aware of the action taken by him.

PROPORTION OF SUPERVISING STAFF TO WORKERS IN THE EAST INDIAN RAILWAY PRESS.

115. Mr. S. C. Mitra : (a) Is it a fact that in reply to unstarred question No. 358 regarding proportion of supervising staff to workers in the East Indian Railway Press, Mr. A. A. L. Parsons stated on the 21st March, 1931, that certain information was being called for and would be communicated on its receipt ?

(b) Is it a fact that the information was not communicated ? If so, will the Government be pleased to reply to the unstarred question No. 358, dated the 21st March, 1931 ?

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

(b) The information has been supplied to the Honourable Member in the Railway Board's letter No. 579-E.G., dated the 25th September, 1931.

AMENDMENT OF THE INDIAN FACTORIES ACT.

116. Mr. S. C. Mitra : Is it a fact that the Chief Inspector of Factories, Bengal, in his report for the year 1929-30, reports the various difficulties in discharging duties under the Indian Factories Act, 1926 unless certain portions of the Factories Act are amended ? If so, will Government be pleased to state whether they contemplate to amend the Factories Act in the light of the report of the Chief Inspector of Factories, Bengal ?

Mr. J. A. Shillidy : In his Annual Report on the working of the Indian Factories Act for the year 1930 the Chief Inspector of Factories, Bengal, has made certain suggestions for the amendment of the Act. These suggestions will receive due consideration when the revision of the Act is taken in hand as a result of the recommendations made by the Royal Commission on Labour.

MEMORIAL FOR THE INTRODUCTION OF A WORKS COMMITTEE AT THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

117. Mr. S. C. Mitra : (a) Is it not a fact that the compositors, distributors, binders and machinemen of the East Indian Railway Press, Calcutta, submitted a memorial to the Government in January, 1930, praying for the introduction of a Works Committee on the election basis ?

(b) Is it not a fact that the Royal Commission on Labour in India recommended for the introduction of such Works Committees in the Labour Industry ? If so, what action Government intend to take with regard to part (a) ?

Mr. A. A. L. Parsons : (a) The reply is in the affirmative.

(b) I would refer the Honourable Member to the answer given to part (b) of his earlier question No. 107.

LEAVE GRANTED TO AN OVERSEER AT THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

118. Mr. S. C. Mitra : (a) Is it a fact that under the Civil Service Regulations no Government employee, who is on extension, can be allowed leave on average pay for more than fifteen days ?

(b) Is it a fact that Mr. Fergusson, the acting Overseer and formerly the Head Reader of the Government of India Press, Calcutta, has been allowed four months' leave on average pay ?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons of part (b) ?

Mr. J. A. Shillidy : (a) The attention of the Honourable Member is invited to article 234 (b) of the Civil Service Regulations and rule 86 of the Fundamental Rules, which regulate the leave of Government servants after the date on which they must compulsorily retire.

(b) to (c). The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses, and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

REPORT OF THE ROYAL COMMISSION ON LABOUR.

119. **Mr. S. C. Mitra :** (a) Are Government aware that the Royal Commission on Labour in India has submitted its report with certain recommendations on labour conditions in India ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state when those recommendations are going to be accepted by Government ?

Mr. J. A. Shillidy : I would refer the Honourable Member to the first part of the reply given by me to starred questions Nos. 143—149 asked by Mr. C. S. Ranga Iyer on the 10th September, 1931.

QUALIFICATIONS AND COMMUNITIES OF THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

120. **Pandit Ram Krishna Jha :** Will Government be pleased to state the number of persons on the clerical staff of the Government of India Press, Simla, showing the number of Hindus, Muslims, Sikhs, Christians and others as they exist at present, and the educational qualifications of each of them ?

Mr. J. A. Shillidy : The information is given below : —

Community.	No.	Educational qualifications.	
Muslims	.. 14	Matriculate ..	2
		Non-matriculate ..	12
Hindus	.. 13	Matriculate ..	2
		Non-matriculate ..	10
		Graduate ..	1
Sikhs	.. 2	Matriculate ..	1
		Graduate ..	1
Christian	.. 1	Non-matriculate ..	1
	30		30

APPOINTMENT OF HINDUS TO THE GOVERNMENT OF INDIA PRESS, SIMLA.

121. **Pandit Ram Krishna Jha :** (a) Will Government be pleased to state whether or not the Hindu community, in spite of being a majority community, is in a minority as to its representation on the staff of the Government of India Press, Simla ?

(b) Will Government be pleased to state whether there was a general circular issued to all Government offices to stop recruitment to all vacancies as an economic measure ?

(c) Is it not a fact that owing to the reduction in the printing budget of some Departments there was less work to be tackled by the clerical branch ?

(d) Is it a fact that a certain clerk of the staff of the Government Press, Simla, resigned his post in April last, and that the vacancy has been filled up ?

(e) If the replies to parts (c) and (d) are in the affirmative, will Government be pleased to say whether the appointment in question was in disregard of the circular and why was it made ?

(f) If so, do Government propose to abolish the post as a measure of retrenchment ?

(g) Are Government prepared to make inquiries as to who is responsible for such disregard of the rules and circulars and deal with him in an appropriate manner ?

Mr. J. A. Shillidy : The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for the information regarding these administrative details, which are matters for his discretion.

APPOINTMENT OF HINDUS AS DEPUTY POSTMASTERS-GENERAL AND SUPERINTENDENTS OF POST OFFICES.

122. **Bhai Parma Nand :** (a) Will Government be pleased to lay on the table of the House a statement showing the communal composition of the Deputy Postmasters-General and Superintendents of Post Offices in the Punjab and North-West Frontier Circle ?

(b) Is it a fact that out of three Deputy Postmasters-General (Postal and Telegraph) in this Circle there is no Hindu but there are two Muslims and one European ?

(c) Will Government please state whether it is not the policy of Government to prevent as far as possible preponderance of members of one community in one and the same office and, if so, are Government prepared to take suitable steps for the proper representation of all communities in the rank of Deputy Postmasters-General ?

(d) Is it a fact that this Muslim preponderance has been repeatedly brought to the notice of the Director General and the Government of India and the matter has been disposed of by the reply that the posting of officers is decided on administrative and not on communal grounds ?

(e) Is it also a fact that out of 29 Superintendents of Post Offices including probationary and reserve there are only 7 Hindus against 12 Muslims ?

(f) Are Government prepared to make good the deficiency in the number of Hindu Superintendents ?

(g) Are Government aware that this policy of Government is viewed with concern and alarm by the members of the Hindu community and has created great discontentment among the employees of that community ?

Mr. J. A. Shillidy : (a) A statement is laid on the table.

(b) Yes.

(c) The orders for the adjustment of communal inequalities apply to new recruitment to a cadre or a unit, which may be composed of one or more offices. They do not apply to Deputy Postmasters-General, who are promoted officers and not direct recruits. Deputy Postmasters-General are borne on a general cadre for the whole of India and Burma and their

postings to different Circles depend on service exigencies from time to time and are not made on the basis of communal representation.

(d) Government are not aware that the fact is as stated in the first part. A reply of the kind stated in the second part would have been appropriate, had it been made in answer to such a representation.

(e) Yes, except that the total is 28.

(f) Superintendents are borne on a general cadre for the whole of India and Burma and any communal inequalities are adjusted in the case of direct recruits to that cadre.

(g) No.

Statement of communal composition of the Deputy Postmasters-General and Superintendents of Post Offices (excluding Reserve and Probationary Superintendents) in the Punjab and North-West Frontier Circle as on the 22nd September, 1931.

	Deputy Postmasters-General.	Superintendents.
Hindus		7
Muhammadans	 2	12
Sikhs		4
Europeans or Anglo-Indians	 1	5

QUARTERLY REPORT OF THE INDIAN TRADE COMMISSIONER AT HAMBURG.

123. **Dr. Ziauddin Ahmad** : Have Government seen the recent quarterly report of the Indian Government Trade Commissioner, Hamburg ?

The Honourable Sir George Rainy : Yes.

REMOVAL OF THE EXPORT DUTY ON HIDES AND SKINS.

124. **Dr. Ziauddin Ahmad** : Will Government be pleased to state whether, having regard to the effect of the present general trade depression on the Indian raw hide industry, they contemplate the removal of the export duty on hides and skins ? If so, when ?

The Honourable Sir George Rainy : The action to be taken in regard to the removal or retention of the duty is under consideration in connection with the Report of the Hides Cess Enquiry Committee.

REPORT OF THE HIDES CESS ENQUIRY COMMITTEE.

125. **Dr. Ziauddin Ahmad** : Will Government be pleased to state whether or not they intend to take action on the Hides Cess Enquiry Committee's Report ? If not, why not ?

The Honourable Sir George Rainy : Government have not yet come to a decision in the matter.

OPINIONS SUPPORTING THE HIDE CESS ENQUIRY COMMITTEE'S REPORT.

126. **Dr. Ziauddin Ahmad** : Will Government be pleased to state with regard to the Hide Cess Enquiry Committee's Report, what com-

munications, if any, have been received direct or through the Provincial Governments :

(a) supporting the report ; and

(b) supporting Mr. Price's minute of dissent ?

The Honourable Sir George Rainy : (a) and (b). Copies of the communications so far received are placed in the Library, from which the Honourable Member will be able to obtain the required information.

STATEMENT LAID ON THE TABLE.

NUMBER OF RESIDENTIAL ENGLISH HIGH SCHOOLS AND COLLEGES IN INDIA.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I beg to lay on the table the information promised in reply to starred question No. 670 asked by Mr. Badri Lal Rastogi on the 23rd February, 1931, regarding the number of residential English High Schools and Colleges in India.

Statement showing province by province the number of Residential English High Schools and Colleges in the whole of India.

Province.	Institutions.					
	Colleges.			High Schools.		
	Which are almost entirely residential.	In which more than 50% of students reside in approved hostels.*	In which between 25% and 50% of students reside in approved hostels.*	Which are almost entirely residential.	In which more than 50% of students reside in approved hostels.*	In which between 25% and 50% of students reside in approved hostels.*
1	2	3	4	5	6	7
Madras	3	4	16	2	27	39
Bombay	..	4	5	13	12	24
Bengal	3	3	11	1	5	29
United Provinces	10	6	15	15	8	15
Punjab	9	7	20	15	9	73
Burma	2	2	1	4	6	8
Bihar and Orissa	..	7	4	..	9	14
Central Provinces	2	1	1	..	6	12
Assam	1	1	1	4	..	2
Coorg	..	..	..	..	1	1
North-West Frontier Province.	..	1	2	..	..	1
Delhi	..	1	2	1	2	2
Baluchistan	..	..	..	..	..	..
Ajmer-Merwara	..	..	1	1	..	1
Hyderabad	..	..	..	..	2	2
Mysore	..	..	..	..	1	1
Central India	..	..	1	1	2	..
Rajputana	..	..	..	..	..	..
Western India States	..	..	..	2	..	..
British Reserve, Manipur.	..	..	..	..	..	..

* Approved hostels are those in which the boarders are amenable to the control and discipline of the college or school authorities concerned.

ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

The Honourable Sir James Crerar (Home Member) : Sir, I beg to move :

“ That this Assembly do proceed to elect in such manner as the Honourable the President may direct, seven members of the Advisory Publicity Committee to assist in the publicity work of the Government of India.”

I may mention, Sir, that this Committee was originally constituted in 1921, its functions being to advise the Government of India in publicity matters generally and in particular to scrutinise and examine the proposals for the expenditure on the bureau. During recent sessions of the Assembly,—and I am afraid I must take some blame for it myself—owing to congestion of very urgent work, the Committee which was due to have been constituted was not so constituted. I understand, however, that a desire has been expressed from several quarters of the House that the Committee should now be reconstituted. I therefore make this motion.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, may I ask the Honourable Member if there had been any meeting of this Committee last year ?

The Honourable Sir James Crerar : During the last year there has been no meeting because the Committee has not yet been reconstituted.

Mr. President : The question is :

“ That this Assembly do proceed to elect in such manner as the Honourable the President may direct, seven members of the Advisory Publicity Committee to assist in the conduct of the publicity work of the Government of India.”

The motion was adopted.

Mr. President : I may inform Honourable Members that for the purpose of election of Members to the Advisory Publicity Committee the Assembly office will be open to receive nominations up to 12 noon on Wednesday, the 30th September and that the election, if necessary, will take place in this Chamber on Thursday, the 1st October, 1931. The election if necessary will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN PRESS BILL—contd

The Honourable Sir James Crerar (Home Member) : Sir, I beg to move that the Bill to provide for the better control of the Press, as reported by the Select Committee, be taken into consideration.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I rise to a point of order. The point of order arises in this way. The Bill as introduced in the Assembly has not been published in the Gazette as I shall presently show, and consequently all proceedings taken thereafter, viz., the report of the Select Committee, are *ultra vires*, illegal and void. From the report of the Select Committee it appears that they certify that the Bill was published in the Gazette of the 12th September, last. I refer to the Bill as it appeared in the Government Gazette and I find—I was astonished to find—that in spite

of the reports in the newspapers, the Bill as published in the Gazette was the same as was introduced in the Delhi Session, and withdrawn. When I came here, I inquired into the matter and I found that the Bill which was introduced here was not the Bill which was published in the Gazette. You will find, Sir, on reference to the Gazette, that the Bill which was published in the Gazette contains 33 clauses. There is a Statement of Objects and Reasons over the signature of Sir James Crerar and it is dated 9th January, 1931. The Bill as introduced in this Assembly contains 32 clauses and there is a Statement of Objects and Reasons over the signature of the Home Member dated the 2nd September, 1931. It is apparent, therefore, that the Bill which was published in the Gazette is not the Bill which was introduced in the Assembly. In the circumstances, my contention is that the Bill has not been published at all as directed by the Rules and Standing Orders. The first is rule 18. This does not touch the matter now because under this rule (page 26 of the Manual) :

“ The Governor General may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.”

Of course this has not been done on this occasion and it also provides for publication of the Bill before introduction. But the clause which applies to this matter is rule 20 (page 27 of the Manual) :

“ As soon as may be after a Bill has been introduced, the Bill unless it has already been published, shall be published in the Gazette.”

This is peremptory and there is no option left either to Government or anybody else to disregard this rule.

Then, Sir, I will refer to Standing Order 41 at page 31 of the Manual. It says :

“ After publication in the Gazette of a Bill as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon.”

This implies that the Select Committee cannot take cognisance of any Bill or make their report unless previous publication has been made in the Gazette. Clause (4) of the rule says :

“ The Select Committee shall in their report state whether or not in their judgment the Bill has been so altered as to require republication.”

This presupposes that there has been a publication and they are to consider whether it requires republication. It goes further. It further says :

“whether the publication directed by the rules has taken place, and the date on which the publication has taken place.”

I do not know what the Select Committee did in this matter. If they have certified in their report that the Bill was published on the 12th of September, I do not think that the Members of the Select Committee did themselves justice in saying so. The real crux of the question is this. What was the Bill which they looked into ? Is that the Bill which was published on the 12th September or is that the Bill which was introduced in the Assembly ? Apparently they looked not into the right Bill but into the wrong Bill and therefore the whole of the proceedings of the Select Committee is *ultra vires* and void. Now what is the object of publication ? It is that the whole world might know about it and not only the 140

[Mr. S. C. Sen.]

Members who adorn these Benches here. Therefore, if the Bill has been wrongly published in the Gazette, the whole proceedings of the Select Committee are wrong. I say this is a vital point and I should think that the report of the Select Committee should be considered as ineffective and inoperative.

Mr. President : The attention of the Chair was drawn to this point this morning and it has no hesitation in admitting that, through an oversight of the Assembly Department, a wrong Bill was published. The matter is much regretted. The question for consideration now is, what should be done in the circumstances? The Chair will be glad to hear Honourable Members on the subject. It is clear that no further proceedings in regard to the Press Bill which is on the Agenda Paper can take place to-day. If any Honourable Member wishes to address the House he is welcome to do so.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I think that the further course that this House should adopt is perfectly clear. I would draw your attention to paragraph 76, page 27 of the Manual of Business and Procedure, which says :

“ When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely—that it be referred to a Select Committee.”

Then you will find on page 31 the procedure which the Select Committee has to adopt. Paragraph 81 says :

“ After publication in the Gazette of a Bill as required by the Rules, the Select Committee to which the Bill has been referred shall make a report thereon. Such report shall be made ”.....

This is the point I am making :

“ Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Assembly orders the report to be made sooner.”

Consequently this clause (2) clearly contemplates that the report of the Select Committee should not be made till three months have expired from the date of the publication, unless the Assembly wishes that the report should be made earlier. Now, Sir, the object of this rule is to give the public at large sufficient notice of the provisions of the Bill so that they may criticise it and submit the Bill to their representatives in the House. The points therefore are very clear. The first is that the Assembly must give the public three months time before it takes the Bill up, unless the Assembly orders otherwise. The second is that the Select Committee cannot assume jurisdiction to report on the Bill till after the publication in the Gazette as required by the rules. The procedure that these rules and Standing Orders contemplate is very clear. The Government in a case of urgency may publish the Bill in a Gazette so as to give the public at large an idea of what they intend to do. Having done that, the Bill is as good as introduced. But then after that publication they can move for the reference to a Select Committee for further consideration. That is abundantly clear from paragraph 76. Now if you read paragraph 76 with paragraph 71, it will mean that after a Bill has been published or introduced or on some subsequent occasion the member in charge may move that it be referred to a Select Committee. Therefore, the Bill not having been published, there can be no motion for reference to a Select Committee

and because there can be no motion for reference to a Select Committee, therefore the proceedings of the Select Committee are *ultra vires*. If not *ultra vires* their power is spent. You will also remember that the Honourable the Home Member had moved that the Select Committee do submit its report on or before the 21st September. As a matter of fact the Select Committee signed their report on the 20th September and the report was presented on the 21st. Therefore, the three months did not expire and could not expire, and there is no direction for the earlier presentation of the report of the Select Committee. I therefore submit that the publication of the Bill being a condition precedent to the taking of further proceedings, further proceedings must be set aside and the Bill must now proceed after publication as if it has been introduced for the first time in this House.

Sir Lancelot Graham (Secretary : Legislative Department) : Sir, I should like first to thank my Honourable friend, Mr. Sen, for drawing the attention of the House to what is undoubtedly a very serious irregularity. It would have been most unfortunate if the Bill had been passed through all its stages and subsequently its illegality had been declared in a court of law. I think, Sir, the whole House owes a debt of gratitude to Mr. Sen for having pointed this out. (Hear, hear.) I am not quite sure if the House would not have felt greater gratitude if he had pointed out the irregularity a little earlier, in which case the time of this House and the money of the State might have been saved to a considerable extent. But as Mr. Sen considered it fit to make the point of order now, I am not going to quarrel with him on that account. From the applause with which the facts of the publication of the wrong Bill were greeted in this House, I should have thought that most of the Members were under the impression that the Legislative Department was responsible for that mistake. Sir, it was a very easy mistake to make and as Secretary of one of the Departments of Government, I wish to express my sympathy with the Secretary of another Department.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : It may be due to the hustling of the Bill that that mistake was made.

Sir Lancelot Graham : What has actually happened? I should like to give my view of the effects of this irregularity, and particularly I may say that I agree with Mr. Sen that from the production of the report of this Committee the proceedings are irregular. The Report could not properly be made on that day the 21st, and I think that is as far as Mr. Sen wants us to go. He has suggested that the Committee might have been scrutinising the wrong Bill; but if he had himself examined the report of the Select Committee which contains the Bill examined and presented to them and the amendments made therein by them, he would have realised that that suggestion is merely frivolous.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Do not commit another blunder.

Sir Lancelot Graham : My Honourable friend, Mr. Amar Nath Dutt, says “ Do not commit another blunder ”.

An Honourable Member : You will be challenged if you do.

Sir Lancelot Graham : I should like to know who committed the first blunder. I shall now get to the actual facts of this irregularity. I agree with Mr. Sen that the point where we have gone wrong was in allowing

[Sir Lancelot Graham.]

the report of the Select Committee to be presented on the morning of the 21st September. So far I agree. But I must join issue with my friend, Sir Hari Singh Gour, when he suggests that the motion to appoint the Select Committee could not be made until after publication of the Bill in the Gazette. I must say I am surprised that my Honourable friend should have made that suggestion. As he says, there are three rules, or rather one rule and two Standing Orders concerning this matter. We are not concerned with the earlier rule, which deals with the publication of a Bill before introduction. That is Legislative Rule 18. The rule with which we are concerned is Legislative Rule 20, which says that, as soon as may be after a Bill has been introduced, unless it has already been published, it shall be published in the Gazette. But it will be observed that that does not affect the fact of introduction. A Bill is introduced by moving for leave to introduce, and then saying, "I introduce the Bill". Thereafter the Bill is introduced, and publication has nothing whatever to do with the introduction of the Bill. Therefore when my Honourable friend, Sir James Crerar, got up on the morning of the 7th September and said, "I introduce the Bill", that Bill was introduced.

Now, we proceed to the Standing Orders which govern this matter. Standing Order 38 is the one which really contains the whole matter and it says this : when a Bill is introduced, that is to say, on the day on which it is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill—that it be taken into consideration, or referred to Select Committee, or circulated. A motion for referring this Bill to Select Committee was made on Friday the 11th. The making of that motion depended solely on the fact that the Bill had been introduced, and it did not depend, as suggested by my Honourable friend, Sir Hari Singh Gour, on the Bill having been published. I think that is perfectly plain not only because there is no mention of that condition here, but because that motion could have been made on the very day on which the Bill was introduced.

Sir Hari Singh Gour : May I intervene for a moment and say that my Honourable friend and I seem to be at one on that point. The Select Committee may have been validly appointed. But that Committee could not make a report ; that is what I was submitting all the time.

Sir Lancelot Graham : I understood from my friend that everything to do with the Select Committee, including its appointment, was involved. I do not know if he conveyed the same impression to other parts of the House.....

Sir Hari Singh Gour : This portion of the motion saying that they should report on or about the 21st being part of the motion appointing the Select Committee, the whole motion appointing the Select Committee will now have to be revised and a fresh motion made ; that was my point.

Sir Lancelot Graham : I did not understand him to be making that suggestion. It was not made by the Honourable Member when he made his speech. Probably it was an after-thought which he wanted to put in by way of interruption. As I was saying, the Honourable Member in charge was entitled to make his motion that the Bill be referred to a

Select Committee, although publication had not been made. Publication has nothing to do with it.

Mr. B. Das (Orissa Division : Non-Muhammadan) : No, no.

Sir Lancelot Graham : As I said, the motion was made on the 11th to refer the Bill to Select Committee. It has been suggested that the date of publication of the Select Committee's report may be changed. The proceedings in Select Committee took rather longer than expected. It was originally expected that they would report by the 18th ; and afterwards it was altered to the 21st.

We now pass on to the Standing Order 41 ; Honourable Members will remember that the motion that was put before them was that the Bill be referred to a Select Committee consisting of a certain number of persons named therein, with instructions to report on or before the 21st September. Those provisions were put in because in the opinion of the Government the matter was urgent. It was open to any Member of this House at the time to move an amendment that those words should be struck out. No such amendment was moved, and the motion was passed in the form that the Select Committee should report on or before the 21st September. Consequently there is no question now of the three month's limit referred in Standing Order 41 applying. But what is necessary still under sub-order (1) of Standing Order 41 is that a report should be made after publication in the Gazette of the Bill ; and therefore I fully agree with my distinguished friend, Mr. S. C. Sen, that so far there has been no publication under the rules.

Now, I come to the remedy. I trust that I have convinced the House that up to the time of the appointment of the Committee with instructions to report on the 21st, there was no irregularity. The complication now comes in that, owing to the fact that the Bill which was introduced on the 7th September, not being duly published in the Gazette of India, the presentation of the Select Committee's report on the 21st was premature. They were not entitled to make their report until after publication of the Bill in the Gazette. The question now is how we can remedy the defect. As regards the Select Committee we may say that they have been a little premature. They presented their report too soon on the understanding that the Bill had been published ; that understanding was incorrect.

Sir Hari Singh Gour : It is *functus officio* after doing that.

Sir Lancelot Graham : The Select Committee, having merely presented a premature report, has not become *functus officio* ; they have not ceased to exist because they have not yet presented a valid report. But they are not thereby discharged from performing their duty because they have presented a premature report.....

Sir Hari Singh Gour : Without a fresh power from the House.

Sir Lancelot Graham : Not at all. They came to the House too soon and the House can say, "Well, go back now and come back on the right day". I am going to suggest a remedy ; that is, that the Assembly Department should today in a Gazette Extraordinary publish the Bill as introduced on the 7th ; thereafter the Select Committee should be recalled to complete their work.....

Sir Hari Singh Gour : The Select Committee should be reappointed.

Sir Lancelot Graham : Not reappointed, but recalled by the Chairman. The Select Committee should be recalled by the Chairman, and there will be no irregularity at all. The Chairman will then satisfy itself that the real Bill which was referred to the Select Committee has been published, and after he has so satisfied himself, the Committee will sign their report, and the Honourable Member in charge of the Bill will lay the Select Committee's report on the table.

Then, Sir, we shall have to consider the next stage. The next stage will be a motion that the House do take into consideration the Bill as reported by the Select Committee. Finally, Sir, I repeat that the appointment of the Select Committee and its sittings are in order, and the only point on which the Committee has gone wrong is in their presentation of the Bill too early. I now, Sir, with confidence leave the matter in your hands.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, after listening to the Honourable Member who has just spoken, I think there is one point which requires to be made clear which will be a great factor in your decision. Legislative Rule 20 says at page 80, "As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette". Now, it is incumbent upon the authority who introduces the Bill, that the Bill must be published either before or as soon after as it is introduced in the Assembly. Now on page 112 Standing Order 38, to which reference was made by my friend just now, says that when a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions, namely, that it be taken into consideration by the Assembly at once or at some future day to be then specified. Of course, the Bill can be introduced without publication in the Gazette, but it is not clear from Standing Order 38, whether the subsequent motions which say that the Bill be taken into consideration or that it be referred to a Select Committee and so on, whether these subsequent motions can be made after the Bill has been published in the Gazette or not. Rule 20 lays down two conditions, either there should be a previous publication or a subsequent publication. If Standing Order 38 refers to that condition, and the Bill has already been published, then it is all right, but it is not clear from Standing Order 38 whether these subsequent motions can be made if the Bill had not been published as required by Legislative Rule 20. Before that publication is made in the Gazette, the question is whether these motions can or cannot be made, and that point has not been made clear by the Honourable Member, and this is a point which will require some elucidation from the Chair.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, as pointed out by my friend, Mr. Sen, under rule 20 and Standing Order 41 there should be a previous publication in the Gazette, and the Select Committee considered a Bill quite different from the one that was published in the Government Gazette under the rule. The Bill that this House is to consider is a Bill that is introduced in it, and in this case the House considered the Bill that was introduced, but under the rule and Standing Order that Bill has no leg to stand upon now. Let us treat the discussions so far in this House as more or less like those of a Committee of the House of Commons considering a Bill

which as has been shown had no connection whatever with the Bill that was published in the Gazette. According to the rule, this amended Bill is invalid, as my friend has pointed out. Therefore, when the Government publish the new Bill,—and I would advise them to publish the Bill as reported by the Select Committee as the new Bill,—the House can go through all the stages, not only of the circulation of the Bill but also of its reference to the Select Committee if the House so chooses. That is the point I wanted to make.

Incidentally I want to tell my friend Sir Lancelot Graham that so far as Mr. Sen was concerned, it was not possible for him to place this information before the House, because he came to Delhi from Calcutta only a day or two before yesterday, but the Honourable the Home Member gave him an opportunity by making the motion that he has made to-day to raise a constitutional objection under the rules and Standing Orders. I thought when my friend Sir Lancelot Graham suggested that Mr. Sen could have informed the Government earlier,—though the Opposition, whether in this House or in the House of Commons owes no duty whatever of the kind to the Government,—he was speaking rather under a misapprehension. Finally, I would seriously urge upon your attention, Sir, to consider that the Select Committee had no leg to stand upon in the absence of the due publication of the original Bill in the Gazette, without which this Bill as amended has been introduced.

Mr. President : The Chair does not wish to prolong the discussion. The Chair holds that the Bill was validly introduced ; there can be no question about it. Now what happens after a valid introduction of a Bill ? Standing Order 38 says—"When a Bill is introduced or on subsequent occasion the Member in charge may make one of the following motions in regard to his Bill". I should like to invite the attention of Honourable Members to the fact that immediately after leave to introduce a Bill is granted by the House and the Honourable Member in charge introduces the Bill, he is entitled to move one of the three motions mentioned in the Standing Order, one of which is that the Bill be referred to a Select Committee. Therefore, the motion to refer a Bill to a Select Committee does not require previous publication. The Standing Order is quite clear on the subject. The motion to refer a Bill to a Select Committee is perfectly in order, and the House can consider and pass it without previous publication. This is confirmed by Standing Order 41. I do not wish at this stage to invite attention to the rule which makes it compulsory that a Bill shall be published immediately or as soon after introduction as possible. There is no difference of opinion on that issue. Now, let us refer to Standing Order 41. It says :

"After publication in the Gazette of a Bill, as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon."

These words also indicate that it is open to the House to appoint a Select Committee immediately after the formal introduction of a Bill. The Select Committee may be appointed, but they are required not to make a report before publication in the Gazette. As publication in the Gazette through an unfortunate oversight has not taken place, no report can be made by the Select Committee. The point at issue therefore is whether the report of the Select Committee presented to the House can be considered by the Assembly. The obvious answer is that it cannot, because the report was presented before publication of the Bill, in contravention of Standing Order 41.

[Mr. President.]

I hold therefore that as the Agenda Paper of to-day's meeting contains only one item, *viz.*, the Press Bill, the House cannot proceed to consider it. As regards what is to happen in these circumstances, is a question on which the Chair does not feel called upon to express any opinion at present. The ruling given is clear that the House cannot consider the Select Committee's report, it having been presented before publication, in contravention of Standing Order 41. The Chair wishes, however, to say that it is quite prepared to agree to any solution which may be suggested consistently with the rules and Standing Orders. As this unfortunate incident has occurred through the oversight of the Assembly Department, the Chair is very anxious to co-operate with the Honourable House to find a reasonable solution of the difficulty which has arisen. The Chair will be prepared to give the best and most sympathetic consideration to any practical suggestions which may be made from any part of the House in order to help the further progress of the business before the Assembly. The Chair has now no option but to adjourn the House till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 29th September, 1931.

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

QUESTIONS AND ANSWERS.

GOVERNMENT SERVANTS MURDERED DURING THE LAST FIVE YEARS.

1059. ***Kunwar Hajee Ismail Ali Khan** : Will Government kindly lay on the table the following information regarding those Government servants who are subordinates to the Governor General in Council and were murdered during the last five years, in communal and political disturbances ?

1	2	3	4
Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.

The Honourable Sir James Crerar : The information is being collected and will be communicated to the Honourable Member in due course.

†1060.

PROMOTIONS TO THE POST OF INSPECTING OFFICER IN CANTONMENTS.

1061. ***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that old experienced and senior Executive Officers (of the Cantonment Magistrates Department) have recently been ordered to pass a double examination (or fresh examination) before securing the post of Inspecting Officer ?

(b) Is it a fact that in consequence of the order referred to in part (a), inexperienced and junior officers are being promoted after a single examination to the post of Inspecting Officer over the heads of their seniors ?

(c) Is it a fact that these junior officers (Captains or Majors) on being appointed Inspecting Officers make a big jump and become Colonies drawing double the amount of pay to their usual scale of pay ?

(d) If the answer to part (c) is in the affirmative, will Government be pleased to state how far they are justified in putting fresh burdens on the exchequer especially at this critical juncture when all the departments are doing their best to retrench their expenses ?

†This question was disallowed by Mr. President.

(e) Are Government aware that great discontent is prevailing among the old and senior officers and, if so, are Government prepared to consider the advisability of removing all such restrictions for senior officers forthwith ?

Mr. G. M. Young : (a) No, Sir. In 1926, shortly after the framing of the Military Land Administration rules under the Cantonments Act, 1924, a special examination was prescribed for those officers of the late Cantonment Magistrate's Department who had not already reached, or officiated in, appointments of Inspecting Officer, to qualify themselves for such appointments under the new system of cantonment and military land administration. The examinations were optional, and were held twice annually from October, 1926 to April, 1929, when they were discontinued.

(b) No, Sir. It is a fact that there are a few senior officers still serving in the Department as Executive Officers, who did not wish to take the examination, and are consequently not qualified for appointment as Inspecting Officers. But with these exceptions, appointments of Inspecting Officers are made by selection from among the most senior officers of the Department. The most junior officer at present officiating as Inspecting Officer has 26 years' total military service, and over 12 years' service in the Cantonments Department.

(c) The answer is in the negative.

(d) Does not arise.

(e) No, Sir. The emoluments of Inspecting Officers are very little more than those of senior Executive Officers : and as I have already indicated, a few officers who declined to qualify for appointment to the administrative grade did so at their own option.

COMMENT IN A NEWSPAPER ON A PENDING CASE BY AN HONORARY MAGISTRATE.

1062. ***Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that a case, *Fateh Chand versus Jethmal*, under section 500, I. P. C., was pending in the Court of the Honorary Magistrate's Bench—A at Ajmer in 1929, when an article relating to the subject-matter of the said case was published by Dr. Gulab Chand Patni, a member of the said Bench, in his newspaper, the *Syadwad Martand*, Ajmer, dated the 15th August, 1929 ?

(b) Are Government aware that in his orders, dated the 4th October, 1929, in Criminal Application No. 33 of 1929, the Hon'ble the Judicial Commissioner, Ajmer-Merwara, made the following remarks on the conduct of the said Gulab Chand Patni in connection with the said article ?—" It is nothing short of contempt of Court, and in England he, the writer and editor of the paper, would all have been fined for contempt of Court for commenting on pending proceedings with a view to prejudicing the trial. A man who is a magistrate should not have published an article of that kind. It is a scurrilous and offensive article."

(c) Did Government take any steps, relating to the said Dr. Gulab Chand Patni on the above remarks of the Hon'ble the Judicial Commissioner ? If so, what ? If not, why not ?

(d) Is it a fact that the said Dr. Gulab Chand Patni has continued to be, and is still, an Honorary Magistrate at Ajmer after the remarks of the Hon'ble the Judicial Commissioner referred to in part (b) above ?

Mr. E. B. Howell : (a), (b) and (d). Yes.

(c) Gulab Chand Patni expressed regret to the Commissioner of Ajmer, who warned him that any such lapse in future would involve serious consequences for him.

APPOINTMENT OF AN UNTRAINED TEACHER IN THE GOVERNMENT SECONDARY SCHOOL AT PISANGAN, AJMER-MERWARA.

1063. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that an untrained teacher has been recently appointed to teach English in the Government Secondary School, Pisangan, Ajmer-Merwara ?

(b) Is it a fact that untrained English teachers are not allowed to be employed in Government service to teach English under (i) the rules of the Educational Code in force in Ajmer-Merwara ; (ii) the combined cadre of teachers in Ajmer-Merwara recently sanctioned by Government ? If so, why was the untrained teacher referred to in part (a) above appointed in violation of rules ?

(c) How many Anglo-Vernacular teachers were trained for the C. T. Examination at Government expenses in the Government Normal School, Ajmer, in 1929-30 and 1930-31 ?

(d) How many of the above teachers were successful in the C. T. examination and how many of them were employed in Government service ?

(e) Is it a fact that several teachers successful in the C. T. examination in 1930, and 1931, and trained for that examination at Government expense in the Government Normal School, Ajmer, have not been provided with employment in Government service ? If so, why was the untrained teacher referred to in part (a) above given preference to such teachers trained at Government expense in regard to appointment in Government service in the Government Secondary School, Pisangan ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : With your permission, Sir, I shall deal with questions Nos. 1063 and 1064 together. The information asked for is, I regret, not available at present, but it is being collected and will be supplied as soon as possible.

GOVERNMENT GRANT TO THE D. A. V. HIGH SCHOOL, AJMER.

1064. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Government grant-in-aid to the D. A. V. High School, Ajmer, was discontinued in 1929-30 ? If so, why ?

(b) Is it a fact that the Government grant-in-aid to the said school has been again sanctioned ? If so, from what date ?

(c) Will Government please place on the table of the House a list of the present teachers in the D. A. V. High School, Ajmer, stating (i) the number of trained teachers, (ii) the number of untrained teachers who have passed any examination of a University, Board, or department recognised by Government, and (iii) the number of untrained teachers who have not passed any examination of a University, Board, or department recognised by Government ?

†For answer to this question, see answer to question No. 1063.

(d) Is it a fact that there is a good number of untrained and unqualified teachers in the said D. A. V. High School, Ajmer ?

(e) Is it a fact that some untrained and unqualified teachers of the said D. A. V. High School are drawing higher salaries than some trained teachers of the said school ? If so, is it a fact that untrained Arya Samajist teachers are given preference to trained non-Arya Samajist teachers in the said school in matters of salary and status ?

(f) Is it a fact that the Government grant-in-aid to the aided schools in Ajmer-Merwara towards the expenses incurred in the salaries of teachers is calculated on the basis of scale of salaries fixed for trained and qualified teachers by the Education Department, Ajmer ?

(g) If what are stated at parts (d), (e) and (f) above are facts, will Government please state why the Government grant-in-aid has been again sanctioned for the said D. A. V. High School, Ajmer ?

APPOINTMENT OF A SUPERANNUATED OFFICER AS SECRETARY OF THE RAJPUTANA BOARD OF SECONDARY EDUCATION.

1065. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Secretary of the Rajputana Board of Secondary Education is an officer who has retired on superannuation from the Provincial Educational service of the United Provinces ?

(b) If so, will Government inquire and state why a superannuated officer has been appointed to the said Secretary's post ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 1065, 1066 and 1067 together.

Enquiries have been made from the Local Administrations and the information will be supplied to the Honourable Member as soon as replies are received.

FEES CHARGED FROM CANDIDATES FOR EXAMINATIONS IN RAJPUTANA.

†1066. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the fees charged from the candidates for the examination held by the Rajputana Board of Secondary Education are higher than the corresponding examinations of the Board of Secondary Education in the United Provinces ?

(b) If so, will Government inquire and state why higher fees are charged in Rajputana than in the United Provinces ?

(c) Do Government propose to take any action in the matter ? If so, what ? If not, why not ?

COST OF THE BOARD OF SECONDARY EDUCATION IN RAJPUTANA.

†1067. *Khan Bahadur Haji Wajihuddin : (a) Will Government please place on the table of the House a statement comparing the Board of the High School Examination of the Delhi Province with the Board of Secondary Education in Rajputana in regard to :

- (i) the annual amount of money paid as salary and allowance to the Secretary,

†For answer to this question, see answer to question No. 1065.

(ii) the number of office clerks,

(iii) the total amount of money annually spent in the pay of the establishment, and

(iv) the total amount of money annually spent in contingencies and house rent ?

(b) Is it a fact that there is a full time and highly paid Secretary for the Rajputana Board of Secondary Education, whereas in the Delhi Province there is a part-time Secretary for a similar Board ?

(c) Is it a fact that the Secretary of the said Rajputana Board is assisted by a larger and more costly establishment of clerks than that of the similar Board of the Delhi Province ?

(d) Do Government propose to curtail the expenditure of the said Rajputana Board by appointing a part-time Secretary for it in consideration of the present economical crisis ?

PAY AND ALLOWANCES OF THE INDIAN CIVIL SERVICE.

1068. *Sirdar Harbans Singh Brar : (a) What is the time-scale of pay of the I. C. S. ?

(b) What allowances are admissible to officers of the I. C. S. both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not those grounds since disappeared ? If so, do Government propose to withdraw the allowance and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of the subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

The Honourable Sir James Crerar : I would refer the Honourable Member to my reply to Bhai Parma Nand's starred question No. 997 on the 23rd instant.

CONVEYANCE ALLOWANCE FOR SECRETARIAT STAFF IN DELHI.

1069. *Sirdar Harbans Singh Brar : (a) What is the rate of conveyance allowance granted to the staff of the Government of India while at Delhi ? Why and for what purpose was it sanctioned ?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers also ? If so, what is the percentage of reduction of this allowance in the case of both the classes of officers ?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries ?

The Honourable Sir James Oserar : With your permission, Sir, I propose to reply to questions Nos. 1069 and 1070 together. I would refer the Honourable Member to the replies given on 24th September, 1931, to starred questions Nos. 905 and 906.

ABOLITION OF "SEPARATION" ALLOWANCE AND FIXATION OF MINIMUM PAYS.

†1070. ***Sirdar Harbans Singh Brar :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance altogether?

(b) What is this allowance and when and why was it sanctioned? Have the grounds on which it was granted ceased to exist or are they still present?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi?

(d) Do Government propose to fix a minimum standard of pay of an individual below which the pay and allowances of any servant, granted before the war when the prices were at par with the present prices, should not be reduced? If not, why not?

(e) If the answers to parts (a) and (c) be in the affirmative do Government propose to let this allowance stand as it is?

PROTECTION FOR THE MATCH INDUSTRY.

1071. ***Sirdar Sohan Singh :** (a) Will Government be pleased to state whether they intend taking any action in regard to the recommendations of the Tariff Board regarding the grant of protection to the match industry?

(b) Are Government aware that the Tariff Board stated that, although they did not desire to suggest any action against the Swedish match combine on the ground of unfair competition "in the present circumstances", yet taking into account the vast resources of the company and the policy pursued by them in other countries, it is necessary that future developments of the company in India should be watched?

Mr. J. A. Shillidy : The attention of the Honourable Member is invited to the Resolution by the Government of India in the Department of Commerce, No. 235-T. (24), dated the 1st September, 1928, published in the Gazette of India of the same date.

ABSORPTION OF INDIAN MATCH COMPANIES BY THE WESTERN INDIA MATCH COMPANY.

1072. ***Sirdar Sohan Singh :** (a) Are Government aware that the activities of the Swedish match combine, through its offshoot the Western India Match Co. Ltd., has, since the Tariff Report was published, consistently pursued a policy of absorbing Indian concerns and of entering into unfair competition with those Indian firms which it has not so far absorbed?

(b) Are Government aware that this offshoot of the Swedish match combine is in reality only an Indian concern in name, in spite of its Indian directorate and rupee incorporation?

(c) Have Government given consideration to the question as to whether the methods employed by the Western India Match Company will result eventually in the absorption of every Indian match-manufacturing concern or else its destruction?

Mr. J. A. Shillidy : With your permission, Sir, I propose to answer questions Nos. 1072 to 1074 together. The activities of the Swedish Match Company and their effect on the indigenous match industry are under examination by the Government of India. The Government are not in a position at present to make any statement on the subject.

REPRESENTATION BY THE INDIAN MATCH-MANUFACTURERS' ASSOCIATION.

†1073. ***Sirdar Sohan Singh :** (a) Have Government received any representation from the Indian Match-Manufacturers' Association? If so, what action has been taken on that representation?

(b) Will Government be pleased to state whether the charges made by the Indian Match-Manufacturers' Association against the Western India Match Company were communicated to Government and whether Government informed the Indian Match-Manufacturers' Association that they were communicating those charges to the Western India Match Company?

(c) Is it a fact that the Indian Match-Manufacturers' Association agreed to this proposition on the understanding that the rejoinder issued by the Western India Match Company would be communicated to them?

(d) Is it a fact that the rejoinder has not been communicated to the Indian Match-Manufacturers' Association?

PROTECTION FOR THE MATCH INDUSTRY.

†1074. ***Sirdar Sohan Singh :** Are Government prepared to consider :

(1) the levy of excise duty, and

(2) the fixation of a minimum selling price,

in order that the necessary amount of protection should be afforded to the Indian match-manufacturers against the progress of cut-throat competition by the Swedish combine and its offshoots?

CONTRACTS FOR MOTOR MAIL SERVICES IN MADRAS AND CALCUTTA.

1075. ***Sirdar Harbans Singh Brar :** (a) What is the subsidy for mail-motor service in Madras and Calcutta? When were the contracts for these services entered into and for what period? Is there any provision in the contracts to terminate them by giving notice? What is the object of such provision?

(b) Are Government aware that there is a feeling that the India Company is unduly favoured by the Department both as regards the abnormally high subsidy and abnormally long period of the contract? Why cannot

†For answer to this question, see answer to question No. 1069.

†For answer to this question, see answer to question No. 1072.

Government take advantage of the provision for terminating the contract by notice and take new contracts by open competition ?

(c) Are Government aware that in Madras it is possible to give the contract on Rs. 6,000 or Rs. 7,000 a month instead of the Rs. 10,000 paid to the India Company ?

(d) Are Government aware that the Managing Director of the Company is in the habit of entertaining the Director General and Postmasters General at tea-parties and dinner parties and that a few months back he even entertained the present Postmaster General and his predecessor to a dance ? Are Government prepared to issue orders deprecating high officers placing themselves under obligation to contractors ?

(e) Are Government prepared to terminate the contract of Madras under the notice clause and to give a fresh contract by open competition ?

Mr. J. A. Shillidy : (a) The replies to the four questions in this part are *seriatim* as follows :

First.—Monthly subsidy—

Madras, Rs. 10,000 recently reduced to Rs. 9,000 ;

Calcutta, for the first five years Rs. 17,000, for the next five years Rs. 16,000.

Second.—Madras, 16th May, 1921, 15 years—

Calcutta, 1st September, 1925, 10 years.

Third.—There is such a clause in the form of agreement drawn up in the case of Madras, but not in that of Calcutta, there being in both cases, however, the usual clause empowering Government to terminate the agreement for default.

Fourth.—To give either party option of release for any reason.

(b) The reply to the first part is in the negative. With respect to the second part, the Madras subsidy has been reduced by Rs. 1,000 a month and Government do not consider any further action necessary at present. As already stated, the Calcutta agreement is not terminable by notice.

(c) No, Sir.

(d) So far as the Postmasters General are concerned, Government have no information. So far as the present Director General is concerned, he has informed Government that he has from time to time accepted the invitation to a tea-party from a gentleman, whom he supposes is the Managing Director.

I may say that I give this explanation at the special request of the Director General himself, but personally I thought that all who know Sir Hubert Sams will agree with me that an explanation of this kind is utterly unnecessary.

With respect to the second part of this question, Government see no necessity to issue any such orders, as Government can trust the Director General and a Postmaster General to accept such hospitality with discretion. I would add that since the Director General visited Madras in December, 1930, the question of reducing the subsidy has been energetically pursued and concluded by the Director General.

(e) In the circumstances already indicated, Government do not propose to take the action suggested by the Honourable Member.

Mr. K. P. Thampan : May I know what objection Government have to inviting tenders for the contract in Madras ?

Mr. J. A. Shillidy : There is a contract now.

Mr. K. P. Thampan : Is there any objection to inviting tenders when the contract expires ? Is it not necessary to find out whether there are others who can do the work for a smaller or a lesser amount ?

Mr. J. A. Shillidy : We have entered into a contract now.

Mr. K. P. Thampan : How long has the present contractor been entrusted with this work ?

Mr. J. A. Shillidy : I should like notice of that, please.

CONFIRMATION OF TEMPORARY EMPLOYEES IN THE RAILWAY BOARD.

1076. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that for a considerable time past a number of qualified men have been working in the office of the Railway Board in temporary capacities ?

(b) Are any vacancies likely to occur in the Third Division in the near future and is there any proposal under consideration to confirm in these vacancies those qualified men who have been working for a long time in a temporary capacity ?

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

(b) Except for temporary men who were engaged before recruitment to the Railway Board's office was made through the Public Service Commission, preference is given to qualified men. Such vacancies as existed have been so filled recently and no more are likely to arise in the near future.

TRAVELLING ALLOWANCES AND RAILWAY FARES.

1077. ***Mr. B. N. Misra :** (a) Will Government please state whether it is a fact that the North Western Railway have increased their fares from the 1st October 1931 ?

(b) If so, do Government propose to revise the travelling allowance rates admissible to men employed in the Government of India offices, so that they may have effect from the 1st October 1931 ?

(c) Is it a fact that first and second class railway fares are admissible to men drawing Rs. 751 and Rs. 201, respectively ? Are Government prepared to raise the limit to Rs. 1,001 and Rs. 401, respectively, thereby saving a considerable amount of money ? If not, why not ?

The Honourable Sir George Schuster : (a) Yes, except for journeys of over 300 miles by intermediate class, in which case the fares have been reduced.

(b) Yes.

(c) Yes. This point is one of those that will be considered in connection with the revision of the travelling allowance rules which is at present engaging the attention of Government.

PROVISION OF INCREASED INTERMEDIATE CLASS ACCOMMODATION FOR THE
MOVE FROM SIMLA TO DELHI.

1078. ***Mr. B. N. Misra** : (a) Is it a fact that a very few intermediate class compartments are available at Simla and Kalka on the occasion of the Government of India move ?

(b) If so, do Government propose to instruct the railway authorities at both the places to look into the matter and do the needful ?

Mr. A. A. L. Parsons : (a) Yes. The intermediate class accommodation available on the Kalka-Simla section is adequate for normal requirements, but is not sufficient for the abnormal traffic created by the move of the Government of India from Simla to Delhi and Delhi to Simla.

(b) Government understand that the North Western Railway Administration utilise to the fullest extent possible all carriages available when traffic is abnormal and do not consider that any instructions to the Administration are called for.

DISCUSSION OF REPORTS OF THE RETRENCHMENT COMMITTEES.

1079. ***Sir Hari Singh Gour** : (a) Is it the intention of Government to give this House an opportunity this session to discuss the question of retrenchment of the general expenditure, with or without the aid of the reports of the various Retrenchment Committees appointed for the purpose of advising Government on the subject ?

(b) If so, what date will be set apart for the purpose ? If not, when is this House to be given such opportunity ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the announcement which I made last Thursday.

Sir Hari Singh Gour : In view of the importance of the question, will the Honourable Member be pleased to repeat the announcement which he says he made last Thursday ? We do not seem to have heard it.

The Honourable Sir George Schuster : I should have thought that the Honourable Member would have recollected a subject on which there was so very full a debate on Saturday. My announcement referred to two things ; firstly, to our currency policy, and secondly, to the intention of Government to introduce a Finance Bill this week. In explaining the latter intention, I said that that would afford the opportunity for this Assembly to discuss the Government's retrenchment plans about which I had repeatedly been asked various questions during the course of this session. The discussion of the Finance Bill and the whole of the Government's financial programme will give opportunities for discussing Government's retrenchment plans, which are perhaps the most important part of the Government's financial programme.

Sir Hari Singh Gour : Do I understand the Honourable the Finance Member to imply that the Government's retrenchment plans are completed ? If I understand aright, the Committees have not yet gone into all the items which were placed before them.

The Honourable Sir George Schuster : I think, I may ask the Honourable Member, Sir, to await the statement which I propose to make this evening.

Mr. Gaya Prasad Singh : May I ask if the Government have any knowledge as to the amount of savings that will be effected as a result of these retrenchment proposals ?

The Honourable Sir George Schuster : I shall do my best to convey to this House the knowledge which the Government have in the course of my statement this evening.

Mr. Gaya Prasad Singh : May I know when the Retrenchment Reports will be presented to the House ?

The Honourable Sir George Schuster : All Retrenchment Reports which have already been received will be circulated to Honourable Members along with any financial statements which are being circulated this evening.

ALTERNATIVE PROCEDURE TO QUESTIONS.

1080. ***Mr. G. Morgan** : Have Government considered what procedure, other than that of interpellation and answer, is possible to provide Honourable Members with such information as may be desired in respect to departmental detail, particularly concerning appointments on railways, with a view to saving :—

(a) the time of the Assembly ; and

(b) the very considerable labour and expense involved in collecting the information ?

The Honourable Sir George Rainy : (a) and (b). The matter is one in which the remedy lies rather in the hands of Honourable Members than in the hands of Government. The time of the Assembly would be saved if Honourable Members were to ration themselves in the matter of stars. (Laughter.) But if the information asked for is to be supplied, I do not at present see how the labour and expense involved in collecting it is to be avoided. (Laughter.)

Mr. K. Ahmed : Are Government aware that if the various high officials on the railways will only put a proper and sufficient check on the officials below them so as to ensure that they do not commit irregularities and illegalities in the Department, such cases may be greatly reduced ?

Mr. A. A. L. Parsons : Sir, I am afraid, I am entirely unable to accept the Honourable Member's allegation that the high officers on the railways do not do their best to stop illegalities on the railways.

Mr. K. Ahmed : May I, Sir, with your permission, illustrate my meaning with some actual cases ?

Mr. A. A. L. Parsons : Sir, I shall be delighted if the Honourable Member will bring to my notice definite cases of which he is aware.

Mr. K. Ahmed : Are Government aware that Mr. Parsons had been informed adequately of various grievances of those connected with the coal-fields, and that in the matter of acceptance of tenders for the supply of coal, there has been a lot of agitation, and if Mr. Parsons will go to the coal-fields, he can look into the question and thereby save Government thousands of rupees ?

The Honourable Sir George Rainy : I am afraid, I could not catch the Honourable Member's question, Sir.

Mr. K. Ahmed : Is it not a fact that the Honourable Mr. Parsons was informed adequately that there are lots of grievances of the people of this country in the matter of the acceptance of tenders of coal and other goods that his Department consume every year on the many lines of railways under him ?

Mr. A. A. L. Parsons : I have not been informed of these facts, if they are facts, nor do I think this supplementary question really arises out of the main question.

Mr. K. Ahmed : Is it not a fact also that there is one Chief Engineer of Mines at Calcutta at 1, Council House Street with whom the Honourable Member is familiar, and that there is a lot of illegality done in that office in the matter of the acceptance of tenders of coal ?

Mr. A. A. L. Parsons : The Honourable Member is referring to a case which took place very nearly ten years ago, and in which the higher officials of the railway took steps to stop the illegality.

Mr. K. Ahmed : And in spite of that, there have been a lot of questions asked, and which have not been adequately answered ?

Dr. R. D. Dalal : May I ask if the Government can give us the average cost of answering a question ? (Laughter.)

The Honourable Sir George Rainy : I should certainly have notice of that, Sir, before I could answer that question.

POSTPONEMENT OF EXAMINATIONS FOR THE INDIAN AUDIT AND ACCOUNTS AND FOREST SERVICES.

1081. ***Mr. Rahimtoola M. Chinoy :** (a) Is it a fact that Government have decided not to hold examinations for the Indian Audit and Accounts Service and the Indian Forest Service this year ? If so, what are the reasons for it ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state for how long they have postponed these examinations ?

(c) Do Government realise that as a result of this postponement many candidates will be over-age and will thus be deprived, for ever, from appearing in these examinations ?

(d) Do Government propose to consider the advisability of extending the age-limit for these examinations for those candidates, who will be deprived from sitting for these examinations for no fault of theirs ? If not, why not ?

The Honourable Sir George Schuster : (a) I would refer the Honourable Member to the replies given by the Honourable Sir James Crerar to parts (d) and (e) of Mr. Bhuput Singh's question No. 121 and parts (a) and (b) of his question No. 384 on the 10th and 16th September, 1931, respectively.

(b) No decision has yet been taken regarding recruitment in future years.

(c) This is possible.

(d) It will not be necessary to consider the Honourable Member's suggestion if recruitment to the Indian Forest Service on an all-India

basis is stopped under the new constitution. As regards the Indian Audit and Accounts and allied Services, Government are not prepared to extend the age limit at the examination, if any, to be held in 1932 or in subsequent years. The grievance of a candidate disappointed by the absence of an examination this year, but afforded an expectation by the extension of the age limit that an examination will be held in 1932 would be greatly accentuated if in the end, it should happen that there is no examination next year, or that the number of vacancies is so small as to reduce to insignificant dimensions his chances of success.

GRANT TO THE INDIAN RESEARCH FUND ASSOCIATION.

1082. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the grant from the Government of India to the Indian Research Fund Association prior to the Inchcape cut was Rs. 7,50,000 a year ?

(b) If so, is it a fact that the administrative charges for the central office of the said Association were incurred on account of only one routine division clerk (Rs. 75—4—155) ?

(c) Is it a fact that the Inchcape Retrenchment Committee cut down the grant to Rs. 5,00,000 a year ?

(d) If so, is it a fact that the post of the clerk was converted to that of an assistant (Rs. 120—8—160—10—350) ? If so, why ?

(e) Is it a fact that the Government annual grant to the Association was restored to Rs. 7,50,000 in 1925 ?

(f) If so, will Government please state whether the post of the clerk was changed to a higher grade of Rs. 200—12—440, and if so, the reason why this was done ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : (a) No. It was Rs. 5 lakhs a year.

(b) Prior to 1923, there was one clerk in the office of the Governing Body of the Association in the grade of Rs. 100—8—300 per mensem and one clerk in the office of the Scientific Advisory Board in the grade of Rs. 75—4—155 per mensem.

(c) No. As a result of the recommendation of the Inchcape Retrenchment Committee, the grant to the Association was temporarily suspended from the 1st April, 1923.

(d) When the offices of the Governing Body of the Association and of the Scientific Advisory Board were amalgamated in 1923 and placed under the Public Health Commissioner with the Government of India, the clerical work of the combined office was performed by the clerk employed in the office of the Scientific Advisory Board. As the work had become much more important and onerous than before on account of the amalgamation of the two offices, the post was converted into one of an Assistant in the grade of Rs. 120—8—160—10—350 per mensem.

(e) No. The grant was only partly restored with effect from 1925-26 and was fixed at Rs. 7,50,000 per annum only with effect from 1st April, 1928.

(f) It was represented that the work entrusted to the incumbent of the post was onerous and responsible and that its quantity and quality

compared favourably with that on which First Grade Assistants in the Office of the Director General, Indian Medical Service, would ordinarily be employed. The appointment was therefore converted into that of a first grade Assistant on Rs. 200—12—440, with effect from the 15th September, 1928.

RETRENCHMENT OF GRANT AND STAFF OF THE INDIAN RESEARCH FUND ASSOCIATION.

1083. ***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that the Government of India contemplate cutting down the grant of 5 lakhs to the Indian Research Fund Association to Rs. 2½ lakhs annually ?

(b) If so, will Government please state whether they are also going to reduce the strength of the administrative staff ?

(c) Will Government please also say if they contemplate cutting down the scales of pay ? If not, why not ? Is it a fact that service under the Association is of a temporary nature ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The question of reducing the grant to the Indian Research Fund Association is at present under the consideration of Government.

(b) and (c). It is for the Association to decide the strength of the administrative staff under it and the scales of pay to be given. Government understand that service under the Association is of a temporary nature.

STAFF OF THE INDIAN RESEARCH FUND ASSOCIATION.

1084. ***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that there are now five clerks employed to carry on the work of the Research Fund Association in the central office while there used to be only one clerk in the years prior to the year 1925 ? If so, will Government please state what new necessity has arisen for this increase ?

(b) Are Government aware that all appointments to these five posts were made only in April last ? If so, will Government please say why in the interests of economy the new scales of pay which Government contemplate sanctioning for new entrants in future were not made applicable to these posts ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) As regards the first part of the question, Government understand that the Honourable Member's information is correct.

As regards the last part and part (b) of the question, the Honourable Member is referred to the reply already given to (b) and (c) of his question No. 1083.

APPOINTMENTS IN THE OFFICE OF THE INDIAN RESEARCH FUND ASSOCIATION.

1085. ***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that the office of the Indian Research Fund Association is an entity quite apart from the office of the Director General, Indian Medical Service ?

(b) Is it a fact that a probationary period of six months is necessary before confirming a person transferred to another department or office ?

(c) Is it a fact that the first and the second assistants in the office of the Indian Research Fund Association, who were selected from the office of the Director General, Indian Medical Service, were confirmed without a probationary period of six months ? If so, will Government state the reasons which dictated this departure ?

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

(b) No.

(c) As regards the first part of the question, Government understand that the Honourable Member's information is correct. As regards the last part of the question, the reply given to (b) and (c) of his question No. 1083 meets it.

OVERWORKED RAILWAY STAFF AT BHATNI STATION ON THE BENGAL AND NORTH WESTERN RAILWAY.

1086. ***Bhai Parma Nand** : (a) Has the attention of Government been drawn to the following remarks of a first class Magistrate, at Gorakhpur, who tried the accused, under sections 101 Railways Act and 304-A, I. P. C., in the train collision which took place at Bhatni Station on the Bengal and North-Western Railway on the night of 24th November, 1928, in his judgment announced on the 5th March, 1929 ?

“ Before I finish I would like to give advice to the Railway authorities on one or two points. The evidence shows that the subordinate staff of Bhatni has to work 12 hours a day, but at the end of the week they are required to work for all 24 hours. This is not proper and no one should be made to work the whole day and night without a break.—“ Certain points at Bhatni have no indicators. These should be provided without further delay.”

(b) If so, will Government please state :

(i) whether steps have been taken by the railway authorities to discontinue the practice of making the staff work all 24 hours ;

(ii) whether indicators have been provided to the points at Bhatni ;

(iii) whether Government and the railway authorities propose to consider the advice to be generally followed at all stations ;

(iv) whether points at stations between Darbhanga and Narkatiaganj on this railway are not fitted with indicators ;

(v) whether the President of the Bengal and North Western Railwaymen's Association suggested to the Agent of the Railway that the points at those stations should be fitted with indicators and the Agent replied to the effect that he was unaware of any hardship felt, but would inquire ; and

(vi) if so, what has been the result of his inquiry ?

(c) How many points on this Railway are not fitted with indicators ?

(d) How many of such points are on the open line, over which trains carrying passengers run ?

Mr. A. A. L. Parsons : (a) The Honourable Member's question is the first intimation Government have had of the Magistrate's remarks, and I should like to thank him for bringing them to our notice.

(b), (c) and (d). I am calling for certain information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member when it is received.

PRIVILEGES OF EMPLOYEES OF BENGAL AND NORTH WESTERN RAILWAY WORKSHOPS.

1087. *Bhai Parma Nand : (a) With reference to the reply given to unstarred question No. 324, part (d), on the 20th March, 1931, will Government be pleased to state whether the Agent, Bengal and North Western Railway, has been asked to consider the question of extending to the employees in the workshops of that Railway the privileges recently extended to the employees of the State Railway workshops ?

(b) If so, has the said question been considered by the Agent and what privileges have been extended to his Railway workshop employees and which of them have not been extended ?

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

(b) I have called for the information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member on its receipt.

INTERPRETATION OF A RAILWAY PROVIDENT FUND AND GRATUITY RULE.

1088. *Bhai Parma Nand : (a) Will Government be pleased to state whether the Agent, Bengal and North Western Railway, was authorised by the Railway Board to explain to the Secretary of the Bengal and North-Western Railwaymen's Association, the phrase, "proper authority" that occurred in the Standing Order No. 4, published over the signature of the Board's Secretary, to the then provident fund and gratuity rules ?

(b) If not, what authority did he hold to explain it and why was the Secretary of the said Association asked by the Railway Board, when he applied for interpretation of the said phrase, to refer the question to the Agent of that Railway ?

Mr. A. A. L. Parsons : I am unable to understand the Honourable Member's question as the words "proper authority" do not appear in Standing Order No. 4 to the State Railway Provident Fund Rules. Nor have I been able to trace any correspondence with either the Agent of the Bengal and North Western Railway, or the Association mentioned by the Honourable Member on the subject.

PAY OF INDIAN GUARDS ON THE NORTH WESTERN RAILWAY.

1089. *Bhai Parma Nand : (a) What is the maximum scale of a guard's pay on the Bengal and North Western Railway ?

(b) How many of the guards get the maximum pay ?

(c) Is it a fact that none of the Indian guards on that railway get the maximum pay ? If so, why not ?

(d) What is the maximum pay which the Indian guards get there ?

(e) What is the number of Indian guards on that Railway ?

Mr. A. A. L. Parsons : I have called for information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member on its receipt.

EXAMINATION FOR LOWER PAID STAFF OF RAILWAYS.

1090. *Bhai Parma Nand : (a) Will Government be pleased to state whether the examination of the lower paid establishment of the railways has been finished ?

(b) (i) If so, with what result ?

(ii) If not, when is the examination likely to be finished ? And why is it taking so long ?

Mr. A. A. L. Parsons : (a) and (b). The examination of the wages of the lower paid employees of State-managed Railways and of some of the Company-managed Railways has been made and as a result the scale of wages has been improved on the following railways :

Eastern Bengal Railway.

East Indian Railway.

Great Indian Peninsula Railway.

Assam Bengal Railway.

Madras and Southern Mahratta Railway.

PROVISION OF A POST OFFICE NEAR THE TATANAGAR FOUNDRY.

1091. *Bhai Parma Nand : (a) Have Government received any communication from the General Manager of the Tatanagar Foundry Works addressed to the Postmaster General of Bihar and Orissa for the establishment of a post office near the Foundry works ?

(b) If so, will Government be pleased to state what action, if any, has been taken in the matter ?

Sir Hubert Sams : (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General, to whom a copy of the question is being sent.

STATEMENT LAID ON THE TABLE.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. E. B. Howell (Foreign Secretary) : As promised in my reply to a supplementary question, I lay on the table the answer to starred
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questions Nos. 526 and 527 asked by Mr. C. S. Ranga Iyer on the 17th September, 1931, regarding riots in the North-West Frontier Province.

526. (a) One only, viz., Dera Ismail Khan in 1931.

(b) Kulachi on the 15th August, 1931.

(c) Government will await the report of the Commission of Inquiry.

527. (a) Five Hindus and two Muhammadans were killed in Dera Ismail Khan, and one Hindu and one Muhammadan in Kulachi. As regards the damage done to Hindu property, Government have as yet no reliable information.

(b) Muslims	..	..	..	..	55 per cent.
Hindus	..	..	..	..	42 per cent.
Sikhs	..	..	..	..	1½ per cent.
Miscellaneous	..	..	..	..	1½ per cent.

(c) This is under the consideration of Government.

(d) A subscription list has been opened and Rs. 10,000 promised, of which Rs. 2,000 has been paid by the Chief Commissioner and Rs. 500 by the Deputy Commissioner. As regards the balance, Sub-Committees of Hindus and Muhammadans have been constituted to collect the subscriptions but no sums are yet forthcoming. No application for relief has been received by the Deputy Commissioner except for the grant of a Government loan which has not been sanctioned. It is understood that a number of wealthy Hindu gentlemen have of their own initiative contributed towards the relief of the sufferers.

(e) Two special magistrates have been appointed to try cases arising out of the riots at Dera Ismail Khan.

343 Muslims have been arrested of whom seven have been discharged, and three sentenced to one year's rigorous imprisonment each. The cases of the others are under trial.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to state that the Council of State has at its meeting held on the 28th September, 1931, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 21st September, 1931, namely :

1. A Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise, and
2. A Bill to provide for the protection of the heavy chemical industry."

OBJECTION TO INTRODUCTION OF A SECOND FINANCE BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I should like to make a short statement with reference to the last item in today's Agenda. Honourable Members will remember that only three days back they passed a Resolution moved by my Honourable friend Mr. Chetty, the last clause of which runs as follows :

"With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members, and that no proposal for taxation must be made in the present session."

I find that in spite of the striking majority by which this Resolution was passed, the Honourable the Finance Member has announced his intention of introducing a new Finance Bill at five this afternoon. I wish to point out that the proposal to saddle this country with additional

taxation at this juncture is in our opinion both premature and inopportune. We think that, before Government embark on the proposal of fresh taxation, they should take this House into their confidence regarding the effect of their retrenchment proposals and the extent of the economies thereby expected or probable. Further, the Government have only the other day given effect to their new currency policy. The effect of its impact on the trade and finances of the country has yet to be seen. In England, which is faced with a similar situation, the Government laid their cards on the table and informed the people what retrenchments they had effected or were possible. It is only then that they demanded fresh taxation. That policy should have been followed here. It has not been followed, and we therefore enter our emphatic protest against the hasty, and we think panicky, measure based on no assured data. In this connection we are not forgetful of the fact that the Government have been saddling the country with additional taxes during the last two years, and which in the year of unprecedented depression admit of no expansion.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I support the suggestion that has been made by my Honourable friend Sir Hari Singh Gour. It seems to me, almost inconceivable that after the Resolution that was passed only the other day by a very decisive majority, Government should introduce a Finance Bill at this session. I am of course perfectly aware that the Government of India have hardly any policy of their own. It is the Secretary of State who presides at Whitehall that dictates the policy of the Government of India, and the Assembly would like to know whether the Finance Bill, which the Honourable Member wishes to introduce at this session, has not also been dictated by the Secretary of State. Sir, this Assembly gave their fullest co-operation to the Government in introducing sufficient retrenchment in order to enable the Government to balance their Budget. We have only been partially able to go through our task, and as a member of one of the Retrenchment Committees,—not an unimportant one—I am in a position to state that a good deal more money can be found by means of retrenchment, than has yet been done. We are specially anxious that the Army Budget should be reduced properly, and if that is done there will be no difficulty for the Finance Member to balance his Budget. Sir, I cannot understand why there is this hurry. There is also, as has been pointed out, the question of the currency policy of Government. What the effect of linking the rupee to sterling—not gold but the paper sterling of England—at this juncture will be, we do not know yet. Surely Government ought to wait and see what effect this policy has. Government expect that linking the rupee to sterling is going to benefit India. If that is so, why cannot we wait and see to what extent India benefits ? I submit, Sir, there is no justification for the Government to introduce any new taxation at this session.

The Honourable Sir George Schuster (Finance Member) : Sir, I will only ask your permission to say a very few words. It seems to me that the procedure is perhaps a little curious. I have apparently listened to two speeches which are replies to the speech which I am myself going to make this afternoon. But, Sir, I should like to say this that I am glad my Honourable friend has made this statement, because it gives me an opportunity of saying now that I do sympathise very much with a great deal that he has said. I think he will find when he listens to the statement which I will make this afternoon and which is already in the

[Sir George Schuster.]

Press,—so that my Honourable friend will believe that I have not cooked it in order to meet his remarks—I think he will find when he listens to that statement, that I have dealt with a great many of the points which he has raised ; and I hope I shall be able to convince the House that in spite of the objections which my Honourable friends have raised, objections which I myself feel very strongly, it was our duty to take the course that we are taking now. I should like particularly to mention the question of retrenchment. I had certainly never intended to stand up in this House and bring forward proposals for taxation until I had been able to satisfy the House that we have done everything possible in the way of retrenchment. I hope that when I make my speech this afternoon, I will be able to satisfy every Member in every quarter of the House that as far as that aspect of the matter is concerned, we on this side think exactly the same as Honourable Members opposite.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I move :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, be taken into consideration.”

Honourable Members will remember that this Bill was introduced by me early this session. They probably would like to know a little bit of the history of this legislation. The Act which this amending Bill seeks to amend was passed in 1904 and so far as I can see there was no Act on the subject which preceded that legislation. So it may be said that Indian legislation on the subject began with the beginning of this century. Honourable Members will remember that this was one of the things for which India can rightly be grateful to Lord Curzon. (Hear, hear.) He not only founded the Department of Archaeology so to speak and thus raised India to a position of importance and eminence in the archaeological world of modern times, but he was peculiarly lucky in selecting the Director of Archaeology in the person of Sir (then Mr.) John Marshall who not only created and developed this Department, but who attained to very considerable eminence in the archaeological world of today. He not only founded the Indian school of Archaeology, administered the Department, and took pains to preserve ancient monuments, but laid up programmes of survey, exploration and excavation. Thanks to his efforts and the efforts of his colleagues, India today, as I have said before, occupies an honourable position in the archaeological world. The good work done by Sir John Marshall was not limited to doing his duty in this way but he proceeded further and imbued his Indian colleagues with the same spirit of self-sacrifice and enterprise and interest in this subject, which has enabled the Government of India recently to appoint the first Indian Director of Archaeology in the person of R. B. Daya Ram. In the beginning we were not really willing to, or at all events did not, spare much of our money to be devoted to archaeology and it was only recently that we were able to spare something like 5 lakhs a year for work connected with exploration, excavation and so

on. It has been felt for a long time that the archaeology of India went back to what as school boys we understood as, the period of our ancestors the Aryans coming into India. But the latest excavations indicate that it goes much further back and that what was at one time considered as prehistoric about a thousand years B. C., in the light of these excavations appears to be more or less recent. The excavations at Harappa and Mahen-jo-daro are able to take us as far back as 4,000 or 5,000 B. C. and it is very doubtful whether many of us, indigenous Indians, as we call ourselves, can claim to be the direct descendants of the civilised people of 4,000 or 5,000 B. C. However, that is by the way. Now we have fallen on more or less poverty-stricken days. The Members know full well that there is but one word which at once enlists the sympathies of the whole House on both sides, and that one word is not archaeology but retrenchment, with the result that excavation, exploration and survey have been definitely stopped and for several months past, as a matter of fact during this year, fresh recruitment is at a standstill. Many posts have been held in abeyance and I have practically made up my mind to act in accordance with the recommendations of the General Purposes Committee relating to this subject. That means that for the next two or three years, let us hope—and may be for many more years to come—we will not be able to spare any money for the work of exploration and excavation and will be able to maintain the existing ancient monuments to a less degree than we have been doing in the past. For the last five years and more there has been a proposal under consideration whether it is wise for us not to have a provision which would enable us to enlist the co-operation of scientific bodies, Indian as well as non-Indian, in this work of scientific excavation, and if so how we ought to proceed about it. There have been the usual objections, “ it is our duty, why put it on to others ?” Well, Sir, the field of this duty, the scope of this duty, is so vast that I am assured that in regard to such areas as have been surveyed up till now, if an attempt were made to explore them and funds of not less than 5 lakhs were invested every year in that additional work and we were hard at it for a hundred years, we would not be able to do more than 1 or 2 per cent. of the surveyed area that exists. Considering all these matters, and after consulting the Local Governments, I came to the conclusion that we ought to be imbued with the spirit of scientific brotherhood in the matter of ancient monuments or, archaeology, because archaeology after all can be recent and ancient. The question is whether if co-operation from foreign scientists can be forthcoming, it is not wise to welcome it—no doubt on certain terms. The terms we had in mind were firstly that if excavation led to the discovery of a monument which was a fixture, naturally that must remain in India. Again if we came upon a monument of national importance and it was only one of the kind, naturally we could not let it go out of India. But in cases where there were detachable monuments and more than one of them, whether it was not right that those who come and spend their talent, their money and their energy in helping us to explore these vast areas, should not be given a part of the finds and whether we should not divide the whole finds between the central museum, the provincial museums and the man who comes and invests his knowledge, energy and money in the undertaking.

This in brief is the scheme of enlisting the co-operation of outsiders, non-Indians, in this venture. Why are we anxious to do so ? There are two dangers which make it necessary to do something of the sort. The

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first is that in Sind where the Sukkur Barrage scheme is bound to do a great deal of good to the people, in passing it does a little harm too, because it raises the sub-soil level of water in the areas through which canals and sub-canals pass, with the result that these areas wherein ancient monuments may be existing are spoiled and the whole thing is wasted and ruined and the chances of excavating successfully are very much reduced. Then there are instances where the people who are on the spot have no eye for art and no care for archaeology; they have been known to unearth these ancient cities and excavate them for a very petty gain, unearthing bricks and selling them, with the result that in Harappa many a city which we could have excavated more or less in the condition in which it was four thousand or three thousand years B. C., we cannot piece together now.

These are the two reasons which necessitate our controlling excavation and securing the cooperation of other people in excavation work.

There is one thing more and that is we ought to control the work of excavation. At present it can be done by anybody, and when the people do not know how to do it safely, that is to say, without doing harm to the monuments, they do it badly and spoil them; and then they are their own masters and they can sell them, export them, and do anything they like with them. There is a provision which enables us to declare a site as a protected area. It has to be acquired by Government no doubt; but the monument is safe. I consider this control of excavation most essential in the interests of the future of archaeology in India. I am not anxious that this Bill should be taken into consideration today, if there is any desire whatsoever on the part of any section of the House, even if it is a small one, that it ought to be first considered in Select Committee. There is no urgency about it; it can wait for a few weeks, or even for a few months for the matter of that. But you have to decide what you want to do. I notice that there are two motions tabled, one for referring it to Select Committee and another for circulating it for expression of public opinion. As I have said, there is no question of importance or prestige about it. Do you really think that a large number of the public are very keenly interested in the two matters that I have mentioned?

An Honourable Member : They ought to be.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : They ought to be. I quite agree. But I look round in the galleries and it does not encourage me very much to hope that they are....

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Why, look at the empty benches!

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : There you are; I see a very strongly representative body of Members in front of me, and therefore on the whole my own view is that the requirements of the case will be fully met if we had a good strong Select Committee on the subject. Moreover, circulation has a certain mark of inferiority about it—that you try to circulate what you do not want—and I trust that that is not really the feeling of any part of this House.....

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : May I know one thing? What according to the Honourable Member is the principle of this Bill? If a motion for Select Com-

mittee is accepted, we will be accepting the principle of the Bill, and what according to him is the principle involved in this?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : There are two principles: one is control of excavation to the extent of declaring an area to be protected, so that after that declaration non-scientific people or people who do not obtain permission of the proper authorities may not spoil it. That is the main principle. The second is whether it is not wise to have the co-operation of bodies other than Government, whether scientific bodies in India or outside, in order to help Government in the work of exploration. Whether that co-operation should be limited to Indians or should be extended to non-Indians is again a matter in which the Select Committee will have absolute discretion. If you apprehend that when you have referred the matter to Select Committee, I as Chairman will say, "This is all finished; the foreigner has come in", I assure you that I have no such intention in the matter, and it would not be right. After all, neither I nor my Director General of Archaeology are outsiders. Therefore if what I have submitted meets with the approval of the House, I assure you that I have no desire to rush the Bill in any way and I leave the matter in your hands.

Rai Sahib Harbilas Sarda : Sir, I rise to move that this Bill, this very unwelcome Bill be circulated for eliciting public opinion thereon. It was with feelings of deep sorrow and pain that I read some of the provisions of this Bill, and it is with an oppressed heart and a feeling of helplessness that I rise to move my motion. The matter of the Bill is not only of the greatest, but is of vital importance to those who have the pride of their country in them, or who have even the slightest idea of their duty to the dead and to the living in this country. This Bill is not an honest attempt on the part of those who have instigated this measure, to compass their object. It is hitting below the belt. The Bill is so cleverly, so skillfully, so unfairly drafted as to conceal its real, sinister object behind a number of superfluities and details, behind a hypocritical show of solicitude for the preservation of the ancient monuments of India. The Bill is styled The Ancient Monuments Preservation (Amendment) Bill. Verily, its object is nothing more and nothing less than to amend, to alter, to modify, in fact partly to do away with the provisions for preservation of things, that exist in the Ancient Monuments Preservation Act of 1904. The shade of Lord Curzon must be watching with sadness and sorrow the blasting of some of his dearest hopes, the destruction of the work, of which he was justly proud, and with the distinction of the initiation of which, his memory will in this country be associated for all time to come. And what is sadder still is that this should be planned by men among whom, if my information is correct, is to be found one, whom he selected to assist him in carrying out his laudable work, and who, he fondly hoped, would watch its progress with anxious care after he was gone.

Sir, the object of this measure is, to put it plainly, to legalise the removal from India of its most cherished possessions, its most sacred objects,—some of the remains of its ancient greatness,—its choicest treasures which nothing in the world can buy, which no price can secure. And the hypocrisy of it all is that this is sought to be accomplished in the name of preservation of India's sacred trust, in

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the name of scientific research, in the name of helping civilization. Sir, what great wrong has been done to any country, to any people but the perpetrators of it started to do it after trumpeting forth their earnest desire but to help their victims or to advance the cause of civilization and culture.

And, Sir, would you regard it as a piece of honest, fair work to smuggle this Bill into the Statute-book towards the fag end of a short session without consulting public opinion, without letting those, whom it deeply touches, have a chance of saying what they think of this sinister measure, and when half the elected Members of the House have gone home, and the minds of those who still remain in the House are occupied by urgent matters of grave financial and economic importance to the country?

Sir, the ancient monuments of India and the antiquities that lie buried underground in his country are, so far as antiquarian matters are concerned, the only things left in the country of which Indians feel proud and which they are anxious to preserve against the inroads of the outsiders. Most of the rare and priceless antiquities, invaluable works of art, sculptures, paintings, manuscripts, precious stones that could be removed have already been taken away to England and other countries of Europe and America. Nearly all that could be removed has been removed out of India and there is little doubt that if it had been possible for European science and engineering skill to remove the Ajanta and the Ellora caves, the Taj, the Qutab Minar and the Adhaidin ka Jhonpra, the Sanchi Stupas and such other things, they should by this time have been found adorning London and other towns in Europe. Not satisfied with robbing India of all products of genius and works of art found on the surface, it is now sought to remove out of this country what lies buried underground. The Government of India, unsympathetic as they are—unsympathetic inasmuch as they did not care two straws for the ancient glory of the country and are utterly indifferent to its high cultural traditions,—are willing to stand by and see the country denuded of all those rare things that human genius could devise, invent or produce in this country, and are willing to allow all and sundry of the exploiters of Europe and America to excavate and take away its heirlooms and the remains of its ancient greatness—treasures which are either the products of the highest efforts of human genius or are, what is a matter of the gravest consequence, the remains of our great ancestors who have, and will continue to shed lustre on the name of our sacred Motherland as long as history endures, and whose memory we revere and whose lives are a perennial source of inspiration to us in our lives.

Sir, to have allowed our antiquities to be taken out of the country is the greatest injury that the Government of India have done to India. Sir, the things that have been and are sought to be taken out of India roughly fall into four classes.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : How are you going to stop it?

Rai Sahib Harbilas Sarda : (1) Sacred objects, such as the remains of founders of great religions, or other great men, whom large classes

of people worship or hold in religious reverence and respect. (2) Works of art such as sculptures, antiquities, paintings, frescoes, illuminated manuscripts, bequeathing to posterity results of centuries of work and labour, of thought—the achievements, intellectual and spiritual, of the pioneers of civilization, in science, literature, philosophy and art, that illumine the pages of history and constitute a most brilliant chapter in the annals of mankind. (3) Records of facts and events necessary and essential to a proper understanding and elucidation, not only of the history of India, political, social, religious and economic, but of the evolution of art itself in its multifarious branches, and the reconstruction of that history by proper research and piecing together of the results of such research in the various branches of human effort; for instance, coins, stone and copper plate inscriptions, sculptures, arch stones to show that true arches were known in ancient India, historic manuscripts found buried in mounds; and, fourthly, rare products of nature such as the wonderful *Kohi Nur*, the *Pitt*, the *Regent*, the first two being the greatest and the most glorious diamonds of the world, associated with the history of India in its various stages and the glorious deeds of the great men it has produced.

Sir, I am at present concerned only with objects which may come to light on excavations under a licence and are liable to be removed out of country. These objects all fall under the four classes enumerated above. In the first class are sacred objects. And I will give here two instances of the outrage,—a great outrage—that the Government committed against the people of this country.....

Mr. K. Ahmed : That is not outrage.

Rai Sahib Harbilas Sarda : A few years ago a stupa at Shahji ki Dheri, near Peshawar, built by Emperor Kanishka in the second century, was excavated and the remains deposited there with the greatest reverence and religious veneration by leading Indians of that time, of one who is worshipped and venerated by more than a third of the human race at the present time, one who has shed ever-lasting lustre on this great and ancient land, one who has ennobled the lives and has been the solace of millions of human beings in the last 24 centuries, one of the noblest of men, the Great Sakyamuni of Kapilavastu, the Buddha, were removed from its sacred place of rest and sent out of India to Burma which is on the eve of becoming a foreign country to us.....

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have not followed what the Honourable Member said.

Rai Sahib Harbilas Sarda : The remains of one of the noblest of men, the Great Sakyamuni of Kapilavastu, the Buddha, were removed from its sacred place of rest and sent out of India to Burma which is soon to become a foreign country to us.....

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, no.

Rai Sahib Harbilas Sarda : In 1916, some of the relics,—remains of Buddha or other religious and holy men of India,—found in stupas at the Dharmrajika Stupa at Takshshila, modern Taxila, were given away to Buddhists of Ceylon, a foreign country, and removed out of India. Sending them to Burma or Ceylon, where Buddhism prevails is no

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palliation of the crime committed against India. Sir, these sacred remains are the property, not of the Government of India for the time being, not even the exclusive property of the present people of India, but also of the generations of Indians yet to come.

Sir, Buddha occupies a permanent and the highest place in Hinduism. He is held to be the tenth Avatar or Incarnation of the Deity, just like Sri Ram or Sri Krishna. What country in the world except India has the right to keep in its sacred and reverential possession, the remains of the Enlightened, the Great Buddadeva, who was born in India, who lived all his life in India, and who died in India, and whose parents and ancestors all lived and died in India? Buddha was a product of India, son of Mother India in body and soul, the pride of India, and the crown of its glory. The glory of having given birth to Buddha and the privilege and honour of returning his mortal remains to the Mother Earth in this country belong to India; and it is the pride and privilege, the honour, and the duty of the sons and daughters of India to guard those remains for all time to come.

To exhume his remains from their sacred resting place and send them out of India is, I say in extreme humiliation and sorrow, the greatest outrage against our feelings of religious reverence and veneration—a sacrilege which an Indian and a true Hindu can never forgive or forget. Sir, Government have by these acts subjected an ancient people, which is living under its protection, to unspeakable humiliation and shame. I apologise for using strong language, but the occasion demands it, and we have felt this sacrilegious act as strongly as our weak, humiliated nature is capable of feeling.

And I say, Sir, that I would look with horror upon any attempt to exhume the remains of any Muslim saint in India. All Indians, whatever their faith and religion, whatever their culture, must and do look upon the remains of Muslim saints and Muslim great men that lie buried under mounds and ruins as sacred objects to be guarded and kept undisturbed by foreigners. I would condemn and resist all attempts to remove out of India to any country those sacred remains. It is the duty of all Indians to hold them as a sacred trust, and we regard it our duty to prevent their removal from India.

Sir, has any country, I ask, but Arabia the right to keep the sacred remains of the last of the Prophets? Has any country but England the right to keep the remains of the greatest of Englishmen, who though not held in sacerdotal or religious reverence, yet is the glory of England—the divine poet, Shakespeare? Would England or any other power dare think of removing the sacred Christian remains from Jerusalem—because Jerusalem is now a non-Christian country—to Europe which is peopled by Christians? It has been said and believed generally that Government have dared to remove the sacred remains of Buddha from India and to deprive the country of its most cherished possession held sacred by its teeming millions, because Government can treat with contempt the weakness and the helplessness of a disorganised, disunited and a degenerate race. Sir, I do not hold this view. My belief is that Government, when they removed those sacred remains, were ignorant of the feelings and sentiments of the people of India, and did not view the matter in the light in which they should

have viewed it and are now sure to view it after the present discussion.

As regards Indian antiquities and works of art, Europe is full of them. All provinces of India have been ransacked, every nook and corner of it has been searched and antiquities and works of art that lay buried in various parts of the country or lay on its surface, metalware, sculptures, stone and copper plates, paintings, old jewellery and old pottery prehistoric or post-historic, have been taken away and the museums of England, France, Germany.....

Mr. K. Ahmed : On a point of order, Sir. Has this essay been composed by somebody at home, probably for some other occasion, any application to the motion now before the House? The motion before the House is that the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, be taken into consideration. My Honourable friend is giving a history of the ruins of ancient time.

Mr. President : Is it the Honourable Member's point of order that the speech which Mr. Harbilas Sarda is delivering is in order or not?

Mr. K. Ahmed : Yes, Sir.

Mr. President : The Honourable Member is quite in order.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of order, Sir. The Honourable Member who just raised a point of order began by saying "This essay composed by somebody at home". It contains an insinuation that the speech was not written by my Honourable friend Mr. Harbilas himself who is a great scholar, and I want you to ask him to withdraw that remark.

Mr. K. Ahmed : What I said was this, that the manuscript which my friend from Ajmer was reading was probably written for some other occasion has no application on the motion before the House. My Honourable friend did not catch what I said, and I always find that my Honourable friend Mr. Ranga Iyer catches hold of the wrong end of the stick, because I know that my Honourable friend is not always in equilibrium of the mind.....

Mr. President.—Will the Honourable Member state what he did say?

Mr. K. Ahmed : What I said was that it was probably a composition prepared for some other occasion and not applicable to the motion before the House. (Laughter.)

Rai Sahib Harbilas Sarda : I hope this House will be saved from the extravagances and frivolities of people like my Honourable friend.

Mr. President : Please go on.

Rai Sahib Harbilas Sarda :and the museums of England, France, Germany, Denmark, Holland, Austria and America, full of them, stand mocking at our helplessness and powerlessness to protect our cherished possessions. The country has been denuded of its old manuscripts, invaluable for a proper writing of the history of India, and tracing the evolution of its social polity or its economic annals. I will

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give two instances to illustrate the loss suffered by India in this direction. Kautilya's *Artha Sastra*, the standard work on Government and Economics in Sanskrit, unique of its kind, dealing with complicated problems of overseas and inland trade, international law and finance, was till recently a mere name. Several manuscripts of it were taken away to Europe but none was published. By a mere accident a copy of it fell into the hands of Pandit Shyam Sastri of Mysore and he published it. It then became known that there were several copies of the book in Europe.

Sir, when I was writing a history of Ajmer, my native city, in 1911 A. D., I could not find any book containing an account of Sher Shah's capture of Ajmer, the only book containing such an account was not to be found anywhere. I went to Calcutta and searched the Imperial Library, and the Library of the Asiatic Society of Bengal; I went to the famous Khuda Bux Library of Bankipur; I examined the Library of the Bombay Branch of the Royal Asiatic Society, and I wrote to Lucknow and Hyderabad, but all to no purpose. After a deal of enquiry, I learnt that only one copy of the *Tarikhi Daudi* was known to exist, and that was in the British Museum in London. Through the kind offices of Dr. Codrington, Mr. Edwards of the British Museum kindly had two pages of the work describing Sher Shah's visit to Ajmer photographed and sent to me and I was then able to complete the account I wished to give.

Then again, Sir, when I wrote my monograph on Maharana Kumbha, one of the greatest of the Maharanas of Chitor, I could find no old portrait or painting of him. Eventually I was able to trace an old portrait of him in the India Office Library in London, and I obtained a photographic copy of it.

Sir, this shows to what difficulties and troubles students of history, literature and art in India are put by the removal of antiquities and manuscripts from this country. This exportation of priceless treasures and heirlooms, which neither love nor money can produce or get, has been going on for a century and a half, and this Bill is going to help it further. Colonel Tod, the great historian of Rajputana, took away 800 boxes full of antiquities, sculptures, coins, manuscripts, inscriptions, some of which have not yet been wholly deciphered and identified and the results published. Twenty thousand Sanskrit manuscripts were sent away from Nepal to Oxford only a decade ago, and who knows what invaluable and now unobtainable works have thus gone out of the country. Students of archaeology know that Sir W. Jones, Colonel Mackenzie, Taylor, Fleet, Ballantyne and others took away large collections of Sanskrit mss. and antiquities which are kept in the India Office Library, London. The Bodleian Library of Oxford, the Indian Institute of Oxford, the Trinity College Library of Cambridge, the Edinburgh University Library possess large collections of Sanskrit, Arabic and Persian mss. taken away from India. The library of the Royal Asiatic Society of Great Britain and Ireland contains thousands of such mss. and antiquities. Professor Buhler's large collection of Sanskrit mss. has found its way to Vienna and Hermann Jacobi's to Berlin. Germany is full of ancient Indian mss. and antiquities and works of art. The

libraries of Berlin, Tubingen, Stuttgart, Bonn, Strasbourg, Göttingen, Würzburg and Leipzig are full of them.

Sir, rather than allow any antiquities and finds to be taken out of India, the problem before Indians at present is how to get back all those antiquities, sculptures, mss., and works of art which have been taken away from India. Sir, when accounts are settled between England and India, whether an apportionment of the public debt of India is made between the two countries or not, I do hope and trust that India would insist on England returning all these treasures which are now kept in its various museums and libraries and which are the great heirlooms of the people of India.

It has been said in Palestine and Egypt, licences for exploration and excavations have been given to foreigners and that in the interests of research, the same may be allowed in India. Egypt is not quite independent, and foreigners have a controlling voice in its administration. But even in Egypt the licence to make excavations at Luxor in favour of Mr. Howard Carter was cancelled in 24 hours when it was suspected that Egyptian antiquities were being removed from Egypt. Is the Government of India at present in the hands of Indians to enable them to take the same action should an eventuality of a like character arise here? I would further say in reply that I should like to see foreigners secure such licences in England, France, Germany or America. Where a country is under foreign rule and is helpless, and has no controlling voice in its administration, this exploitation and legalised robbery has been permitted or tolerated. But, Sir, we have enough shame left in us to refuse to consent to and become parties to this robbery being legalized. I am told that exploiters from America are anxious to obtain licences to rob India of her treasures; that Dr. Stein and Sir John Marshall and others are anxious that licences should be given to foreigners. They have the support of foreign financiers and they wish to undertake this exploitation and carry away from our country our antiquities and sacred objects, which no nation with any self-respect or a sense of honour, or a sense of duty to the country and to its future generations would allow or tolerate.

It has been suggested that these finds would be better looked after in Europe and America and made good use of there. Sir, I would undertake to look after the valuable possessions of some of the protagonists of this doctrine. Would they give them to me? Why cannot the foreigners, if they are only honest and genuine students of archaeology and are inspired only with a genuine love of research, excavate the mounds, but let the relics of India's glorious past, remain in India in her museums and libraries? Indians are more deeply and directly interested in them than any foreigners, however well intentioned.

Sir, if some of the material remains unutilised for the present, let it remain so. We will make use of it in good time, but let us not be deprived of its possession. It has also been argued that if there are duplicates of a thing, if there are two images of a deity or two coins, why should one of them be not allowed to be taken away. This argument is the argument of a robber against his victim, of the strong against the weak, and reminds us of the fable of the wolf and

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the lamb which we have all read in our childhood. Will England or America listen to an argument like this, and on the strength of it part with its priceless treasures. Is there not enough room in the far-flung provinces of this vast country for duplicates or triplicates to be kept? And are there real exact duplicates of any antiquity, except coins?

Sir, as the matter of this measure is by no means a matter of urgency, as no question of law and order and peace of the country is involved, as this is not a question of administrative stability, no harm will come to the matter if the Bill is taken up in January after circulation to the country. The rainy season has gone and no existing excavations will be affected and those not yet excavated will in no way be affected. I therefore request Government to allow this Bill to be circulated for eliciting public opinion, and not to smuggle it into the Statute-book. Government will be in a better position to judge of the consequences of the measure when they are in possession of the considered views of those whom it affects deeply and intimately.

I wish to make it clear that I am in no way against any excavation made in a proper and scientific manner. I will allow, even welcome, foreigners imbued with a desire to know things—not exploiters and wolves in the shape of lambs,—to come and help us in research work and make full use as freely as we ourselves can do, of all finds. But I oppose, with all the strength there is in me, the removal out of India of any of the finds whatsoever. My only object in making this motion is to enable public opinion to express itself on the question of giving licences to foreigners and the terms on which such licences may be given. Absolutely nothing is lost by giving the public an opportunity to express its view, and taking the Bill into consideration after three or four months instead of at once. I would therefore earnestly appeal to the Honourable Member in charge of the Bill to give the public in India a fair opportunity to consider the provisions and the implications of this measure.

Mr. J. C. French (Bengal : Nominated Official) : My ground for intervening in this debate is that for many years, apart from the duties of my profession, my principal interest and study has been Indian art, and in this country art and archaeology are very closely allied. As the Honourable Mr. Gaya Prasad Singh elicited in his question to the Honourable Member in charge of the Bill, this Bill has got two principles. The first is the scientific control of excavation and the second, whether the aid of private societies, both Indian and foreign, is to be enlisted to assist in the work of excavation.

Now, Mr. President, I venture to say that, as regards the first principle, we are all unanimous that excavations should be under proper control. It is the second point that is in dispute, whether the aid of private societies, and particularly private foreign societies, should be enlisted to help in the excavation of Indians' hidden archaeological works. When I heard the speech of Rai Sahib Harbilas Sarda, I quite appreciated his patriotic motives. Indeed one must realize that at first sight, on first impulse, one would say that they are correct; but first sight and first impulse, Sir, sometimes require correction after further consideration, and I venture to say, Mr. President, that it is so in the

present case. When my Honourable friend, Rai Sahib Harbilas Sarda, got up, I expected to gather that he was well-acquainted with the museums of India. But from some remarks that fell from him in his speech, I think I must now doubt that supposition. The Rai Sahib said that nearly all that could be removed had been removed from India. Now I do not want to be egotistical and I do not want to say this as a means of obtaining cheap commercial advertisement, but, Sir, in the course of the last five years I have written two books on Indian art. Now without the photographs that I took of works which have remained in India, I could not possibly have written or published those books.

Rai Sahib Harbilas Sarda : I said that what could not be removed has remained behind, but everything that was at the mercy of the exploiters has been removed. Such books as Dr. Vincent Smith and others have written are based not only on the antiquities, now in India, but also those removed to and kept in the museums of Europe.

Mr. J. C. French : I am very pleased to get that interruption from the Rai Sahib. Now there is a particular school of Indian art that is considered to be one of the finest; in fact, Mr. President, that is the subject of my last book. Now that is a school in the Kangra Valley—the great Rajput school of the 18th century. Now most of my illustrations are taken from India from places in India from where they cannot be removed, *viz.*, the Calcutta Museum and the Lahore Museum. They could have been removed, but they have not been removed. It was through the medium of officers of Government that they were obtained—Mr. Percy Brown and Mr. Lionel Heaths. As regards certain other branches of Indian art, if anyone wishes to study them, he must come to India. I refer, first of all, to the famous Asoka school. Every Member of the House is familiar with the name of the school of Asoka. Every example of that art is in India, and anyone who wishes to study it has got to come to this country. The same applies to the art of the Gupta emperors. Every important example of the famous Gupta period is in India.

Rai Sahib Harbilas Sarda : No. Do you know that the best illustration of Shiva's dance, illustrating the play of cosmic forces, is to be found in Europe and not in India?

Mr. J. C. French : In what period of the Gupta empire is that? (Laughter.) Mr. President, if the Honourable Member cannot give me the details, I must pass on to the next point. As a matter of fact the class of Indian art that has gone outside is that pertaining to the mediæval period, from about 800 to about 1300 A. D. Now the examples of the art of that period are so vast, that the quantity that has gone out of India would not be missed, as there is an enormous quantity of that school in existence. I venture to say, Mr. President, that, proportionately, no more Indian art has gone out of India than English art has gone out of England—I say that without fear of contradiction from any expert. Now there was another point in the Rai Sahib's speech that interested me and that was this. He complained that certain Buddhist relics have been taken out of Peshawar. He also complained that some ancient manuscripts have been taken out of India. Now, Mr. President, why were those taken out? The reason was because the Government of India was powerless to prevent it. Now the object

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of this Bill is to give the Government in India power to prevent such things happening in the future (Hear, hear), and thus the Rai Sahib's very objection amounts to support of the Bill.

Well, Mr. President, to come back to Indian museums, I venture to think there are Members who know the galleries of the principal Indian museums, but I wonder how many of them have been underground to the cellars of the storeys down below. Now for any one image in the galleries, there are at least two in the cellars. Some Member might very well ask, why does not the Government send out all these things to the local museums all over the country? But Mr. President, that is very much easier said than done. What are required for a museum are several things. First of all, you have to have a strong pucca building. I am sorry to put it in that blunt way, but if you are going to keep a valuable collection safe in a building, you must have it in a building that is burglar-proof. The second thing you must have in a museum is a guard—a guard by day and a guard by night. I could give practical examples of valuable things in private custody in Bengal being stolen. I remember very well an image of the goddess Chandi in Eastern Bengal that had on it an inscription of the 8th century and which was undoubtedly a national treasure. I saw that image in a temple on the Lalmai hills, just 4 miles from Comilla town in Tipperah district. There was a temple on the top of that hill. I wanted the image for the Dacca Museum. But the man who put it on the temple said that it was an object of pilgrimage. That image remained for some months, but when I inquired about it again, I found that people did not go there for pilgrimage, and that the image had been stolen by thieves and melted down for the gold plating on it. Now that was a real national treasure gone! This example will show you how you must keep things properly, as otherwise they would disappear. The third thing you must have is a competent curator—and that is a thing which might not appear apparent to every Member unless he has considered the subject. If you do not have a competent curator, queer things happen; there are limitations which are substituted for the genuine things. I could give the House practical examples. It is rather a delicate subject, and so perhaps, Mr. President, I may pass on to my next point. My next point relates to my own experience in regard to these excavations. I remember 14 years ago in Bengal in the north of the district of Rajshahi there was a place called Paharpur where there was a big stupa covered with earth. 14 years ago it was simply an earthen mound. Now the Archaeological Department worked upon it, and a whole, complete temple of about the 10th century has come to view, and they hope by going below to get Gupta remains. About 15 miles north-east of Paharpur there are ancient sites in the district of Bogra, and in particular there is a place called "Mohasthan". It is one mile square, rises 40 ft. above the alluvial plain, and you can see things protruding in it from the ground. Now if that were excavated, you would have most marvellous results, but where is the money? Then in the district of Bankura about 6 years ago I got a site put on the list of protected monuments, Serangarh on the Manbhum border. In the district of Midnapore in the month of May this year I tried to get the Archaeological Department to take charge of another place, but they

could not do it. I had intended to refer to some remarks of Sir John Marshall in the "Archaeological Survey of India" Report for 1926-27, in which he said that in many parts of India, at the present rate of progress, it would take a thousand years to gather the existing materials, but as my speech seems to take rather longer than I expected, I shall not inflict these extracts on the House.

As I said at the beginning, Mr. President, there is no need to stress the point that all excavation must be in skilled and professional hands. I think we are all agreed upon that and there is no need for me to talk of the tomb thieves of Egypt in the old days or about the thieves in the buried cities of Central Asia at present. But the point that I am stressing is the enormous advantages that are likely to be obtained by taking the co-operation of foreign societies. We have all heard of the Museum in Cairo and we may have heard about the new museums that they have re-started in Jerusalem and Baghdad. This museum in Cairo is about the finest in the world, and is full of magnificent treasures. All these things did not cost the Egyptian nation a pice; they have got them all absolutely free. There is no reason why India should not do the same. The rules which are going to govern these excavations have not yet been published. They have not yet been approved, but Mr. Page, the Deputy Director of the Archaeological Survey of India, has told me his ideas on the subject which are that, having been excavated and brought out of the ground by these private societies, certain things should be put aside as national treasures and the remainder shall be divided half and half between the society and the Government. The Rai Sahib inquired why these societies cannot excavate for nothing if they are really interested in history and archaeological research. The reason, Mr. President, is that a lot of these societies have got to be maintained by voluntary subscription, and when they go back they have got to show their subscribers some result. If they go back merely with notes, they will not continue to get any support. But if first of all national treasures are taken away and secondly half of what remains is taken by them, we may be sure that the people would be willing to afford all the expense and trouble.

Another argument the Rai Sahib made was about the Tutenkhamen finds in Egypt. The whole of the Tutenkhamen excavations were Egyptian Government excavations, allowed to be carried on at the expense of Lord Carnarvon under the direction of Mr. Howard Carter. In the Tutenkhamen work there is no question of any private individual having the slightest claim or share. Everything went to the Egyptian Government, and this has been going since the year 1902. Therefore the Tutenkhamen example is quite beside the point.

Then another argument of the Rai Sahib was that there is no hurry over this, that all these things are under the ground and have been there for so many years and why cannot we leave them there until the January Session, and circulate the Bill?

Rai Sahib Harbilas Sarda : I said there is no hurry for three months and the Bill can be taken up in January.

Mr. J. C. French : I hope to show that there is a hurry. Constantly these things are being injured. We have an example that Sir John Marshall pointed out that the Sukkur Barrage scheme has raised the level of the Mahen-jo-daro excavations and has interfered

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with the work of the archaeologists. All over India nowadays irrigation work has interfered with these things. Also we find in the last census that the population of India has increased and the pressure on the land has also increased everywhere. I have seen myself more houses being built and the earth being dug out. I venture to submit, therefore, Mr. President, that there is no time to lose and this Bill should be sent to the Select Committee as soon as possible.

Lastly, Mr. President, I venture to submit that it is not desirable to keep all your art objects in your own country. Some should go abroad to maintain the prestige of India and to inspire respect for India in other countries. No enlightened nation follows the policy of absolute exclusion in the import of art objects. I think that India may very well take an example from Japan. In Japan certain objects are marked as national treasures and they are not allowed to leave the country, but every thing else can be freely exported and imported as much as people like. In fact some of the finest examples of Japanese art have been allowed to leave that country so as to show people outside what Japan can do. I venture to say, Mr. President, that objects of art in foreign countries may be regarded as cultural ambassadors.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I was very much interested to listen to the very good and learned speech of my friend Rai Sahib Harbilas Sarda. It was a very learned speech and it cleared many points, but I am afraid that it was not convincing on the point which we have for our consideration at present. It was a very patriotic, but at the same time an unpatriotic speech. His whole object was great patriotism, but the results of his speech and his arguments were coming to something unpatriotic. Here we have under the ground a great treasure for which I have been pressing in this Assembly for some time past that they should be excavated at Hastinapur. We do not know the real history and the real glory of the past days which existed at the time when we had the Mahabharata. All that glory and the civilisation which was ruined by the great war at that time could not be known to the present age except through excavations which we might make on these battle-fields.

Rai Sahib Harbilas Sarda : I have never been against excavations. As a matter of fact I welcome them.

Mr. Muhammad Yamin Khan : Now, Sir, we know full well, and the Honourable Member in charge of the Department has made it quite clear, that the Government of India cannot spend more than 5 lakhs of rupees at present.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, at present nothing.

Mr. Muhammad Yamin Khan : Very well, but even with that 5 lakhs can you make any excavations ? Can you bring out the rich wealth that lies buried under the ground in India for the world to know its past glories and its past civilisation ? It is an impossibility. If no money had been coming from Government for these excavations, we would never have known of the wealth which was buried at Harappa and Mahen-jo-daro.

We would never have known of the civilisation that existed in India at one time.

Then one argument of my friend Rai Sahib Harbilas Sarda was that nothing should go out of India. With that desire I have every sympathy as an Indian and I would not allow anything to go out of this country. But at the same time if this principle had been adopted by other countries, we would have never known of the richness of those countries. We would not have been able to compare the civilisation of Babylon four thousand years ago with that of Harappa and Mahen-jo-daro at the same period. We would have never known that these things, which have been excavated at Mahen-jo-daro, are four thousand years old. Now, small articles can go outside any country. Certainly you cannot take away the Taj, you cannot take away the Ajanta and Ellora caves. These things are permanent structures and will remain. They can only take some statue of Buddha or some statue of Kanishka which was found some time ago without a head. That showed something of a gone civilisation. When you find a statue of Kanishka without a head, you can know the history of the time by the dress and you can find out that this was the dress worn at that time. These are the things which have to be done and if the Indian Government cannot find money, they must be done by some other help. Petty things may get out of India, and it will be deplorable if Indians themselves are not ready to purchase them. I have got great sympathy with my friend, Mr. Harbilas Sarda, when he said that a lot of books which he wanted to read could not be got in India and they were finding a place in the British Museum in London or in Germany and other places. It is a pity it should be so, but that shows the callousness of the Indians themselves that they have allowed these things to go out of India. If they had any sympathy for the old art and old literature, they would never have allowed these books to get out of India. But this has happened not because of the fault of the foreigners, but because of the fault of the Indians themselves. A few years ago I myself saw at the Mall here there were two valuable books for sale, Akbarnama and Mahabarat, both illustrated books and written at Akbar's times and their price was Rs. 7,000 and Rs. 10,000 respectively. I found that no Indian was ready to purchase them. I had no money to purchase them. Otherwise I would have purchased them. Some agents of the museums must have purchased them and now my friend, Mr. Sarda, complains that the books have gone out. They have gone out because you were not willing to purchase them. The rich people of this country do not think of spending money in preserving such things in India. If Indians have a taste for old art and treasure, they should purchase such things and keep them in India. Now other countries have become rich and they have cultivated a taste for them. They are purchasing them. Time will come in the near future when Indians also will become rich and they can repurchase those books. Till then this thing must continue and will continue to go on and nobody can stop it. Egypt has been referred to and the Tutenkhamen's tomb—or whatever the correct name is—which has been recently excavated. Is Egypt worse for that excavation ? On the other hand thousands of visitors from all over the world visit that country to see this excavation. If we have the same kind of thing done at Hastinapur or another old place, we may find something buried underground and thousands of travellers will come to this country and India will gain in its wealth and treasure and they will be things such as cannot be removed from here as apprehended by my friend, Mr. Sarda. The only thing for

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which my friend has been repenting is the bones of Buddha which have been taken away by the Burmese and he also said that because Burma is soon going to be a foreign country, therefore Burma should have no interest in Buddha's bones. Indians have not treated Buddha as well as the Burmans, and the Burmans have got every right to have Buddha's remains over and above the Indians and Indians have got no claim over and above the Burmans. Burmans being Buddhists have a better claim than the Indians. Then Babylonia has been referred to. Are the Arabs making the country rich and finding out the old preserves? Certainly not. If my friend is not ready to come forward, some scientists from outside will come and they will demand a share in the work. But he may rest assured that a thing like the Ajanta Caves or some house will never be taken away. Things which will be taken away will be knives, some earthenware, some statues which may be valuable in the eyes of the scientists but which may be of no value in the eyes of the laymen. A thing excavated at Mahen-jo-daro may not be worth more than one anna here but it may be of very great value in the eyes of the scientists. This Bill says that there should be a kind of rule made as to the share of the people who come to enrich the country and excavate the buried treasure. I do not think it is a right policy to circulate the Bill and I think all these objections which have been raised by my Honourable friend, Mr. Sarda, can easily be met in the Select Committee and the Select Committee will go thoroughly into this point and it will be as patriotic and will have as much regard to the Indian interest as the people to whom this would be circulated. The people to whom it may be circulated will say nothing except to give a general support. The Select Committee consisting of Indians will have great regard for things going out of India. With these few words I oppose the motion for circulation.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, it appears to me that the discussion in this House on this matter has rather taken a side track, not confining itself to the real issue before us. After the very amiable and, I may say, the eloquent speech of the Honourable Member in charge of the Department of Education, many on this side of the House were almost tempted to be on his side. But, Sir, a few minutes later we found that the invitation of the Honourable Member to his parlour should not be accepted but should be refused. Sir, when my honoured and revered friend, Rai Sahib Harbilas Sarda, took up his cudgels on behalf of the sacred relics of our motherland, many on this side of the House did not appreciate him as he ought to have been appreciated. But later on as has been said by the English poet, Goldsmith, "Fools who came to scoff remained to pray". Sir, many of us who laughed and scoffed at my Honourable and revered friend when he was feelingly and eloquently stating his case about his country's sacred relics, those friends were silenced and became supporters of the very cause for which my Honourable friend was eloquently pleading in this House. That is as it should be. I was not at first very much inclined to support my Honourable friend, because I did not think it was at all necessary for us to have the Bill circulated, but I do not believe, as was observed by my Honourable friend on the other side, when looking at the empty benches, that people take much interest in archæology. May, I ask him how many people do take an interest in subjects which are scientific or technical in character? That is not any reason why we should not try and elicit the

opinion of those few who are entitled to speak on the subject and who have devoted their life-time to it as my Honourable and revered friend, Rai Sahib Sarda, has done. As my friend has already pointed out, three months' delay in having this Bill circulated and allowing those who can speak on the subject authoritatively to come forward and submit their views to the Government will not matter in the least. It will enable us in the Legislature to get their help, and with the help of learned scholars, historians and archæologists, we could come to some decision as to what ought to be the enactment. As my Honourable friend has also pointed out, the rains have almost ceased, though not fully, and three months' delay will not spoil those ancient relics which have been lying underneath the soil for several centuries. The very fact that the Honourable Member in charge of the Bill, as also my Honourable official friend from Bengal seemed to be a little reluctant, rouses in my mind a certain amount of suspicion that there must be some motive behind the attempt to hurry this Bill. If I give expression to what I feel in matters which come from my friends on the opposite Benches, I may be permitted to observe that it is not my fault—it is theirs. It is their conduct that has not inspired in us that respect and that consideration which we ought to have and which we would wish to have. In fact we are at times carried away by the seductive smiles of my friends on the opposite side, such as my Honourable friend the Commerce Member. But be that as it may, at times we are enabled to think what ought to be, in spite of the invitation into their parlour or the seductive smiles of my friends over there. Here is a very simple thing—preservation of relics under the sacred soil of Aryavarta. My friend demands that they should remain in India; and my Honourable friend over there says, let half of them remain in India and let half of them go to other countries. I cannot appreciate the arguments which he adduced for this course. It is said that half should be allowed to go to foreign countries so that it may inspire respect for the civilisation of India. If our civilisation, if our culture, if the deeds of our heroes of the past have not inspired sentiments of respect in the foreigners, I say that the relics taken from under the ground will certainly not inspire respect in the minds of foreigners for India and India's past. The one thing that tempts and has ever tempted the foreigners to come to this unfortunate country is not her civilisation or history, but her gold,—not silver, as my Honourable friend observes. So I cannot fall in line with the argument, that has been advanced by my Honourable friend from Bengal, that it will inspire respect for India's civilisation and history in the minds of foreigners. We do not want to inspire foreigners with respect. We would merely like them to leave us alone. I pray to them on bended knees leave us alone, so that in our land of birth we may be at least men with freedom and not the slaves that we are at the present moment.

In advancing his argument, my Honourable friend from Bengal has drawn a comparison of the excavations in Egypt of Tutankhamen's grave, and it was said that it was undertaken by the Egyptian Government. In reply to that I have only one thing to say if the Egyptian Government is a national Government, while in India there is not a national Government, and that is the main objection we have to your undertaking it. If by national Government is meant government by foreigners, certainly you are welcome to say that India has a national government. But nobody out of bedlam would agree to say that the present Government of India is

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a national Government. So it is rather adding insult to injury when you draw a parallel between this and Tutankhamen's excavations.

I could not follow exactly the argument that we have no time to lose. I do not know why we have no time to lose. The Honourable Member referred to certain excavations at Paharpur and other places and suggested that private societies would undertake excavation and they should get half of the finds. I for one would not part with a single particle of the sacred relics of our forefathers. My friend made reference to a certain image of Chandi that was found in a certain part of Bengal. He has not been able to realise the intense religious feeling of the Hindus which prompts them not to allow their gods and goddesses, excavated from underneath the soil, to be touched by the profane hands of the irreligious foreigner. That is a thing to which we object, and you should not undertake these excavations in this way with the help of foreigners. I welcome my friend over there, the present Director General of Archaeology ; it is now safe in his hands, but formerly it was in the hands of a foreigner and I would not have any excavation done by a foreigner.

It has also been said that these excavations are cultural ambassadors. We know of political ambassadors and what havoc they have wrought in the political life of many a country which was subject to foreign nations ; and we would not invite cultural ambassadors to subdue our ancient culture. In fact our subjugation will become complete when we give way to cultural subjugation. It was not on the field of Plassey that India was conquered, but India was really conquered when her ancient culture and religion were swept away before the on-slaught of an alien culture and religion and India's subjugation was complete.

I shall now say one or two words in reply to my friend, Mr. Yamin Khan, who has been very hard on the Honourable the Mover of this amendment. He has characterised my revered friend the Mover as very unpatriotic. If my revered friend, Rai Sahib Harbilas Sarda, who has devoted the whole of his life to the study of our ancient literature and history (Hear, hear), who has devoted the whole of his life to the amelioration of social evils in this country, and who has helped us with his wise and sage counsels in this Assembly for the last eight years, if he is unpatriotic, I would like to be one of his kind rather than of the kind of my Honourable friend on the other side. (Hear, hear.) My friend, Mr. Yamin Khan, pays lip sympathy for the remains at Harappa and Mahin-jo-daro ; we know too well what his sympathy means when he says that he has no objection to half of the relics going out of India because nobody can purchase them in India. I, Sir, for one moment suspect his patriotism and suspend judgment on his patriotism. With these words, I strongly support my Honourable and revered friend, Rai Sahib Harbilas Sarda, in the eloquent and feeling appeal he has made to the House for the circulation of the Bill, and I hope he will have the support of the entire House.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, as I read this Bill, I find that it embodies two principles.....

Mr. President : Before the Honourable Member proceeds further, I should like to ask him how long he is likely to take.

Sir Hari Singh Gour : I shall be very brief, Sir. There are two principles embodied in the Bill ; one is to arm the executive Government to protect certain areas which are expected to yield archaeological results, and the second thing is to enlist learned and other bodies to make excavations, which, as the Honourable the Mover of the motion has pointed out, is beyond the financial capacity of the Government of India. My friend Rai Sahib Harbilas Sarda does not object to the first principle, namely, that you should protect all areas which are expected to yield archaeological results. He is equally not opposed to the other principle, namely, that you should enlist outside co-operation for the purpose of excavations. These two principles being the basic principles of the Bill, neither he nor I can object to the Bill. But there is one matter of detail, and it is this, that when you enlist foreign aid and you wish to give them a *quid pro quo* for giving financial assistance for the excavations, you should make sure that all finds of archaeological value having national importance do not go out of this country. That is, therefore, the crux of the whole question, and I think that question can be safely settled in the Select Committee. At the same time I would ask the Honourable the Mover that we might perhaps combine the two motions into one, and if the Honourable the Mover accepts, as he has accepted the Select Committee, he might perhaps by an executive order circulate this debate to the persons who are likely and competent to give an opinion upon the other question as to how far we should in the Select Committee allow these finds of archaeological interest possessing national interest to go out of this country. If he does that, I do not think that there will be any opposition from these Benches to his motion, or rather to the motion for referring this Bill to a Select Committee, and at the same time we shall have sounded public opinion on the other question upon which Members on this side of the House, including the Mover of the amendment, feel strongly, namely, how far and under what conditions we should allow these national treasures to go out of the country. Therefore, I submit that this motion can be easily accepted by the Honourable the Mover of the motion, and we might perhaps save time by accepting that motion and that this matter could perhaps be concluded for the day. (Cheers.)

Mr. President : Is the Honourable Member, Dr. Ziauddin Ahmad, going to move his amendment ?

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I will move it, but I don't want to detain the House long, Sir.

The Honourable Khan Bahadur Mian Sir Fazli-Husain : Sir, I agree with almost every word that has fallen from the lips of Dr. Gour. We are not really at issue on any of the points which have excited the feelings and religious susceptibilities and sentiments and emotions of some of us who for many reasons, age among others, tend to become sentimental and emotional. There was absolutely no intention on my part to smile,—as a matter of fact I do not know how to—but I quite appreciate the sentiment that has been expressed by the Benches opposite that they look with suspicion on everything that comes from this side.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Who is responsible for this ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I think you are justified in doing so. I do not expect you to have confidence in me, but I do want you to have confidence in your own judgment. Can I rely on that? Another thing that pleased me most was the openness of mind expressed by Honourable Members opposite. When I had placed my simple motion before them with such observations as I was able to make, they were good enough to say that they accepted that as the right thing to do, but the most well-thought-out and very carefully prepared speech of the Honourable the Mover of this amendment just took them off their feet. It was a fight between reason and feeling, and when such a fight is on, in most cases reason goes to the wall. Therefore, I assure Honourable Members that my friend, Rai Sahib Harbilas Sarda and myself are not really at issue except on one point. We are agreed that there should be control; we are agreed that there should be marshalling of all capital available for excavating; we are agreed that all monuments of national importance should not go out of India; we are not at issue on that at all. What we are at issue is about things which are not of national importance. He thinks that they should remain in India and the people who come from outside India should not take them away, while I find that if in ordinary work-a-day life I want a man to invest his money, his brains, and his energies, he must have a *quid pro quo* other than the mere satisfaction of scholarly.....

Rai Sahib Harbilas Sarda : Who is to decide if a thing is of national importance or not, not the present Government? That is a matter which only the representatives of the nation can decide.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The nation will no doubt have some one in authority to do that. This matter whether foreigners should be at all brought in is not a matter which is closed or settled. This is one of the points which the Select Committee will have liberty and time to discuss. The Select Committee may decide that foreigners should be admitted, and this House later may decide that they should not be admitted. Similarly, the Select Committee may decide that they shall not be admitted, but this House may upset or try to upset it here. Therefore, that is not a point which the acceptance of a Select Committee closes. I do not really see what we are quarrelling about. When I made my observations about the speech of the Leader of the Opposition, I said almost every word. I want to make it clear so that it may not be said that I agreed to something and afterwards did not do it. The Honourable Member said that to different persons or institutions the whole of the proceedings of to-day's speeches should be sent. I think what he really meant was that we should present the main issue.....

Sir Hari Singh Gour : Yes, yes.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : And not all the speeches.

Sir Hari Singh Gour : No. That is right.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I will tell you why I do not want on an elaborate scale this publication for expression of public opinion. We all know it is so easy to inflame the public mind on matters where sentiment and feeling come in. People throw aside the real point under discussion and begin to talk of something else.

For instance, as regards these sacred relics, it never entered the mind of any member of the Archaeological Department that the sacred relics found in India by a foreign institution or individual could be possibly given away to it or him. It never entered my mind or the mind of any member of the Archaeological Department, and I must say that it was unfair on the part of the Rai Sahib when he gave the instance of Lord Budha's remains being given to Burma. I should not like to dwell on that point, but it was not a fair attack on the Government of the day which decided that matter. There was very good justification for it. Lord Budha belonged to India, developed his intellect, preached and converted the whole of India to his creed, and yet historians tell us that barring in Burma there are very few Buddhists to be found in the rest of India. Don't you think that the Government, which owed its obligation to that part of the country quite as much as to the rest of India, should have done so? As a matter of fact, I was not responsible for that order, but I have no hesitation in saying that if I were responsible for it, in all probability I should have done the same. (*Rai Sahib Harbilas Sarda :* "That is my complaint.") It is quite possible that if my Honourable friend were in office he would not have done so. But I must ask him to remember that acts like these are done not with the object of injuring or hurting anybody's feelings. You must decide one way or the other, and as long as you decide with the best of intentions and after the most careful consideration, you cannot really take that as an argument that in future no excavations should take place or that nothing should go out. However, as I said, that was only by the way. The main thing is, here is this Bill which I still claim is an innocent one. There is but one point on which there is some difference of opinion between Members on this side and on the other. That matter is open to discussion and debate and decision in the Select Committee and I see really no reason.....

Mr. D. K. Lahiri Chaudhury : There is one section of the Bill on which I should like to have an assurance from the Honourable Member, and that is section 20A (c) which runs as follows :

"prescribing the manner in which antiquities found by a licensee shall be divided between Government and the licensee."

(*An Honourable Member :* "That is for the Select Committee.")

I should like to know what would be the attitude of the Government on this matter in the Select Committee.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The attitude of the Government would be very largely guided by what the Members of the Select Committee feel. My own attitude I have mentioned already, and in no uncertain or equivocal terms. I want to be quite clear about these things. This is a thing which will be absolutely open.....

Mr. D. K. Lahiri Chaudhury : May I request the Honourable Member just to clear this issue a little further? I want to know what would be the attitude of the Government as regards this point.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The attitude of Government will be that anything of national importance must remain in India. That is my departmental view and also my own view. But still, as I say.....

Mr. D. K. Lahiri Chaudhury : But who will scrutinise this importance ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The matter will have to be left to the Director General of Archæology ; it won't be a matter which would rest with the Member in charge. Is that what the Honourable Member wants to know ? It must be left to the specialist. I do not see what other agency could be devised unless it be suggested that a committee of the Members of this House should decide a matter of this sort. That is all I think the Leader of the Opposition wanted me to say.

Rai Sahib Harbilas Sarda : Sir, on a point of personal explanation as to what has been ascribed to me.....

Mr. President : I should like to ask the Honourable Member to state whether, in view of the assurance which the Leader of the Opposition has obtained from the Honourable Member in charge, he desires to withdraw his motion.

Rai Sahib Harbilas Sarda : No. I want to explain what my view is, so that it may not be misunderstood by the House.....

Mr. President : Let it be restricted to a personal explanation only.

Rai Sahib Harbilas Sarda : It has been said that we are all agreed, both the Honourable Member in charge and myself, that excavations may be made, that foreigners may be allowed to come and do the thing, but that there is only one difference between him and me, and that is that, while he says all finds of national importance may be kept here, and I say that all finds whatsoever may be kept here. In order that it is properly understood, all I have to say is that it is not for the Government—I object strongly to Government deciding whether a particular find is a matter of national importance or not. Just now, the Honourable Member in charge said that the removal of Buddha's remains is not a matter of national importance to them.....

Mr. President : The Honourable Member is not making a personal explanation. He is making a reply. He must restrict himself to a personal explanation ; otherwise I cannot allow him to go on.

Rai Sahib Harbilas Sarda : My personal explanation is this. I have not agreed at all to the interpretation which my Honourable friend has put on my conditions.

(At this stage Mr. S. G. Jog rose to speak).

Mr. President : I should like to put the question now, unless there is a general feeling in the House that further discussion should take place.

Several Honourable Members : Let the question be now put.

Mr. President : I accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. President : The question is that the Bill be circulated for the purpose of eliciting opinions thereon.

Rai Sahib Harbilas Sarda : If the Honourable Member agrees to circulate my speech by executive order along with the Bill, the implications of the Bill will be understood, but not otherwise. The Bill

has been so skilfully and cleverly drafted as to hide the real principle of the Bill.

The Assembly divided :

AYES—24.

Abdoola Haroon, Seth Haji.	Puri, Mr. Goswami M. R.
Abdur Rahim, Sir.	Reddi, Mr. P. G.
Aggarwal, Mr. Jagan Nath.	Reddi, Mr. T. N. Ramakrishna.
Chandi Mal Gola, Bhagat.	Sarda, Rai Sahib Harbilas.
Dutt, Mr. Amar Nath.	Sen, Mr. S. C.
Hari Raj Swarup, Lala.	Sen, Pandit Satyendra Nath.
Jog, Mr. S. G.	Singh, Kumar Guptaeswar Prasad.
Kyaw Myint, U	Singh, Mr. Gaya Prasad.
Lahiri Chaudhury, Mr. D. K.	Sitaramaraju, Mr. B.
Murtuza Saheb Bahadur, Maulvi Sayyid.	Thampan, Mr. K. P.
Parma Nand, Bhai.	Uppi Saheb Bahadur, Mr.
Patil, Rao Bahadur B. L.	Ziauddin Ahmad, Dr.

NOES—50.

Abdul Qaiyum, Nawab Sir Sahibzada.	Leach, Mr. F. B.
Ahmed, Mr. K.	Maswood Ahmad, Mr. M.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Misra, Mr. B. N.
Anwar-ul-Azim, Mr. Muhammad.	Montgomery, Mr. H.
Azizuddin Ahmad Bilgrami, Qazi.	Moore, Mr. Arthur.
Bajpai, Mr. R. S.	Mukherjee, Rai Bahadur S. C.
Banerji, Mr. Rajnarayan.	Pandit, Rao Bahadur S. R.
Crerar, The Honourable Sir James.	Parsons, Mr. A. A. L.
Dalal, Dr. R. D.	Rainy, The Honourable Sir George.
DeSouza, Dr. F. X.	Rajah, Rao Bahadur M. C.
Dyer, Mr. J. F.	Rama Rao, Rai Bahadur U.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Row, Mr. K. Sanjiva.
Fox, Mr. H. B.	Roy, Mr. S. N.
French, Mr. J. C.	Sahi, Mr. Ram Prasad Narayan.
Graham, Sir Lancelot.	Sams, Sir Hubert.
Griffiths, Mr. G. I.	Schuster, The Honourable Sir George.
Hezlett, Mr. J.	Sher Muhammad Khan Gakhar, Captain.
Howell, Mr. E. B.	Shillidy, Mr. J. A.
Ishwarsingji, Nawab Naharsingji.	Studd, Mr. E.
Ismail Ali Khan, Kunwar Hajee.	Tait, Mr. John.
Jawahar Singh, Sardar Bahadur Sardar.	Talib Mehdi, Khan, Nawab Major Malik.
Knight, Mr. H. F.	Todd, Mr. A. H. A.
Lal Chand, Captain R. B.	Yakub, Sir Muhammad.
Lall, Mr. S.	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.
	Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. President : I should like to ask Honourable Members whether they are prepared to get the amendment for the Select Committee formally moved and have it put to the vote or whether they want some further discussion.

(Cries of "No discussion.")

Dr. Ziauddin Ahmad : Sir, I rise to move :

" That the Ancient Monuments Preservation (Amendment) Bill be referred to a Select Committee consisting of the Honourable Member in charge of the Department of Education, Health and Lands, Mr. R. K. Shannukham Chetty, Mr. Gaya Prasad Singh, Mr. Lalchand Navalrai, Mr. Ramsay Scott, Mr. Muhammad Yamin Khan, Mr. N. N. Anklesaria, Rao Bahadur Chaudhri Lal Chand, Rai Sahib Harbilas Sarda, Seth Haji Abdoola Haroon, Mr. J. C. French, Mr. B. N. Misra, Mr. Amar Nath Dutt, 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 Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. Mr. President in the Chair.

DEMANDS FOR SUPPLEMENTARY GRANTS.

MISCELLANEOUS.

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

" That a supplementary sum not exceeding Rs. 3,57,000 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, 1932, in respect of ' Miscellaneous '."

Inadequate Representation of Bengal at the Round Table Conference.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move :

" That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ' Miscellaneous ' be reduced by Rs. 3,56,999."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to raise a point of order. The practice here has been to give token cuts of Rs. 100 and some of us have given token cuts of Rs. 100 to discuss other important matters. I now find that my friend whose grievance is the non-inclusion of more members from Bengal in the Round Table Conference wants to cut out the whole grant except Re. 1. How are we going to discuss the various motions of which we gave notice, probably earlier than Mr. Dutt ? I hope you will rule, Sir, that the matter can only be discussed on a Rs. 100 cut, and that Mr. Dutt's cut should take its own place on the Agenda.

Mr. President : Any Honourable Member is entitled to say that he will give only one rupee against a demand of Rs. 3,57,000 made by Government, but in that case he will have to deal more with the financial aspect than with a particular grievance.

Mr. Amar Nath Dutt : Sir, I am glad that Mr. Das's objection has been overruled. (Laughter.) In a manner it has been overruled, and the President has pointed out in what way I should discuss the motion. And probably my Honourable friend knows that I know as much of the rules and conventions of this House as he does. (Voices of, " You know more.") Yes, I probably know more.

Sir, I shall place before the House the reasons why this supplementary grant is required. You will find from the Blue Books that have been given to us, that Rs. 3,27,000 is for the Round Table Conference. Travelling expenses amount to Rs. 1,84,000 and other expenses are Rs. 1,36,000. Then again linked with these are two other things, viz., special commissions for inquiry ; i.e., the North West Frontier Province Subjects Committee, Rs. 23,000 and the Sindh Financial Inquiry Committee, Rs. 14,000. I shall ask the House not to accept this Rs. 23,000 and Rs. 14,000, for the Round Table Conference was not accepted by the people of this country, I mean the real people who count ; and the Government brought about a settlement between the representatives of the people and those that will participate in the Round Table Conference, and that was only a few days ago here, when negotiations were going on between that great man Mahatma Gandhi and the Government of Lord Willingdon. Up till then the real people of India were not in the Round Table Conference. There might have been people of whom the less said the better. Some words were coming to my lips but I shall restrain myself from uttering them. So you will find, Sir, that this North West Frontier Province Subjects Committee and the Sindh Financial Inquiry Committee were offsprings of the deliberations of the Round Table Conference which did not contain any real representative of this country but contained representatives of the people of England and men of their choice from India. That being so, Sir, we cannot sanction any grant whatever for these two items. I have therefore submitted my reasons for taking away Rs. 37,000. Now I come to the balance of Rs. 3,20,000. This is a large amount. Of this the travelling expenses come to Rs. 1,84,000. Now, Sir, those who are really bent upon having constitutional Government here and who want to have self-determination as the basis of the constitution to be framed for India will be reluctant to get their travelling expenses from the Government. Apart from that, who are the people that have been sent ? Have you been careful in adding the names which will command the confidence of the people of this country in the future constitution that is to come ? No. I say, Sir, here as representatives of the people we will be justified in at least throwing out any demand which the Honourable the Finance Member, instigated by others, has been compelled to put here. We know that the Honourable the Finance Member will be the last man on earth to ask for money unless he is compelled to do so. I know that his hands and feet are tied up by the bureaucratic rope. Therefore he has been compelled to bring this before us. In fact, if he had been a free man, I am sure he would not have asked us to grant this demand. It will be seen that to the list of members who were selected for the Round Table Conference originally there have been added some other names from other provinces but none from the province of Bengal. I do not know whether this is meant as a penance, when you ask us to contribute Rs. 1,84 lakhs for the Round Table Conference. I do not know whether it is meant as a penance for the sins of Mir Jaffer and Omichund. We have to make great sacrifices before we can have Swaraj ; we have to pay a price for freedom. The reason for which I am asking the House to refuse this grant will be acceptable to the Honourable the Finance Member, because he hails from another province. He does not know whether Bengal is an important province or not and he thinks that Bengal might easily be neglected. I know that unless you had that sort of feeling for Bengal for the state of things there, you would not have done

[Mr. Amar Nath Dutt.]

this. Be that as it may, I submit, when you had got additional members from other provinces, I ask you what are your reasons for not having included any member from Bengal. You have not added a single individual from Bengal to the already selected list which was to your liking. You do not want the real voice of Bengal to be represented in the Round Table Conference although you know that Punjab and Bengal ought to send more members than any other province in India. I think I am not betraying any secret when I say before this House that when I enquired how the representatives from Bengal were selected, what was the method and what was the reason, the reasons and the explanation given were such which did not appeal even to that Honourable Member who was instrumental in selecting them.

Mr. President : Order, order. May I draw the Honourable Member's attention to the fact that he is concentrating on making out a provincial grievance. He is not dealing on financial grounds with the large reduction he advocates.

Mr. Amar Nath Dutt : In these days of financial stringency, when we cannot agree with the Honourable the Finance Member and he finds that people, who have great respect for him, have to go against him and vote against him, I submit that to bring a demand for this huge amount, and that for other expenses—I do not know what these other expenses are—the Government of India have also “other expenses” for the C. I. D.—is not proper. But as the Honourable the Finance Member has asked for a grant, I will give him only Re. 1, the total amount to be reduced being Rs. 3,56,999.

Mr. B. Das : I do not agree with my Honourable friend, Mr. Amar Nath Dutt, in coming at this late day of the year to oppose the wholesale grant to the Round Table Conference, because this grant was included in the Budget last session and my friend passed it even without giving notice of a cut. I think to-day we are not to face the situation when we can do away with the allowances of the members of the Round Table Conference, but we are to face the point whether the present Round Table Conference is the right one and really representative. I think we have to discuss the subject from that point of view alone.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official) : I do not know whether I am justified in taking part in this debate since I happen to be one of those unfortunate people who have to attend the Round Table Conference, but it is something else which makes me get up and say a few words. Sir, as far as expense over the Round Table Conference is concerned, the suggestion of holding the Conference originally came from a party of which the Honourable the Mover of this cut, Mr. Amar Nath Dutt, was a member. This original suggestion for holding the Round Table Conference was from the Swaraj Party which was then in ascendancy in this House and of which, as I have just said, the Honourable the Mover was a leading Member ! The idea of course was that the Congress would take part in the Conference, but if none of the Congress people took part in the Conference, at least this time we find the authorised representative of that party attending the Conference in London just now ; and if the Congress

which is the foremost political party in this country is represented at that Conference and its accredited spokesman is at present engaged in its deliberations, we should not, I think, grudge them this little expense over its members when there is every possibility of their coming to some sort of solution of our difficulties. This is a point to be considered, though it really does not concern me much.

It is however in connection with that small item of expenditure for the North West Frontier Province Subjects Committee, that I should like to remind the House that it was a well organised small committee, short-lived and hard-worked, which carried out its task within two months. But for that committee, this House would have always remained in doubt whether expenditure over that province was not very very extravagant. Now, that the report of that Committee is before the House, Honourable Members, who read it, will find that even that much-maligned province is not as extravagant in its expenses as it was generally supposed to be. Moreover that report will assure the Honourable Members as well as the general public that the people of that province have been found, as a result of this Committee's sifting inquiry, to be quite fit for any constitutional advance when compared with the rest of India ! If that knowledge has been gained with this small expense, I hope the House will not grudge it. That Committee has removed a good many doubts and suspicions about the efficiency of the administration as well as the capacity and ability of the people to take part in the Indian constitutional advance, and I am sure that the result of that very sifting and careful inquiry must have convinced this House that the province is fit to take its proper part in the political life of India. For these reasons I hope the House will have no hesitation in passing that very small item of expenditure.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, my Honourable friend, Mr. Amar Nath Dutt, accused me this morning of a seductive smile. I am afraid I must accuse him of seductive words intended to lead this House in a most regrettable direction. I admire the skill with which he tried to weave together the various points in his case, but I am confident that he did not succeed in persuading the House to withhold the provision, altogether or almost altogether, for the expenses of the delegates to the Round Table Conference. I am so confident of that that I do not propose to argue the case at length. I will only ask my Honourable friend one question. It is this ; he has left one rupee ; for who is it intended ?

Mr. Amar Nath Dutt : It is for those members who were originally appointed.

The Honourable Sir George Rainy : I think the House would have been grateful to my Honourable friend had he been able to enlighten it on that most interesting point.

Mr. Amar Nath Dutt : Sir, I have heard my friends, Mr. B. Das and Nawab Sir Abdul Qaiyum ; their arguments are that the original Round Table Conference which was constituted was the right thing and whatever has been done in pursuance of that and other committees which followed it was the right thing to be done.

Honourable Members : No, no.

Mr. Amar Nath Dutt : My friend relied upon the original sanction, but he forgets that sanction was not the sanction of the people. That sanction was had, because we knew on this side of the House, and they knew it also on the other side, that they had the forty nominated members and others of their way of thinking and that we had been left alone, severely alone, by our former colleagues and so this thing was passed. My friend Mr. B. Das and I are two strange bed-fellows ; we were not of the same camp ; our ways of thinking are not the same and we cannot forget even in our calmer moments that we belong to different stock. I do not know whether my friend was nettled because of the allusion to representation from Bengal only, for I find that the cut coming next is that of my Honourable friend who complains not only of the non-representation of Orissa, his own province, but also the non-representation of the Merchants' Chambers, and Federation. So he wants to safeguard the interests of every association with which he is connected, and he will not support me when I ask for the proper representation of my own province, I beg to submit that I am not convinced by the arguments of my Honourable friend on the other side, or of my friend from the North West Frontier Province or of my friend from Bihar and Orissa. I do not like to withdraw my motion.

The Honourable Sir George Schuster : Sir, I have nothing to say.

Mr. President : The question is :

" That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ' Miscellaneous ' be reduced by Rs. 3,56,999."

The motion was negatived.

Mr. President : As regards the next amendment† standing in the name of Mr. Goswami Puri,—is he here ? (*An Honourable Member :* " He is not here."

Mr. Amar Nath Dutt : May I move it on his behalf ? Sir ?

Non-participation of the Representatives of the Federation of Indian Merchants' Chambers and Industries in the Federal Structure Committee and the Round Table Conference.

Mr. B. Das : Sir, I beg to move the motion standing in my name, which is as follows :

" That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ' Miscellaneous ' be reduced by Rs. 100."

Sir, since I gave notice of this motion, events have so shaped that the Government of India and the British Government have seen their way to permit the delegates of the Federation of the Indian Merchants' Chambers and Industries to make their journey to participate in the Round Table Conference, but it is due to the obstinacy of the Government of India or those who advised the Viceroy and those who advised Whitehall and the Secretary of State, that to-day no accredited representative of the Indian Mercantile community takes part in the Federal Structure Committee. All of us have read in the papers that when the Secretary of State, after declaring the rupee as being linked to the sterling, invited the delegates to the Round Table Conference present to meet Sir Henry

† " That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ' Miscellaneous ' be reduced to Re. 1 (non-inclusion of a Bengali in the Orissa Boundary Commission)."

Strakosch, supposed to be a great authority on Indian currency matters being at the India Office, he thought fit to omit to invite Mr. Ghanshamdas Birla, one of the accredited representatives of the Federation of Indian Merchants' Chambers, and Mr. Ghanshamdas Birla was not present, and all of us know what sort of statement that gentleman, I mean Sir Henry Strakosch, made. He said that if the rupee were not allowed to be linked to sterling, the rupee would go down considerably and would be worth 6d. only. I do not know if that gentleman is paid from the Indian Treasury, if so, I hope he will not be paid for the sort of economic knowledge that he possesses, which is really a menace to India. Sir, I have been told not to press this motion, but I thought that the Government of India would have advised that Mr. Ghanshamdas Birla should deputise on behalf of Sir Purshotamdas Thakurdas at the Federal Structure Committee. Press news from London states that Mr. Birla has given a watching brief at the Federal Structure Committee. The advisers of the Secretary of State are so much afraid of Mr. Ghanshamdas Birla that they do not want Mr. Birla to take part in the Federal Structure Committee pending Sir Purshotamdas Thakurdas's arrival. This is a great national calamity for India and for Indian mercantile interests. I shall give the House one example. When in that Committee where the Secretary of State invited all the delegates and they discussed about the rupee being linked to sterling, no member made any statement, and I can say this much, that if Mr. Ghanshamdas Birla or Sir Purshotamdas Thakurdas had been present, they would have surely made a statement, then and there, as we demonstrated on Saturday last, and we told the Government and the world what was the national viewpoint of India.

Sir, as I began, while I congratulate the Government of India and the British Government, for, at last sanity has dawned on them, for having invited the accredited representatives of the Indian mercantile community, I condemn their action for keeping out Mr. Birla from the Federal Structure Committee and from his participating in private and public conferences where India's fate was decided and where it was allowed to be declared that the rupee would go down to 6d. if it was not linked to sterling.

Mr. Amar Nath Dutt : Sir, what is sauce for the gander is also sauce for the goose. The Honourable the Mover of this motion would not support me in my proposition about Bengal, but his heart bleeds for those merchant princes, and therefore wires were sent across the seas and the whole Council Chamber vibrated with the voice of this so-called voiceless Chamber of Commerce, and they succeeded in getting representation at the Round Table Conference. Now, comes another demand that they should have been represented at the Federal Structure Committee. My friend forgets that the Federal Committee was constituted long before these three members of the Chamber were added to the Round Table Conference. (*An Honourable Member :* " But new Members were added subsequently."

Mr. B. Das : My friend does not know the actual facts.

Mr. Amar Nath Dutt : I admit I do not know the facts as well as he does, but I know some of the facts which if disclosed would not be either to the interests of this House or of the country at large. But this much I know that this non-participation does not require any censure to be passed on the Government. If the Government have given

[Mr. Amar Nath Dutt.]

you three seats at the Round Table Conference, you ought to feel grateful. I only pleaded for my province. However, they have denied it, and though I am not grateful, I am not vindictive, but I plead for justice only. Sir, this cut or censure motion comes with bad grace from a gentleman who belongs to that Chamber whose demands have been fulfilled, and therefore I would ask my friend that with that grace which is characteristic of him, save and except on this occasion, he should withdraw his motion.

The Honourable Sir George Rainy : Sir, my friend Mr. Dutt has made my task an easy one. He has dealt so fully with the various aspects of the case that I must be brief. I think when my friend Mr. Das put down an amendment on the paper he had two objects in view, one to bring about the full representation of the Indian Chambers of Commerce which he wanted to see, and second to have an opportunity of telling Government just what he thought about it. Now, my friend has attained both his objects, and in these circumstances I suggest to him that he might gracefully withdraw his motion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What about the representation of Orissa ?

Mr. President : Does the Honourable Member wish to reply ?

Mr. B. Das : Sir, knowing as I do the temper of the House, and knowing also that my friend Mr. Amar Nath Dutt wants to mislead the House, I do not wish to press my motion to a division.

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

Non-representation of Orissa at the Round Table Conference.

Mr. B. Das : Sir, I beg to move the motion standing in my name, which reads thus :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

Sir, while I find my friend on the right, who represents Bengal and has got six seats at the Round Table Conference, is clamouring for an additional seat, I find Orissa has been completely ignored for the last Conference as well as for the present Round Table Conference. I will just enlighten my friend Mr. Amar Nath Dutt that his province is represented by Mr. Basu,—I believe he is a friend of Mr. Amar Nath Dutt—Sir P. C. Mitter,—are they not Bangalies ? If my friend wants more, I do not mind his getting more representation, but I say his province has been adequately represented at the Round Table Conference, while Orissa goes unrepresented. Sir, in the last Round Table Conference the Rajah of Parlakimedi, a landholder from the Madras Presidency, whose name was published in the State papers as the representative of the Indian landholders, was allowed in his other capacity as an Oriya to represent Orissa. I must take this opportunity to testify to the fact that he did his utmost to help the Oriya interests. But to-day he has resigned his membership of the Round Table Conference, and has accepted another position in a Commission appointed by the Government of India through the instrumentality of the Round Table Conference, and no Oriya has been allowed to replace him. From the newspaper announcement we find that another landholder of Madras, the Rajah of Bobbili, has been substituted in place of the Rajah of Parlakimedi.

Sir, of the new provinces that will come into existence as the result of a change in the constitution, Sind and Orissa will be two, and I find that Sind was represented at the First Round Table Conference and is also represented at the second Round Table Conference. I wonder why the Government have ignored the claims of Orissa unless my Honourable friend the Leader of the House, who knows that excellent passage in the late Lord Curzon's speech in the House of Lords, that the Oriyas were not an agitating people, and that if they were, they would have achieved their object long, long ago, of the constitution of a separate Orissa Province, probably thought that the Oriyas were not agitators, they had not joined the terrorist criminals, they were co-operating with Government, though from the side of the Opposition, and therefore that the Government could safely ignore their claim. Sir, I ask for bare justice from the House. I ask whether the Oriyas have not an equal claim with Sind to be represented at the Round Table Conference ? Even my Honourable friend, Nawab Sir Abdul Qaiyum, who represents the North West Frontier Province, which is at present working under different circumstances but claims to become a province with complete self-government institutions under the new constitution—my Honourable friend represents that province, and why is it that the Oriya claim has been ignored ? Does my Honourable friend the Leader of the House, who advised the two Viceroy's to make such choice as they thought fit, think that the Oriyas have nothing to contribute at the Round Table Conference, whether to the constitution of a separate province for Oriyas, or to the greater goal of constitutional freedom for India ? Sir, I think the Government should regret their action in ignoring the claims of Oriyas for the last 1½ years, and I hope that they will now nominate an Oriya to the Round Table Conference.

Sir, it is rumoured that the Government of Bihar and Orissa did not press for an Oriya representative at the Round Table Conference. But I find that two more Beharis have gone to the second Round Table Conference, I mean Maulvi Shafee Daoodi and Sir Ali Imam. So, Bihar has got four and Orissa has no representative at all, while in the despatch which the Government of India wrote to the Round Table Conference their view is that Oriyas should have a separate province of their own. Sir, I claim here my right not as an Oriya but as an Indian, and I want that as an Oriya I should contribute my best for the remodelling of the constitution of India and Orissa as well.

Mr. Amar Nath Dutt : It would not have been necessary for me to rise on this occasion but for the little mud flinging which my Honourable friend Mr. Das had at Bengal. He has read before you certain names which I had studiously avoided, and he has added the name of one gentleman who, although bearing a Bengali name, has not belonged to Bengal for the last three generations and whose forefathers had migrated from Bengal to the Punjab nearly a century ago. Sir, I won't say a word against those eminent gentlemen whom you have been pleased to select in your wisdom, but at the same time I beg to state that they are not representatives of nationalist Bengal or of the Bengali people.

Sir, I will not oppose my Honourable friend Mr. B. Das in his demand for a representation of his province in the Round Table Conference for the framing of the future constitution of India. From the point of view of intelligence, culture and education, I can well say that the

[Mr. Amar Nath Dutt.]

Oriyas can also contribute something towards the framing of a constitution for India. Any one holding opposite views surely does not know the people of Orissa, and his knowledge must have been derived from other than those who are the educated people of Orissa. Sir, I think that Orissa must have representation and I support my Honourable friend in his demand.

Mr. B. N. Misra (Orissa Division : Non-Muhammadian) : I beg to support the cut moved by my Honourable friend Mr. B. Das. The number of delegates to the last Round Table Conference was 52, and if you take province by province, there are eight major provinces in India, and the province of Bihar and Orissa deserved at least 8 seats, and Orissa in that case would have got half. We have not got even one quarter, or one-eighth, or even any decimal portion, .000, etc. Our position is this. The Leader of the House and the Government have totally ignored the province of Orissa. The Rajah of Parlakimedi is, strictly speaking, a representative of the landholders or zamindars ; he never represented Orissa proper. Even now, the present Round Table Conference has been increased in number by 16 members. In that case our proportion becomes much more, but you will find that the Rajah of Parlakimedi is not on the Round Table Conference now. Therefore, we have no representative at all there. Sir, I think Orissa must necessarily be represented in the Round Table Conference in view of the recent formation of the Boundary Commission and in view of the formation of a new province for Oriyas. In the last Simla session I submitted in this very House that the Oriyas had a very important question to be settled which has been pending for the last 30 years since the time of Lord Curzon. Sir, there is still time for an Oriya to be selected to represent Orissa proper at the Round Table Conference, and I would earnestly appeal to the Government to rectify their error. (*An Honourable Member* : "Why don't you suggest names ?") I think the Government can select any man whom they think suitable. I do not object to their selecting anybody so long as they satisfy the Oriyas. There is still time. I think the Government of India have committed a grave error in not taking notice of the cry raised in the last Simla session and throughout in several shapes. I heartily support the cut motion moved by Mr. Das.

The Honourable Sir George Rainy : Coming as I do from the province of which Orissa forms a part, I should be very sorry indeed to think that I was in the position of defending a wrong to Orissa, but I do not think I am in that position. Orissa was represented, as my Honourable friend has admitted, at the first sitting of the Round Table Conference. I do not think that either of my Honourable friends from that province, who have spoken, have sufficiently appreciated the importance of what is going on at present, that is to say, the work of the Orissa Boundary Committee, the appointment of which was announced a few days ago. I think all Honourable Members will realise that while that Committee is sitting and until its report is received, it is not at all likely that the Round Table Conference will occupy itself with the special problem of Orissa. I have no doubt that the Raja of Parlakimedi, who represented Orissa at the last Conference, has realised that it would be more useful for his own province and for its interests if he devoted

his attention to the Boundary Committee than that he should go to London at the present time. I think the work of that Committee must be of extreme importance in the settlement of the question which my Honourable friends have so much at heart. That is where the key of the situation is at present and for the moment from the special Oriya point of view, London does not count very much. When the work of the Committee is over and when the time comes for the Conference to consider the Oriya problem, then I think my Honourable friends might very well press for the representation of Orissa at the London Conference when that question is discussed. For the moment I would put it to them that their remonstrance or proposal is not timely. At the moment the important question will come before the Boundary Commission and that is where the prominent men of Orissa can best serve their province.

Mr. B. Das : I listened to the Honourable the Leader of the House, coming as he does from my own province, with the greatest respect, but I feel that he has not met the points I advanced. He suggested that the Oriyas are only interested in their domestic problem of the separation of Orissa and not in the greater and bigger problem of India's destiny. He has done an act of unkindness to the Oriya people by suggesting that and I think it might have created a wrong impression on the Members of this House. Under the circumstances I cannot withdraw my motion and I press it.

Mr. President : The question is :

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

The motion was negatived.

Inadequate Representation of the Landlords and Zamindars at the Round Table Conference.

Lala Hari Raj Swarup (United Provinces : Landholders) : I beg to move :

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

I have taken this opportunity to express the grievance of the landlords of India in general and of the United Provinces in particular about their inadequate representation at the Round Table Conference. We have two complaints, one is about the inadequate representation of landlords at the Round Table, and secondly the manner in which they, if any, have been chosen. I was looking up the list of members of the Round Table Conference, and I could not find which of them has really been nominated to represent the landholders of India. In the other House a Resolution was moved the other day and the Honourable Member in charge replied that the Maharaja of Darbhanga and Sir P. C. Mitter of Bengal and four others, whose names he did not care to mention, were appointed to represent the landholders of India. I had a talk with the Nawab of Chhattari and the Maharaja of Darbhanga. The latter said that he represented the Hindus of Bihar and not the landholders. (*Voices* : "No.") That is what the Maharaja said. There is no other Hindu at the Conference from Bihar, and the Nawab of Chhattari said that he was there in his official capacity of Home Member of the United Provinces Government.

Mr. Gaya Prasad Singh : Is not the Maharaja of Darbhanga the president of the Landholders' Association ?

Lala Hari Raj Swarup : He is, but he has not been nominated in that capacity. Since the last Conference, we feel that our case is going by default and except for a short speech by Sir P. C. Mitter, whom I wish to thank on behalf of the landholders, nobody took up our case at the Conference. I would not have taken this opportunity to place our grievances before this House, but the events of the last few months have put us to alarm. The Congress in their Resolution about fundamental rights have said that they are for the interests of tenants and not of landlords. They even went to the length of suggesting that they should do away with the permanent settlement of Bengal and the zamindar class as a whole. This is what they say :

"Some members of the Committee strongly favoured the insertion of a clause abolishing the permanent settlement and the zamindari system. It was not included as in the view of the majority the clause relating to the revenue system and land tax would give the right to the future legislature to consider all such proposals."

Then very recently Mahatma Gandhi, in his speech at the Federal Structure Committee of the Round Table Conference, said that he does not want to give any special representation to the landlords. He was not for any special representation of any class. At one place, however, he said that there should be a clause in the constitution providing that if the constituents failed to elect representatives of certain classes, as for instance, women, Europeans and representatives of Commerce, they should be selected or nominated by the Legislature. There is no mention, Sir, in this clause about landlords. Whether they have separate constituencies or not, and whether they are elected from General Constituencies or not, no representation is to be given to them. Now a Resolution was moved in the other House for claiming an adequate representation at the Round Table Conference, and the Member in charge said that, "The proper opportunity will come to press your claims before the Franchise Committee which is to be appointed". We admit that we can put forward our claims before that Committee, but the broad principles will be decided in London, and the Franchise Committee, which will be appointed only in accordance with the recommendations of the Round Table Conference, will not be able to go into the fundamentals and will only carry out the policy decided in England. If the Round Table Conference decides that there should be no special representation for us, then the Franchise Committee cannot accord representation to the landholders as such. Sir, it is a general principle that representation goes by taxation. If you look at the Budgets of the various Provincial Governments, you will find that one-half of the provincial revenues of the Provincial Governments comes from land revenue which is paid by the landholders of India ; and, to ignore the landholders of India on the Round Table Conference, Sir, is doing a grave injustice to this class. The Government of India, Sir, whenever we represented our case to them, said that the nominations have been made by His Majesty's Prime Minister and that they are not responsible for these nominations. Sir, when they ask for money from this House, I urge that they should feel their own responsibility towards ourselves : and when certain additions have been made to the list of delegates to the Round Table Conference very recently, I say that that must be on the advice of the Government of India. We represented our case several times to Lord Irwin and also to the present Viceroy and Governor General. His Excellency very sympathetically

said that the Government of India would give us adequate representation ; but, Sir, when we looked into the list, we did not find our community adequately represented through our representatives. With these few words, Sir, I wish to place our protest on record.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, I rise to support the cut motion which has been moved by my Honourable friend, Mr. Hari Raj Swarup. Being myself also a representative of another landholders' constituency, I owe it to myself to support him wholeheartedly in this matter. Like him, I have also keenly felt the injustice of the inadequate representation of our interests on the Round Table Conference from my province of Bihar and Orissa as well. Sir, I know it as a fact that the oldest premier institution in India of landlords and zamindars, I mean the British Indian Association of Calcutta, has repeatedly pressed upon the attention of His Majesty's Government as well as that of the Government of India, the fact of the inadequate representation of the land-owning classes in India on the Round Table Conference, but all that, Sir, yet to no effect.

Sir, we, the land-owning classes, have not only always stood by the Government through thick and thin as a class, but have always, by our timely, regular and periodical payments of the land revenue, enabled them to carry on their administration smoothly. (Ironical Cheers from some Honourable Members.) We have handsomely contributed towards all their loans, and have influenced our people to contribute towards them largely. We also pay heavy amounts as income-tax year by year. We have very often, Sir, exercised a healthy influence upon the body politic in times of unrest. Then, by payment of the various kinds of cesses we have enabled the district authorities everywhere to keep the roads and public works in good and satisfactory condition. But, Sir, notwithstanding all these services, as we have been quite averse to any sort of political agitation, either in the Press or on the platform, lest our great stakes in the country might be prejudiced in any way, the Government of India have always turned a deaf ear to all our representations. Sir, the Government of India evidently lay great store by political agitation, and they in fact respect those who clamour for rights, and they are afraid of those who have got a strong organization, because it is my firm conviction that, if only the landlords and zamindars of India had combined and pitted the weight of their wealth and substance into an extensive political agitation inside the country for a recognition of their legitimate claims and aspirations, they could have in no time made the Government recognize them, just as the Federation of Indian Merchants' Chambers and Industries have been able to do. But that, Sir, is an impossible dream in the present disintegrating condition of our land-owning classes and I shall content myself therefore by supporting the motion of my Honourable friend in giving vent to our grievance pointedly only in this House.

Mr. Goswami M. R. Puri (Central Provinces : Landholders) : Sir, I rise to support the cut motion of my friend Mr. Hari Raj Swarup.

I regret to bring to the notice of this House that, in spite of the promises made by the Government last year on the questions of the Raja of Kollengode, Government have not cared to give an adequate representation to the landholders of India in the second Round Table Conference.

[Mr. Goswami M. R. Puri.]

This Round Table Conference, since it is devoid of an adequate and true representation of landholders, may afford any good thing to India, but we are sure, Sir, that we are not going to get anything better ; on the other hand it is very likely that we may get something worse.

We are at a loss to know why our class is so ignored both by the public and by the Government as well. (Laughter.) In fact it is our class, Sir, which contributes a major portion of the whole contribution to the Government *Khazina*, but in spite of this fact, our class is ignored as anything ! India is an agricultural country, and in fact our class claims the first voice. (Hear, hear.) As a representative of the zamindars of the Central Provinces and a joint Secretary of the Landowners Group in the August Assembly, I protest against this dark business, often successfully carried out. From the floor of this House I wish to bring to the notice of the Government, Sir, that as long as the landowners are not properly cared for, no good constitution will be acceptable to this class. (Hear, hear.) It may be argued by the Government that some of the Round Table delegates are big landholders of India ; but I shall be the last man to admit this version. The Government might have included some big zamindars, but I venture to say, without any hesitation, that they are not our true representatives in the real sense. During the first Round Table Conference, Sir, we had a bitter experience that these representatives did not care even to put our case before the Round Table Conference. What of fighting for us, then ? Sir, it is an open secret that our class is sinking down and down, and it is a matter of regret that the Government are ignoring us in such matters which are so highly important. As a landlord, I am here to record my emphatic complaint. We demand little, but we insist upon what we demand, because we are on the right side. We must get a better representation.

The interests of our class are as united as of the other classes of people. I hope, Sir, that I have sufficiently succeeded in briefly impressing upon this House, the justice for this cut motion and I sincerely appeal that at least the non-official Benches will lend their unanimous support.

The Honourable Sir George Rainy : Mr. President. I daresay the House will realize that it would be imposing a somewhat difficult task upon a Member of the Government to deal with every one of these cuts upon their merits, and to say that an ideal distribution between all conceivable interests had been attained, more especially because, as the House is well aware, the responsibility for the selections rests with His Majesty's Government and does not rest with the Government of India. I had not the heart to make this general point when the question of Orissa was raised. As my friends Mr. Das and Mr. Misra know, I have a soft spot in my heart for Orissa, though not in my head, I hope. (Laughter.) But I think this cut provides the natural opportunity on which I must make two general points, first, that the responsibility does not rest with the Government of India, and second, that if an angel had come down from Heaven to make the selection, I believe the number of cuts moved upon this occasion would have been just as numerous as they are. (Laughter.) I am sure Honourable Members of the House realise how extraordinarily difficult it is in the case of a Conference of this kind to give the representation one might wish to give to all the various

important interests concerned in the future of India. And even if it were possible to disregard the question of numbers and make the Conference very numerous, we should still not satisfy anything like all the interests, for each of them would consider that the representation accorded to it was inadequate. I would not say one word to underrate the importance in the future of India of the great land-holding community. But if their feeling is that their case will be inadequately presented at the Round Table Conference, and that there are not sufficient delegates to state it adequately, I think they are unduly apprehensive. After all at a meeting, such as the Round Table Conference, it is not a question of counting votes ; it is a question of weighing opinion. And I am confident that those members of the Conference who can fairly claim to speak for the land-holding community will be perfectly able to put their views forward effectively, and it is not in the least probable that their views will be overlooked or ignored.

I would press upon the House the importance of the considerations I have urged, because while one Member may be interested in one particular motion for a cut and another Member in another motion, each of them may be able to perceive the flaw, if not in the cut that he has moved himself, at any rate in the cut that was moved by his friend. I thought I had noticed a little earlier in the afternoon that perhaps my friend Mr. Das's eyes were open to the weaknesses in the cut moved from his right, and Mr. Amar Nath Dutt's eyes to the weaknesses in the cut moved from his left.

I think that practically completes all that I have to say on this motion.

Lala Hari Raj Swarup : Sir, the Honourable Member just now said that in the Round Table Conference it is not a matter of counting votes and any one having sympathy with the landholders is entitled to represent their case. That is correct, but we feel that the proceedings of the last Round Table Conference have revealed that nobody has taken any interest in our case there and we feel that our case is going by default. We only wish that they had nominated such zamindar members as had the confidence of the landholders in India and could adequately represent our case at the Conference, especially in view of the fact that a special attack is being made on our rights here and also in England ; and such provisions should be proposed in the new constitution as would not allow to take away our proprietary rights from us. With these few words, Sir, I beg to submit that I am not inclined to withdraw my motion.

Mr. President : The question is :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

The motion was negatived.

Inadequate Representation of Mussalmans in the Federal Structure and Minority Committees and the Round Table Conference.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

[Mr. M. Maswood Ahmad:]

Sir, the sins of omission and commission committed in the selection of the personnel of the Muslim delegates to the Round Table Conference are legion. The Muslim delegation is neither effective nor adequate. The differential treatment accorded to the Hindu Congress and to the Muslim Conference is a glaring example of the invidious distinction made by the Government in dealing with the sister nations of India. Not only was the Congress given the right to select its own representatives, but this right was extended to the Federation of the Indian Chambers of Commerce also, while not a single association of Muslims was asked to select its representatives. Our elementary right has been totally denied and this is the reward. I admit, Sir, that amongst the Muslim members there are politicians, great men of reputation and well educated and influential persons. There are great patriots and well-wishers but, Sir, they are not our representatives nor are they the representatives of any Muslim organisation. The Muslims are anxious for their religious safeguards, but not a single person has been nominated from amongst the all-India *Jamiat-ul-Ulema*. The *Jamiat-ul-Ulema* is an all-India organisation with its centre at Cawnpore. May I ask Government who represents them and who will press the religious points of view in the Round Table Conference? India is an Eastern country where religion is above all. If the religious safeguards will not be settled entirely to the satisfaction of our *Jamiat-ul-Ulema*, we Mussalmans cannot accept any form of Government or any constitution by whomsoever devised. As the general body of the Round Table Conference is not meeting till the first week of November, it still remains in the hands of the Government to undo the wrong and redress the grievances of the Mussalmans by empowering the all-India *Jamiat-ul-Ulema* at Cawnpore to select its own nominee for nomination by the Government. Sir, this is not the question of a province or of a section of a community, but rather this is a question of the whole of Muslim India. This is the last opportunity, Sir. I do my duty and warn the Government in time. If Government want to satisfy Mussalmans and want to know our religious feelings, they must consider the question coolly.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

Sir, the other example of inadequate Muslim representation is this that the North-Western Frontier tribal area and Baluchistan and Central Provinces have not been represented at all. The representation of Bengal is very poor. While nearly half the Muslim population of British India lives in Bengal alone, only two Muslims have been elected from there. Important men of Bengal like the Honourable Syed Abdul Hafeez who represents 20 million Muslims of Bengal in the Council of State have been ignored by the Government. Sir, when I see that people not knowing English well have been nominated from amongst us, how can I satisfy myself that the Muslim representation is effective?

Mr. Amar Nath Dutt : Who does not know English? Our information is that they are all well versed in the English language and literature.

Mr. M. Maswood Ahmad : That may be, but my information is otherwise. I request my Honourable friend to see the list again and especially the list of new recruits carefully.

Sir, I have proved the inefficiency and inadequacy of Muslim representation in the Round Table Conference and I hope Government will try to redress Muslim grievances.

With these words, Sir, I move my cut.

The Honourable Sir George Rainy : On this particular cut I can only say a very few words. The general considerations that I urged when the last cut was moved have their bearing on this cut also. But I think my Honourable friend who moved this motion will realise that there is a special difficulty in dealing with this particular cut on the merits, because the point he raised was not so much that the numbers of the Muslim delegation were inadequate, but that he did not consider that the right men were selected. Now quite clearly I think that is an extraordinarily difficult proposition to put before this House and ask it to vote on it. Throughout this afternoon the House has shown the greatest reserve and its appreciation of the importance of the issues involved, and has not pressed any of these motions so far to a division. I do sincerely hope that my Honourable friend, on this occasion also, will see his way not to press his motion to a division, because we are not the tribunal by which a question of this sort can be settled.

Mr. Deputy President : Is the Honourable Member prepared to withdraw the motion?

Mr. M. Maswood Ahmad : I am not satisfied with the reply given and I am not prepared to withdraw the motion.

Mr. Deputy President : The question is

“That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘Miscellaneous’ be reduced by Rs. 100.”

The motion was negatived.

Non-representation of the Jain Community at the Federal Structure Committee or the Round Table Conference.

Mr. Nabakumar Singh Dudhuria (Calcutta Suburbs : Non-Muhamadan Urban) : Sir, I beg to move :

“That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘Miscellaneous’ be reduced by Re. 1.”

Sir, I am constrained to move this cut to give printed impression to a particular grievance of our community. The community to which I have the honour to belong, I mean the Jain Community—a minority community—no doubt in the country—finds no representation either in the Federal Structure Committee or on the Round Table Conference. I think there will be no gainsaying the fact that in the commercial life of the country, members of my community play not an insignificant part. My community has never cared for the loaves and fishes of Government service, but has wholly occupied itself with trading and commercial pursuits. It is for this reason that Lord Ronaldshay, in one of his books, has stated that nearly one third of the wealth of the country passes through the hands of the Jains. There are many well-known commercial magnates in my community who have great stakes in the country and who can very well hold their own against people of other trading classes. The European

[Mr. Nabakumar Singh Dudhoria.]

merchants throughout the country will vouch from the fact what an important community ours is in the existing commercial and business life in the country. Then, Sir, members of my community have ever been known to be loyal and peace-loving and averse to all sorts of agitation. Members of my community have also freely and unstintingly given towards all public charities and have contributed largely towards all Government loans. Sir, a prominent member of my community from Bombay, who is a friend of my family, went on the Simon Commission in face of the violent opposition of the country, to represent our interests there. Such being the case, and especially when trading rights of the different commercial communities in India are going to be discussed and settled in the Federal Structure Committee and the Round Table Conference, we feel really aggrieved as a community that in the matter of our vital interests, the Government should overlook our claims of representation altogether. If it is not yet too late, I am confident the Government will see the reason of my grievance and set right the omission by putting on the forthcoming Round Table Conference a member from my community.

Sir, I beg to move the cut that stands in my name.

Mr. B. Das : Sir, I want to ask the Honourable Member one question. Is not Mahatma Gandhi a member of the community to which my Honourable friend refers? (*Several Honourable Members :* "No.") Is not Mahatma Gandhi's whole doctrine based on *Ahimsa* (non-violence), the doctrine of the Jains?

The Honourable Sir George Rainy : I would not say a single word to underrate the importance of the community on behalf of which my Honourable friend has spoken. But this particular cut does illustrate the difficulty of giving representation to all the interests and communities in this enormous sub-continent of India, when the number of delegates must be limited to something less than 100. It is impossible to constitute a conference of that kind without a number of omissions, which some Members will feel to be unfair. If cannot be helped, and I can assure the Honourable Member that Government do fully appreciate the importance of the Jain community. I trust that my Honourable friend will find it possible not to press his motion.

Mr. Deputy President : The question is :

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 1."

The motion was negatived.

(Mr. Amar Nath Dutt rose to move his motion.*)

The Honourable Sir George Rainy : On a point of order, I would submit that on this particular cut, at any rate, it is incumbent on my Honourable friend to show how the failure to enquire into the causes of the agricultural distress is related to the expenses of the Round Table Conference.

Mr. Amar Nath Dutt : It is related in this way. In the Round Table Conference, the fortunes of those agriculturists are being decided

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 100. (Not inquiring into the causes of the agricultural distress to relieve the same.)"

and they have no representation there and at the time of the present distress, you should not, at the cost of the tax-payers, send any man to England for the luxury of claiming a constitution which does not provide for relief of the agricultural distress in the country but which on the other hand enhances it by the addition of heavy burdens. I hope my Honourable friend, the Commerce Member, will be satisfied with this explanation of mine.

Mr. Deputy President : Order, order. Motions of a similar nature have been attempted to be moved in the past and a ruling has been given in the past on such motions. It has been clearly ruled that on a debate on supplementary or excess grant only those questions can be raised of expenditure which are covered in the demand under question, and as I understand from the Leader of the House that the question relating to agricultural distress is not included in this demand under discussion, the Honourable Member's amendment is out of order.

Mr. K. Ahmed : But, Sir, is it not a fact that this motion is already on the Agenda and the President himself has allowed this motion? Now does it lie in the hands of the Deputy President to say this, regard being had that the notice of that amendment was given two days previously within which time the objection could have been taken? That period being over, objection cannot be entertained.

Mr. Deputy President : The Honourable Member has been in this House for over nine years.

Mr. K. Ahmed : Eleven years, Sir.

Mr. Deputy President : The Honourable Member has been in this House for 11 years and he must by now have understood the rules and Standing Orders of this House. The fact that a motion appears on the Order Paper does not mean that the Chair has allowed that motion. A point of order can always be raised when a motion is attempted to be moved and it is always open to the Chair to rule that motion out of order.

Mr. K. Ahmed : Practice and custom play an important part. And this is the practice, and rules and Standing Order, that.....

Mr. Deputy President : Order, order. Does the Honourable Member mean to question the ruling of the Chair?

Mr. K. Ahmed : No, Sir. But if an.....

Mr. Deputy President : The Chair has given its ruling and the Chair cannot allow the ruling to be discussed and questioned.

(Mr. Amar Nath Dutt rose to move the motion standing in the name of Mr. Goswami M. R. Puri.*)

The Honourable Sir George Rainy : I should like to raise a point of order on this particular cut also. The supplementary demand which has been moved by my Honourable colleague does not, I understand, contain any provision for the Orissa Boundary Commission.

Mr. Deputy President : If that is so, the motion is out of order.

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 100. (Non-inclusion of a Bengali in the Orissa Boundary Commission.)"

Representation of Non-Brahmins and Bombay Karnatak at the Round Table Conference and the Minorities Sub-Committee.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muham-madan) : Sir, the motion that stands in my name runs thus :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 50.”

The point I want to make out is this : that by certain acts of commission and omission on the part of the Government of India the tax-payer of India is made to pay, over and over again, large sums of money for the same purpose. This is the point I want to make out. Let me go back to the year 1930. In that year in the July session of this Assembly, Member after Member protested on the floor of this House that the Round Table Conference was not representative and did not include the Congress. It was pointed out and contended that the delegation at the Round Table Conference would not be fully representative and serious results might ensue. The Government of India then did not pay a moment's attention to what the Honourable Members of this House on this side then said. What was the result ? The Round Table Conference went on without the representation of the Congress, and to-day what is the position ? To-day the representatives of the Congress have been invited and they are attending the Conference at London. Whose fault was this ? I submit it was the fault of the Government of India. Had they then paid a moment's attention to what the Honourable Members on this side of the House contended and urged upon them, we would not have been faced with this supplementary demand for a large sum of money. That is the point which I want to lay at the door of the Government.

Then I want to take this opportunity to raise my little finger of warning to the other side. I beg to submit that they are going to commit a similar mistake now. I want to urge that the omission on the part of the Government at the present moment is this : that no representation has been given to the Kannada-speaking people living in different districts of the Bombay Presidency, Madras and Coorg ; and also there is no representation at all of the non-Brahmins of Bombay, Deccan, Berar and the Central Provinces. The third thing which I want to raise under this motion is this, that His Majesty's Government in England have not been pleased to appoint any Non-Brahmin on the Minorities Sub-Committee now sitting in England. I know that the Honourable the Leader of the House will put before us two answers to my point : the first is this, that it is the Government of His Majesty that has got the right to invite delegates to the Round Table Conference, and that His Excellency the Governor General is not primarily concerned with this matter. To this I can very well answer that formally it may be true, but as a matter of fact I cannot bring myself to believe that it is really so. I believe that it is the Government of India that take the initiative in this matter, and that it is on their recommendation that the selection is made. The second answer is this, that it is not possible to give representation to various interests if they represent a single interest. I beg to submit that it is possible for the Government of India to select such members who can represent not only particular interests but also other interests of a general character.

With regard to the non-representation of Non-Brahmins in the various provinces, I need not say much. All the Honourable Members know fully,

and perhaps better than myself, what the non-Brahmin movement stands for and what it has achieved in the past and what its grievances are. But I should like to confine myself to the grievances of the Kannada-speaking districts of Bombay, Madras and Coorg. At the very outset I can submit to this House that the principle of redistribution of provinces on a linguistic basis has been conceded by the Joint Parliamentary Committee. They have held in their report—paragraph 246—that it is essential for the proper working of responsible Government that the future Indian administrative units should be distributed on a linguistic basis. They have further held that the present distribution of administrative units is not based on any sound reason or object. They have been so far merely historical accidents. In the next place, I should like to submit that the finding of the Reforms Enquiry Committee which submitted its report some years later is similar. Lastly, I should like to mention some of the activities of the several Legislatures in India in regard to this point. The matter was once mooted in the Council of State and thereafter it was said by the Government that the matter should be first agitated in the local Legislatures. I am fortunate in mentioning to this House that the Legislative Council of Madras and the Council of Coorg have passed Resolutions recommending to the Government of India that early steps should be taken to form a separate province for Kannada.

For all these reasons, I beg to submit that though this was an important matter, though there was a popular demand on the part of the people, the Government of India did not care to send at least one or two delegates who could represent this matter as well as other matters of public interest before the Round Table Conference. Sir, I beg to move.

Mr. S. G. Jog (Berar Representative) : Sir, to begin with, I must congratulate my friend Mr. Patil upon having moved this cut and having given me an opportunity of saying a few words on this cut. It was extremely unfortunate on my part or for reasons very well-known to myself that I have not given any cut for reducing the expenses of the Round Table Conference for two reasons. One reason is, I was a Member of the Standing Finance Committee, and when the proceedings were going on there, I had committed myself and sanctioned the amount, and it would have been very inconsistent on my part to speak against the things which were done in the Standing Finance Committee. My loyal friends at least know that there is room for repentance, and it gives one an opportunity of undoing what has already been done. I must congratulate my friend for one thing, because he has given me an opportunity of saying a few words on this Resolution by including my province in his Resolution. It is no doubt a sort of encroachment upon my rights, but I welcome it in the sense that he has given me an opportunity of ventilating my grievance also. I am not pleading for the non-Brahmin community, for I have no desire to bring in communal matters on the floor of the House. I do not know exactly what are the grievances of the Karnatak non-Brahmins or of the non-Brahmins in other parts of the Presidency, but so far as my province goes, it is not a case of inadequate representation, but it is a case of no representation at all. I have written in newspapers so many times, and even on the floor of this House I have explained to the House the anomalous position of the province to which I have the fortune or misfortune to belong. You all know how my province has been treated for the last so many years. It is a province of whose administration it is very

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difficult to speak. Some people say it is British India, while others say that it is not British India.....

Mr. K. Ahmed : Berar is leasehold property.

Mr. S. G. Jog : It is a leasehold property under the treaties that passed between Lord Curzon and His Exalted Highness the Nizam, but it has been also agitated in the Press, and it has been held for all practical purposes that Berar is a part of British India. But when you move the British Government and ask for any rights, they say, "You are not British India, we are sorry we cannot do anything for you." When His Highness the Nizam makes a claim to the property, the British Government say, "We have to guard the interests of those people who have been under our protection and care for the last so many years". This is a position under which my unfortunate province is labouring for the present. We have no proper representation; our grievances are not redressed, and it is really a question as to what is to be done about this province for which there is no parallel in the history of India, as to what is to be done under the new constitution, and when so many momentous issues are to be decided at the Round Table Conference, a province like Berar, the population of which is 34 lakhs, the income of which is 2 crores, goes unrepresented. I had no desire to ventilate the grievances of my province but since an opportunity has been given to me by my friend, I take this occasion to ventilate the grievances of my province, and as was observed by my friend Mr. Misra and by some other friends, it is not yet too late, and I think it is just possible for Government to rectify their mistake and give my province an opportunity of being heard and taking part in the momentous questions that will be decided and discussed in the Round Table Conference. I support this cut which has been so ably moved by my friend Mr. Patil.

The Honourable Sir George Rainy : Sir, I am somewhat apprehensive that in my attempts to answer the speakers on the various cuts I am getting into the danger of being called to order by the Chair on the ground of repetition. But, Sir, I am afraid that the only attitude I can take up on this cut is substantially the same as the attitude I have taken on others. It is really not possible by a vote of this House to deal with alleged inadequate representation or non-representation of a particular interest or a particular area or a particular community, because the final judgment must depend upon the relative importance of a large number of communities, areas and interests, and until we had considered the claims of all of them, we should not be in a position to say whether the non-representation of a particular community was a mistake or not. I fully appreciate the importance of what my friends have urged with regard to the areas and the communities referred to in the motion for the cut, but I would once more suggest that they would be well advised not to press them to a division on the present occasion.

Rao Bahadur B. L. Patil : Sir, my reply is this. There appears to be some misunderstanding on the part of the Honourable the Leader of the House. My motion did not ask for representation of any particular community, and I must say that the non-Brahmin community is a community which represents the masses of India and who form about 95 per cent. of the population.

Then I should like to point out that it would be false economy on the part of Government to restrict representation now as they have once done

in the past. I fully endorse what my friend Mr. Jog said, namely that it is not yet too late for the Government of India to review the representation of the various interests and communities, because we see from the Demands for supplementary grants that the full Round Table Conference will meet in the last week of October. Therefore, I would point out that the Government will be justified in spending the tax-payers' money if they only give full representation to the various interests. I ask the Honourable the Leader of the House to tell me whether he would be justified, when there is a popular demand on the part of the people that they should be heard on the momentous occasion in London, in telling us that he is not able to give representation. At whose cost is the Round Table Conference meeting? It is a straight question which I am putting to the Honourable the Leader of the House. If it is at the cost of the ratepayers and tax-payers of the country, then I say it is the right of the people of India to demand that they should be heard on this momentous occasion.

Mr. Deputy President : The question is :

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 50."

The motion was negatived.

Mr. Deputy President : The question is :

"That a supplementary sum not exceeding Rs. 3,57,000 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, 1932, in respect of 'Miscellaneous'."

The motion was adopted.

Mr. Deputy President : I understand that the Government would like to have an adjournment of the House till the time when the Finance Bill is presented. I would like to know from Honourable Members whether they have any objection. (*Several Honourable Members :* "We have no objection.")

The Assembly then adjourned till Five of the Clock.

The Assembly re-assembled at Five of the Clock, Mr. President in the Chair.

STATEMENT ON THE FINANCIAL POSITION.

The Honourable Sir George Schuster (Finance Member) : I rise to make a statement on the financial position and on our plans for dealing with it, in somewhat unusual and difficult circumstances. On the one hand it is necessary that we should not delay in restoring equilibrium between revenue and expenditure. On the other hand the foundations on which we have to base our estimates are at the moment fluctuating owing to the changes which have come upon our currency position in the week which has just passed. But the very nature of that change makes it all the more necessary that our internal financial position should be sound—for once a country's currency is cut adrift from the moorings of a stable standard such as Gold, it is particularly necessary to avoid getting into any sort of inflationary position resulting from a failure to balance current expenditure with current revenue. If we can convince the world that our internal budgetary and monetary position is sound, then

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with our favourable balance of trade we shall be able to preserve confidence in our currency and save the country from those disasters which some Honourable Members who spoke on Saturday professed to apprehend. Therefore we must take immediate steps to ensure clear and solid foundations for our internal position.

But the very fact that the steps must be immediate, creates its own difficulties. In the first place, we have to present to the Legislature an emergency plan with very short notice. I can assure the House that we do this with the greatest possible reluctance. We recognise that Honourable Members may be put to very great inconvenience by any sudden change in plans, but I am sure that they on their side will recognise that we must put the public interests first, and that if the public interests make it imperative to take a certain course of action, Government ought not to hesitate to ask the members of the Legislature to make any sacrifice involved. Nevertheless, when I have said this, I must also add that, so far as it is consistent with what we consider to be our duty as a Government, we will do our utmost to meet the convenience of Honourable Members. And in this respect I should like to say at the outset of my speech that we have taken account of the last portion of the motion of my Honourable friend the Deputy President which was passed by a large majority in this House on Saturday, and that we are prepared to act on the suggestion which emanated from the non-official benches in the course of the debate on that motion.

We have to get through business which we consider to be in the national interest but our desire is to put it through in such a way as best suits the convenience of this House. We very much appreciate the tone and spirit in which Saturday's debate was conducted, and we believe that we can detect in the attitude of the whole House a desire to take a full share of responsibility in the present emergency. That here will be criticism of some of our proposals I cannot doubt, but I believe that it will be fair criticism—and fair and honest criticism we shall always welcome.

Then I come to the second of the difficulties to which I have referred resulting from the necessity for immediate action. It is quite clear that in present circumstances it is impossible to prepare accurate estimates of what our revenue is likely to be in the next 18 months. The course of the exchange value of sterling and of the rupee is uncertain, while no one can yet foretell what the reactions in the world of England going off the Gold Standard will be. I am sure that I shall be told in debate that in these circumstances it is not fair to come before the country with a programme of taxation; or that my estimates are unreliable and that I cannot justify the taxes which I am proposing. But I have explained the reasons why we cannot wait, and I would most earnestly appeal to this House, and through them to the country, to respect those reasons. It has seemed to us that the only sound course is to take our estimates as we had been able to foresee them before the events of last week and to put before the House a plan which would produce equilibrium on the basis of those estimates.

Then there is another difficulty, resulting from immediate action, in that we have not yet had time fully to consider the reports of the various

Retrenchment Committees and to work out plans based on them. Honourable Members are aware of the circumstances in which these reports have been received. They were formally submitted on Saturday, 19th September. A sub-committee of Council commenced their consideration the very next day—Sunday. Then on Monday we found ourselves landed in the crisis which has been so much before the House in the past week, and further consideration of the reports has therefore been retarded. I shall have to deal with these reports in a later portion of my speech, but I should like to make clear at the outset that we shall approach all these proposals with the firm intention of giving effect to them to the utmost extent possible. I should also like at this early stage to express my great appreciation of the work which has been done by all the Honourable Members who have served on these committees. They have been working like slaves, or, as one Honourable Member put it to me at the last meeting of the main committee, "like devils", and I can assure the House that their labours are appreciated. I have every confidence that as a result of a general scaling down of expenditure which the recommendations of these committees, if carried out, will effect, the finances of the Government of India will be established on a more secure basis than has existed since before the war, and that by these efforts a position will have been produced which will not only make it possible to establish a new Federal Government on a sound foundation, but will leave a margin available for the development of those nation-building services for which the Provincial Governments will mainly be responsible. That, however, is looking to the future, and before we emerge from the dark and tangled jungle of our present difficulties into the clear air and sunlight to which I have cast my imagination forward, we have to accomplish a period of hard and self-sacrificing labour. I will not say unpleasant labour, for, although many of the immediate effects are unpleasant, I will not describe the task as a whole as unpleasant, for it is one which is essentially constructive in its nature, and merely involves self-restraint and determination for the sake of that India which we are serving, and in the hope of better times to come. Let us now address ourselves to the immediate task.

Revenue Prospects.

Tax Revenue.—The returns of the first five months indicate that we shall fall short of our Budget estimates for customs by at least Rs. 10 crores, the heaviest reductions being under cotton piece-goods, sugar, silver, spirits and liquor, excise on motor-spirit, iron and steel and in the jute export duty. As regards income-tax, we expect a deficit of 1½ crores; while on salt we expect a reduction of about 8 lakhs. This brings the total deficit on tax revenue to 11 crores 33 lakhs.

Commercial undertakings.—As regards the Railways, traffic returns to date show a very disquieting position. Without attempting to give an exact estimate now, we must clearly accept the fact that it will be impossible for the Railways, in spite of all their retrenchment measures, to make any general contribution to the budget until the present economic depression completely passes. At present it looks for the current year at least as if they will not only have to use the whole of the remaining balance of their reserves, now standing at Rs. 525 lakhs, but also to draw further on their depreciation fund to the extent of about Rs. 160 lakhs in order to meet the interest due on Government advances. It is highly important, if possible, to reduce freights on agricultural products at the

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present time, and, if it could be done, it would certainly be in the public interest to find a method for easing the Railway position through the present period of extreme depression. Whether it will be possible to relieve the Railways in any way so as to enable them to reduce charges remains to be seen; but, when our taxation proposals are considered, this aspect of the position should be kept in mind. For the present I can only say that we shall not get any Railway contribution this year, and for this reason Rs. 5.36 crores drops out of our budget.

Under Posts and Telegraphs a fall of 18 lakhs is anticipated in revenue; after taking into account additional receipts from enhanced parcel rates and revised scale of fees for insurance of postal articles introduced with effect from the 15th June and 15th August 1931 respectively. A saving of 6 lakhs is expected under Working expenses, leaving a net deterioration of 12 lakhs. Honourable Members will recollect that we estimated for a Budget deficit of 147 lakhs, so that the position here is extremely unsatisfactory. If the recommendations of the committee presided over by my Honourable friend, Sir Cowasjee Jehangir, for investigating the possibility of adjusting the accounts of the Posts and Telegraphs were accepted, the budget deficit of 147 lakhs would be reduced to 92, but that of course represents merely an adjustment in the Government accounts and no improvement as regards the financial position of the Government as a whole. I shall revert to this matter again.

Finance headings.—Owing to the cancellation of treasury bills in the Currency Reserve and the utilisation of sterling securities in the Reserves for meeting the requirements of the Secretary of State, the receipts under Currency and Interest show a falling off of 34 lakhs.

The emergence of a revenue deficit in our Budget, and in the Budgets of the Provincial Governments, and the replacement of treasury bills in the Currency Reserve by treasury bills in the hands of the public as a result of cancelling redundant currency, have not only increased the amount of our borrowings by treasury bills, but also have been the cause of higher discount rates. The charges for discount on treasury bills have therefore increased by 221 lakhs. A reduction of 12 lakhs is anticipated under Interest on ordinary debt in India on account of operations of the Depreciation Funds. The saving of 56 lakhs (representing one half year's interest on the outstanding amount of the War Loan liability) realised from the acceptance of His Majesty's Government's proposal on the principle of the Hoover plan has been partly counterbalanced by the increase of 40 lakhs on interest on the sterling loan of £10 millions raised early in the year.

Owing to the deterioration in the position of Provincial Governments and the Railways, the charge under the heading Interest on other obligations on account of interest on their balances will be reduced by 10 lakhs.

There will be an automatic increase in the provision for Reduction or Avoidance of Debt of 12 lakhs on account of the amount of treasury bills outstanding with the public on the 31st March, 1931, being 10 crores more than was assumed in the budget.

The net result of all these factors is that under the Finance headings our position will be adversely affected to the extent of 2.29 crores.

Under Extraordinary receipts we have to provide for a reduction of 23 lakhs, as under the Hoover plan we shall have to forego 9 months' Reparations receipts. As already noted, however we have, against this, a saving on the interest on our own War Debt of 56 lakhs.

Civil Expenditure.—As regards Civil expenditure we have unfortunately some items which have not been provided for. These include exceptional items such as the loss owing to the heavy return of nickel coin from circulation due chiefly to the prevailing depression. This accounts for no less than 43 lakhs which according to our practice has to be debited to the budget. Then again there is a good deal of expenditure in connection with the Round-Table Conference and the various commissions of enquiry in the North West Frontier Province and elsewhere which have had to be set up in order to carry out recommendations of the last Round-Table Conference. As against these items we shall have some savings in the current year owing to reductions which have been made (apart from the special retrenchment proposals, to which I shall refer later); but these will probably not be sufficient to offset the items of deterioration which I have mentioned. On all these heads we feel it necessary to anticipate a deterioration of about 23 lakhs.

To sum up, the total deterioration in our income and expenditure is:

- 11.33 crores in tax revenue,
- 5.48 crores on commercial departments,
- 2.29 crores on general Finance headings,
- .23 crore under Extraordinary receipts,
- .23 crore under other heads including Civil expenditure.

As the budget provided for a small surplus of 1 lakh, on the basis of the present estimates, there will be a net deficit of 19.55 crores.

Prospects for 1932-33.—As far as we can see at present, there seems to be no justification for expecting any large improvement in the budgetary position next year. In fact, income-tax revenue may be considerably less than in the current year. On the other hand, there will be a saving of 48 lakhs in the interest payments on the outstanding amount of our War Loan liability.

I have already dealt with the factors of uncertainty which affect any estimate that we can give at present. But we consider that the only safe line to take now is to estimate that conditions will not substantially improve at least before the end of the next financial year, and that we must reckon again on a deficit of 19½ crores for 1932-33.

Putting the deficit for the current year and next year together, we have a gap to fill of 39.05 crores. If we are, straight away, to establish a really sound position, we need to devise a plan which will provide us during the remainder of the combined two-year period, either with reductions in expenditure or with increased revenue to fill this gap. That is, indeed a task of extreme difficulty. We have a two years deficit to deal with, but we have only 18 months left during which new measures can operate. Nor is even this period fully available, for although new taxation can be made effective from the beginning, there must be some considerable delay before the full results of our retrenchment plans can be met.

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Three lines of action.

This is the position, and the line of action which we have to take to deal with it may be divided into three distinct lines.

First, reductions in expenditure due to more economical organisation of Government departments and restriction of activities.

Secondly, an emergency cut in salaries.

Thirdly, fresh taxation.

Reduction in Expenditure.—I will deal first with reductions in expenditure, and I put this first because Honourable Members know that I have throughout attached primary importance to this line of action. I may say that after the last Budget discussions I registered to myself a Resolution that I would not come before this House and ask them to vote any fresh taxes until I could feel myself to be in a position to satisfy them that we, on the Government side, were going to give effect to the maximum possible measures of retrenchment. In these circumstances I am sure all honourable members will appreciate that if I put forward the whole of our present programme at a time when the Government has not yet completely worked out its retrenchment plans, so that all the details cannot be displayed before the House, I do so only under the compelling hand of necessity. But I would ask them also to appreciate that it is only the details which are lacking, and that we are determined, as I have already said, to approach all these proposals with the firm intention of giving effect to them to the utmost extent possible. Variations in subsidiary Government must have time to weigh fully the considerations at stake, but our aim and intention is to adhere as closely as possible to the recommendations of the committees. I hope that before the discussions of our present proposals are finished and before the House is asked to record any final vote as regards new taxation, we shall be able to put before them a more definite and detailed plan. I feel that Honourable Members are entitled to ask for this, and that we have no justification in putting plans for taxation before them except under the most solemn pledge of effecting the maximum reduction of expenditure. I feel no hesitation in taking this line because it is the right line in the public interest. Any improvement that we can effect by way of reduction of expenditure is a certain improvement; but any improvement that we seek to make by increasing taxation depends entirely on our estimates being realised, and, in the present conditions, with reduced purchasing power, and when the effects of the reduced gold value of the rupee on imports are still unknown, estimates, particularly of customs revenue, are, to say the least, highly uncertain. Having said this I will turn to a statement of what we expect to achieve by way of retrenchment, and I will be as definite as possible.

As regards Civil expenditure, apart from commercial departments, an enormously preponderating portion falls within the scope of the General Purposes Sub-Committee. The General Purposes Sub-Committee took up first a selected set of subjects which *prima facie* offered the most likely scope for retrenchment. The measures recommended by the Sub-Committee for this portion of the field would produce savings estimated at about 120 lakhs. For my present purposes I am taking as the estimated

aving, this figure, reduced by a margin of 20 lakhs, representing what we estimate may be the charge for compensation and recurrent pensions payable in respect of officials whose posts are abolished. Thus we reckon to get a net saving of about a crore on this part of the field. We have also to take into account the grants for those departments (largely the main administrative and revenue-collecting departments) which have not yet been examined by the General Purposes Sub-Committee. Over this part of the field the scope for retrenchment is more restricted. In respect of it we estimate that we shall be able to effect a net saving of about 90 lakhs, including an automatic drop of about 23½ lakhs in the expenditure on Census operations, but taking into account something for compensations, etc. This is only an estimate, and in making it we have anticipated that the sub-committee will be guided by the same principles that they have applied in dealing with other departments. While it is necessary for me to put in some estimated figure for my present purpose, we rely on the help and recommendations of the General Purposes Sub-Committee in regard to these departments just as much as we have relied on them for those which have already been examined. If they can find economies of greater extent than we have estimated, so much the better. If their final recommendations fall short of our figure, then we shall have that much to make up in some way or other. The difference can hardly be of such magnitude as to effect our general plan, and when I have completed my presentation of the general plan it will I think be clear that there is sufficient margin available.

Recommendations of the other Retrenchment Sub-Committees (other than those for Railways and the Army) indicate measures for improving the Civil position for 1932-33, as compared with the budget for the present year, by a gross sum of about 97 lakhs. Taking into account compensations, etc., we propose to count on a net improvement of 60 lakhs under these grants.

Out of the retrenchment measures to which I have referred we expect to realise savings of about 30 lakhs in the current year.

Military Expenditure.—Now I come to the Army—and before I get to details I must make some general remarks. I have in the past incurred some criticism in this House for venturing to express my appreciation of the helpful way in which I had been met by His Excellency the Commander-in-Chief and his principal staff officers. I am as little anxious as any Member of a Government could be to expose gratuitous targets for attack, but I should fail in my duty and I might even say in all sense of decency, if I did not take this occasion to express publicly what I feel about the way in which the Army authorities have helped in the past months. I am sure the members of the Army Retrenchment Sub-Committee who are present here to-day will not quarrel with me when I say that they have been impressed with both the efficiency and helpfulness of the Chief Staff officers whom they have seen. To unofficial Members of this House the Army has hitherto been a closed book. It has been fully opened now at least to the members who have been on the Retrenchment Committee. I think that they have been impressed by what they have read in it, and that discussions on the Army will hereafter be conducted in a clearer atmosphere and with better understanding on both sides.

The military authorities have been working throughout in very close touch with their Retrenchment Sub-Committee, and have been examining all possible methods of economy. The great majority of the measures

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proposed by the Committee have been accepted in principle ; indeed many of them had already been initiated by the military authorities. We have given His Excellency the Commander-in-Chief a free hand as to the methods by which retrenchment should be effected with the minimum loss of efficiency. The Army Retrenchment Committee has not yet explored all parts of the field, and estimates have had to be included for the savings here. There is therefore possibly some room for further improvement while some of the measures recommended may lead to greater reductions in future years. For the present the Army authorities guarantee for next year a net reduction of 4½ crores. These reductions, therefore, for which we hope, will produce a net defence budget for 1932-33 of Rs. 47.40 crores, as compared with Rs. 51.90 in the current year, and with the stabilised budget figure, of Rs. 55 crores two years ago.

In mentioning this figure, I must make it clear that :

- (a) It includes a reduction of Rs. 1.75 crores of non-recurring expenditure on the special programme of re-equipment which, though very necessary and important from the point of view of efficiency, His Excellency the Commander-in-Chief has, in view of the present financial crisis, agreed to postpone.
- (b) It does not include any allowance for cuts in officers' pay. I shall deal with the possibilities from this separately.
- (c) It does not include any savings which may accrue from reduction of troops, except that of a small reduction on the Frontier.

In accordance with resolutions of the Round Table Conference, the question of the future strength of the Army in India is under examination by the Committee of Imperial Defence.

What this really amounts to is that in 2 years without impairing the strength of the fighting forces without taking into account the possibilities of a temporary cut in officers' pay, Army expenditure will have been reduced from 55 crores to 47.40 crores. This, Sir, is I submit no mean achievement ; it has been done quietly, and without the imposition or display of Royal Commissions. It has been achieved by hard patient work and co-operation between the Army Department, the Finance Department and the chosen representatives of this Assembly. That, I submit, is the right way to work out economies, and brings credit on all concerned.

Emergency cuts in pay.—I now come to the difficult question of an emergency cut in pay. Let me state at the outset the general conclusions reached by the Government as part of the plan which I am now presenting.

These are :

First, that any cut applied must be general and on a fair basis.

Secondly, that it should be of a temporary nature not extended beyond the need of the present exceptional emergency. Its justification is in the need for a common sacrifice in a national emergency. Although it may be said that the subordinate ranks have gained from the low level of prices, there is as yet no proof of a substantial fall in the cost of living of many classes of Government servants.

Thirdly, that it should not in any way affect pension or provident fund rights.

We have given a great deal of thought to the way in which a cut should be applied, and after the most searching consideration of all sorts of graduated scales we have come to the following conclusions.

We think, first, that a simple plan is best, and that although it may be necessary to exempt pay below a certain low limit at the bottom, a uniform scale is really the fairest and best in the public interest.

We consider that the rate should not exceed 10 per cent. in any individual case, and that, as I shall explain later, this should include the enhancement of income-tax now proposed. For the general Government services we think that the limit of exemption should ordinarily be about Rs. 40—perhaps a bit higher, perhaps a bit lower. I ought, however, to mention that special considerations may have to be applied to a great commercial undertaking like the Railways, but the maximum will not be exceeded in any case.

I may, however, here interpose that I am pleased to be able to say that His Excellency the Viceroy has decided that he will impose upon himself a cut of 20 per cent. (Applause) and that for ourselves, the members of his Council, we will surrender 15 per cent. of our pay. (Applause.)

The action to be taken by Provincial Governments in regard to officers within their rule-making powers will be for their own decision, but we have little doubt that they will recognise the desirability of attaining throughout India as large a measure of uniformity as possible. In this connection I may mention that uniformity is particularly desirable in the police service, and since Local Governments are far more concerned in this matter than the Central Government, we shall not reach final conclusions in this case until after further consultation with them.

I must also refer to the fact that it does not lie within the power of the Government of India to take decisions as regards all the officers within its service. Certain officers have been guaranteed their rights under the Government of India Act and these cannot be altered without legislation in the British Parliament. As regards other officers, their position is governed by Fundamental Rule 23, and can only be altered under rules made by the proper authorities. For the great bulk of officers, the rule-making power now lies with the Government of India and Local Governments, subject to the sanction of the Secretary of State in Council. There are certain officers, however, in regard to whom the Secretary of State in Council has himself to make the rules. The position is, that we have received the assurance of the Secretary of State that he will sanction the rules which we, or Provincial Governments, may make in those cases where we or they have the power. Further, in regard to officers protected by the Government of India Act, or in regard to whom the Secretary of State has himself to make rules, I am authorised to say that His Majesty's Government are satisfied that a financial necessity exists amounting to a national emergency, which requires that a reduction should be made in pay, and that His Majesty's Government have undertaken to introduce legislation in Parliament at the first practicable opportunity. The legislation would be of an emergency character, and would authorise the Secretary of State in Council to reduce the salaries of officers protected under the Government of India Act for a limited period and subject to a maximum of 10 per cent. which would be inclusive of the enhancement of income-tax contained in my present financial proposals and subject to a discretionary power for the Secretary of State in Council to make exceptions

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in cases of hardship. It would apply to the special class of protected officers serving under Local Governments as well as under the Government of India Act. Officers not specifically protected by the Government of India Act, but in regard to whom the Secretary of State has himself to make rules, would be treated on the same lines as the protected officers.

This is a general description of our plan, and we shall explain our proposals in greater detail at a later stage in the discussions on the Finance Bill—particularly as regards the exemptions which may be made in the lowest grades.

We think that it should be practicable to impose the cuts from December 1st next. It must be clearly explained that there is no intention that they should remain operative beyond March 31, 1933. They will not be continued beyond that date without further examination of economic conditions; and if economic conditions so required or permitted, we should re-consider them before that date.

And that brings me to a point of essential importance in this matter. A cut of this nature must be regarded as a very exceptional measure which can only be justified in very exceptional circumstances. It is nothing less than a direct variation of the conditions under which an officer enters the Government service, and it must be remembered that the security of those conditions represents an essential attraction of service under a government. It would be fatal to the public interest if that sense of security were destroyed. Therefore no variation can be justified except in a real national emergency and when it is quite clear that all other measures have been fully tried. Even so it is necessary to examine the case still further. We must test the emergency by an examination of the causes which have created it. In the present case it was clear that the emergency had arisen from an unprecedented fall in prices of those commodities which India produces and on which the revenue of the country depends. The value of commodities had fallen too low in terms of money, the value of money had gone up too high. But in the last days a change has been made in the basis on which the value of our money, or our unit of currency, depends. The results of this, or of any general economic recovery producing an improvement in the revenue position, may make it necessary to reconsider the justification and necessity for this cut. It is of course clear that a general decline in the gold value of the rupee would affect all servants of Government alike, while I might further mention incidentally that if, on the other hand, the rupee had been detached from sterling and the value of the rupee had either appreciated or declined in relation to sterling, there would have been some difference in the case of certain classes of officers of which Government would have had to take account.

However that may be, or might have been, what I have to say now is that in the conditions on which we have to base our present estimates, we and His Majesty's Government consider an emergency cut on the lines already indicated to be absolutely essential.

As regards the financial effect of cuts on the scale which we propose, I have estimated the position roughly as follows for the purpose of my present financial plan.

Civil.—We put the total saving for 1932-33 at 115 lakhs, and for the four months from December 1st of the current year at 35 lakhs. This includes savings on the personnel of the Posts and Telegraphs Department.

Railways.—The saving on Railways will be very substantial. I refrain from giving an exact figure pending the final settlement of a plan. In any case it will not directly affect my present proposals, for we consider that any saving effected by a cut in pay on the Railways must be utilised to improve their own internal position, and that it cannot be translated into any improvement of general revenues. As I have already stated, a cut in fact will only be justifiable during the continuance of the present emergency, and during such period we cannot in any case rely on receiving any general contribution from the Railways. It is in our opinion essential that if they have any margin it should be made available for reduction in freights on agricultural products.

Army.—As regards Army officers, the same cut would apply to them as to Civil officers of the Government. We estimate a saving of 75 lakhs in 1932-33 and 25 lakhs for the four months of the current year from December 1st. I may note that if this saving is effected it will reduce the expenditure of the Army next year to 46.65 crores.

Abolition of Salt Credit System.—I have now dealt with the first two lines of action, first, General Retrenchment, secondly, cuts in pay; and before I come to the third—which is new taxation—I have to mention another measure which is in the nature of an expedient to improve our revenue position over the next 18 months.

We have been studying since the end of the last Budget session the possibility of effecting an immediate increase in our salt revenue by reducing or abolishing the credit system. After careful examination of the question in consultation with the officers of the Salt Department, we came to the conclusion that, subject to giving fair notice to trade, we might justifiably terminate credits altogether. We have accordingly notified the gradual termination of the system by limiting credits to 3 months as from the 1st October 1931, and discontinuing the grant of new credits altogether from the 1st March 1932. This means that we shall actually collect in the current year and again in next year 15 instead of 12 months' revenue on all salt issued under the credit system. I expect our revenue will be increased by one crore each year on this account. This of course involves no real increase either in taxation or revenue. It only means that we shall, during the next 18 months collect 24 months' revenue on credit salt. After that we shall be entirely on a cash basis.

Taxation.—I must now turn to the third measure—new taxation. Here our plan is very simple, and though unpleasant, I hope that Honourable Members will on the whole recognise it as fair.

General Surcharge.—The main plank of our proposals is to put a temporary surcharge on all existing taxes, with the exception of customs export duties, for these could not without detriment to our export trade be included. With this exception, the surcharge will apply to all customs and excise duties (including salt) and to the income-tax and supertax. The surcharge which we propose is 25 per cent. on the existing rates in each case.

The principle is uniform, but as regards the income-tax there is an administrative difficulty inasmuch as the tax, although only imposed as from October 1st, has to be collected on a 12 months' basis. It would lead to great hardship in case of salaries or other income taxed at the source if we were to supplement deductions already made by a retrospective increase.

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at the full rate of 25 per cent. Therefore we propose that the surcharge for the current year should be 12½ per cent. on income-tax, but it will be collected at this rate on the whole year's income.

New Taxes.—Apart from these general surcharges, we are forced to include certain new taxes. As regards income-tax, we consider that in this emergency there is justification for reducing the exemption limit and imposing a small tax of 4 pies in the rupee on incomes between Rs. 1,000 and Rs. 2,000 per annum. For the same reasons as I have explained already in connection with the surcharge on the existing income-tax, the rate will be imposed at 2 pies for the current year and 4 pies for next year.

The remaining special increases or new taxes which we propose are in regard to import duties. I will deal first with the increases in existing duties.

We propose to increase the import duty on artificial silk piecegoods from 20 to 40 per cent. and on artificial silk yarn from 10 per cent. to 15 per cent. We also propose to increase the duty on brown sugar from Rs. 6-12-0 to Rs. 7-4-0 per cwt. This follows the Tariff Board's recommendation. As regards boots and shoes, we propose that there should be imposed as an alternative to the 20 per cent. duty a minimum of 4 annas per pair. The duty will thus be 20 per cent. or 4 annas a pair whichever is the higher. We also propose to increase the duty on camphor and on electric bulbs from 20 to 40 per cent. As regards all these articles the surcharge will be levied on the increased duty.

Then there are three items formerly on the free list on which we think it justifiable to impose a small duty on revenue grounds. The result of the surcharges imposed in last Budget and proposed now is that the level of the general revenue tariff has been increased from 15 to 25 per cent. There is, therefore, some justification for adding a 10 per cent. duty to articles hitherto free.

We propose to put duties of 10 per cent. on machinery and dyes, and of ½ anna per lb. on raw cotton. I must expect criticism of these duties especially from the cotton mills, and I must acknowledge that their imposition may appear to be in some ways inconsistent with previous policy. The justification must be the need for revenue, while as regards the cotton mills we may claim that on balance their position will be improved by our surcharge proposals, for under these the import duties on cotton piecegoods will be increased by one quarter. This more than offsets the burden of ½ anna per lb. on goods made from imported cotton, and affords an effective answer to possible criticisms on the grounds to which I have referred.

I have one more word to say as regards the income-tax proposals. In considering the cut to be applied to the salaries of Government officials we considered what total reduction of their emoluments could fairly be imposed. If the general rate of reduction is to be 10 per cent., that represents what we think fair, and if further increases of income-tax were to be added, that would go beyond the reasonable limit. We therefore propose that increases of income-tax, both by way of surcharge on existing rates or by way of imposition of a tax for the first time on salaries from Rs. 1,000 to Rs. 2,000 should be merged in any general cut which we are imposing or which the Provincial Governments may impose.

Postal rates.—Apart from measures of taxation we propose some enhancement of the inland postal rates, namely to increase the existing rates in respect of letters and postcards by one-half. That is, the rates for inland postal letters will be 1½ annas instead of 1 anna (Laughter) and for postcards 9 pies instead of 6 pies. This enhancement should produce 73 lakhs in a full year and should go a long way to cover the deficit of 92 lakhs in the working results of the department which would, as I stated before, be left even if the recommendations of the Posts and Telegraphs Accounts Enquiry Committee are accepted.

Summary of the plans.

I may now summarise the effects of all these plans :

For the current year we shall improve the position as follows :

(Figures in lakhs of rupees.)

Special retrenchment programme	..	30	
Cuts in pay—Civil	..	35	
Military	..	25	
Total cuts and retrenchment	..		90
Anticipation of salt revenue	..		100
Extra taxation—			
Customs—New or increased duties	..	154	
Surcharges on existing taxes		331	
Salt—Surcharge	..	21	
Income-tax nett	..	205	
Total new taxation	..		711
Increased Post and Telegraph charges	..		37
The total improvement is thus	..		938
Against an estimated deficit of	..		19,55
We should thus close the year with a deficit of	..		10,17

On the other hand, in 1932-33 we should have the following improvements :

Retrenchment measures—Civil	..	250	
Military	..	450	
Cuts in pay—Civil	..	115	
Military	..	75	
Total cuts and retrenchment	..		890
Anticipation of salt revenue	..		100
Extra taxation—			
Customs—New or increased duties	..	310	
Surcharges on existing taxes		662	
Salt—surcharge	..	85	
Income-tax—nett	..	353	14,10
Increased Post and Telegraph charges	..		73
The total improvement is thus	..		24,73
Against an estimated deficit of	..		19,50
We should thus close the year with a surplus of	..		5,23

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We should thus close the current year with a deficit of 10.17 and the next year with a surplus of 5.23.

That is to say, the combined result of the two years will be a deficit of 4.94.

We consider that we are justified in regarding this deficit as covered by making during this period of exceptional stress a reduction of about 247 in each year from the provision for Reduction or Avoidance of Debt. Even after making this deduction, this provision will amount to 4.43 in the current year and about 4.68 in 1932-33. When it is remembered that the portion of our debt which is not covered by productive assets or cash balances is no more than 194 crores this may fairly be claimed as an adequate Sinking Fund allocation during a period of exceptional depression.

But I may put the position in another way which throws up in a still more favourable light what we are proposing. I have explained that on present estimates the combined deficit for the two years is just over 39.05 crores. We may fairly say that half the current year's deficit has already been incurred—say about 9.80 crores. If we look at our task as one of having to make a new budget for 18 months, starting with October 1st, we should have to find means for filling a gap of 29.25 crores. We are actually providing for finding improvements of 34.11 crores over the next 18 months. Therefore we are not only providing a balance for that period, but we should have a surplus of 4.86 crores towards making up the deficit of 9.80 crores on the first half of the current year.

If these forecasts are fulfilled, then even if there is no improvement in the economic position, the Finance Member, when he presents the Budget for 1933-34, will find himself in possession of a surplus of 5.23 crores and he will be able to make a substantial easing of the burdens.

It is perhaps forecasting events too much to say in what order these reductions should be made. But there are certain principles which we consider must be observed. Relief must come first in restoring the emergency cuts in pay and secondly in taking off the surcharge on the income-tax now to be imposed. I think we may predict with as much certainty as is possible for any such forecasts that these special impositions will not in any case be extended beyond March 31, 1933.

This is the picture, but I must add a few words before I leave it. Much will be said about the increase in the burdens of taxation. But I want the public to appreciate that we are not so much increasing the total amounts of taxes levied as providing by increasing the rates for collecting the same amount of revenue.

Our difficulties have not in any way been caused by an increase in expenditure. Quite the contrary. We have in fact to face three things—a drop in the yield of the current taxes, a drop in the revenues from commercial departments, and a deterioration under the Finance headings. The first we meet mainly by increasing the rates of the taxes; and the last two by retrenchments. I want Honourable Members to give particular attention to a table which I will circulate with copies of my speech in which I analyse expenditure and revenue and show in parallel columns tax revenue and net administrative expenditure. By the latter I mean the net

expenditure on the Army and all other heads charged to revenue with the exception of the debt services. They will find here the true record of our achievements and proposals. This figure of net administrative expenditure will, according to our plans, have proceeded as follows :

(Figures in crores of rupees.)

1930-31	..	..	..	79.67
1931-32	..	..	..	74.66
1932-33	..	..	..	65.95

If this can really be achieved, then we shall be able to congratulate ourselves on having put matters on a really sound basis.

Conclusion.

Then I want to add something as to the reasons for the present measures. I referred at the outset of my speech to the dangers, now that we are divorced from a gold standard, of any inflationary action for the purposes of meeting the current expenditure of the Government. If once that process starts, it may be impossible to save the country from a complete collapse of its currency. That has been the experience of all countries whose currencies collapsed after the War. They all went through the same process. Budgetary deficits, met first by borrowing; then a reluctance of the public to subscribe to government loans or treasury bills; then recourse to the note-printing press and inflation to provide funds to meet current public expenditure; then collapse in confidence in the currency, notes printed faster and faster until the amounts reached astronomical figures, and finally the complete disappearance of any value to the currency at all. *We want to erect a solid barrier against the possibility of India getting on to that slippery slope.* That is the essential justification for our proposals. We have heard much talk in the last days about the disappearance of our currency reserves. But no currency reserve can be large enough to stand up against a lack of confidence in the currency. Reserves are only valuable to tide over temporary difficulties. The real safeguard must be confidence in the soundness of a country's financial situation. If a country meets current expenditure with current revenue, and if, further, it has a favourable balance of trade, then it can face all the vicissitudes of fortune with confidence, and its actual currency reserves are of minor importance.

That brings me to the last thing which I have to say to-day. I know that our proposals of taxation will be criticised. But I will appeal to all critics, either in this House or outside it, not to criticise them hastily or unfairly. We believe that we are doing the right thing for India—that in these critical times, and looking to the years before us, when we have to meet heavy loan maturities both external and internal, the matter of vital importance is to preserve the trust of the public of India and elsewhere in the soundness of our financial position. Let honourable members, by all means, examine our proposals with searching criticism, but I would appeal to them, with all the emphasis which I can command, to do or say nothing which will lead the outside world to suppose that they have not a full sense of their responsibility, or that they do not believe that the paramount duty of every man, who has India's interest at heart, and who can in any way influence the situation, is to preserve intact that financial

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stability on which the whole fabric of the country's life depends.
(Applause.)

THE INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I move for leave to introduce a Bill to supplement the Indian Finance Act, 1931, and to extend the operation of its temporary provisions.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am sure that every part of this House will offer its respectful thanks to His Excellency the Viceroy for setting a noble example of surrendering 20 per cent. of his salary. (Applause.) I wish that that good example had been followed by his Councillors and the members of the superior services. Then they would have followed the precedent of their mother country. (Hear, hear.) But they have not done so.

Sir, I do not propose to deliver a long speech on this occasion, because my heart is full and I am sure that every Member who has his duty to perform towards his constituents must feel staggered at the Budget proposals of the Honourable the Finance Member. We had suspected that something untoward was going to be proposed to-day, but no one had any conception of the thorough-going plunder—I cannot use any milder expression—of the poor man's money, of the man who sends his postcards and his letters, and of the poor clerk who lives on the verge of starvation. They have been taxed and surcharged in taxes and increases in the rates of postage.

If the Honourable the Finance Member was faced with a difficulty, he was not faced with a difficulty only this year. He was faced with a similar difficulty two years back when he increased the taxes of this country to the tune of Rs. 5½ crores. We then told him, Honourable Members will remember, that it was time that he set his house in order. Last year again, when there was a deficit of over Rs. 15 crores, we reminded him that he could not expect this House to give him the support he needed for additional taxation unless the whole of the national expenditure was overhauled. Sir, that proposal of ours was not given that earnest consideration which would have resulted in substantial economies. It is not for me or for the Members of this House to criticise the premature proposal as regards the possible economies to be effected in national expenditure. The Honourable the Finance Member has himself pointed out that his estimate of retrenchments is only an estimate, whereas his proposals for further taxation are a dead certainty.

Sir, I should have expected, that, following the precedent of the House of Commons and of His Majesty's Government in England, he would have first completed a survey of the various Departments with a view to effect retrenchments and laid upon the table of this House his concrete proposals as to the extent and measure of retrenchments

effected in the civil and military expenditure of the country. But he has not done so. As I pointed out this morning, the Government of India, willingly or unwillingly, have embarked upon a new currency policy, and the Honourable the Finance Member assured this House that the result of that new currency policy would be to improve the trade and the financial resources of the country. Well, Sir, if that be so, I submit that this is an extremely inopportune time to embark upon a financial statement not only covering the rest of the present financial year but also the next year 1932-33. Sir, when we came here we came here to transact the ordinary routine business which is generally transacted in the short Autumn Session in Simla, we had not the slightest idea that we should be presented with a Budget for the next 18 months, and still less had we any idea that that Budget would disclose such a ghastly condition of the Indian finances, of which the greatest pessimist in this House had no conception. The Finance Member has congratulated the military authorities upon consenting to small cuts resulting in economy to the extent of 4½ crores of rupees. Honourable Members on this side of the House have cried themselves hoarse in saying that these small cuts are not what the representatives of the people demand. We want a complete reversal of the military policy of the Government of India. We know, Sir, to what extent we have the sympathy of the members of the Government of India and we know that our difficulties are not here, but from a country overseas, and we therefore feel that we should be guilty of a grave dereliction of duty if we did not recall that fact once more today. We expect that by the reduction of the white troops and by other economies in the military expenditure of this country, there should be a saving of at least 10 crores of rupees in the Military Budget. Sir, the Geddes Committee made percentage cuts and we want that the civil expenditure of the Government of India should be similarly subjected to all round cuts.

The Finance Member has referred to the *ad interim* reports of the various committees. We are not here concerned with the details of the cuts. Last year we suggested that there should be an all-round ten per cent. cut in the civil expenditure of the Government of India, and we suggested that whatever might be the details of the various cuts effected in the civil and military expenditure of the Government of India, they should be sufficient to balance the Budget in the ensuing year, which would be the case if the Government of India seriously tackled the military problem and made the cuts in the civil expenditure. I therefore submit that the present time is premature and inopportune for the levying of additional taxation. We gave this morning a preliminary warning to the Government of India to hold their hand till the Delhi Session, either in November or February or March, but the Government of India took no heed. The Finance Member has referred to my friend Mr. Shanmukham Chetty's Resolution on this subject. Sir, that Resolution is my completest vindication for opposing leave to the Honourable the Finance Member. That Resolution passed by a telling majority in this House asked the Government to formulate no proposals involving additional taxation during the Simla Session. They have flouted the considered opinion of this House and, out of self-respect, I ask every elected Member in this House to vote for refusing leave to the Honourable the Finance Member.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Having heard the statement made by the Honourable the Finance Member, I must confess that it is almost impossible for us to know where we stand. We all expected that the statement that he was going to make was not likely to cheer us, but we did not expect that it was going to be as dismal as it has proved to be. The whole procedure adopted by the Government on this occasion is, I submit, entirely wrong. The Government had no business to introduce a Budget statement for 18 months at this Simla Session. This is taking us at a great disadvantage. Government know fully well that the attendance on this side of the House for various reasons is not by any means complete and for them to have put forward serious proposals of this character when attendance is by no means full is neither fair nor justified. One would have thought that the taxation that had been already imposed upon the country was sufficiently heavy, but the new proposals for additional taxation are something which it was impossible to anticipate would be put forward by the Finance Member. In the Delhi Session we on this side of the House made it perfectly clear that we would not listen to any further proposals for taxation until every avenue had been explored for all possible retrenchment of the expenditure of Government of India, and we wish to stick to our Resolution. We pointed out then that so far as the military expenditure was concerned, it should be considerably reduced in order to help the Finance Member to balance his Budget. I am afraid that, in spite of the help that His Excellency the Commander-in-Chief has been able to give, the proposal for reducing the military expenditure by only 4½ crores does not satisfy this side of the House at all. It is clear to every one of us on this side of the House that India cannot bear the burden of a standing army of this magnitude at all and we are also convinced that there is no justification for maintaining such a huge army. There have been some reductions made by the Army Retrenchment Committee, but even they have not been able to explore all available means for effecting economies in military expenditure. They have not had the time. Not only that. The terms of their reference were so restricted that it was not possible for them to do what is just and fair to the country.

Sir, take another instance, the other Sub-Committee of which I have the honour of being the Chairman, the General Purposes Retrenchment Sub-Committee. We have dealt with only a few subjects, and more than half still remain. We have been able to make proposals for economy to the extent of Rs. 1,21,00,000 already ; and I am surprised that the Honourable the Finance Member tells us, that as regards the remaining grants, he is able to estimate a further economy of only about 70 lakhs. Sir, I venture to think having gone a great deal into the matter, that much greater economy should be possible in the remaining Demands,—much greater than has been estimated by the Honourable the Finance Member. Lastly, Sir, from the very beginning our Sub-Committee was apprehensive that so far as what the Finance Member calls the administrative Departments are concerned, they would not be treated on the same basis as the other Departments which we were asked at first to scrutinise. I am conscious, that the Honourable the Finance Member has stated that if we are able to effect further economies, he will have no hesitation in accepting them. If so, what then is the good, when these Retrenchment Committees have not been able to complete their inquiries, of his saying that he is not in a position to make a fair estimate of what it is possible to effect by way of

economy in the expenditure of the Government of India ? Sir, he has now proposed taxation of a most drastic character affecting every article of necessity, affecting the poor man still more perhaps than the richer classes. He has estimated certain receipts. But he knows that his estimates on the previous occasion have not been justified at all,—they have not been realized. What reason has he to think that his present expectations will be realized ? I submit that he is making guesses, and this is not the time, this is not the occasion, howsoever he may feel compelled by the necessities of the financial situation, to bring forward proposals of a drastic, nay, disastrous character. Sir, we will all oppose leave being granted to introduce this Finance Bill.

Mr. Arthur Moore (Bengal : European) : Sir, I can quite understand that the very unpalatable announcements which we have had to listen to this afternoon should produce a shriek of pain from my Honourable friend Sir Hari Singh Gour. Nevertheless, notwithstanding what has fallen from my Honourable friend, it is perfectly obvious to all of us that these very important announcements do deserve our most serious consideration. None of us would like at the present stage—while we are ready to give every undertaking and to do everything we can to assist Government in this emergency—to commit ourselves to all these proposals in detail. But, Sir, that is a totally different thing from the proposition put forward by the Leader of the Opposition,—that we should refuse introduction to the Finance Bill in a great national emergency. (*Voices* : “ Louder, please ”.) (*Mr. C. S. Ranga Iyer* : “ We have not so far followed you ”.) Has my Honourable friend thought of the effect upon the world, and on the constitutional prospects for India if, in this great national emergency, this House rejects an emergency Finance Bill out of hand, without proceeding to discuss it ? Sir, my Honourable friend compared the procedure here with the procedure in England. I understood him first to say that the Government were not following the excellent example which H. E. the Viceroy had set us and also the example which had been set at home. Well, I did gather that the Members of Government were imposing a heavy cut upon themselves and were proposing a heavy cut upon all servants of Government. But he went on to say that the Government in England, in the similar emergency which is confronting them as it is confronting most Governments, had acted in a totally different manner,—that they first put forward their retrenchment proposals, and only afterwards their taxation proposals. But my Honourable friend is entirely misinformed. Parliament was hastily summoned during the recess, and the Government put before Parliament, when it met, both their economy proposals and their taxation proposals ; therefore I cannot say that he has made out his case. But now I would draw attention to the very astonishing difference, which will strike the whole world, between the attitude of the British Parliament in that emergency and the attitude that the Leader of the Opposition invites this Assembly to adopt in the present emergency ; and I would warn my Honourable friends opposite that if they were to follow my Honourable friend's suggestion and, without further discussion, refuse the introduction of this Bill, it would produce most disastrous repercussions not merely in England, but in America and Europe as regards the reputation of this Assembly. (*Ironical Cheers and Laughter from the Non-Official Benches.*) (*Mr. Lalchand Navalrai* : “ Who told the Honourable Member that ? ”) (*Mr. B. Das* : “ A nightmare ! Our reputation will be quite safe ! ”)

Mr. President : Order, order.

Mr. Arthur Moore : My Honourable friends may laugh.

Mr. B. Das : We laugh at our exploitation by you !

Mr. President : Order, order. Mr. Moore, please go on.

Mr. Arthur Moore : Members opposite may laugh, but I warn them that if they were to succeed in persuading the House to adopt the course advocated by the Honourable the Leader of the Opposition, they would have reason very seriously to regret the decision at a later date when the new constitution was being discussed, and it could be said that, in this tremendous national emergency, the House had, out of hand, refused supply. (Loud Applause.)

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I join other Honourable Members in congratulating H. E. the Viceroy on surrendering 20 per cent. of his salary, and I also congratulate the Members of his Executive Council on their surrendering 15 per cent. of their salary.

Mr. B. Das : What were your recommendations ? 20 per cent. !

Mr. Muhammad Yamin Khan : But, Sir, after listening to the decision Government have reached as far as retrenchment is concerned, as announced by the Honourable the Finance Member, I have been a little bit disappointed. I think, Sir, that the retrenchment which has been decided upon by the Government goes far below the retrenchment which had been suggested by the main Retrenchment Committee. I think, Sir, under the present circumstances and under the conditions which have been disclosed to-day in this House by the Honourable the Finance Member, it was Government's duty to adopt at least the moderate retrenchment which had been proposed by the General Retrenchment Committee unanimously. Any retrenchment below that will never be acceptable to this House. If those suggestions cannot be accepted by the Government in these circumstances, then Government can never accept the recommendations of the Committee which they themselves have formed. The proposal for the appointment of the Committee and the names of the members appointed came up from the Honourable the Finance Member himself, and he ought to stick to the retrenchment which had been proposed by the same persons who had been appointed by him. Beyond that, the Assembly will be willing to consider other proposals. I am fully alive to my responsibility, and I shall be quite willing to lend all my support provided Government are willing to accept the recommendations which are unanimously proposed by the Retrenchment Committee.

There are some proposals which have caused me some surprise, and I think all the avenues have not been explored. I am not going into the details of those proposals which are contained in the speech of my Honourable friend the Finance Member, but I think there are several of them which we cannot accept. In any case I must make my position clear that I am not going to be led by mere sentiment into opposing even the introduction of this Bill at this time or refusing to consider this question at this time of national emergency. We are ready to consider it, but we will examine each and every proposal on its own merits and we will see whether anything can be accepted on behalf of the people or not.* Therefore we will not oppose the introduction, as I understand that the consideration

of this Bill is going to take place after about a month and half, some time in November, in Delhi. That has not been made clear, but if that is so, we will not oppose the introduction.

The Honourable Sir George Schuster : Sir, I might start by replying to the observation which was made by my Honourable friend Mr. Yamin Khan. It is our intention to meet as far as possible the convenience of the Legislature in arranging for the further discussion of this measure. We understood that it would be for the convenience of the majority of Honourable Members if further discussions in Simla were postponed and if the discussions were resumed in Delhi at the beginning of November. I think my Honourable friend who spoke last has carried matters rather too far in suggesting an interval of a month and a half. I hope he did not mean to suggest that it should be as long as that. I think that it ought to take place at the very beginning of November at the latest.

Mr. Lalchand Navalrai : But there are holidays in the first week of November.

The Honourable Sir George Schuster : I am not attempting to speak with any great accuracy. I quite realise that there may be events from day to day of which account has to be taken. But I am suggesting that we shall not have adequate time unless we recommence discussion at the beginning of November or near that date.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : For many Honourable Members the beginning of November will not be suitable and the middle of that month will be the best time.

The Honourable Sir George Schuster : I shall be very glad to see my Honourable friend afterwards, if he has anything to say.

Before I attempt any sort of reply on the general theme which has been taken up by the speakers on the Opposition, I should like to clear up what appears to be a very great misunderstanding as regards our attitude towards retrenchment. I thought that I had made it abundantly clear that we had decided to give full effect to the retrenchment proposals. I always speak with studied caution ; I never wish to say anything that I do not know that I am perfectly capable of fulfilling, and I therefore added reservations to the effect that we could not commit ourselves now in the advance of detailed examination to accept every single item of the recommendations of the Committee in the terms in which they were made. I think all Honourable Members must appreciate that that is a reasonable attitude to adopt. They themselves in many cases have not been in full agreement about their recommendations. They themselves have made it clear to me, certainly many times in conversation, that it was not within their knowledge exactly how certain things would work out on the administrative side. We retain responsibility for that, and we must reserve to ourselves the right to examine these proposals. Having said that I want to say again—I thought I said that with sufficient emphasis before—that it is our intention to accept in the main all the proposals which have been made.

Then, Sir, I was criticised by my Honourable friend the Leader of the Independent Party, whose work I most gratefully acknowledge as Chairman of the most arduous and troublesome of all the sub-committees, for not having included a sufficiently large estimate for the possible economies in that part of the field which his sub-committee has not been able to

[Sir George Schuster.]

examine. If he is right, no one will be better pleased than I. I trust that he will get down to work with his committee in October and will present us with his final recommendations before the end of October, in which case I shall be able to stand up in this House when we resume the discussion of the Finance Bill and be able to tell the House that I have underestimated the economies possible in the remainder of the field and that therefore it is in some degree possible for us to modify our plans. If my Honourable friend is able to put me in that position, no one will be better pleased than I. I thought I had made it abundantly clear that we are waiting for his further recommendations and that we wish to act on those recommendations just as fully as we propose to act on those we have already received.

Sir, as regards the main case, it is very difficult for me to enter into a long argument now and I am sure Honourable Members will not expect it. I have stated my case as fully, as clearly and as honestly as I could. I quite sympathise with the feelings of Honourable Members opposite. They are faced with an exceedingly unpleasant task. I do not believe that there is a single one of them who is influenced by personal considerations in this matter. They have their responsibilities to their constituents and to recognise that, however much they hate me or hate my proposals, they cannot hate the task which I have had to perform more than I do myself. Sir, if one sits, as I have often said, in opposition without responsibilities to face, it is an easy task to put upon the shoulders of Government the responsibility for every unpleasant and distressing circumstance that occurs. But surely all Honourable Members must recognise that we, like practically every Government in the world, are now beset by a difficulty over which we have no control. We have done exactly what the British Government did. What did they do? They did not give the Houses of Parliament any warning. They had to summon them hastily together to meet an emergency just in the manner in which we have dealt with the present emergency here. They had to call Members back just at the time when, for a short period of the year, they are ordinarily taking their holidays, for meeting the emergency. They knew that in a case of national emergency personal convenience could not be taken into account. I do appeal to all Honourable Members, although they often take the view that they and we are irresponsible in dealing with national interests, I do ask them to take the view that they have a very heavy responsibility now. It is useless to tell us that we ought not to have brought up a measure like this in a session when normally no important business is done. How can we help it? We did not know this emergency was coming in the urgent form in which it has come. Every Government has tried to hold out as long as possible and in the end has had to face it by the sort of measures that we have had to introduce now. I ask Honourable Members to look round and examine the finances of every country in the world to-day, to examine the emergency measures which every other country has had to introduce. In our case, they are, I fully admit, very heavy and very severe. But I would return to the last passage of the speech which I delivered in making my financial statement and ask Honourable Members to give it full and fair consideration and not to jump to hasty criticism, however much force there may be in the case of those who have spoken opposite. Even my Honourable friend, Sir Hari Singh Gour, cannot argue

for a moment that we could possibly have dealt with the present situation more by means of retrenchment. We have 19 crores to find. He says, cut down the Army. Are you going to send every British soldier away from India with six weeks' notice? It is ridiculous to make such suggestions. I ask Honourable Members to face facts. (Hear, hear.) Some Honourable Members laughed when the Leader of the European Group spoke of the impression which would be created abroad. Sir, Honourable Members are now transacting business at a very critical period in India's history. There are many people who are prepared to say, in opposition to those of us who are striving towards constitutional advance—there are many people who are prepared to say, "What is the use of talking of constitutional advance when the representatives of the people behave in so irresponsible a manner?" I ask all Honourable Members to think very carefully of the impression that would be created, if at a time like this, when we are only asking the House to do what every other Government has had to ask its popular Legislature to do, if when you are asked to take action which must be taken if the credit and solvency of the country is to be maintained, if at a time like this, however much you may criticise the details or the form of action which we propose, you take the line that the Government have no right to ask you even to take action of any kind. I ask Honourable Members to think what the impression on others will be, and I—if I may say so—as a well-wisher of India, as one who believes in constitutional advance, I would appeal to you not to make the task of those of us, who are trying to work for India, harder than it is at present. (Applause.)

Mr. President : The question which I have now to put is :

"That leave be granted to introduce a Bill to supplement the Indian Finance Act, 1931, and to extend the operation of its temporary provisions."

The Assembly divided :

AYES—57.

Abdul Qaiyum, Nawab Sir Sahibzada.	Ishwarsingji, Nawab Naharsingji.
Ahmed, Mr. K.	Ismail Ali Khan, Kunwar Hajee.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Jawahar Singh, Sardar Bahadur Sardar.
Anklesaria, Mr. N. N.	Knight, Mr. H. F.
Anwar-ul-Azim, Mr. Muhammad.	Lal Chand, Captain R. B.
Azizuddin Ahmad Bilgrami, Qazi.	Lall, Mr. S.
Bajpai, Mr. R. S.	Leach, Mr. F. B.
Banerji, Mr. Rajnarayan.	Montgomery, Mr. H.
Bhargava, Rai Bahadur Pandit T. N.	Moore, Mr. Arthur.
Crerar, The Honourable Sir James.	Morgan, Mr. G.
Dalal, Dr. R. D.	Mujumdar, Sardar G. N.
DeSouza, Dr. F. X.	Mukherjee, Rai Bahadur S. C.
Dyer, Mr. J. F.	Pandit, Rao Bahadur S. R.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Parsons, Mr. A. A. L.
Fox, Mr. H. B.	Rafiquddin Ahmad, Khan Bahadur Maulvi.
French, Mr. J. C.	Rainy, The Honourable Sir George.
Graham, Sir Lancelot.	Rajah, Rao Bahadur M. C.
Griffiths, Mr. G. I.	Rama Rao, Rai Bahadur U.
Heathcote, Mr. L. V.	Row, Mr. K. Sanjiva.
Hezlett, Mr. J.	Roy, Mr. S. N.
Howell, Mr. E. B.	Sahi, Mr. Ram Prasad Narayan.
	Sams, Sir Hubert.
	Schuster, The Honourable Sir George.

AYES—*contd.*

Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar, Captain.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tait, Mr. John.

Talib Mehdi Khan, Nawab Major Malik.
 Todd, Mr. A. H. A.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfikar Ali Khan, Sir.

NOES—43.

Abdoola Haroon, Seth Haji.
 Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bhuput Singh, Mr.
 Chandi Mal Gola, Bhagat.
 Chetty, Mr. R. K. Shanmukham.
 Chinoy, Mr. Rahimtoola M.
 Das, Mr. B.
 Dudhoria, Mr. Nabakumar Singh.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Gunjal, Mr. N. R.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Ibrahim Ali Khan, Lt. Nawab Muhammad.
 Jog, Mr. S. G.
 Kyaw Myint, U
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.

Mitra, Mr. S. C.
 Modly, Mr. H. P.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Murtuza Sahib Bahadur, Maulvi Sayyid.
 Patil, Rao Bahadur B. I.
 Ranga Iyer, Mr. C. S.
 Rastogi, Mr. Badri Lal.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sarda, Rai Sahib Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sohan Singh, Sirdar.
 Sukhraj Rai, Rai Bahadur.
 Thampan, Mr. K. P.
 Tun Aung, U
 Uppi Sahib Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

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

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th September, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 30th September, 1931.

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

MEMBER SWORN.

Mr. Ramchandra, M.B.E., M.L.A. (Government of India : Nominated Official).

THE INDIAN PRESS BILL.

The Honourable Sir James Crerar (Home Member) : Sir, I move for leave to withdraw the Bill to provide for the better control of the Press. I think Honourable Members are sufficiently aware of the circumstances in which I make this motion. Owing to the unfortunate oversight on the part of the Assembly Department to which you, Sir, referred on Monday, the normal procedure on this Bill, I regret to say much to the inconvenience both of the Government and of the House, has been interrupted. A plan, however, has been devised which I understand commands the general acceptance of the House by which the normal procedure on this Bill can be resumed in substantially the same manner as if this unfortunate dislocation had not taken place. It is in pursuance and in order to give effect to that plan that I move this motion.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : What is the procedure which the Honourable Member says commands the general acceptance of the House ?

The Honourable Sir James Crerar : The procedure indicated in this motion and in the subsequent motions on the List of Business.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, first of all I must say I support the Honourable the Home Member in his motion for withdrawal of this Bill which provides for the better control of the Press. It seems that nemesis has overtaken this Bill. There are higher powers which the Government of India, the British Government and the Honourable the Home Member cannot control. Here destiny points its finger at the Home Member and tells him that the Bill which he tried to introduce in the last session and which he introduced in a modified form in this session of the Assembly has not the approval even of the gods. Sir, if I support the Home Member in his withdrawal of the Bill, I support him only in that motion. I wish the subsequent motions that he will bring forward had not formed part of the Agenda of this day, because it seems that while we ordinary mortals bow to the gods, Government in their higher wisdom and in their strength of brute force do not think that they have to think of the higher power of gods that point out to Government that such a legislative measure as this should not be brought before this House and passed here. My friend the Home Member pointed out that there is general approval of Members of this

[Mr. B. Das.]

side of the House about certain steps which he will take subsequently after withdrawal of this Bill. Sir, I have no knowledge of it. (*An Honourable Member* : "Nor have we any knowledge of it.") I do not know if my leader had a discussion with the Home Member, but we took no part in it, nor have I attempted to discuss this question with my leader or leaders. Sir, I reserve myself the right to oppose the new Bill in its new form as it has come, and I support the motion for the withdrawal of the Bill.

The Honourable Sir James Crerar : I do not think, Sir, that it is necessary for me to follow the Honourable Member opposite in the supernatural speculation on which he desires to base his principal objection to this motion. What I desire to pursue is the plain common sense view of the matter, and that is the convenience of the House and the requirements of the public business.

Mr. President : The question which I have to put is :

"That leave be granted to withdraw the Bill to provide for the better control of the Press."

The motion was adopted.

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

THE INDIAN PRESS (EMERGENCY POWERS) BILL.

The Honourable Sir James Crerar (Home Member) : Sir, I move for leave to introduce a Bill to provide against the publication of matter inciting to or encouraging murder or violence. At this stage, I think it is premature for me to enter upon any discussion of the merits of the Bill. I shall simply say that some very important changes have been made in the new Bill, and I propose to explain a bit more fully the nature of those changes at a later stage.

Mr. President : Motion moved :

"That leave be granted to introduce a Bill to provide against the publication of matter inciting to or encouraging murder or violence."

The motion was adopted.

The Honourable Sir James Crerar : Sir, I introduce the Bill.

The Honourable Sir James Crerar : Sir, I move that the Bill to provide against the publication of matter inciting to or encouraging murder or violence be taken into consideration. I do not think that it is necessary for me to inflict a long speech.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : On a point of order, Sir. I take objection under Standing Order 38, page 27 of the Legislative Manual, which says that no Bill can be taken into consideration without three days' notice, and so I take objection. Standing Order 38, page 112, says :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made", and so on.

Mr. President : I should like to invite the attention of the Honourable Member to the words which come later in the proviso and which run as follows :

".....and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made."

In this case the Chair has no difficulty in exercising the power of suspension under this Standing Order in respect of the Bill which has now been placed before the House for consideration. This Bill is a copy of the Bill as reported by the Select Committee, and it has been in the hands of Honourable Members for more than a week. The object of this Standing Order is that the House should not be called upon to consider any legislative measure without having had an opportunity of studying it. It is clear that that has been complied with in this case. Honourable Members have had ample opportunity of studying the Bill in the form reported by the Select Committee and the Chair has therefore no hesitation in suspending the Standing Orders and allowing the motion to be made.

The Honourable Sir James Crerar : Well, Sir, I shall proceed to point out to the House the more important changes which have been made in the present Bill in so far as important points of principle are involved. I do not wish at this stage, indeed I should not be in order in anticipating a detailed consideration of the Bill.

The first, and I think, on the whole, the most important change is the change made in section 4, which defines the nature of the offending matter with regard to which the other provisions of the Bill are directed. This is a primary provision of the Bill, which operates upon all the other subsidiary provisions. The definition of "offending matter" was I think a point to which a very large part of the criticism of the House was directed at the stage of consideration of the last Bill. It was argued strenuously that the original definition was of too comprehensive and too vague a character. It was argued that, on the basis of a definition of that kind, application to the High Court would tend to a large extent to become illusory. I am not myself prepared to accept those arguments, but nevertheless, we felt that it would be desirable to give a better definition of the nature of the offending matter which we contemplated, so that there can be now no question whatever that applications to the High Court which the Bill provides will be appeals of a perfectly effective character.

Let me recall to the House that the principle of the Bill, on which I do not think there was very much dissent from any part of the House, is to deal with incitements or encouragements to murder or other offences of violence, and also the eulogy of persons guilty or supposed to be guilty of such offences and of the offences themselves. Offending matter of that kind might be in a fictitious disguise, might be disguised in various ways by implication or suggestion. The question was very carefully considered, and the definition, as it now stands, gives substantial effect to the greater part of the criticism directed to the original clause.

I should also point out at this stage that in order to meet the criticism that works of literature, or history might conceivably come within the danger of the clause, steps have been taken to meet that criticism. Whether that criticism was really valid or not I am not concerned to say,

[Sir James Crerar.]

but I think that it is perfectly clear that the decision on matters of that kind would be within the discretion of the High Court, and I do not think that any Honourable Member present is prepared to argue that that discretion would not be wisely and properly exercised.

The second amendment of primary importance which the present Bill contains relates to the return of the deposit in the case of new presses and new newspapers after three months if within that period such press or newspaper has not published any offending matter. A good deal of difficulty was expressed with regard to the case of new presses and new newspapers. I think, Sir, that we have gone a very long way to meet that difficulty, because at the end of those three months the press or newspaper comes into the position of being an established press or an established newspaper and proceedings can only be taken against it at that stage in the event of the publication of offending matter, which then becomes open to an application to the High Court for adjudication of the issue involved.

Another amendment of considerable importance is that, while the original measure at that stage required the recording of special reasons for not taking security, the emphasis in the clause has been changed and the Magistrate now will be required to record reasons in writing for requiring deposit of security. At all stages preliminary to this, it is of course the case that there is no provision for an application to the High Court, and the reasons are fully explained in the report of the Select Committee and I need not I think pursue them any further.

Another amendment which has been made in order to minimise the risk of hardship or inconvenience is the grant of ten days for making a fresh deposit subject to certain conditions. Further, a provision in clause 6, which provided in certain circumstances for the forfeiture of a press, has been eliminated, and in its place there have been substituted provisions for taking a fresh security which the original Bill did not allow.

As regards the duration clause, the original clause placed it at three years, and I think myself in all the circumstances of the case that that was a reasonable provision. However, in response to strong representations which have been made on the subject, the potential duration of the Bill has been reduced to two years. Similarly, with regard to the Title and Preamble, regarding which a good deal of comment was made, the criticism which has been passed has I think been fully met. It is true that neither the title nor the preamble are operative clauses of the Bill, but as a certain amount of misapprehension was expressed on the ground that a wider title and a wider preamble might conceivably affect the operation of the Bill, though I do not think myself that there is any submisapprehension there might be on the point, the title and the preamble have been very greatly narrowed. A few subsidiary and consequential amendments have also been made which I think I might just briefly notice at this stage.

The deposit of cash or securities of the Government of India is in all cases to be left to the opinion of the depositor. The previous Bill provided for applications to the High Courts in cases of forfeitures. A provision has now been inserted that when the deposit of security has been required because of the publication of offending matter, an application to

the High Court will now be allowed, the ground of course being that in such cases there is definite judiciable matter to go before the High Court. The scope of applications under clause 23 has also been extended to cover cases under clause 12. Lastly, the amount of security originally fixed in clause 3 has been substantially reduced.

These are the most important features of the Bill. I think myself that the Bill as it emerges in its present form will be, as it must be, effective for its purposes. I must remind Honourable Members on that point, because some of the suggestions for amendments before me show some misconception. I must recall to Honourable Members once more that the primary purpose of the Bill is to enable an effective control to be maintained over incitements to and encouragement of murder and other crimes of violence and the like. Its purpose is not penal, and I think that some of the amendments which have been tabled, if I may merely glance at them at this stage, show that there is continued misconception on this point. At the same time, provision has been made to secure complete freedom to all legitimate comment and expression of opinion. Steps have been taken to minimise all risk of hardship or inconvenience to the normal and proper activities of the Press. Perhaps, Sir, I may remind the House of the assurance which I gave at the instance of the Honourable Sir Abdur Rahim that in the further consideration of this Bill Government would not endeavour to raise any technical or academic objections, but that their whole consideration of the matter should be based on a reference to the primary purposes and necessities of the Bill and the measures which were definitely necessary effectively to secure those objects. I trust the House will recognise that in the Bill now before us those assurances have been fully and effectively fulfilled. Sir, I move.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I would like to ask what is the procedure to be adopted now with regard to the amendments that were given notice of when the Select Committee's report was published. In view of the fact that this Bill has been introduced by the Honourable Member as a new Bill, and in view of your ruling that it will be taken as circulated to Honourable Members, may I request the Chair to give a ruling on the point whether the amendments which have already been given notice of shall be taken into consideration in the course of this discussion.

Mr. President : The Chair has decided that, having regard to the special circumstances of the case, all the amendments, of which notice had been previously given, will be allowed to be moved, with such modifications as may be called for.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I move that the Bill be circulated for the purpose of eliciting opinions thereon by the end of December 1931. At the outset I must say that I am not using any obstructionist tactics to delay the passing of a Bill which the Government consider necessary in the interest of the people of this country. At the same time it is necessary to find out what the people at large in the country have to say on the provisions of the Bill. The reason for my motion is this. The Bill that has been introduced is nothing but the so-called majority report of the Select Committee of this House. I say, "so-called majority report", for barring the Mover of the Bill, who is interested, they were equally divided. That being so, I

[Mr. Amar Nath Dutt.]

think that this is a fit case for a re-trial, because there has been an equal division of opinion, and I trust that no conscientious and intelligent man who has the interest of India at heart will object to such circulation, to ascertain the views of those who will be affected by it. You will see from a perusal of the provisions of the Bill that it not only attempts to gag a certain kind of Press, which according to my friend on the other side is the worst inciter to violence and murder, but also those people who carry on their trade as keepers or owners of presses. In these days there are very few avenues left for our unemployed young men and the question of unemployment is engaging the serious attention both of the people and the Government, and at such a time to put a restraint upon a particular kind of profession which is the profession of the educated middle class, is to put an embargo, to say the least of it, upon the livelihood of the people of this country. In that view of the case I would appeal to the Honourable the Home Member that he should consider whether or not we should have the opinion of the people who are to be affected by it and have the Bill circulated. Now I am even willing to concede that this Bill may be considered along with the Finance Bill which is likely to be taken up within a month or so ; but, in the meantime we should have ample opportunity to get the opinion of the public at large. The Bill, Sir, as introduced, has not been before the public for a long time ; it was published only a few days ago, when they came to know that the original Bill was not going to be discussed or passed. That being so, I think it is but right and proper that the Honourable the Home Member should accede to the amendment which I am moving. But if he is not willing to accede to our prayers, I should say, and not demand—we are here not to make any demands because we know a beggar cannot demand anything, and we are virtually in the position of beggars, and we know the absolute helplessness of our position on this side of the House, and the Honourable the Home Member also knows his strength—that being so, would it be too much if I ask him to stay his hand for only a month or so ? Sir, I remember—he will excuse me if I remind him of a certain other incident in his career as Home Member of the Government of India when he introduced a certain other Bill, and when introducing it he gave us to understand that, unless we passed that Bill, immediately the heavens would fall. Sir, somehow or other that Bill was not allowed to be passed and that Bill does not yet disgrace the pages of the Statute-book. Not only months but years have elapsed since then, but the heavens have not fallen, and neither has the earth under our feet given way ! That being so, Sir, I hope he will not use that argument again that, by staying this Bill for a month, the heavens would fall. You know your own strength, you know how to put down disorders, you have an army of Magistrates behind you, who would even, as happened only the other day here, try to suppress our voice here, as one Honourable Member attempted to do by sternly crying out, “ Order, order ”. I see he is laughing. Sir, he may laugh, but we feel all these. So long as these things continue, we are helpless in the midst of the work in which we are engaged. Sir, I do not know whether it will be necessary for me to convince the Honourable the Home Member that, without this Bill, he need have no fears that the administration of the country will not go on quite smoothly, or that law and order cannot be maintained ; but, if it cannot be maintained as the Government seem to suggest, I would ask the Honourable the Home Member to consult his own

Magistrates, among whom there are some who are not unwilling to set men and goondas against the people. Sir Lancelot Graham comes from Bombay, and he does not know what a goonda is. Sir, we have instances of goondism in several places in Bengal. I will not tire the patience of this House by reciting all those unfortunate happenings in my unfortunate province which led the Poet-laureate of Asia to leave his sick bed to pronounce his verdict upon the incident at Hijli, and I would ask the Honourable the Home Member to peruse his swan-song. Sir, you cannot complain that you have not sufficient powers to maintain law and order for a month or so. If you complain of that, I would say that you are not sincere in your admission. There is the Indian Penal Code, the provisions of which my Honourable friend and those behind him have administered. It is the most all-embracing code of law, which human intellect has ever devised. That being so, being armed with the all-comprehensive Penal Code which is sufficient to maintain peace and tranquillity, do you mean to say that you are unable to maintain law and order ? You speak of incitements to murders and incitements to violence. I do not know whether your vision is clouded by all these happenings, or whether you still retain that serenity of intellect which is necessary for a legislator so that you may be able to view things in their proper perspective. Sir, no doubt there have been some violent writings, and in a paper, the editor of which I miss very much at the present moment in the House, which wanted to set the European community and some of our brother Muslims against the entire Hindu population of Chittagong. But in these three tricolour pamphlets—not, mind you, tricolour flags which may be a red rag to a Bull—yellow, white and blue, one does not find a single specimen of those nice specimens of writing of a particular member of a particular community who calls himself “ Friend of India ”. (Here Mr. K. Ahmed made an interruption which was inaudible.) Sir, for the edification of my Honourable friend, the Home Member, I shall only give him one or two lines of those beautiful writings. On the 2nd of August in its editorial, the “ Friend of India ”, had openly advocated the mobilization of Anglo-Indians and Mussalmans against the Hindus. If you disbelieve this generalization, I can give you a small paragraph :

“ So long as loyal Indians and the British are content to pass Resolutions and send deputations, it is clear that they are not likely to produce much effect on His Majesty's Government.”

Sir, has harsher, has harder language ever been used on the platform of the Congress or on the platform of any public meeting than this ? I will quote it again :

“ So long as loyal Indians and the British are content to pass Resolutions and send deputations, it is clear that they are not likely to produce much effect on His Majesty's Government.”

We remember when the extremist politicians got the upper hand in the politics of our country, they used to ridicule us by saying, “ Oh, your Congress is a congress of petitions and prayers. We are not on our knees asking for boons and concessions ; we are on our legs demanding our just rights ”. Are not the utterances of the Anglo-Indian Press not more an incitement to violence than the language of the extremists with which they used to ridicule and condemn us in those days of the Congress ?

[Mr. Amar Nath Dutt.]

"If the King's advisers in London do not know how to deal with the sworn enemies of His Majesty's peace, others will have to get busy. They have got to consider what they can do for the King's India."

The other day I heard here, when a reference was made to Berar, that it is leasehold property. Here it is said "King's India". What is the meaning of that? It is certainly not a zamindari property; and it is the Britishers and not the King who rule over us. Every one on this side will rather be willing to instal King George as the real King of India, who will win our hearts and thereby unite both England and India into those bonds of sincere friendship which is so necessary. But no, our Anglo-Indian friends will not have that for we read in the *Statesman* of the 2nd August:

"They have got to consider what they can do for the King's India if the British in India will not protect the country from anarchy. The army and police are loyal to a man and they certainly cannot be used against loyal Indians or loyal British."

Again further we have in the same paper:

"He believes in the right to kill in self-defence or in defence of others and he believes in the right to use his bodily strength in the same cause."

I am sure my patriotic Muslim friends do not approve of this. I am not aware of a single Muslim in this country who would approve of writings like this. They are patriotic enough not to be tempted by the seductions of an enemy in the guise of a friend. These writings were the worst incitements to violence. I could quote passages and passages, but I do not wish to waste your time; but this is the spirit in which some of our Anglo-Indian friends are writing. Is not this an incitement to violence and have you taken any steps against them? You are silent. Question after question has been asked in this House, but you do not say anything. You say the law is there. We know the law is there but I believe that according to the fundamental principles of British jurisprudence, it makes no distinction of race, creed or colour. But I am sorry to say that the Britishers who are out to rule us make a good deal of distinction between race, creed and colour and try to set up one class against another. This is also incitement. Sir, you want to put a stop to a few stray murders here and there. Nobody deplores more than myself the unhappy incidents that we hear nowadays. Our sympathies certainly go to the bereaved families and I feel as deeply as any one on the other side. After all we are human beings, and the loss of a single life, the shedding of a single drop of blood, even of an enemy, is quite foreign to our culture and moral ideas. That being so, I assure you that we are with you in helping you in all possible ways that we can to save the lives of these people who at the present moment happen to rule over us. For I am not one of those who believe that British rule has been an evil for this country. I am one of those who believe that it was a divine dispensation which brought you over here, and I am grateful to you for opening to us the pages of your literature and history. But you cannot blame us if we have imbibed the sense of freedom from your literature and from your history. I would not imitate the ways of those barons who at Runnymede with unsheathed swords wrung from an unwilling king the Magna Charta, but I would like to come over to you in friendly conference, as we are doing at the present moment at the Round Table Confer-

ence, discuss matters and come to a settlement if there be any difference of opinion. After all....

Mr. President: May I draw the Honourable Member's attention to the fact that he is moving an amendment for the circulation of this Bill?

Mr. Amar Nath Dutt: Sir, I hope I have been able to make my position clear why this Bill should be circulated. As I have already submitted before the House, we shall not lose much in one month's time, and you will thereby give us time to consider its provisions and the country also will be able to express its views. After all you are the final arbiter in these things. If you think it so very necessary or imperative, you have other weapons with which to grapple with the situation, which have been so often used within the last few months. With these words I once more appeal to my Honourable friends on the other side to give us an opportunity of having the opinion of the public about this Bill.

The Honourable Sir James Crerar: Sir, the Honourable Member who has moved this amendment presented himself at the outset in the guise of a mendicant. I confess I had a great deal of difficulty in recognising the Honourable Member....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders): Sir, I rise to a point of order. There are other Members also who have given notice of the same amendment. Will they be allowed to move this motion or to speak on it?

Mr. President: There cannot be more than one amendment for circulation but a full discussion will be allowed.

The Honourable Sir James Crerar: Sir, I was saying that I had some difficulty, and I am sure the House had some difficulty, in recognising the Honourable Member in the guise of a *sadhu* or a mendicant. But I recall that the Honourable Member is a great admirer and a close student of the legends and mythology of India. It is not an uncommon thing for a very important person or a hero to appear in that disguise; and therefore when the Honourable Member presented himself in that capacity, I felt that, persuasive and insinuating as his accents were, I had to deal with them with a very great degree of caution. Perhaps, Sir, his motion for circulation was a very appropriate motion for him to make in that capacity, but, throughout the greater part of his speech I failed to discover the precise grounds on which he made this motion. He contended, in the first instance, that the Select Committee, so far as the report is concerned, was equally divided. I think if he will examine that document a little more closely, he will find that that is not the case. Therefore so far as any necessity for a re-examination of the Bill is concerned, his contention falls to the ground. Indeed his arguments were addressed more to the principle of the Bill than to the necessity for its being circulated for opinion. I do not propose to follow those arguments because they are not, in my humble opinion, really material to the issue which is immediately before the House. He then passed on to refer to certain cases of what he regarded himself as serious incitements to violence. Now, without myself being concerned to express any opinion whether the passages he quoted were of that kind, I take it from him that he considered that writings of that kind were a serious public danger. If that is so, then surely some provision against it is necessary, and that is precisely my position. The

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real ground on which I find it necessary to oppose this motion is precisely that there is a very grave and increasing danger in the country for which it is necessary to find a remedy. The Honourable Member referred, I regret to say somewhat casually, to "a few stray murders here and there". I do not think, Sir, that the incidents which have been the immediate cause for bringing this Bill before the House can properly be so discussed. It is true that he went on to say that he was anxious to help, more particularly in any measure of protection of the lives of British officers. The Bill, Sir, is not brought before the House with the sole purpose of protecting the lives of British officers. Indian officers are also concerned in this matter and when the Honourable Member expressed in moving terms—and I am sure in all sincerity—the deepest sympathy for the families of those bereaved officers, I trust that he will be prepared to show that sympathy in a prompt and practical form. His last contention was that there was on the Statute-book of India an easy means of dealing with this matter, and he referred also to the ordinances. He said that if an ordinance is to give effect to the principles of the Bill we might prefer that course. If the Honourable Member is prepared to agree that the provisions and principles of the Bill should be so placed on the Statute-book of India, if he tells us that we should be well advised to take that course, if he tells us that that would be a proper course, then I cannot conceive why he should take any objection to the principles and provisions of the Bill being forthwith taken into consideration.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammaddau Rural) : I also gave notice of a motion for circulation and now I want to speak on the motion and support my Honourable friend, Mr. Amar Nath Dutt. But I do not know why the Honourable the Home Member rose to reply so early, because he will not have the chance to reply later to the points which may now be raised. However, I am opposed to the principles of this Bill and also to the procedure. So I am for circulation. As regards the principle, I think every Honourable Member will concede that it is a fundamental principle of law that no person should be condemned without being given a chance to defend his own conduct in an open court of law. In clause (3) of this new Bill, it is proposed that any owner of a press or any publisher of any newspaper may be required to deposit sums of money before he has had any chance to prove that he is not guilty of anything, not only before any court of law, which I insist should always be the case, but even before a Magistrate. That is the main ground that I will subsequently take up. That is the main principle of law which this Bill goes against.

As regards the procedure, I think I should deal more fully with the procedure which the Honourable the Home Member wishes to adopt. In fact, mine is not a dilatory motion in any way. I want the circulation to be complete by the 31st of October. It is known to the House that the public at large had no occasion really to record their opinion about this Bill. We know that the whole of the Indian Press—except the Anglo-Indian Press—is against it. I will try to explain that these two stand on a different footing. Everyone will admit that this Bill, as its name shows, is a Bill for the better control of the Press and not for anything against incitement to murder or violence. It will be our business to show how the Bill will restrict the liberty of the Indian Press. At

this stage I wish to know—unfortunately the Home Member has already stood up and replied—anyhow I wish to know what the Government will lose if the Bill is circulated before the 31st of October. The House is also meeting early in November and it can then record its opinion on this Bill. It has also been said that the House is now in a depleted condition. Most of the Members have already gone away. In the original notice which the Member had it was stated that the House would last till the 24th of this month. A week more has already passed. So what is the hurry now? I think it is incumbent on the Home Member to explain why he cannot wait till the 31st October. Further it is known that at this time when the Round Table Conference is sitting in England, these controversial matters dealing with drastic steps against the liberty of the Press and action of individuals should not be taken up. It is also known that some Members of this House have been asked to attend that Conference and some of them have gone there very recently. I should like to know from the Government Benches what is the hurry now that they cannot wait for these four weeks and send the Bill for circulation. As regards the principle, it can be argued that it is not a penal measure and it is only preventive. But in our Penal Code even for preventive measures there is a procedure laid down. It is, I think, unknown in any civilised jurisprudence that people are condemned before having a chance of establishing their innocence in an open court of law. This Bill involves very big principles and certainly there is no hurry now. Even the Honourable the Home Member could not cite any case during these recent days. Fortunately from a pamphlet I read, I find that most of the editors have been punished during this period. I remember particularly the passages that were read by my Honourable friend, Mr. Arthur Moore. That is a Bengali paper and the editor was convicted once; he was prosecuted again and convicted a second time. The latest paper is the *Desh-Banee* from Noakhali. I read that that paper's editor also has been punished; and I get information from a friend that the editor of a paper in Bihar, from which quotations were made, also has been punished. So it is clear that the Government are not without means of proceeding against these papers. They have ample scope now, if there is any recrudescence of this crime, to deal with these editors. It is not that they are entirely helpless.

Therefore, Sir, as this Bill involves very large principles, I think the Government will do well to consider the matter and postpone the Bill till the next session in November.

Sir Zulfikar Ali Khan (Nominated Non-Official) : Sir, I thank you for giving me this opportunity to speak for the first time on this Bill; and I hope that Honourable Members will show me some indulgence if I describe some of the vicissitudes through which this Press legislation has passed. The motion now before the House deals with the problem whether the Bill should be immediately passed or whether it should be allowed to go the round of the provinces and then come back again to be dealt with according to those opinions. Before I deal with these problems, I may be allowed, as I have said just now, to describe some of the phases which I myself have seen.

It was in the year of grace 1910, when on account of the policy of Lord Curzon, the province of Bengal exploded in a frenzy of emotion, and the thunders of anarchy reverberated in the land. The Government

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awoke to the danger of allowing this agitation to develop any further ; and in the Imperial Council, of which I was a Member, a Bill was introduced to control the activities of the Press. Lord Sinha, who was then Mr. Sinha, piloted the Bill very successfully through the Council and exhibited skill and ability of such an order as I have yet to witness in the various Legislative Councils. In opposition to the Government there were stalwart politicians such as Mr. Gokhale, Mr. Bhupendra Nath Basu and Pandit Malaviyaji and others, and in spite of their strenuous opposition, Lord Sinha carried it through most successfully.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Were not the non-officials in a minority in that Council ?

Sir Zulfiqar Ali Khan : Yes ; but it evoked a good deal of opposition ; and there were people who were very able and later on shone in the other Councils. Ten years later, when the new constitution came into being, that is to say, in 1920, whether by a conscious or unconscious irony, the Government called to office some of those very people who were looked upon as offenders by the Government and who were fugitives from justice. This change of direction was masked with a smoke screen of political futilities. In any case it offered an interesting example of how an autocratic impulse can change abruptly the whole tone and tendency of Government policy. History repeats itself, and we have come back again to the same situation. Government see in the present situation very great peril on account of the activities of the Press, and they have again introduced a measure to deal with such activities. It is very difficult to dissect the motives of the people, the pressmen and the assassins whose activities the Government wish to curb. But analysing the psychology of such people and seeing into the motives of such people as far as I can see, there can be only two motives of the assassin : either to enlarge the liberties of his country or to create chaos and anarchy in the land. With regard to the first, that is to say, making sacrifice for the greater liberty of the country, I may say that both Indians and British are doing everything they possibly can to add to the liberties of the people and to frame anew constitution for India, which I hope and everybody hopes will satisfy the people. Even Mahatma Gandhi has come out of his entrenchments to parley with the British, and he has gone to London as we all know and is engaged in the serious and momentous work of the Round Table Conference ; and we hope that substantial and satisfactory results will ensue from those deliberations ; and in the interests of the country and in the interests of the future of this great land, we all desire that peace and tranquillity may be allowed to those representatives of ours who are there in order to do the things we desire. If they are disturbed in their deliberations, I think it will be unfair not only to them but to ourselves also. It seems to me that, in spite of these considerations, the anarchist in India wishes to follow his devious and dark ways, and therefore it is necessary to consider what is best in the interests of the country. Mahatma Gandhi has issued earnest appeals to these people and so has Dr. Tagore and others, but these misguided youths do not listen to any reason.....

Mr. Gaya Prasad Singh : But what are the opinions of Mahatma Gandhi and others on this Bill ?

Sir Zulfiqar Ali Khan : If these people do not listen to any reason, then it is the duty of all patriotic people, who desire that there shall be peace and order in the country, to support a measure of this character. Sir, I am one of those who desire that India may occupy the same place in the rank of nations as any Dominion in the British Empire, and therefore if I offer any opinion here, I am perfectly sure that it will be listened to with attention, and if there is any criticism to be offered, I should be the first to benefit by it. Sir, the activities of these people are inspired by the mistaken idea that they are the only saviours of the country and that others including men like Mahatma Gandhi are traitors. (*An Honourable Member* : "Who said so ?") Yes, they do say like that, because they have not listened to Mahatma Gandhi's advice, they defy him, they even attack him.....

Mr. Gaya Prasad Singh : Why don't you quote Mahatma Gandhi's opinion on this Bill ? Quote his opinion on this Bill if you have so much respect for him.

Sir Zulfiqar Ali Khan : These young men labour under the delusion that by their methods they can create.....

Mr. Amar Nath Dutt : May I know what is your objection to circulating the Bill ?

Sir Zulfiqar Ali Khan : They think they can create a nation in India. Well, Sir, if they have an atom of common sense they will at once see that their activities, instead of creating a nation, have divided the nation. What has happened in Chittagong ? What has happened in Cawnpore and other places ? If their activities are allowed to run riot, I am afraid that they would soon inaugurate a civil war in India, the consequences of which would be most appalling. If Honourable Members think that what has happened in Chittagong, Cawnpore and other places has no bearing on the attitude of these people, then they can kill this Bill, destroy it or do anything they like with it, but if there is any danger lurking in these proceedings, if instead of getting on to the formation of a nation, these misguided youths are destroying that chance, then I do think that Honourable Members should take into consideration the difficulties of the administration and the well being of our own people. Sir, in order to save India from great perils, the only thing to do is to cut off the fuel from the fire, I mean the fuel of the incendiary writings which offer direct incitement to murder and assassination ; and to curtail the activities of students, assassins, schoolboy anarchists.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Why did you oppose the measure last time ? Why did you vote on the other side ?

Sir Zulfiqar Ali Khan : I think, Sir, if anybody requires muzzling, it is this gentleman here. (Loud Laughter.)

Mr. Amar Nath Dutt : For his extraordinary intelligence ?

Mr. K. Ahmed : Exactly like my friend who is vacillating and changing.

Mr. President : The Honourable Member cannot be allowed to interrupt like this.

Sir Zulfiqar Ali Khan : With these remarks, Sir,—(*Several Honourable Members* : "Go on, go on.") I strongly support the Bill which

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is now before the House and oppose the motion for circulation. The Bill has been very much changed by the Select Committee, and if you mutilate it entirely, there is no object in passing this measure which will not be effective and which will not remove the dangers that exist in the country.

Rao Bahadur Chaudhury Lalchand (Nominated Non-Official) : Sir, liberty of the Press is a great asset in all civilized countries, and any limitations on such liberty and on honest and straightforward journalism, which is very essential for the healthy growth of all national institutions, are to be deplored. But we are passing through the most critical period in the history of India. We have political agitation on the one hand and economic trouble on the other. A life and death struggle has been going on during the last two years between the most organized section of our political parties and the Government. A huge propaganda has been going on, and thousands of our young men have been to jails and great heat has been imported in this blood. Just at the present moment, when our representatives are discussing the future constitution of the country in England, there is a section of the population here who honestly feel—I do not attribute motives to all of them—but there are some who really and honestly feel that if they can do something here while important deliberations are going on which may show that India hates foreign rule, that will strengthen the hands of our representatives. Well, Sir, extracts were produced from papers by several Members when they spoke last to show how pernicious propaganda has been carried on for some time in the country, and a case has been made out to put a stop to that pernicious propaganda. There is, to add to this trouble, tension between landlords and tenants, and advantage is being taken to turn economic unrest into political agitation, and therefore an emergency has arisen. If I may be allowed to add to this long list of troubles, the unemployment problem to which my friend Mr. Amar Nath Dutt referred, that is another cause, and any number of highly educated young men are out of employment and they offer very good material for exploitation. So all these causes taken together have caused an emergency in the country which did not exist before, and for which special legislation is necessary. There is great deal of inflammable material in the country and a small spark will be enough to set fire to this stuff. The present measure, as has been very clearly pointed out and is apparent on the face of it, is only an emergency measure with limited scope and for a limited period. As such, if it is to be effective, if we are to give due consideration to the extracts that were read out to us by so many Honourable Members, if we are to check this propaganda effectively, an effective and emergent measure is very necessary.

Sir, it has been said, and some of my Honourable friends hold, that a measure is not emergent unless the heavens would fall if it is not passed. To them my reply is that the heavens will not fall if this measure is thrown out to-day. What would happen is this. The pernicious propaganda, the vicious propaganda that has been going on will continue. More young men will be misled. There will be investigations by the police, and more finds of illicit arms. There will be prolonged trials. More misguided young men will be convicted. After that, there will be processions through the streets followed by huge demonstrations. There will be mass meetings, and in some cases they will have to be dispersed.

Mr. Amar Nath Dutt : On a point of order, Sir. This Bill does not refer to processions, or mass meetings, and such other things. It is confined only to the keeping of presses and newspapers, and therefore, my Honourable friend is not relevant in his remarks.

Mr. President : The Honourable Member is quite in order.

Rao Bahadur Chaudhury Lalchand : I was submitting, Sir, that there will be all these unpleasant things. There will be firing by the police in extreme cases and innocent people will also suffer. The police and the military will patrol our streets to keep the law and order, and many other unpleasant things like the punitive police, etc., which none of us would like to see will happen. I think these will prove as bad as the falling of the heavens. Therefore, if the measure is to be passed at all, it should be passed at once.

Then, Sir, it has been said that besides these Honourable Members there are 350 millions outside ; they must have their say and they must know. May I ask how many of those 350 millions know that a Press Bill at all existed in the past ? How many of them know that it was repealed some years ago ? Not more than 15 per cent. know the past history, and not even that much will know if this Bill is circulated for a month as has been suggested by the Honourable the Mover opposite.

My Honourable friend Mr. Mitra has said that the Anglo-Indian Press is the only Press that favours this Bill. I had no mind to mention the vernacular Press at all, but I have got an extract from a paper, and if you will allow me, I will read from it. It is in the vernacular, but I have got the relative portion translated into English. In its issue, dated the 9th September, it says... (*An Honourable Member* : "What is the name of the paper ?") I will let you know presently. It says :

"On principle we are against any law which restricts the liberty of the Press. Ordinarily and under normal conditions every one will oppose a measure which tampers with the liberty of the press. But the principle underlying the liberty of the press is also subject to other wider and more important principles. If this liberty is used in a manner so as to endanger the lives of others, if it makes it difficult for others to discharge their duties and which curtails their liberty of moving about freely, then, it is not only proper for the Government to put limitations on this so-called liberty of the press, but it is their duty to do so. For, who does not know that the attempt to bomb the Viceroy's train, the dastardly attack upon the Governor of the Punjab, the murders of Mr. Saunders, of the Inspector General of Bengal and of the Inspector General of Jails, of Mr. Garlick and similar other incidents have been undertaken by such misguided youths whose balance of mind had been upset by either exciting articles in the press or by irresponsible and inflammatory speeches from the platform ? It is indeed to be regretted that editors of newspapers, who are instrumental in spoiling the lives of young men by their inflammatory writings and their criminal gestures and nods, should themselves remain safe, and inexperienced and short-sighted people, who fall victims to their writings, should undergo punishment.

Editors are generally clever and experienced people and they manage to write in a manner as to be safe from the clutches of law, while young men who read those articles take to bombs and pistols in the heat of the moment. The poisonous propaganda against the Government, its officials, against England and Englishmen, that is carried on in the press, is simply amazing, and there is no doubt that all anarchical crimes are the result of poisonous writings and similar other literature and of the speeches of unbridled speakers. Bhagat Singh was praised beyond measure, Sukhdev and Rajguru were equally extolled while Dimesh Gupta was deified. Great sympathy is shown with the accused in conspiracy cases. All this is not because they were regarded innocent, but because they committed these horrible crimes for the sake of the country. We all know how money is collected for the perpetrators of these crimes and how defence committees are formed. In court when they are guilty of impertinence and contempt of court, or when they resort to obstructive measures, then instead of writing a word against their conduct, the Government, the court, or the

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complainants are subjected to attacks. All these things deeply affect the minds of young inexperienced school and college boys and prepare them to risk their lives and liberty. They begin to regard this praise, this reputation and this honour as sufficient reward for their lives and resort to bomb and pistols. We believe that no one who has any regard for truth will deny the fact that press is to a large extent responsible for all those causes which derange the minds of young men. Under these circumstances if Government proposes to pass some law, which may give them better hold on the press, they are fully justified. They not only safeguard themselves but save many a young, promising youth from this most dangerous behaviour. If a rider uses any effective method to control his wicked horse or puts strong bits in its mouth, he cannot be accused of tampering with the liberty of the horse. We hold that the proposed Bill is of this nature and it would have been better if it could have been extended and applied to writings which create communal tension and bitterness."

Sir, this is an extract from a vernacular paper, and for the information of Honourable Members I may tell them that this is not a rival with Calcutta papers. The name of the paper is *Jat Gazette*.

An Honourable Member : Edited by you ?

Rao Bahadur Chaudhury Lalchand : No.

(At this stage several Honourable Members tried to interrupt the speaker.)

Mr. President : Order, order.

Rao Bahadur Chaudhury Lalchand : Sir, comments are superfluous. I would only add that the Bill that is before us is meant for the gutter Press of India and not for honest and straightforward journalism. The difficulty is that the case of the two cannot be separated and one seems to suffer for the other. The choice, therefore, is clear. Hand over the culprit and remain safe. If you harbour the offender, then of course you suffer the consequences of the ordinary law. With these words I strongly oppose this motion.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I rise to support the motion made for circulation of the Bill for the purpose of eliciting public opinion thereon. I support the motion because I disagree with the principles as well as the procedure suggested for the evil which the Government want to remedy, namely, the terrorist movement. I have listened with the utmost patience to the Honourable the Home Member during his speeches on this Bill during the present session. I have not been able to agree either with the causes which he has suggested for the terrorist movement or with the remedies which he desires this House to enact to combat that movement. The terrorist movement, they say, has got its inspiration from the Press. I submit and hold that not 10 per cent. of those people who commit these crimes read the newspapers from which the Home Member was pleased to quote from the pamphlets supplied to us. He admits that some of those papers from which he quoted have got editors unknown or fictitious. He could not give us even a supposed figure of their circulation ; the names of many of these papers were unknown to the Honourable Members of this House till he mentioned them. Papers with such a circulation could hardly be expected to incite the intelligent and educated young men who are misled to commit those crimes. The fact that these papers existed in the presence of such a strong bureaucratic machinery of the Government of India, the fact that not one of them suffered under the penal laws of the land, the fact that not one of them was taken to task in any way is at least a fact which causes suspicion in the minds of many of

us that those papers are edited and owned by agents provocateurs. They have not been able to cite from any of the well recognised organs of public opinion edited by respectable editors and they have failed to make a case against the Press which exists, and which can be called the organs of public opinion read by the population as a whole. Of course, as my friend Mr. Lalchand was pleased to remark, it does not apply to the *Jat Gazette*. He says that it is meant only for the gutter Press and not for the paper which is possessed and patronised by a society of which he happens to be the head or one of the most prominent organisers.

Sir, I may with your indulgence place before you my reasons for the existence of the terrorist movement and thereafter refer to the remedies which I consider would meet the case. The terrorist movement is a necessary accompaniment of a foreign bureaucracy oppressing an old civilisation. It always comes with it and it goes with it. It is bound to exist as long as the terror of a foreign rule exists for the oppression of a race ; and neither one Act nor two Acts, nor even ordinances are able to meet the circumstances. This movement exists when young men who study in schools spend all their parent's money for education with a view that they will get an opportunity to serve their motherland. They spend sometimes 15, 20 or 25 years for equipping themselves for that service. When they come out of the colleges, what do they find ? Places of honour are not meant for them, because they belong to a slave country. They belong to a subject race. All places of profit and honour must first be given to the white bureaucracy 7,000 miles away. They must be paid many times more than they could fairly demand or command in their own land. They must be provided with jobs when the country cannot stand even the barest taxation, at exorbitant salaries, which even the Finance Member was pleased to call the highest scales which exist in any country and with the continuing of which the Government of India can never prosper. They find that the best and noblest blood in the land with higher aspirations, demanding a national government in their own country, are terrorised and oppressed. They are kept in jails for periods undefined and even there, as we saw the other day, their liberty is being violated. They find that, whenever any measure of reform is given, it is never meant to be honest and effective. They find that the Legislatures are there, but that they can be easily overriden and laws made and passed, whether they are in session or out of session. They find, above all, that as long as the foreign bureaucracy rules, they cannot fulfil any honourable ambition. With such things before them, with so slender prospects for the fulfilment of their life's desire, with the ambition of public service, to be of utility to their community and their country all dashed to the ground by the ways and means adopted by the Government, they feel that the only way by which they can make India fit for the Indians, governed by the Indians and for the Indians, is, perhaps, to adopt measures which all countries, in such moments of national helplessness, have been forced to adopt. I do not approve of those measures, far from it ; I do hold that they are misled, that violence should not be adopted by human beings, because it implies a brutal nature of which our civilization is incapable, but I may just explain what, I imagine, they feel and what leads them to do like that. They say that Great Britain did not give power, did not agree to self-government even in the case of their own kith and kin, even to people of their own blood and to their own children in the United States of America till they were actually beaten to the ground. They find that, in spite of those wonderful promises in

[Sirdar Harbans Singh Brar.]

Parliament of Mr. Pitt regarding the United States and of Mr. Gladstone regarding Home Rule to Ireland, Great Britain would never part with power unless and until you force them to retire. As a result of those experiences, those histories which you teach them in the Universities in India, and much more in Cambridge and Oxford, where they read the books of Mazzini and other stalwart nationalists of their own motherlands, they are forced to adopt measures which they themselves consider to be genuinely in the interests of their country,—not as the Press advises them, or as the leaders ask them to follow. Sir, some people, after studying in the Indian Universities, afterwards proceed to the British Universities for higher education there. But on coming back, they find no jobs, and further they find that the European must be paid double the salary, must have special allowances, in short must be fed fat at the expense of the Indian labourer who gets barely one meal a day, and who must provide the European with all the luxuries of Simla, Naini Tal, Ootacamund and Darjeeling, and who must be bled white to the maximum limit that the modern machinery can extract from him. Sir, these are, I believe, the true causes of the terrorist movement,—not the Press, not even I think the gutter Press, because only a few of them could read the gutter Press, they are educated young men, and if they were to read the *Statesman* or the *Englishman* or the *Times of India*, and if those papers gave them the inspiration to such deeds, well they may be able to follow them. We only the other day read in that distinguished journal the “Friend of India” on page 9 of its issue—because that is the most important page—that it wrote to the effect, “Oh, well, if a Hindu kills a Muhammadan, the Muhammadan must retaliate, if Anglo-Indians are killed, and if they retaliate that is the only way to stop all this terrorism”. Sir, this is the sort of inspiration to be derived from these newspapers. I may say, Sir, that a British statesman who has twice filled the highest office under the Crown has condemned that Press as being irresponsible, as being a menace to the peaceful British rule in India and that gentleman has now recently been, with the common consent of all the different political parties in England, called upon to undertake the same onerous duties of holding the highest office under the Crown. Now, Sir, that statesman has put it in black and white on paper. Of course the customs authorities would not have permitted me in 1927 to bring that book to India, so I cannot give the exact wording of it, but I have got it in my head, almost verbatim, what he put down in that book. Speaking about the Government of India’s attitude towards sedition, he said :

“Above all, it has sought to widen the scope of sedition until it shall include everything that was not flattery.”

At that time he was talking of the Press Bill of 1910, which in a different form is being revived here :

“It condemns as sedition the most innocent phraseology of nationalism, and treats as dangerous political characters those who criticize its actions.”

It allows the Anglo-Indian Press day by day to write highly atrocious articles against the children of the soil. While all that is allowed to be done with impunity, the reply to it given by the Indian Press is treated as sedition, as stirring up racial enmity, as bringing Government into contempt ; and he says that Indian nationalism shall have to fight yet a hard battle to win its freedom against the Anglo-Indian community and the

services. He means the British services, which cannot be expected to welcome the national spirit. Sir, even though we find writings in the Anglo-Indian Press being condemned by such a distinguished statesman of His Majesty’s Government, we do not find, during the whole period of British rule in India, one singular example of an Anglo-Indian paper having been brought to book or its editor having been prosecuted. Every day it incites and writes articles which make our blood boil and make us feel that it cannot do this without the Government permitting it to do so, because the Indian Press, even the most moderate like the *Hindustan Times* can be called to book and asked to give security which afterwards the High Court declares as being unjustified.

Sir, we are now, they say, on the way to get reforms. The Press creates opinions and leads the opinion in the country. At this time Government cannot welcome the emancipation of this country from centuries of slavery. They cannot allow the national movement to go on. They know in their heart of hearts that they are not prepared to give anything at the Round Table Conference and they know that that will lead again to a nation-wide struggle. So they are preparing to combat that struggle at the very beginning. It is not the terrorist movement that they want to stop. They want to check the national movement, which is coming to a head if the Indian demands are not met at the Round Table Conference. With that view they want to check the nationalist Press of India ; and I dare to prophesy that as soon as the Act is passed, the *Advance* and the *Liberty* will come under the guillotine perhaps on the first morning, the *Hindustan Times* in a week, the *Hindu Herald* and other papers like the *Tribune* and *Leader* will also follow, unless of course they themselves voluntarily adopt silence in matters of national importance. Sir, this Bill will not stop the terrorist movement. Let the Government follow the example of other countries which in such crises meet their emergencies. Let them send all the European troops back. I do not mean the officers. If we are not fit at present to officer the Army, at least our soldiers have proved themselves as well-fitted, and as good fighters on the battle-fields of France and Gallipoli as the soldiers of any other European country. Let that expenditure of five times that of the Indian soldier be stopped. Let Indians be given positions of honour and profit for which they are equally fitted, because when we get qualified Indians there is no justification for keeping foreigners here. Reduce the scales of salaries which are as much as four times those of Japan, of Germany and of France and I think about 2½ times as much as the United States of America which is the creditor of all nations of Europe. With that curtailment of expenditure, with the encouragement of Indian industries and agriculture, with the man in the street being satisfied with his lot and having a decent living in the land of his birth, with the young educated Indians being given an opportunity to prove their worth and with the power of the Indian people over their own exchequer, all this movement will naturally come to an end. Without these remedies, no Act, no ordinance, no repression by the police or the military will be able to stop it.

My Honourable friend, Chaudhury Lalchand, said, how many people know that a Press Act existed, that it was repealed and that it is again being introduced ? Is it because the people do not know anything about the introduction of the Bill that it must be passed ? How many people know that Chaudhury Lalchand has taken the place of that distinguished journalist Mr. K. C. Roy in this Assembly ? Not ten men in a thousand

[Sirdar Harbans Singh Brar.]

will know that. All the intelligentsia of India, which leads the masses, knows that there was such an oppressive measure as the Press Act of 1910. It knows that when the representatives of the people got a majority in the Indian Legislature, they took away that black spot from the Statute-book. And now all the intelligentsia has come to know from the columns of the "Friend of India" that another far more oppressive measure is now on the threshold of being enacted into law, and that Chaudhury Lalchand will contribute his quota to the making of it. Sir, when I was in England studying at the Bar, I used to hear from distinguished professors from Oxford and Cambridge, who used to lecture to us, that the only penal remedies for all unforeseen circumstances, is the Indian Penal Code. That was the opinion of the most distinguished jurists of the well-known University of Oxford, and it was repeated on the floor of this House by the most eminent criminal lawyer of the Lahore High Court. Sir, the British jurisprudence laid it down that no person should be condemned unheard and that we must presume every one to be innocent until the contrary was proved.

Mr. K. Ahmed : Did you not deposit the caution money at the time of admission into the Inns of Court before you were called to the Bar ? And did you not furnish security or deposit Rs. 500 at the time of submitting your nomination for election to the Legislative Assembly ?

Sirdar Harbans Singh Brar : I think you are the only man from whom security should be demanded.

Sir, this Bill provides that without being called upon to show cause why security should not be demanded, the Magistrate who is the agent of the bureaucracy and of the executive, which is a party in the case, should declare him to be guilty. Security should be demanded, and what is worse, when a new person starts a press and has not printed a word on a paper and has not perhaps put a paper in the machine, he must also be declared *ipso facto* to be guilty and must deposit security because the Magistrate asks him to do so.

The Honourable Sir James Crerar : It is not "must". The Magistrate may demand security.

Sirdar Harbans Singh Brar : Sir, from our experience of 150 years of British rule we have come to understand that "may" is always "must" and "will" is always "shall". That is our experience and experience is better than theory. Sir, is it fair that a newcomer should have to deposit security at the sweet will of the Magistrate ?

Mr. K. Ahmed : Why did you deposit the caution money before you were admitted in the Inns of Court and furnish security of Rs. 500 when you had submitted your nomination for election ?

Mr. President : I wish that Honourable Members in possession of the House should not be interrupted. The discussion has proceeded at considerable length and very long speeches have been made. These interruptions have the effect of prolonging these speeches. I would specially ask Honourable Members not to interrupt speakers who are in possession of the House.

Sirdar Harbans Singh Brar : Sir, when the Honourable the Home Member introduced the Bill on the 7th of this month, he said that the

heavens are falling and it must be passed immediately. Later he said the report of the Select Committee must be submitted by the 18th September, otherwise India will be ruined and the Government will cease to exist or to function. Three weeks have passed. Nothing—not even one incident has occurred. And where is the hurry ? We are meeting again in November. Why cannot we in this one month, by executive order—if he agrees to do so—circulate the Bill for eliciting public opinion by 31st October and then along with the Finance Bill we can dispose of this measure within a short period ? Why should not the country have its say in the matter ? Why should not the Local Governments, the judiciary and other bodies in the provinces be consulted ? As Honourable Members have submitted, no such emergency or unforeseen or extraordinary thing has happened during these three weeks, and we can safely wait for another four weeks, and meanwhile let us have the opinion of the whole country before us, and with that material to assist us, the Home Member and we can co-operate together and make it law if the country and the Local Governments support it. There will be nothing to prevent us at that time passing it into law and four weeks is not too long a period to wait from the experience before us. With these few words, I support the motion made for circulation.

Mr. G. I. Griffiths (Bombay : European) : I rise to oppose the amendment that we should circulate the Bill.

Having carefully followed the debate preceding the sending of the original Bill to the Select Committee, as also the report of that body, I feel I am now in a better position to urge the necessity of immediate acceptance of the new Bill upon my Honourable friends, the former Opposition. "Former Opposition" I rightly say in this case because, I am sure that the majority of those who formerly opposed the Bill will now support it, as they must be convinced of the Honourable the Home Member's genuine efforts to meet their desires which the toning down by the Select Committee proves.

In considering those points raised by the Opposition, I would commend to their notice, the remarks of Mr. Ranga Iyer, wherein he stated that the platform was a worse offender than the Press, and I find that they have omitted to raise their voice against those platform orators who deliberately incite and eulogise murder by their scurrilous out-pourings. They have omitted to ask for the control of those who do equally as much damage by speech as by the pen. I feel sure they will support my contention that those who eulogise murder and broadcast praise of anarchists, whether by Press or platform, should be appropriately dealt with. My Honourable friends of the Opposition have definitely shown their abhorrence of murder and anarchy, and I now appeal to them to assist in the unanimous passing of the new Press Bill, as redrafted by the Select Committee, and thereby to frustrate those who would bring chaos to the country by their writings. I would like to read an extract from Sir Cowasji Jehangir's speech as Chairman of the Reception Committee of the National Liberal Federation—just a small extract :

"No constitution which may give us a stable Self-Government will ever satisfy those who believe in the destruction of the existing order as a condition precedent to its reconstruction."

It is just an extract which bears out my contention. Further, I should like Honourable Members to add their voice to mine in urging Government to make an addition to the Penal Code, whereby those

[Mr. G. I. Griffiths.]

making utterances eulogising murder may also be brought to book, as the removal of these two forms of destruction will be the means of creating that peaceful atmosphere so necessary to those leaders at the Round Table Conference who are at present working to ensure to India a happy future.

Sir, as a new Member of this Honourable House, I want to feel that I am part of a body solely composed of sane, right-thinking men whose one aim is the welfare of India, and it is only by supporting Government's efforts, such as this Press Bill, that the desired welfare can be assured. Sir, I again appeal to my Honourable friends to avoid the road to destruction and concentrate on building up a sound future constitution for India. From the great number of amendments, it would appear that the whole structure of the Bill would fall, as it is suggested that the very foundation be removed, and this means that the emaciated skeleton which remains would be worse than useless. While I share the anxiety of Honourable Members opposite to clarify the Bill to the utmost extent so that no innocent paper can possibly come under its scope, I view with some concern one or two of the concessions which have been made and fear they may make it easier for an offender to escape. In particular, there is the clause permitting a new paper to go on publishing for ten days before producing the requisite deposit. It seems to me that in the case of mushroom newspapers which do spring up definitely for the purpose of inciting to violence and do not expect to have a long life, the clause as it now stands will permit a suspected person—who is in fact acting in bad faith—to start his newspaper, commit an offence, and disappear with a view to repeating the performance elsewhere. Further I should like to feel sure the Government are satisfied that the abolition of a minimum fine in the first instance is justified and whether it would not be more satisfactory to keep the previous minimum of Rs. 5,000. It is obvious that the Bill as it now stands will not interfere with the liberty of the sane Press in India, but will only be operated against those writers who are a menace to public safety. My Honourable friends opposite are quite convinced that what I have said is correct but, constituting the Opposition as they do, consider it their duty to oppose every move of Government.

(10) Volume VI, No. 6, dated 30th September, 1931, page 1294, line 14 from the bottom, for "pros and cons" read "pros and cons".

having been
period of the
are launched, we shall be here until 1932.

Therefore, Sir, in conclusion, I would earnestly request all my Honourable friends to put nothing further in the way of bringing this session to a close, withdraw all wrecking amendments and pass this Press Bill so very necessary for the country's good.

Sir Abdullah Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, I rise to intervene in the debate because I find myself in the unfortunate position of differing from my Honourable friend Mr. S. C. Mitra, who has moved an amendment for circulation of the Bill. I am anxious to clear my position because I cannot but oppose this amendment. My task has been considerably lightened by Sir Zulfikar Ali Khan and the speakers who followed him, and who have expressed their opposition to the amendment; and I would not be aiding

and abetting in furthering the object of this dilatory motion by delivering a long speech opposing this dilatory motion any further.

I wish to confine myself to the points raised by my Honourable friend, Mr. Mitra, and I shall briefly give my reasons for not supporting his motion, although I should like very much to be always on the same side as himself, if for nothing else, for the sake of old associations of bygone days. I am thinking of the days when I had the honour of being a lecturer in law in the University of Calcutta and Mr. Mitra was a student of law attending my Tagore law lectures...

Mr. K. Ahmed: And I suppose you were working together when both of you were Swarajists.

Sir Abdullah Suhrawardy: That was before the birth of my Honourable friend either as a lawyer or as a politician.

Mr. K. Ahmed: I did not start my political life as a Swarajist.

Sir Abdullah Suhrawardy: My first reason is this. Referring to the previous debates, I find in the proceedings of the 16th September a motion to the effect, "That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd January 1932". I find that the motion on the Agenda Paper to-day moved by my Honourable friend Mr. Amar Nath Dutt and supported by Mr. Mitra runs as follows: "That the Bill be circulated for the purpose of eliciting opinion thereon by the end of December, 1931". The only difference I find is that, instead of the 2nd of January, the date has been changed to the end of December. (*An Honourable Member*: "Not December.") I gather from the speech of Mr. Mitra that he now suggests the end of October. But I was confining my attention to what appears in print, and I think that the dawn of wisdom is due to the fact that the first of January is perhaps a public holiday, and instead of "the 2nd January" they put down, "the end of December 1931". Perhaps as a result of the dawn of greater wisdom, the period is shortened to "the 31st October" and I hope that at the end of the debate there will be a dawn of even much greater wisdom and that my friend Mr. Mitra will realise that it is in the interests of the country and in the interests of those for whom he has laboured and suffered so much, and in the interests of the freedom of the Press that this dilatory motion should not be allowed to stand in the way of the consideration of the Bill. I find not only that there was a similar motion in similar terms debated on the 16th September, but that when the House divided on that motion and the motion was carried by a large majority—73 against 31—in the list of those who defeated that dilatory motion prominent amongst the names of Honourable Members, the honoured names of Sir Abdur Rahim, Sir Cowasji Jehangir and Mr. Shah Nawaz—the Leader and Deputy Leaders of the non-communal party to which my friend Mr. Mitra belongs and of which he is the moving spirit.

My second reason for opposing his motion is that by a curious coincidence I chanced upon a paper—the list of questions for Wednesday the 23rd September 1931; and there is a question, No. 918, put by Mr. Mitra which runs as follows:

"Has the attention of Government been drawn to a series of articles in the *Muslim Outlook* of Lahore regarding the Indian State of Kashmir?"

Have Government taken legal opinion or do they propose to take such opinion as to whether these articles contravene the provisions of the Princes Protection Act?

[Sir Abdullah Suhrawardy.]

Has the attention of Government been drawn to a series of articles and communications from special correspondents in the *Statesman* on the subject of the internal administration of Kashmir State and have they taken legal opinion on those articles as to how far they are calculated to bring the administration of Kashmir into contempt and offend against the provisions of the Princes Protection Act ?

When I notice the zeal and enthusiasm of my Honourable friend, Mr. Mitra, who cannot be accused of communalism of any kind, belonging as he does to the Independent Party, which is noted for its non-communalism, I do not clearly understand the reason why he is so anxious about the protection of the Princes and so unmindful of the interests of British India. The reason put forward for the mobilisation of the forces of bureaucracy by putting into action the machinery of the Princes Protection Act is the reason for my supporting the consideration of this Bill which is an emergent measure, the emergent character of which I do not think anybody in this House seriously questions.

My Honourable friend, Mr. Mitra, gave four reasons for his motion : he said he was opposed to the Bill on principle and on procedure. As regards the question of principle, I do not wish to detain the House by dwelling at any length on it. The principle of the Bill has been discussed threadbare and the result of the debate on the original Bill went to show that the principle of the Bill was accepted by a large majority when the motion for referring it to Select Committee was accepted by the House. As regards the procedure, I do not know what he means by it. The fates conspired with the Opposition, if not with the Assembly Department, to delay the passage of this Bill as much as possible, and I do not see what further defect in the procedure of the Bill my Honourable friend has discovered, so that he expects us to support his dilatory motion.

He next says it is not a dilatory motion. I do not know what it is if it is not a dilatory motion. Then he asks, what would happen to the *Statesman* ? There have been constant references to the Anglo-Indian Press in the speeches both of Mr. Amar Nath Dutt—whom I could not clearly hear and who did not appear to be in good form this morning—and from Mr. Mitra. If they are anxious to muzzle the Anglo-Indian Press, why do they then stand in the way of this Press Bill ? Once this Bill is passed into law, it will be a case of “What is sauce for the goose is sauce for the gander”. If the *Muslim Outlook* offends against that Act, if the *Statesman* offends against the Act, then there will be good reasons for us to say, “Why do you make invidious distinctions ? Why do you let this ‘Friend of India’ escape ? Why do you allow these enemies of India to go scot free ?”.

Then he also mentioned the Round Table Conference as one of the reasons for postponing consideration of this Bill. But I should have thought that the fact that the Round Table Conference is now being held in England and the destinies of India are trembling in the balance should be a reason for every right-thinking Indian to appeal to the Indian Press as well as to speakers on the platform to say nothing and do nothing which will be considered as an incitement to murder or violence. That is no reason why, because the Round Table Conference is sitting in London, the Press Bill should be postponed.

Then reference was made to the oft-repeated argument about the Penal Code. Mr. Ranga Iyer referred to the provisions of the criminal law on a previous occasion. My friend Mr. Amar Nath Dutt also referred to the Indian Penal Code as the most perfect code which human ingenuity or human genius could devise and my friend Mr. Mitra also made frequent references to the provisions of the Penal Code as being adequate for the purpose. Sir Zulfiqar Ali Khan, in the course of his speech, took us back to 1910 and he reminded the House that that great and distinguished lawyer, Lord Sinha (then Mr. Sinha), the then Law Member, had piloted the Press Bill of 1910, and that amongst the speakers in opposition were stalwarts like the lamented Mr. Gokhale and Mr. Bhupendra Nath Basu and the redoubtable Pandit Malaviya who, I am glad to say, is still with us. In spite of such able and distinguished gentlemen to oppose the measure then, the Bill was passed in less than a week. If I am not mistaken....

Sirdar Harbans Singh Brar : By the official majority.

Sir Abdullah Suhrawardy : I could not hear the interruption. If the Honourable gentleman will kindly repeat the interruption, I would be able to make him understand the exact position.

Sirdar Harbans Singh Brar : I said it was passed by an official majority.

Sir Abdullah Suhrawardy : I would refer the Honourable gentleman to the proceedings on that occasion and also to the division list, and before he interrupts speakers who are more familiar with the subject than himself, I think he should make sure of the facts and refresh his memory. At any rate, whether that Bill was passed by an official majority or an official minority, the fact remains that that great and distinguished lawyer, that eminent patriot, who was also President of the Indian National Congress, whose memory is held in great esteem and respect by all Indians, especially by the people of Bengal, in his masterly speech gave cogent and unanswerable reasons for the passage of that Bill on that occasion. Sir, if the situation was grave in 1910, it is much graver to-day. If there was need for a Press Act in 1910, the need is much greater to-day. His legal genius did not fail to meet this old argument of the Indian Penal Code. He had given there in his speech facts and figures and also the sections under which Government could have proceeded against the offenders against the law, section 108 and the sedition section, and he further gave the reasons as to why Government should not have resort to those sections. He also stated that as legal adviser to the Government, as a Standing Counsel and as Advocate General of Bengal he had to go through hundreds of thousands of papers of cases before prosecution was launched, and on many an occasion he had to advise Government not to prosecute the offenders for the simple reason that for some technical flaw or other the prosecution might fail and the object of the prosecution would be defeated. Do we not know that often times after long drawn out proceedings, the cases end in acquittal ? That was the view of Lord Sinha in 1910, when the methods of hunger strike and hartals and processions in honour of murderers and anarchists were not known to the Indian public. Do you want that, instead of having recourse to a preventive measure like the Press Bill for muzzling the offending Press, we should have recourse to criminal proceedings, and

[Sir Abdullah Suhrawardy.]

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He next says it is not a dilatory motion. I do not know what it is if it is not a dilatory motion. Then he asks, what would happen to the *Statesman* ? There have been constant references to the Anglo-Indian Press in the speeches both of Mr. Amar Nath Dutt—whom I could not clearly hear and who did not appear to be in good form this morning—and from Mr. Mitra. If they are anxious to muzzle the Anglo-Indian Press, why do they then stand in the way of this Press Bill ? Once this Bill is passed into law, it will be a case of “What is sauce for the goose is sauce for the gander”. If the *Muslim Outlook* offends against that Act, if the *Statesman* offends against the Act, then there will be good reasons for us to say, “Why do you make invidious distinctions ? Why do you let this ‘Friend of India’ escape ? Why do you allow these enemies of India to go scot free ?”.

Then he also mentioned the Round Table Conference as one of the reasons for postponing consideration of this Bill. But I should have thought that the fact that the Round Table Conference is now being held in England and the destinies of India are trembling in the balance should be a reason for every right-thinking Indian to appeal to the Indian Press as well as to speakers on the platform to say nothing and do nothing which will be considered as an incitement to murder or violence. That is no reason why, because the Round Table Conference is sitting in London, the Press Bill should be postponed.

Then reference was made to the oft-repeated argument about the Penal Code. Mr. Ranga Iyer referred to the provisions of the criminal law on a previous occasion. My friend Mr. Amar Nath Dutt also referred to the Indian Penal Code as the most perfect code which human ingenuity or human genius could devise and my friend Mr. Mitra also made frequent references to the provisions of the Penal Code as being adequate for the purpose. Sir Zulfiqar Ali Khan, in the course of his speech, took us back to 1910 and he reminded the House that that great and distinguished lawyer, Lord Sinha (then Mr. Sinha), the then Law Member, had piloted the Press Bill of 1910, and that amongst the speakers in opposition were stalwarts like the lamented Mr. Gokhale and Mr. Bhupendra Nath Basu and the redoubtable Pandit Malaviya who, I am glad to say, is still with us. In spite of such able and distinguished gentlemen to oppose the measure then, the Bill was passed in less than a week. If I am not mistaken....

Sirdar Harbans Singh Brar : By the official majority.

Sir Abdullah Suhrawardy : I could not hear the interruption. If the Honourable gentleman will kindly repeat the interruption, I would be able to make him understand the exact position.

Sirdar Harbans Singh Brar : I said it was passed by an official majority.

Sir Abdullah Suhrawardy : I would refer the Honourable gentleman to the proceedings on that occasion and also to the division list, and before he interrupts speakers who are more familiar with the subject than himself, I think he should make sure of the facts and refresh his memory. At any rate, whether that Bill was passed by an official majority or an official minority, the fact remains that that great and distinguished lawyer, that eminent patriot, who was also President of the Indian National Congress, whose memory is held in great esteem and respect by all Indians, especially by the people of Bengal, in his masterly speech gave cogent and unanswerable reasons for the passage of that Bill on that occasion. Sir, if the situation was grave in 1910, it is much graver to-day. If there was need for a Press Act in 1910, the need is much greater to-day. His legal genius did not fail to meet this old argument of the Indian Penal Code. He had given there in his speech facts and figures and also the sections under which Government could have proceeded against the offenders against the law, section 108 and the sedition section, and he further gave the reasons as to why Government should not have resort to those sections. He also stated that as legal adviser to the Government, as a Standing Counsel and as Advocate General of Bengal he had to go through hundreds of thousands of papers of cases before prosecution was launched, and on many an occasion he had to advise Government not to prosecute the offenders for the simple reason that for some technical flaw or other the prosecution might fail and the object of the prosecution would be defeated. Do we not know that often times after long drawn out proceedings, the cases end in acquittal ? That was the view of Lord Sinha in 1910, when the methods of hunger strike and hartals and processions in honour of murderers and anarchists were not known to the Indian public. Do you want that, instead of having recourse to a preventive measure like the Press Bill for muzzling the offending Press, we should have recourse to criminal proceedings, and

[Sir Abdullah Suhrawardy.]

defeat the very object which the Press Bill seeks to achieve ? There was a reference made to the Goonda Act by my friend Mr. Amar Nath Dutt.....

Mr. Amar Nath Dutt : I did not refer to the Goonda Act at all. I mentioned the word goondas.

Sir Abdullah Suhrawardy : All right, that has reminded me of a Persian proverb :

*"An ra ki hisab pak ast,
Az muhasaba chi bak."*

"One whose account is clear, need not be afraid of any audit." The Goonda Act, I know,—perhaps my friend Mr. Mitra was also a member of the Bengal Legislative Council at the time, but I am not quite sure,—had many opponents. In any case many Honourable gentlemen championed the cause of the goondas when the Goonda Bill was being debated in the Bengal Legislative Council, though no gentleman need have been afraid of the Goonda Act. It is only the gutter Press which need be afraid of the Press Bill even as the goondas alone need be afraid of the Goonda Act. With these words, Sir, I oppose the motion for circulation.

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

The Assembly then re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, I rise to oppose the amendment moved by my Honourable friend Mr. Amar Nath Dutt that the Press Bill be circulated for eliciting opinion thereon by the end of December 1931 ; and I propose to occupy the attention of the House for only a few minutes.

I associate myself whole-heartedly with the remarks that have fallen from the Honourable the Home Member. Sir, I consider that the Press Bill which is now before the House has been overdue, and I trust that nothing will be done to delay the measure any further. The questions that occur to my mind are these : Is there any urgent necessity for this Bill—the Bill to provide against the publication of material inciting to or encouraging murder or violence ? Is this measure required by the circumstances ?

Sir, if we study the statement of terrorist crime, and I may state in passing that personally I have made a close study of terrorist crimes since the 1st July 1909, when a foolish, ill-balanced, impressionable, ungrateful youth by name Madanlal Dhingra shot dead that great gentleman, Colonel Sir William Curzon Wyllie, Political A. D. C. to the Right Honourable the Secretary of State for India, and Dr. Kavas Kharshedji Lalkaka, a distinguished Parsi Doctor practising at Shanghai, at the soiree of the National Indian Association at the Imperial Institute in London,—I used the word *ungrateful* because Sir William Curzon Wyllie had many a time given a helping hand to Dhingra—I again say that if we study the list of terrorist crimes, we find and I for one consider that

it is a disgraceful record. This record has disfigured the page of Indian history, and has tarnished the fair fame of India. Mr. President, the record is one which can reflect nothing but shame upon our country and her people. Sir, I repeat that if we study the list of terrorist crimes, if we further study the leaflets and extracts from newspaper articles relating to incitement to terrorist crime or to the adulation and laudation of those concerned in such crime, further if we take into consideration three important points—(a) the emergency character of the legislation—in the Bill that is now before the House the duration of the Act has been limited to two years. Personally I think the Act should be in force for three years, or I fear it will impair the effectiveness of the measure. In this connection I cannot help expressing my high appreciation of the accommodating spirit displayed by the Honourable the Home Member, (b) the restricted nature of the legislation—this Bill deals only with incitement to and praise of murder ; it does not restrict just and fair constitutional political discussions in any way ; it does not militate in any way against the principles of the freedom and liberty of the Press, (c) the principle of the Bill has received support from leaders of public opinion such as Mr. Gandhi, furthermore if we take into consideration the important fact that the cult of murder has been on the increase most intensively since the Press Ordinance was withdrawn, and there can be no doubt that extolling a murder—the elevation of cowardly murder to the plane of heroism, and the description of the execution of the murderer as martyrdom has had and is still having an enormous effect in inciting immature minds to follow the example of the so-called patriots—then, Sir, I respectfully submit that every sensible, reasonable, and right-thinking person will agree with me that these weighty considerations prove the urgent necessity for the Bill and establish its justification.

Now, Mr. President, with your permission, I shall refer to one case only, and that is the bomb explosion in the Legislative Assembly Building at New Delhi. This dastardly outrage was perpetrated on the 8th April 1929, and several Honourable Members present here were compelled to witness it. In this connection may I be allowed to strike a personal chord ? My cousin, Sardar Sir Bomanji Dalal was seriously injured as a result of that bomb explosion. Sir, I shall be the last man to indulge in hyperboles, but I can truthfully state that as a result of that injury and shock his nervous system has been shattered and he has become a martyr to insomnia—in short he has been keeping very indifferent health indeed. Holding strongly as I do the view that this measure will have a powerful deterrent influence, and in view of what has happened to my family, I welcome this measure with much gratification ; and I am sure the Honourable House will readily appreciate and realise my anxiety for the passing of this Bill, for I am convinced that the idea of that Delhi bomb explosion was nurtured as a result of seditious writings.

Now, Sir, with your permission I shall state how seditious writings become disseminated in Rural Areas. I was a Member of the Public Health Department in the Bombay Presidency, and one of my duties was to carry on rat-destruction as a measure against plague ; so after dinner from 9 to 11 o'clock in the night I had to supervise the laying of rat-poison baits in the houses of villagers. During those rounds many

[Dr. R. D. Dalal.]

a time I saw large numbers of villagers assembled in the open air, or at the village school, or even at the village *chavadi*, and to those crowds newspaper articles were read by some one of the audience, and they were criticised. I need hardly point out that at those meetings disaffection against the British Raj was fostered, and I need hardly add that seditious writings are the poisonous seed, which must sometimes fall upon the soil of immature or discontented minds, and that from such root in due course springs the impulse which drives human beings to ruthless and shameless crime, and invests it with the false halo of self-sacrifice.

Now, Sir, I wish to urge one important point and I have done. On the 11th April 1929 the Legislative Assembly unanimously, with one mind, with one voice, adopted a motion condemning unreservedly dastardly outrages and murders, and assuring Government of its full support in such stringent and drastic steps as might be necessary to prevent a recurrence of diabolical and dastardly crime. Now the time has come, the opportunity has arisen, and I sincerely hope that the House will rise to the occasion as one man. In conclusion I earnestly and with all the force and conviction of which I am capable appeal to all Honourable Members to lay aside opposition for opposition sake in a matter that is so close to the heart of every one, and to give unanimous support to Government in the passing of this measure, which in my opinion is urgently needed and is absolutely necessary for the safety of the public and for the betterment of the youth in India.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : I am afraid I cannot support the amendment which my Honourable friend Mr. Amar Nath Dutt has moved this morning. No doubt he related a number of instances in support of the view that the Bill before us ought to be circulated and that it can be circulated in the Delhi session early in November. I ask has not the Bill been referred to a Select Committee already and are we not traversing the very same ground again ? This point about circulation for public opinion was raised in this very House and it was decided by a majority of votes that it should be referred to a Select Committee. The delay in taking up this Bill is due to an oversight on the part of a clerk in the Assembly Department, and I would be as liable to make this mistake, if I were in his position, as any one else. It was an oversight after all. The Bill withdrawn and the Bill which has been introduced are exactly the same, with the exception of one section at the end. The title, the docket and the first page are the same, with the exception of that one section. That is a digression anyhow. But for the oversight of the clerk, this Bill would not have come up for discussion in the way it has done just now. If advantage is taken of that oversight for traversing the very same ground and asking the House to refer the Bill for eliciting public opinion, I think it will be wasting the time of the House. After reading the report of the Select Committee, I find that the amendments made there are all that one could desire. Being of that opinion, I think I may be permitted to say that much of the time of the House is wasted by carrying on this discussion on a question which has been already dealt with in the House. I would say that this Bill be not circulated for public opinion and that it may be referred to a Select Committee. If there are any difficulties in forming a committee, that is the look out of my Honourable

friend Sir James Crerar, but to offer opposition at this stage and to suggest that it should be circulated for opinion, is, if you will permit me to say so, wasting the time of the House.

Mr. President : Will the Honourable Member contribute towards that end by curtailing his observations ?

Mr. Muhammad Muazzam Sahib Bahadur : I shall be very brief, Sir. With regard to the propaganda of the nature that is still being carried on and that has been carried on in the Press, which is responsible for a great majority of the terrorist crimes with which no one has the least sympathy, those who incite to these crimes ought to be put down with a high hand. My friend, Mr. Amar Nath Dutt, has moved that this Bill be circulated. Does he really feel that there is no urgent necessity for placing a measure like this on the Statute-book ? I think there is every necessity and the speedier the desired action is taken the better. My friend, Mr. Amar Nath Dutt, gave expression to his feelings that he would prefer the Bill being circulated for eliciting public opinion. When my Honourable friend said that, did his head and his heart go the same way ? Does he not feel that there is a real necessity for a statute of this kind ? Does he not feel that the earlier action is taken the better for the interests of India ? I ask that question of my Honourable friend, Mr. Amar Nath Dutt, as I feel that this Bill should be placed on the Statute-book as early as possible.

Mr. Lalchand Navalrai : (Sind : Non-Muhammadan Rural) : I am conscious that the issue now is whether the Bill should be circulated or not. I shall restrict myself to that issue alone and explain myself in a few words. I shall also make a few observations by way of reply to some of the points raised by some of the Members to-day. The main objection has been taken by the Honourable Member who spoke just now. He said that this Bill has passed through the Select Committee and that therefore there is no necessity for circulation.

Mr. Muhammad Muazzam Sahib Bahadur : My point was that the motion for circulation was defeated in this House.

Mr. Lalchand Navalrai : That is all the more reason for sending it to the public. You all know that this Bill was introduced at the last Delhi session, and it was done without asking for public opinion. It was a Bill about which the journalists in India, Indian and also some Europeans, wanted that it should be proceeded with cautiously. I submit it was not done. The Bill had its own fate. In this session the Home Member withdrew it and introduced a new Bill. When introducing a new Bill, public opinion ought to have been invited. Is this not flouting public opinion ? Is this not neglecting the principle of law that no legislation should be passed without inviting public opinion ? I was sorry to hear the Honourable Sirdar Harbans Singh making a reference to " Mr. Lalchand " having said that there are no persons outside this house to make a useful comment on the Press Bill. I was really astounded to hear of such a statement having been made by me but the Honourable Member should have named *Rai Bahadur Chaudhury Lalchand* as the author of such a statement. (Laughter.) He said, " Who are the persons who are in a position to understand this Bill or rather to give their opinions thereon ? ". I really wonder, Sir, at such a statement. Is the country devoid of able journalists and men of culture able to give

[Mr. Lalchand Navalrai.]

sound opinions. The Rai Bahadur condemns them, but, Sir, you must hear them ; you are not hearing them ; and yet you say that they would be unable to consider it ! It is not only the journalists but those who read, those who contribute to the papers, are all being affected, and therefore they should be consulted. So I say that the mere fact of having referred this Bill to a Select Committee would not do away with the necessity of consulting public opinion at large which the country requires ; and it is no use saying that the public should not be consulted. Now the main issue reduces itself to this, whether there is going to happen anything so dangerous that you cannot wait for a month or two before this Bill is passed. I ask, why not wait for a month ? A Bill like the Finance Bill has waited till November ; why not this legislation also till then ? My Honourable friend, Rai Bahadur Chaudhury Lalchand, said, " Oh, it must be passed immediately, otherwise there is danger ". Sir, I was wondering what was happening outside. Perhaps the Honourable Member was in danger himself personally and therefore he wanted the Bill to pass immediately without public opinion being elicited. My humble submission is this, that in connection with this Bill you have to consider both the Indian as well as the English Press. Now we know that the Indian Press is very anxious to see that this Bill is not passed. Sir, it was said the other day by the Honourable Sir C. P. Ramaswami Aiyar, that if this Bill is passed, then the English Press, if it offends against the Bill, will also be proceeded against. My reply to the Honourable Member is that he is only one in the Executive Government, and his voice, on the question of the prosecution of a member of the English Press, would be very feeble among his other colleagues who would be all against him. Therefore, Sir, I would submit that his assurance to us is really no assurance at all. We know the past history in this matter, *viz.*, that the English Press has never been touched. Now many Honourable Members have to-day pointed out the tone and spirit of the English papers as to how they are inflaming class animosities and passions, but not a single finger is raised against them. I would submit therefore that the Indian Press is very rightly nervous over this, and they should be consulted. What will be lost, Sir, if they are consulted ? Nothing. Pass this Bill, Sir, if you will, but not only with the opinion of some Members here, but with the opinion of the country at large and I am not asking anything more. I submit that by waiting till the November session nothing will really be lost.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I had thought that this hydra-headed Bill, which has now emerged again from Select Committee, would come out with at any rate most of its heads cut off, but what do I find to-day ? I find several defects, which existed in the first Bill, not only not taken away but many of them reincorporated. The greatest defect which in this Bill appears to me is as regards the High Court's powers. These have been taken away with one stroke of the pen by the Honourable the Home Member. Sir, it can be easily said that this Bill was revised by the Select Committee and I am not at all sorry ; rather to a certain extent I am glad, that some of those patriotic members of the Select Committee who had the honour to sit on that Committee have appended a note of dissent to the report on the Bill, and the country will now judge who are the patriots and who the non-patriots (Hear, hear).

Sir, so far, Acts or Regulations or Ordinances have not been able to allow any Government to stop terrorist movements. Nor, would it be right to label all crimes from the beginning of British rule as due to the Press, or to attribute all those crimes to the Press, as some of my Honourable friends on the other side have to a certain extent done. As well as it would not be right to justify the present measure simply because from the times of the East Indian Company, some misguided youths did something towards some of the British people or towards the organized form of government. Sir, it is said very light-heartedly that they have in this Bill some principle and as I find that the common law of England has generally been quoted in this House ; so I will now quote the great *Magna Charta* of the English people themselves, and I refer to clause 29 of that Charter, which runs thus :

" No free man shall be taken or imprisoned or diseized of his property, outlawed or exiled, nor in any way hurt, nor shall the King forcibly enter or pass upon him, unless by the judgment of his peers or by the law of the land."

Now, if the principle underlying that *Magna Charta* is to be observed for the British it ought to be observed for Indians as well, since as one of my Honourable friends to-day said, what is good for the gander should be good for the goose also. So my submission is that the principle underlying that *Magna Charta* should be followed by our rulers who have the fortune of India in their hands (Hear, hear) ; and if they do not follow that principle, it is very likely that the state of affairs will go from bad to worse in this country. Sir, there is another principle underlying my opposition and it is this, that the power of the High Courts has been altogether taken away. I would refer, Sir, to section 491 of the Criminal Procedure Code, also to section 439 and section 350-B ; and I would submit that all the powers that were vested in the High Court under those sections have been done away with by this unjustifiable Bill of the Government. The High Courts have powers of revision, of appeal and of writs of *Habeas Corpus*, and these have all been taken away by one stroke of the pen ! Therefore my submission is that we are justified in asking this House to allow the circulation of this Bill so that we may know what the opinions of the High Courts would be on the Bill when their powers are proposed to be so much curtailed and taken away.

Sir, again, you are going to judge and prejudice the Press which, without committing any sin, without committing any offence, will be in the clutches of a Magistrate. One of my friends on the other side, referring to Mr. Ranga Iyer's speech, said that a speaker should also come under the clutches of the Press Act, and he referred to some particular speech. If that is the interpretation of the word " violence " according to the Honourable friend on the other side, and if that same view is taken by the Magistrates in India, then no body will be safe and no Press will remain out of the clutches of this Press Bill. Some remarks were also made about the leaders of parties. It is all very good for those people who have no leaders or who assume the role of leaders without any party behind them, to blame the leaders of parties. But that is no argument. Also, it is said that the young people in India are misguided by Press writings. My submission is that these young people imbibe their ideas of freedom from the books that they read in the college and university libraries where they read Rousseau's writings and other revolutionary books. Perhaps the next step which this Government is going to take will be to stop the reading of that literature even in the colleges and universities. Without stopping that, it will not be possible to stop this present

[Mr. Muhammad Azhar Ali.]

movement in India. I therefore submit that the Bill ought to go for circulation.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the motion moved by my Honourable friend, Mr. Amar Nath Dutt, and in doing so I should like, with your permission, to make a few observations on this much-debated and much-debatable Bill from the Hindu point of view, so far as the genesis of the present trouble is concerned. Sir, the Government of India and the Local Governments are never tired of telling us, in season and out of season, that our young men have gone wrong. I do admit that there is some truth in it, but may I ask who is to blame for this? We on our side would like to level a charge against Government with equal force that it is they who have spoilt our young men. Sir, the Hindu instinct is naturally against murder or violence. The Hindu conception of the King is that he is a great divinity in human form. Manu, the great law-giver of the Hindus, says :

“*Mahati devata hyesha nara-rupena tishthati.*”

Who is it that has been instrumental in the abandonment of that principle? I should say that it is the Government who have been so. It is the unsympathetic rule of the present system of Government that has brought about a change in the mentality of our young men. It is the inhuman rule of the present system that has exasperated the feelings of the young boys. Sir, we Hindus are advocates of the law of *karma* :

“*Abashyameba bhoktavyam krita-karma shubha-shubham.*”

“Man is bound to reap the consequences of his own actions (and of his past deeds).”

I am afraid Government are now reaping the consequences of their past deeds. Let them take stock of their past actions. Let them remember the atrocities committed at Jallianwalla Bagh ; let them remember the policy adopted during the riots at Dacca, at Chittagong, at Cawnpore. Let them judge their conduct at Hijli and similar other camps ; let them remember how the regulation *lathis* of the police broke the heads of our men, of our women and of our children. The present political unrest is the outcome of such unsympathetic and inhuman rule on the part of Government. Sir, I am afraid that, Press Bill or no Press Bill, the political unrest must be there in some shape or other. If the Bill is not passed, the misguided young men—I am glad their number is very few—will go their way openly, and if it is passed, they will go on secretly—if I am permitted to undo the effects of their past actions as much as possible. I would advise them to pursue a sympathetic policy now,—it is not yet too late. The whole system must be overhauled. How can you gag the mouths of the young men in this way? You have already filled them with explosives and now you wish to gag their mouths. The result will be disastrous. They are bound to burst and not only burst, but burst into a flame which may consume the entire fabric. So, my submission is that the Government should not pass this Bill just now, at least not before the deliberations of the Round Table Conference are over. Sir, the existing sections of the Indian Penal Code are wide enough to cover all extreme cases. What is the good of creating further discontent in the country? Sir, theirs is not the true diagnosis. They are troubling themselves with the outward symptoms only without an eye to the root-cause of the disease. The

proper treatment is being attempted in London and if the proper medicine is administered, I am sure the situation will be improved, otherwise not. With these few words I beg to support the amendment.

Mr. President : The question is :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the end of December, 1931.”

The motion was negatived.

Mr. Amar Nath Dutt : Sir, I beg to move :

“That the Bill which has been introduced this morning be referred to a Select Committee consisting of the following members :—Sir Hari Singh Gour, Sir Abdur Rahim, Mr. B. R. Puri, Mr. Ranga Iyer, Mr. Muhammad Azhar Ali, Mr. S. C. Mitra, Mr. Lalchand Navalrai, Mr. G. Morgan, Mr. Muhammad Yamin Khan and the Honourable Sir James Crerar.”

Honourable Members : The Mover.

Mr. Amar Nath Dutt : And the Mover if you like. I did not name myself because I am told that, when my name was suggested for the Select Committee, Sir James Crerar thought that I would be very troublesome. And five Members to form a quorum.

In moving my amendment, I will not imitate the manner of the Saint of Ava Lodge. I shall not imitate his ways. The Bill which has been introduced this morning contains provisions for the demand of security by Magistrates before giving notice, which is pronouncing a verdict before hearing the accused. That being so, it places the Press under the mercy of an executive officer, and we know of what material these executive officers are made. Sir, this morning I had to say many things about this Bill and in the discussion that followed I heard several things which did not convince me and many of my friends on this side of the House. No sensible argument, far less any reasonable argument has been adduced by any one of those speakers who opposed my motion. I wish to take one by one the arguments of Members who want to have this Bill expedited within the course of two or three days. Sir, the first argument came from one of the veteran legislators who was not only in this House since the very beginning of this Assembly, but also in the counter-part of this House which existed in this country before the Montagu-Chelmsford Reforms. He went so far back as the year 1910. I presume that that year has been taken as the standard of all Press Acts. What those veteran legislators, who were at that time in the Imperial Legislative Council—and my friend has brought in certain names—did, whether they supported the Press Act or opposed it, my friend with good grace does not state. Then again he has introduced the name of an eminent jurist of my province who happened to be the first Indian Law Member, and thereby he wanted to silence all opposition. In all his arguments he forgot one thing, that is, that that eminent jurist was no other than a servant of the bureaucracy and he had no option whatsoever but to act according to the dictates of that body. I may also tell my Honourable friend that the ways in which the bureaucracy wanted that its members should act compelled that eminent jurist to leave his office, a coveted office to many. Not only that, the same thing compelled him to leave the Governor's *gaddi* of a province.

Mr. K. Ahmed : But how do you know that that was the reason, Mr. Amar Nath Dutt?

Mr. Amar Nath Dutt : When I say that, I think Honourable Members who have any grain of common sense will accept my statement as

[Mr. Amar Nath Dutt.]

correct and true. All that I can say is that either they do not care to understand or they do not know the truth. Of course, I know all these things will not be liked by my Honourable friend, Sir James Crerar. Then again there was one gentleman from the Punjab who happens to occupy one seat for which I at least amongst many on this side had great reverence. He has quoted from a particular newspaper showing a model on which journalism is to be conducted. I am not aware of any country where journalism has to be conducted under the guidance of the Government. It will be a nice arrangement, in fact a paradise, for the Governors to live in, where there is no criticism. More than once reference has been made to the statements of a particular newspaper and every one knows that that kind of paper is the one that Government wants and cherishes.

Now, in all these arguments you have missed one point : you want to suppress the Press because it incites to murder. I am yet to learn that. Not one individual on the side of the Government or their supporters or their henchmen have attempted to prove that the writings in the Press gave rise to all these murders or rather owing to the writings of the Press all these murders were committed. It has not been proved as cause and effect. So long as that is not proved, I think I can dismiss in one word all the arguments about this Press Act, namely, that so long as you do not prove that the writings or so-called incitements to violence in the Press have provoked one young man to murder, your case fails. Look to the recent murders, look to the murders to which reference was made long before. I am not aware of any evidence which has ever been produced by any Public Prosecutor, or for the matter of that by any one responsible for the conduct of the prosecution, in which evidence was given that this young man read this newspaper and by reading that paper he at once took a pistol and went to shoot and murder so and so. If that happens, I warn Sir James Crerar, however, great a *sadhu* he may be and not a bogus *sadhu* like myself, that he and a thousand and one like himself will not be able to prevent murders like that. This is not the way. Go to the root cause of sedition in the country. What is that ? That is your attitude. That is your way of doing things ; that is your administration and your rule. You cannot deny that it is an alien rule, and one cannot be so hypocritical as to say, " We want alien rule and we love alien rule ". It will be sheer hypocrisy to say that. You also know that and that these henchmen of yours who support you with their votes and speeches do so for their own purposes. That is not the class of men upon whom, if you want to remain here, you should depend. I can warn you.

Mr. President : Order, order : the Honourable Member must address the Chair.

Mr. Amar Nath Dutt : I am addressing the Government through you, Sir, so that what I say may be conveyed to those who are responsible for all the misdeeds of the present Government ; and because it is an unpleasant task at times I do not address you, Sir, direct : but the duty I owe to myself and to my constituency compels me to say these things. Sir, look to the ways of the bureaucracy. The more people are getting disturbed, annoyed and even displeased, the further you go and displease them all the more and get them convicted on the evidence of men with perjured evidence and bring about dissatisfaction in the land. There has been a reference to 1910. I can go back to the year 1899.

From the platform of the Lucknow Congress a member of that heaven-born service—not the Lucknow Congress which the Honourable the Law Member attended, but the one which I attended for the first time as a delegate a member of that heaven-born service, Mr. Romesh Chunder Dutt, gave you the warning, " Do not drive sedition underground ". I give you that warning again 32 years after. Do not drive sedition underground. If you take to these methods, I tell you the whole country will be ablaze and no one will be able to protect you. You want to deprive a few press proprietors of their living ; are they really guilty ? Do you believe in your heart of hearts that these writings here are the cause ?—and I have gone through the entire book and I do not find any such thing in it which can prompt any one to commit murder. I tell you honestly I do not find any incitement to violence in the pamphlets given to us.

An Honourable Member : Do you know how to shoot ?

Mr. Amar Nath Dutt : I know, but I do not. I perused every line of these pages, but the specimens which I read have had no effect on me at all.

Then again it has been said that murderers and martyrdom should not be praised. There I join issue with the Honourable the Home Member and say, " We may not approve of the deed, but should we not approve of the courage ? " We do not approve of Lord Clive for forging, but should we not say that Lord Clive was a great benefactor of your race ? We do not thereby applaud forgery or the methods by which you won India.

We have heard arguments in this matter on the side of the Government, which really begged the whole question. They have assumed that by these writings there are murders. But up till now not even the great *Sadhu* of Ava Lodge has placed before us that these writings have led to a single murder. Probably he wants that we should respect his religious views more than my friend, Pandit Satyendra Nath Sen. But he has not shown a single instance from this book—and I take it that this book contains the worst type of writings to which he refers—and I shall be very much obliged if he can show from these writings that they are the cause of any murder. I find a whole drama has been translated. Remember that from 1857 up till 1931, it is no less than 74 years, in those days I remember one of our greatest poets when he sang of India's freedom—Hem Chander Bannerjea—he feared a prosecution because he composed a patriotic poem.

Sir Abdullah Suhrawardy : Did he not get a C. I. E. for his poetry ?

Mr. Amar Nath Dutt : I cannot hear you, you say I am not audible, but you are not audible at all here.

Sir Abdullah Suhrawardy : Did he not get a Companionship of the Indian Empire ?

Mr. Amar Nath Dutt : No, certainly not. Hem Chander Bannerjea was not a Companion of the Indian Empire. Sir, he never cared for a ribbon to stick to his coat or a title. My friend who graduated in the same year as I did,—I have looked in to the calendar and verified the year—cannot claim more years than myself, I mean in the year 1899 (*An Honourable Member :* " That memorable year "),—yes, that

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memorable year,—probably he has been misinformed by some gentleman that the Late Babu Hem Chander Bannerjea was a C.I.E. Certainly Poet Hem Chander Bannerjea was not a C.I.E., but that is not to our present purpose. He wrote these lines.....

Mr. President : May I again draw the attention of the Honourable Member to the fact that he is moving an amendment that the Bill be referred to a Select Committee. As far as I have been able to follow his speech, it has been against the motion for consideration. The Honourable Member has not yet said a word in support of his amendment to refer the Bill to a Select Committee.

Mr. Amar Nath Dutt : I am trying to show that the Bill has been badly drafted, and that it requires thorough overhauling, and that can be done by the appointment of a Select Committee. I certainly feel that I should be as brief as possible, but I can only express what comes to my mind, and you will kindly excuse me for it.

Sir, it has been said that this praise of murderers and anarchists can be stopped by the passing of the present measure. Certainly you can stop writings in the Press, but do not kill the spirit of patriotism and the love of the motherland. That is my principal objection. In fact the Bill requires to be overhauled in such a way that such writings may not be stopped or handicapped.

Then again my objection to the provisions of the Bill is that it places more faith upon executive fiat than upon judicial order. As I have already explained, we have no faith in the executive of the land, and that being so, no power should be given to the executive, but it should be given to the judiciary.

Then my friend Mr. Griffiths was pleased to ask us to withdraw all amendments. I would have gladly responded to his invitation only if this Bill had been properly drafted so as not to require any overhauling. That being so, I submit that Mr. Griffiths will excuse us if we cannot accede to his request.

Then a reference was made to a Bill having been passed in less than three days. If Bills are passed in less than three days, is that a criterion for one to exercise his vote? Are we to accept such an incident as our guide? I submit we can not.

I shall not endeavour to traverse the unhappy incident to which my friend Dr. Dalal made a reference in his speech; we are all aware of the facts, but I may be permitted to point out that a reference to that incident was wholly irrelevant to the present case, because the motion at that time was for consideration, and now the motion is for referring the Bill to a Select Committee.

I regret very much that my friend Mr. Muazzam Sahib Bahadur was also not with me before, but I am sure that he will be with me head and heart on this motion. He has of course attributed to me some diplomacy which I do not deserve, still I accept what he has said.

Then I entirely sympathise with my friend Pandit Satyendra Nath Sen who quoted from Manu and told the House what the virtues of a King should be. Some friend of mine also referred to the virtues of

Britishers. Both those references are out of place on the present occasion. The Britishers you see here are not the Britishers of whom we read in history, and the King to whom my friend referred, is not available so long as these Britishers are between us and the Chair. (Laughter.) Therefore, I ask why attempt to take away the bread of the press proprietors? Have the provisions in the Bill, but have it recast in such a way that your real purpose is served. What is your real purpose? Some gentleman has given us the clue, and that is, that as soon as Mahatma Gandhi comes back to this country and there is a renewal of the civil disobedience movement, you want to arrest the spread of the movement by the use of the powers which you wish to take by means of the measure which is now before the House. All right, you had better have it, because we know that for the next few years that are left to many of us on this side, we will not have peace. We will not curse you, but we only pity you. (*An Honourable Member* : "Address the Chair".) As I was saying, Sir, I submit if you want to control presses, you may do so by properly drafting the Bill. I shall just read a few lines, and ask the opposite Benches whether they will or they will not prosecute under the provisions of the Bill as it is, a press in which one of the most sacred books of the Hindus is printed, and that book is no less than the Bhagwat Gita. These are the lines.....

"Hato ba prapsasi Swargam,
Jitwa ba bhokshyase mahim,
Tasmat uttistha Kaunteya,
Juddhaya kritanishaya,
O ! Son of Kunti."

"If you are killed in the battle you go to Heaven. If you are victorious you enjoy the earth. So, rise up and prepare for battle."

Mr. K. Ahmed : That is a religious warfare of ancient times.

Mr. Amar Nath Dutt : If you demand security from presses in which our religious books and religious texts are printed, then there will be no end to prosecutions. But beware of this, if you do so, you do it on your own responsibility and I give you this warning. As for the abuse you have heaped upon us, I know as a lawyer that when he has got a very bad case he abuses his opponent. That has been the case here. I never heard such insulting language from the other side, I do not know what purpose was served when the Honourable the Home Member abused us on this side of the House instead of adducing arguments, and I claim this that there is no justification for using such language as he has used. With these words I move my motion.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I rise to support this motion, but before I give my reasons, I want to clear up one point, and that is the charge levied against this party by one of the Members of this House. When the motion for circulation originally came up for discussion, the Leader of the Independent Party clearly asked the Home Member whether he was willing to discuss in the Select Committee all the points that were raised by the Members of the Assembly, and on the assurance given by the Honourable Member that each and every one of those criticisms would be considered by the Select Committee and would not be ruled out as

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falling outside the scope of the principle of the Bill—some Members of our Party supported the Government on the question of circulation. The second point that I wish to clear up is this. The same Honourable Member said that when the Press Bill of 1910 was under discussion, Mr. Gokhale and some other patriots of the country supported the Bill. I have got before me the proceedings of those days, and I find that, even on that occasion, the Bill was carried by the votes of the officials and the English Members, and there was no Indian elected Member who supported that Bill on that occasion.

Another point that I should like to make clear is that we on this side of the House are as much in favour of law and order as any Member on the Treasury Benches. We do not belong to the anarchical movement, and we would very much like to suppress the terrorist outrages, and we are as keen on this side as those on the other side of this House. But where we do disagree from the Members on the other side is this, that while they seek it as a sort of excuse for suppressing the legitimate freedom of the Press, we do not want to do so. We really want that you have measures which are commensurate to the occasion, to the crimes and troubles in the country, and not to go an inch further. But here I find that the Bill which is now before us goes really much further than the circumstances demand. Under the cloak of the suppression of the terrorist movement, they really want to shut up the Press, they really want to stifle the freedom of the Press which is as dear to us, as in the words of Mr. Elliot, it is dear to the European Group.

Sir, there are four points which I consider essential, and we on this side of the House will not agree to any measure which militates against any of them. The first is that the innocent should not be punished. This is a point on which we will fight tooth and nail to the last minute. The Government may have their own way by their own votes, but those of us who represent the people will make every effort to secure that the innocent people are not punished. The second thing on which we will fight to the very last is that the suppression of the terrorist activities should not be made an excuse for suppressing the legitimate freedom of the Press. The third point, as pointed out by my Honourable friend, Mr. Azhar Ali, is that justice is not denied by the omission of a proper appeal to the High Court in the manner prescribed in the law of the country. The Bill should not curtail the power of the High Court. The fourth point is that no person shall be punished twice over for the same offence. These are the four points to which we on this side of the House will request Government to give their fullest consideration. If under the excuse of suppressing terrorist crime, they want to overlook any of those four principles, then we on this side will have no sympathy with them.

Sir, if we analyse very carefully the note of dissent written by five Members of the Select Committee, we will find that these are the four principles to which they would like to adhere at any cost, and these are the points on which there is a difference of opinion between the two reports as they have come from the Select Committee. The Members of the Select Committee who differed from the majority never said that they were in favour of terrorist crime. My Honourable friend Mr. B. Das, when he first moved the motion, clearly said that if the Government

wanted to keep peace and order, if they wanted to stop terrorist crimes, he was behind the Government. In spite of the assurance given on a vital question of principle, it is unfair on the part of the Government to go further and ask us to compromise those four principles under the excuse of suppressing terrorist crime.

There are 114 amendments before us and it will take a very long time to discuss each and every one of these amendments. Therefore, the request of my Honourable friend, Mr. Amar Nath Dutt, is very reasonable. Instead of wasting the time of the House in discussing each and every one of the amendments on the paper, let a Select Committee be appointed and let them consider all these amendments and give their opinion, and therefore the motion of my Honourable friend, Mr. Amar Nath Dutt, is very rational and it will save the time of the House.

Now, I will show how the four principles I just enunciated, have been violated in this Bill. Coming to the first point, that the innocent should not be punished, I see that in clause 3, especially in the first two sub-clauses, you demand of every printing press, before any crime is committed by them to deposit security, that is to say, you assume that every printing press which will come into existence will certainly be criminal and will print undesirable matter, and therefore this security should be demanded of them. (Mr. K. Ahmed : " If they begin with that sort of attitude, what will you do ? ") My Honourable friend is a lawyer, I am not. Probably he has in mind those cases where people begin with the supposition that crime will be committed, but I on my part consider every person to be innocent unless a crime is committed by him and he is not guilty until he has actually committed a crime. We should not assume that a person, whoever he may be, will always commit crime. If any crime is committed by the press, I can quite understand its punishment ; you may demand security or anything else. But you have no right whatever to assume that every press which will come into existence will commit an offence. Some persons attempt to make some persons believe that this Bill affect only one community and not another. There are no doubt certain questions which have got a communal bearing, but every problem in India is not a communal problem. The freedom of the Press is as dear to one community as it is to another. It is not a communal issue ; it is an issue which involves the whole country. But assuming for the time being that it is a communal problem, though I believe it is not, I maintain that the Muslim presses will suffer more than the Hindu presses, and for this reason. Most of the Muslim presses have got very small capital. I know a number of these presses in my constituency which have not got a capital of more than Rs. 300 or 400, and how will it be possible for them to deposit a security of Rs. 500 ? (An Honourable Member : " Rs. 1,000 ".) The result will be that all these presses will come to an end. If any one goes round and examines the Muslim presses in his own constituency, he will soon find that there are very few Muslim presses that will be able to give security, and the effect of the first two sub-clauses of clause 3 will fall more heavily on Muslim than it will fall on non-Muslim presses. (Mr. K. Ahmed : " Let them suffer for one year or so. ") This is not a communal question at all and every small press in the country will suffer. One of my friends from the European Group said that we do not want mushroom presses. He was in favour of stopping them all. We on this side are entirely opposed to the capitalistic movement and

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legislation for the suppression of all the small presses and the keeping of only big presses in big towns.

Mr. E. Studd (Bengal : European) : I think the statement was that we did not want these mushroom presses which eulogize murder.

Dr. Ziauddin Ahmad : That is not a matter of personal explanation. I was referring to some other speeches from the European Group. Then, Sir, we have got unemployment in these days. If we enact another measure which will throw out of employment a large number of persons, it will be a great injustice to the country, not to Hindus alone or to Mussalmans alone, but to everybody in the country. I am supported in this statement by one of the Resolutions passed by the All-India Journalists and Press Owners' Conference, which states that, "To shut down a number of long established newspapers, would throw out of employment hundreds of middle class intelligentsia and thousands of wage earners employed in the printing trade". Then clauses (1) and (2) will have a very prejudicial effect on small presses. Most of these presses will not be able to deposit their security, and it will be impossible for them to be in existence. Therefore, I appeal to the Honourable the Home Member not to press clauses (1) and (2) of section 3, which will affect a very large number of persons in the printing trade.

One argument has been advanced, and I should like to meet it. That is it is quite possible that a press may commit an offence and as soon as security is demanded, it may shut up and go to some other street and start the press there and commit the same. The same press may continue to commit the offence several times and evade the law.

Mr. President : I would ask the Honourable Member to consider whether it is really necessary to go into such minute details in regard to the clauses on an occasion like this. He will have other opportunities of discussing these points later.

Dr. Ziauddin Ahmad : I leave it here and come to my third point. It is in regard to clause 4. This clause goes much further than the intention of the Bill, and I think any article that may be published which may be of a religious nature, which may give expression to legitimate belief, is punishable under this clause. Again the printing of a report of any case of terrorist activities which may have been committed will also be punishable. These reports may be the true reports of enquiries held by a Magistrate. The scope of clause 4 is too wide, and not limited to terrorists activities. My third point is about the curtailment of the power of a High Court. I do not like to explain this point in details at this stage. It has been very carefully described by other speakers. My fourth point is that the same person should not be punished twice in two different capacities. It is not desirable to punish the same man once as a printer and a second time as a publisher. These are the four points on which we take very strong objection. It is very desirable that all these points should be carefully considered, and therefore, it is very important that the Bill should be referred to the Select Committee. There are some other points such as question of fine but it is not desirable at this stage to deal with them. With these words, I support the motion.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : I rise to support this motion for the Select Committee.

My reasons for this is that the Bill as it has emanated from the Select Committee is not one which we can support. In the first place I do not find that the Select Committee has given the measure that amount of care and attention as it should have done. If it had done it, we would not have been faced to-day with a new Bill by the Government. Under the Standing Orders it was their duty to see whether the old Bill had been properly published or not. They did not do so and therefore, the new Bill has been introduced. It was the duty of the Select Committee to consider the provisions of the Bill in the light of the decisions which had been made since the Act of 1910 was passed and to come to a conclusion and find out as to how much of the defects mentioned in those decisions could be remedied. I find, Sir, they have not done so. One of the principal points on which I want to speak is this. In 1910 when the old Press Bill of 1910 was on the anvil of the Legislature here, Mr. S. P. Sinha (as he then was) stated this :

"I have put in all kinds of safeguards. When the Local Government makes the order of forfeiture the Bill provides that it must state or describe the offending words or articles or pictures or engravings or whatever it is upon which it bases its order. No making an order which is vague, which is indefinite ; no order without allowing a man to know what he is being punished for, but a definite order stating the very words of the article or describing the offending words for which the man is being prosecuted....."

So that, Sir, that the giving of notice describing the words, etc., complained of was considered by Lord Sinha as of vital importance to the accused. How has that been provided for ? In the well-known *Comrade* case, Sir Lawrence Jenkins decided that the notice there was vague, indefinite and was bad. But he could not do anything, because of what ? Because of the corresponding section in that Act to clause 30 as it is now here, which says :

"Every declaration of forfeiture purporting to be made under this Act shall as against all persons be conclusive evidence that the forfeiture therein referred to has taken place."

That means that you cannot go behind the order of forfeiture and attack the notice upon which that forfeiture took place. Then, with regard to the reference to the High Court, there is only a very limited reference. The High Court can only decide on the question whether the articles complained of contained those words, etc. : it cannot go into the question whether proper notice (as provided for by the Act, and which Mr. Sinha said is a safeguard he had provided for) was given or not. Now, I find in the Bill which has emanated from the Select Committee exactly the same blemishes, the same faults and the same defects. If the Government really and sincerely intends that these words should have some meaning that the provision made in the Act should have some effect, they ought to have amended the Bill in the light of those decisions, but that has not been done. (*Mr. K. Ahmed* : "Read section 23.") (*Mr. President* : "Order, order.") Sir, I therefore, say that the Select Committee has not done its duty properly, and therefore, I support the motion that another Select Committee should be appointed : and, Sir, having regard to the fact that the Member in charge of the Bill fears that there will be delay, I ask what has happened between the time that the Bill has been introduced and now ? Can he complain of any article in any newspaper

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in India which has transgressed what he is now seeking to provide against? There are two cases now, one in Calcutta and one at Sylhet. In the Calcutta case the man, who made the speech, has been hauled up before the court for incitement to murder. No bill has been given to him, and the case has been sent to the Sessions for trial. Why does not the Home Member wait for the decision on that case by the High Court? He will then find whether the provisions of the law are really sufficient for his purpose or not. I say, Sir, there is no need for him to be panicky. The Press now is much better according to the Honourable the Home Member than when he proposed this Bill. Under these circumstances, Sir, I do not see any reason why a Select Committee should not be appointed, with a time-limit so that they may make their report on the Bill at least three or four days or a week before the Assembly re-assembles at Delhi. Then, Sir, everybody seems to think that the provisions of the Bill are very simple, that it is only intended to provide against incitements to violence and to murder, etc. My friend, the Honourable the Home Member, does not know how the law is being administered. Being in Simla, in charge of the portfolio in the Secretariat, it is not possible for him to see what the Local Governments are doing. What is done there? A young Civilian officer is appointed to look after these matters, and I know from my personal knowledge what he does. Even during the time that the Viceroy's Ordinance was in force, I know during that time he would not allow even the proceedings of a meeting, held at Chandannagar to condemn the action of the British officers who went there and killed some persons, to be published in the newspapers. He would not allow any news from Midnapore, where the officers were committing as much atrocity as possible, to be published in any paper! Sir, I know that from my own personal knowledge, Sir, these matters ought to be considered by a new Select Committee, and I therefore, support the motion that a Select Committee be re-appointed.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, as one who has been in the Select Committee, who has worked in the Select Committee with the approval and consent of the party to which I have the honour to belong, I have been compelled by the previous speech to break what would otherwise have been a vow of silence in this debate. Sir, the arguments that my learned friend from Bengal put forward before this House in regard to certain alterations of the Bill are unexceptionable, and I am very much in agreement with him; but I can only say from my experience on the Select Committee that his wholesale condemnation of the Select Committee..... (*Mr. Amar Nath Dutt* : "Not of the minority but of the majority.")—had my Honourable friend made that distinction, perhaps I might not have risen from my seat—but when as I understood him he launched a wholesale attack on the Select Committee, I am obliged to say this that on that Committee the Honourable Sir James Crerar and his advisers, the Honourable the Law Member and Mr. Emerson, who were present there, and also Mr. Mitchell, who worked very hard.....

Mr. Amar Nath Dutt : Outsiders were present at the Select Committee.

Mr. C. S. Ranga Iyer : My Honourable friend again interrupts me and says, "Outsiders were present at the Select Committee". As an old Member of this House who has been on many a Select Committee—and I never had any attraction for a Select Committee and, left to myself, I would not have served even on this Select Committee, and this is the first Select Committee on which I agreed to serve during my long career in this Assembly—as an old Member he ought to know that in the Select Committee Secretaries, the Law Member if necessary and others have to be present to assist the Member in charge, and they were all present and they were all anxious to meet us so far as they could : and the Bill, as it appears before us to-day, is not the Bill that was presented to us a few days ago, and many of the criticisms that were launched from this side of the House on the Bill have, I am glad to say, been accepted by the Government. Even though we are not in agreement with them and we have shown our disagreement in our dissenting note. Sub-clause (1) of clause 4 has been considerably altered. I believe it is re-shaped beyond recognition. Again, the security has been very much reduced. It has come down very low. Then, an appeal to the High Court has been granted in the case of the old presses. We urged in the Select Committee that they should also put the new presses on the same footing as the old presses. Every word that Mr. Sen uttered in this House, every point that Mr. Amar Nath Dutt had in mind including the deletion of the "violence" clause, was urged by us with patience and with perseverance on an equally patient and almost willing Government. (*A voice* "Oh!") I say "almost willing" for this reason and if my Honourable friend, Mr. Gaya Prasad Singh, who interjects had been on the Select Committee and if he had made a comparative study of the old Bill and the new, he would find that the Government have been almost willing to meet us so far as they might. They met us in absolutely abolishing the forfeiture of the press unless there was defiance. They met us again in, as I have already said, the appeal to the High Court before the deposit of security and not after the forfeiture of the security; and the Government were prepared to go only as far as that. And I would unhesitatingly say that I am thankful to the Government for the tender mercies that they have been pleased to show in the Select Committee. I am prepared to say unhesitatingly that I am grateful to the Honourable the Home Member for the sympathy that he showed in the Select Committee. But,—and here comes my opposition to the Bill and here comes my opposition to the consideration of the Bill—we could not make the Government go beyond that. If we had our own way this Bill would not have been introduced in this House. I stand by every word that I uttered on the floor of this House when the Bill was introduced or the Bill as it stood, but we are not the Government. We are opposing the Government, but I am likewise opposing this motion for reference to the Select Committee, and I am sorry that my name has been put on it without consulting me. I consider this is a waste of time : I consider the amendment as futile : I consider that if it were to be pressed to a division and passed, it would be the triumph of futility, because Government, so far as I know, are not prepared to go beyond what they have done. Therefore, the proper thing for us to do, if we are business men, is to fight

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Government on the floor of this House by pressing every reasonable amendment that you think should be passed, by trying to shape the Bill beyond recognition on the floor of the House, if it is in our power to do so, by judicialising the procedure if we can really do it. I certainly endorse many of the observations that have been made on this side of the House on the original motion of the Honourable the Home Member, but I do not endorse a single word for reference to Select Committee, because, I believe the Government will not alter a comma or a syllable of this Bill. That being their position, as we understood in the Select Committee, my friend and Leader, Sir Hari Singh Gour, protested in the Select Committee that Government could not go further than that. If I am not betraying a secret of the Select Committee, he took up the attitude of an extremist of extremists. If I am not again betraying a secret of the Select Committee, my friend, Mr. B. R. Puri, who is not here, took up an extremely radical attitude. If my friend, Mr. Amar Nath Dutt, had read it carefully,—as I believe he has no doubt read it,—the dissenting note, he would find in it Mr. Puri's view when he even went so far as to say that we had every right to praise the merits of an assassin unconnected with the assassination without detracting from the heinousness of the crime. That is going further than the Opposition has gone to-day in this House. Why then, especially when Honourable Members sitting by my side do object to the principle of the Bill, should they be so keen and so enthusiastic about reference to the Select Committee? In a clever, well-reasoned, moderately worded and impressive speech that my Honourable friend, Mr. Mitra, the former Whip and organiser in chief of the Swaraj Party, made and upon which I congratulate him, he pointed out that he was opposed to the principle of the Bill. Such being the case, how can there be a reference to the Select Committee? If the House had given an indication of that before, there might have been no reference to the Select Committee, and we might be faced to-day with a much worse Bill than the one which faces us to-day. I am sorry that unnecessarily we are indulging in tactics which will lead us nowhere. For, the Select Committee will not improve matters; it is for the House to amend the Bill.

Turning now to the observation of the Honourable the Home Member when he introduced this Bill,—observations which I wish had commanded more attention and more reasoned criticism—I must say that we cannot accept the position that the Government have given to the new newspapers as different from the old ones. Why should there be this difference? A man is entitled, after all, to be given one chance. Let the new newspaper commit an offence and then proceed against it. But the moment the new newspaper is brought into existence it has to deposit a security. Why should it be asked to deposit a security, as has been pointed out by Mr. Mitra? It has been said by Sir Abdulla Suhrawardy,—on whose Knighthood I take the earliest opportunity of publicly congratulating him,—that Mr. Mitra was an old disciple of his when he was a Law Professor. But either he taught him wrongly, or his disciple understands the law better than the original Professor; for it is an elementary principle of English jurisprudence that any man who has not been proved to be guilty must be treated as innocent. Such being the case, why should Sir Abdulla Suhrawardy stand up in this House and, I was almost going

to say, prostitute—I would say perversely postulate—the principle of English jurisprudence? That is what I ask. If a man is innocent until he is proved to be guilty, why is not a newspaper innocent until its publishers are proved to be guilty? That is the entire crux of the Opposition case, and that is the entire reason why we propose to oppose this measure right from beginning to end, whatever the consequences, whether we win or lose.

Sir, at one time in my political career, I was definitely dangerous to public peace in the opinion of the Government, for they proceeded against me under section 108. I did not take part—very foolishly perhaps—in the Court proceedings at that time, or perhaps very wisely, it is not for me to say at present. I was then hauled up before a Magistrate; there was the Government's prosecuting Counsel there; witnesses were produced and the court having satisfied itself that I was dangerous to the public peace, I was naturally sent in a special train to a prison where I was treated almost like a prince. Then, Sir, if a newspaper is dangerous to the public peace, let it be hauled up before a Magistrate—its publisher can be hauled up, the keeper of the press can be hauled up before a Magistrate. And then they can have the opportunity of appealing to the Sessions Judge. They can have the greater opportunity of going to the High Court. If really the Government want to attack the Press and want a Press measure, the proper thing for them is to judicialise the whole procedure and not to treat a newspaper publisher—because the editor is out of the question in this Bill—or a keeper of the press differently from an ordinary citizen of the land. That is the position that we want the Government to adopt and when the Honourable the Home Member replies to this debate, he will say that such a procedure would not be permitted, would not be accepted by the Government in the Select Committee, even if you were to appoint another Select Committee. That will be his attitude. That has been his position. A much milder suggestion was made in the Select Committee by my friend and Leader, Sir Hari Singh Gour. He reminded us of a procedure which was urged in the days of Lord Lytton regarding the vernacular Press, and some Press Committee, he suggested might be appointed, the members of which could be from among the Honourable Members of Provincial Councils, who could sit in judgment as to whether a security should be demanded from a particular newspaper or not. The Government were not prepared to go anywhere near the suggestion. What they want is executive action and as they have put it—if I remember aright—in their note in the Select Committee's report, they clearly state that certain information comes before the executive and that information cannot be placed before a court of law and as that information cannot be placed before a court of law, they cannot agree to a legal or judicial procedure. That is their position and that being their position, Sir, without going further into the subject, without discussing many of the points that were mentioned in the Honourable the Home Member's speech, or without criticising some of the observations that came from various Members, I can say that the proper thing for us to do will be to fight the Bill inch by inch on the floor of this House instead of trying to indulge in the luxury of a Select Committee.

Lastly, Sir, I must end my speech with a reference, rather personal, which I hope the Honourable the Home Member would not mind. It was during the last session when we were in Delhi that a Press Bill was introduced and then it was withdrawn. Again a Press Bill was introduced in

[Mr. C. S. Ranga Iyer.]

this session and by an accident—a regrettable accident for which I blame nobody—because even in well-regulated families accidents occur—the old Bill had to be withdrawn and a new Bill had to be introduced. This reminds me of the fact that the Honourable the Home Member is a Scotsman of intense faith in the heroes of his own country. We all remember the history of Robert Bruce who tried and tried again. Sir,

“Tis is lesson you should heed,
Try, try, try again.
If at first you don't succeed,
Try, try, try again.”

I shall conclude with a parody on the *Chevy Chase* (15th Century) :

“For Jimmy Crerar my heart is wo,
As one in doleful dumps ;
For when his legs were smitten off,
He fought upon his stumps.”

The Honourable Sir James Crerar : Mr. President, I propose to address myself in the first instance to the amendment of my original motion before the House for a reference to the Select Committee, and in rising to deal with that particular amendment, I should like, in the first instance, to express my appreciation of the words which fell from my Honourable friend opposite, Mr. Ranga Iyer. He is perfectly right in assuming that I take some interest in the history of my native country. I have heard of the incident to which he referred and I am glad to hear from his lips a very excellent precedent, an admonition to persevere. Sir, I do intend to persevere.

Now, as regards the motion to refer the Bill to a Select Committee and as regards what fell from the Honourable the Mover of that amendment, I can afford to be very brief. My task in replying to him in some sense would have been easier if he had given reasons for his amendment. But on the other hand, in view of the fact that he gave no reasons at all, my task becomes naturally unnecessary. As regards the other speakers on the motion: the singular fact which occurs to me is this. As was pointed out, again I think by my Honourable friend, Mr. Ranga Iyer, the essence of a motion for reference to a Select Committee implies an approval and an acceptance of the principle of the Bill. It was a somewhat remarkable circumstance, I think, that, with the exception of the last speaker, all Honourable Members who supported that motion spoke, as far as I can judge in opposition to the general principles of the Bill. Now, Sir, what I have to say with regard to the particular motion, the particular amendment before the House has been dealt with in so complete a manner by my friend, Mr. Ranga Iyer, that really very little is left for me to say. The original Bill which I introduced in the beginning of this Session was referred by the House to a Select Committee. That Select Committee considered most anxiously, most minutely, I must almost say, meticulously, not only every clause of the Bill but almost every word and every comma of the Bill. Not one single word on the broader issues, not one single word on the minor issues, escaped their attention or escaped their very close and very elaborate scrutiny. Consequently, I am in entire agreement with the Honourable Member opposite when he says that to refer the present Bill back to a Select Committee would be a sheer waste of the time of the

House. He indicated to the House that a very plain and a simple alternative may be followed, because I must myself call attention to the fact that the Honourable Members who supported this amendment did speak almost entirely in relation to the provision of some particular clause of the Bill. Now, Sir, I submit that the proper time to consider the provisions of a particular clause of the Bill is when the Bill comes forward for detailed consideration, and I take no exception whatsoever to the admonition given to me by the Honourable Member opposite that at that stage he intends to contest every amendment that may be considered reasonable—I am glad he made that qualification. But as regards the alternative before the House, I have no hesitation in saying that the Honourable Member's advice is sound.

So far, Sir, as regards the motion for reference to Select Committee. As regards the general questions which have been raised in this House, I venture to say.....

Mr. President : I hope the Honourable Member is not going to reply to the whole debate.

The Honourable Sir James Crerar : I accept the suggestion. I do not propose to reply in full. A great deal has been said in dealing with this particular amendment or in support of it, which I suggest will properly be regarded as arguments for or against the principal motion. I restrict my remarks at this stage to my opposition to the amendment that the Bill be referred to Select Committee.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, as Honourable Members will find, there were three principal motions on the Agenda Paper. One has been disposed of to-day. One was for circulation ; and the one which we are now considering is for reference to Select Committee, and if this fails we have a very large number of specific amendments dealing with each clause of the Bill. If Honourable Members will turn to the amendments and the report of the Select Committee, they will find that the bulk of the amendments centre round four principal points ; and those points are first, that when a new press applies for registration, it should not be called upon to give security. It should be called upon to give security only if and when it offends against the principle of the Bill. The second point, which is covered by a large body of amendments, and which is emphasised by the five members of the Select Committee, is to the effect that the security demanded is in every case excessive and out of all proportion to the reasonable demand that might be made from the keeper of the press. Honourable Members will remember that the offending presses, according to the Government, are all petty presses, and if Honourable Members will turn to the definition of printing press, they will find that it includes such contrivances as lithographic stones, etc., which cost about a couple of hundred rupees ; and to demand from them a security which may amount to a sum of Rs. 10,000 is in all conscience excessive. The third and very important point upon which the five members could not see eye to eye with the other five members of the Select Committee is the important question about the right of appeal to the High Court. The last point was that the reference to the protection of *bonâ fide* claims upon the Press that is forfeited. Now, I ask the Honourable the Home Member to remember with what a degree of passion and force the dissenting minute of the five members of the Select Committee has been supported by the Opposition Benches. There has

[Sir Hari Singh Gour.]

been a singular unanimity of opinion, if I may be permitted to say so, as regards these four points, which are emphasised in the dissenting minute of the Members of the Select Committee; and I think the Members of the Select Committee who have penned that dissenting minute may be regarded as representing the voice of the elected Members of this House (Hear, hear) in requesting Government to consider and reconsider the points they have made. Between now and to-morrow the Government will have time to reflect, and I would ask the Honourable the Home Member to shorten the proceedings of this House, because we are as anxious as he is to see the end of this highly controversial measure which might bring us into sight of the end of the Session. Therefore, I hope that the Honourable the Home Member will now take count of the force of feeling on this side of the House upon these four points which every Member who has spoken on the subject has emphasised; and if he can meet us upon these four points, I am quite sure that the further passage of this Bill will not take the time that the protentious length of the amendments indicate and threaten.

The Honourable Sir James Crerar : What are the Honourable Member's four points?

Sir Hari Singh Gour : I will repeat once more the four points upon which I would ask the Honourable the Home Member to seriously consider whether he cannot meet the Members of the Opposition.

The first point we wish to make is this : in the case of a new press you cannot and must not demand security. Every man is presumed to be innocent and, as I said on the last occasion in this connection, even every dog is entitled to one bite. Consequently, under section 3, you must allow a new printer or keeper of a press to make a declaration without security. If after that he offends, by all means take security; and I go further and say that if the Magistrate has a suspicion that the new so-called declarant, printer or publisher is not the *bonâ fide* printer or publisher but masquerades as a new printer or publisher, and is found keeping the old press that had offended against the Press Act, and is found keeping him to give security; but do not arm the Magistrate with plenary jurisdiction to demand security without assigning good and sufficient reasons. That, I submit, is a reasonable request.

The second point that we wish to make is this : you know from your own Department that the principal, if not the sole offenders in this connection are the small vernacular prints, issued from petty presses which surely cannot cost more than two or three or four hundred rupees. Now, to demand of them security to the tune of Rs. 10,000 is as much as to close them down. I, therefore, ask you to examine the question about the quantum of security.

Thirdly, I wish emphatically to press upon you two facts. You remember that in the dissenting note of the five members, reference has been made to the Government of India Act, and to the powers of the High Courts given by the British Parliament. Let me draw your attention to section 107. It lays down this : each of the High Courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the things therein specified. Now, as the Secretary of State and the Government of India have power of superintendence,

a third party for the offence of the delinquent. I know, Sir, that in China if a man commits murder and he is brought before the hangman, he can bring another man alongside of him and if he says, "here is a man as my substitute", and so long as a man is executed the law is satisfied. But I think the British Government in India, the Government of my friend the Home Member, have not yet attained that degree of refinement, and innocents are yet under some guise of law entitled to protection when they prove that they are actually innocent and unconnected with the perpetrator of the crime. That, I submit, is a plain fact, but your Bill as it is drafted makes a clean sweep of the innocent as well as the guilty. As soon as the press is forfeited, a man may come with a yard long of registered documents showing that 5 or 10 years before the forfeiture of the press he had advanced money upon the security of that press. It may be that your court of justice has passed a decree against the printer upon a prior encumbrance, and that decree is merely awaiting a final decree for foreclosure. If you forfeit the press, the decree of the court is nullified, the registered encumbrance is made nugatory, and this innocent bystander who had nothing whatever to do with the commission of the offence is punished for the offence of the offender who may escape scot free. That I submit is a situation into which no sensible man can bring himself, and I therefore ask the Honourable the Home Member to reconsider his position upon this point.

Sir, these are the main things which cover the bulk of the amendments numbering 100 and more. If the Honourable Member, with the help of the Leader of the House, is able to come to an understanding with the Opposition, there will be no difficulty in coming to a speedy conclusion regarding this Bill. I know the feeling that there is in the country against it. My Honourable friend introduced this Bill this morning, and Honourable Members say this is a new Bill and consequently it must be circulated. Sir, the Bill may be new, but the ideas are very old ones. As far back as 1878, the then Government of India wanted to muzzle the Press in this country, and I find from the proceedings of 1878 that such a statement as the following was regarded as a flagrant breach of a fair criticism of the Government justifying the enactment of a native press law. The Honourable gentleman in charge of that Bill said :

"Look at the flagrant attack upon the Government in this passage. Can anything be worse than this to justify the enactment of the measure?"

What is the statement? This is the statement which gave birth to the Act of 1878. The statement is :

"This English Government in India is a beautiful but unprincipled woman, whose charms and attractions are irresistible but who is cunning, deceitful and cruel at heart." (Laughter.)

That you will find at page 149 of the proceedings of the Legislative Council of the year 1878. This, to the tin-gods of 1878, was intolerable; it amounted to sedition; it amounted to *lese majeste*; and all the members of the Executive Government were shaken to their feet against the perpetrators of this heinous crime! We live and learn. How much more strong language would not be tolerated by the Government of to-day? In 1878 when that Press Bill was placed on the Statute-book the whole country rose up in revolt against the Press law. Then, within about two years, that odious measure had to be repealed. In 1910 the Government re-enacted a similar measure which we pressed upon the Executive Govern-

[Sir Hari Singh Gour.]

of that part of the Bill which curtails the power of the High Courts, I wish to point out to this House, and I am sure the Honourable the Home Member will agree with me, that the power that you have given the High Courts is almost illusory. Unless you give the High Courts the power of remand, the power of taking further evidence, the power of transfer, the power of calling evidence, all these powers being implicit in the power of appeal, then the High Court has no jurisdiction at all. It examines some dead papers and from them has to decide such points as you specifically place for the decision of the High Courts. The High Courts have been really complaining about this. They complain that the executive want them to go into these matters and to give them their *imprimatur* and say that this thing is rightly done, as when in the case of detenus and other people two Judges of the High Court are called upon to examine the records. The High Courts refused to go into the question. They say that if you wish to treat us as an independent tribunal for the purpose of upholding the rights of the people, then give us all the power which an appellate tribunal should have. I, therefore, think that for the protection of the innocent and the punishment of the guilty, it is necessary that the High Courts should be given the completest power of appeal which they possess and which they have been given under the British Act of Parliament. That, then Sir, is the grievance of the five Members who formed the so-called minority in the Select Committee.

The last point is so obvious that the majority of the Select Committee voted for it, but as the Honourable the Home Member was not agreeable to the proposal of the majority of the Select Committee, we allowed....

The Honourable Sir James Crerar : I am afraid I cannot accept the Honourable Member's statement as quite correct.

Sir Hari Singh Gour : You will accept it when you hear it. The next point that I wish to deal with is this. It was decided by a majority of votes in the Select Committee that when a forfeiture is incurred *bonâ fide*, encumbrances should be protected. That was the view of the majority in the Select Committee. That is what I was referring to, but the Honourable the Home Member did not accept the view of the majority. The result was that we said, very well, if you don't accept the view of the majority, we are not going to press it here, but we will press it in the open House, and we are pressing it here. I do not care whether you call it the view of the majority or not.

Mr. President : The Honourable Member should not go into the details of what happened in the Select Committee.

Sir Hari Singh Gour : The point then on which I would ask the Honourable the Home Member to reconsider his decision is this. If you are going to forfeit a press, under the law forfeiture means obliteration of all other claims secured or unsecured and howsoever *bonâ fide*,—supposing a press is mortgaged or was mortgaged five years ago, or it was taken on hire purchase system, the owner agreeing to pay say Rs. 5 a month or Rs. 10 a month, as the case may be, the property vests in the vendor. The forfeiture of that press would entail no punishment upon the delinquent, but the punishment will be visited substantially, if not entirely, upon an innocent third person. We therefore wanted to protect the rights of a *bonâ fide* encumbrancer, and I submit this House cannot possibly punish

a third party for the offence of the delinquent. I know, Sir, that in China if a man commits murder and he is brought before the hangman, he can bring another man alongside of him and if he says, "here is a man as my substitute", and so long as a man is executed the law is satisfied. But I think the British Government in India, the Government of my friend the Home Member, have not yet attained that degree of refinement, and innocents are yet under some guise of law entitled to protection when they prove that they are actually innocent and unconnected with the perpetrator of the crime. That, I submit, is a plain fact, but your Bill as it is drafted makes a clean sweep of the innocent as well as the guilty. As soon as the press is forfeited, a man may come with a yard long of registered documents showing that 5 or 10 years before the forfeiture of the press he had advanced money upon the security of that press. It may be that your court of justice has passed a decree against the printer upon a prior encumbrance, and that decree is merely awaiting a final decree for foreclosure. If you forfeit the press, the decree of the court is nullified, the registered encumbrance is made nugatory, and this innocent bystander who had nothing whatever to do with the commission of the offence is punished for the offence of the offender who may escape scot free. That I submit is a situation into which no sensible man can bring himself, and I therefore ask the Honourable the Home Member to reconsider his position upon this point.

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the purpose of your work. That judicial machinery could not be used freed from the judicial control which the Parliament Act prescribes ; that judicial machinery must be subject, as the Letters Patent demand that, unless otherwise ordered by this House, the judicial machinery shall be subject to judicial control of the High Courts. Therefore, I say if you want the District Magistrate to act, the District Magistrate must of necessity be subject to the appellate and revisional jurisdiction of the High Court, and this House cannot consciously free the District Magistrate from the supervisory control of the High Court which is the salutary principle of the judicial machinery of this country. That, Sir, is the underlying principle for which we are struggling, and if you accede to that principle, the rest will be easy. (Applause.)

The Honourable Sir James Crerar : Mr. President, at this late hour of the day and in consideration of the fact that the general principle of the Bill has been debated—this is the fourth day on which it has been debated—I do not intend to detain the House at any length. The main considerations which have moved Government to bring this Bill forward I have already stated at great length. The nature and the character of the remedy which we propose to meet this great and growing evil I have already explained. The position has been examined and commented upon by a number of speakers, which I think constitutes almost a committee of the whole House, and when the Honourable and learned gentleman who has just sat down asked me to consider and examine the views that fell from Honourable Members on that side of the House, I am perfectly willing to accept his invitation. Indeed I have already given those remarks close attention. I have also given attention to the remarks which have fallen in equal number and with equal impressiveness, and to my mind with much greater reason, from Honourable gentlemen who sit in other parts of the House than that of the Honourable and learned gentleman opposite (Sir Hari Singh Gour). Now, Sir, the Honourable and learned gentleman from Nagpur in his impressive peroration made an appeal to me regarding the virtues of compromise. Mr. President, I am reminded of an anecdote told of that great man, President Lincoln of the United States. On one occasion he related the story of a man who came to him in great distress. He said he was having domestic trouble of a most agitating kind. President Lincoln asked him what it was. The man explained, "The fact is that my wife and myself are quarrelling as to whether the parlour should be whitewashed or should be papered. I want it to be whitewashed and she wants it to be papered". Shortly afterwards, the distressed citizen came back perfectly peaceful and happy. President Lincoln asked him what had happened to that little dispute of his. The man replied, "Well, Mr. President, we have compromised it". The President asked, "How was that done?" and the man replied, "Well, the parlour has been papered". (Laughter.) That, Sir, is precisely the kind of compromise which the Honourable and learned gentleman is inviting me to enter into. Since he himself has been so assiduous in his efforts to make large parts of the statute law of India either nugatory or incomprehensible, I am not surprised that he should have attempted to direct his talents in that direction on this Bill. But, Sir, I must strenuously refuse his insinuating invitations. He said there are only four points that would arise if we are to make the measure effective at all. I will not be seduced into an argument on those particular four points at this stage. As Mr. Ranga

[Sir James Crerar.]

Iyer pointed out, they are points which the House will have an opportunity to debate and contest if necessary at the proper stage and at the proper time, and I do not propose to follow the example of my Honourable friend opposite in introducing them at this stage. I need not say anything further in opposition to his general position. I ask the House to take this Bill into consideration.

Mr. President : The question is :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Sir Abdur Rahim, Mr. B. R. Puri, Mr. Ranga Iyer, Mr. Muhammad Azhar Ali, Mr. S. C. Mitra, Mr. Lalchand Navalrai, Mr. G. Morgan, Mr. Muhammad Yamin Khan, the Honourable Sir James Crerar and the Mover with instructions to report by the 31st October, 1931, and that the number of members necessary to constitute a meeting of the Committee shall be five.”

The motion was negatived.

Mr. President : The question is :

“ That the Bill to provide against the publication of matter inciting to or encouraging murder or violence be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday the 1st October, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 1st October, 1931.

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

ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

Mr. President : Honourable Members will now proceed to elect seven Members to the Advisory Publicity Committee. There are eleven candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

THE INDIAN PRESS (EMERGENCY POWERS) BILL—*contd.*

Clause 2 was added to the Bill.

Mr. President : The question is :

“ That clause 3 be added to the Bill.”

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move that clause 3 be omitted and consequential amendments be made in clauses 4 and 5.

The reason for this I gave partially yesterday, and I would now like to explain it. Clause 3 clearly provides that as soon as a press comes into existence and before it has committed any offence whatsoever, it will be required to pay a security which may go up to Rs. 1,000. Sir, we know that a large number of presses which are doing small job work in towns and cities live from hand to mouth. Their prices very often do not exceed a few hundred rupees. The owners usually purchase a small press ; they employ local men to carry on the work and thus give some kind of employment to about a dozen persons. If this clause is enforced, I am afraid that all the small presses, which are providing some kind of livelihood for people, and which are meeting a local demand, will soon come to an end, and the result of this will be that the printing trade will be monopolised by capitalists. In the words of one Honourable Member I may say that mushroom presses will come to an end. Sir, we have been fighting all along that trade should not be the monopoly of big capitalists. They should not be permitted to capture and practically finish those persons who are carrying on a similar trade on a smaller scale. If we become very harsh on these small presses, the result will be that most of these presses in the small towns will come to an end and the printing trade will be confined to large capitalists in the big towns who will be able to deposit any amount of security on account of the large capital at their back. This is a question of policy, and I do not think that any one of us who represents the poor taxpayers and those of us who do not represent the big capitalists can

[Dr. Ziauddin Ahmad.]

ever agree for a moment to Government undertaking a measure by means of which the small printing presses may come to an end. In addition to depriving a large number of people of their livelihood, they will be put to additional trouble to go to big towns for the printing of local business, for printing the proceedings of the municipalities and various other job work we do require local printing presses in order to carry out the work quickly; and it will certainly be very inconvenient to the people if, even for a small work, they have to go to a big town and meet the expense of travelling and the delay it must involve. Therefore in the interests of safeguarding this cottage industry of printing, and in the interests of carrying out printing locally, I strongly appeal to Government not to take any measure by means of which these printing presses may cease to exist.

The second point that I should like to make is this, that it is against all principles of law to consider a man as guilty before he has committed any offence. We are violating that principle in this clause by saying that in the case of any printing press, however *bona fide* it may be and for whatever purpose it may come into existence, even though it may belong to a very loyal class, it should be assumed that it would commit an offence and be required to pay security before it came into existence. I do not object to the demand of security after the commission of an offence, but I certainly do object to the demand of any kind of security before the offence is committed. It may be argued from the Government Benches that this particular provision was introduced for the reason that a printing press may commit a first offence without security, and as soon as security is demanded it may close, and subsequently at night time the printing press may move to the other corner of the street. Next day an application may be filed under another name and a new press may be started, and the second offence may be committed in the same manner.

(11) Volume VI, No. 7, dated 1st October, 1931, page 1328, line 20 from the bottom, for the word "in" read "is".

one can naturally find out after committing this offence easily find out and it is quite possible to provide for remedying this particular objection.

Speaking now from the Muslim point of view, I oppose it still more strongly than I oppose it as an Indian, because a large number of Muslim presses come under this category, and any person who takes a communal view in this particular case is not playing the right game. It will be giving a wrong impression to say that this particular clause will not affect Muslims but only non-Muslims. I join issue with all those persons who hold that opinion. I was told by some supporters that probably Magistrates will take a lenient view of this favoured class. The law does not provide anything of this kind, and I do not think we should make any provision in which a distinction is made between a favoured class and an unfavoured class. These words are sometimes used in diplomatic relations "most favoured nations". I strongly object to this particular idea being introduced in any legislation passed by this Assembly. In the first place, I do not know whether the Muslims are really the most favoured people. Experience has shown just the reverse. Therefore from the communal point of view I oppose this particular clause

in stronger words than as an Indian. I consider that this particular clause is a great injustice to innocent people; it is really killing a cottage industry and it is a provision under which innocent people are being punished without committing any offence.

With these words, Sir, I beg to move my amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I hope I shall be able to simplify a great deal of what has been tabulated here under the various amendments. My friend, Dr. Ziauddin, wants to omit clause 3 which deals with old presses. Sub-clauses (1) and (2) deal with new presses. I think that so far as new presses are concerned, in ordinary cases no security should be demanded unless the Magistrate, for reasons to be recorded by him in writing, finds that it is a case in which security should be demanded and one such case would arise when the declarer of a new press comes in the guise of keeper of a new press and who really is an old printer who has offended against the Press Act. That is the whole crux of the case. My Honourable friend, Dr. Ziauddin Ahmad, merely meant to draw the attention of the Treasury Benches to this flaw in clause 3 of the Bill, namely, that ordinarily no security should be demanded from the keeper of a new press unless the Magistrate, for reasons to be recorded by him in writing, finds that security is necessary. There are some other amendments dealing with the quantum of security. The security that is to be demanded from the keeper of a new press is not to exceed Rs. 1,000. But there are a large number of amendments, and in order to save time, I would ask the Honourable Members to recast these amendments so that, point by point, we may go on and finish the work as soon as possible. Point No. 1 is that ordinarily no security should be demanded from the keeper of a new press unless, for reasons to be recorded in writing, he suspects that the new press is really an old offender coming in the guise of a new press. The second point is that in such a case the security should not exceed the sum of Rs. 500. That will dispose of clause 3, sub-clauses (1) and (2). Then there is sub-clause (3), namely, whether the security to be demanded from an old press which has offended against the Act is not less than Rs. 500 or more than Rs. 3,000. Honourable Members desire that the minimum should be cut out and the maximum should be reduced to Rs. 2,000. If my suggestion is accepted, it will cover a very large number of amendments on the paper and it will finish all the amendments right up to page 4. If the occupants of the Treasury Benches have no objection to clarify the issues on these points, we shall be able to get through this work very quickly.

The Honourable Sir James Crerar (Home Member) : I do not know whether, after what has fallen from the Honourable gentleman from Nagpur, Dr. Ziauddin Ahmad will be prepared to push his amendment. I do not propose to speak at any length on this point. But I should like to make it clear that the complete omission of the clause, which he proposes, would, so far as presses are concerned, completely nullify the whole of the structure and purpose of the Bill. If, therefore, the House were prepared to accept the Honourable Member's amendment, it would mean that all the labour which has been devoted to this measure, that all the decisions at which the House has already arrived on general questions of principle, would be directly negatived. I think the Honourable Member showed in his argument a complete misconception of what would

[Sir James Crerar.]

be the result of his amendment. He said that what he had in mind was the new press, the new press which has not offended. He objected to the principle which he said was inherent in the clause, and on that point I join issue with him. He went on to say that he had no objection in principle to security being taken from a press which has offended. He apparently omitted to observe that sub-clause (3) of the clause makes precisely that provision to which he himself says he has no objection, but which would be abrogated by his amendment. I do not think I need deal further with this particular amendment.

Sir Hari Singh Gour : What has the Honourable the Home Member to say to the suggestion which I have just now made by which we might be able to simplify the procedure ?

The Honourable Sir James Crerar : I cannot invade the functions and discretion of the Chair.

Sir Hari Singh Gour : I appeal to you, Sir, for the acceptance of my suggestion.

Mr. President : There are other amendments on the Order Paper. When those amendments are moved, it will be open for both sides of the House to consider how far there is a possibility of a compromise. This is not the occasion for it.

The question is :

“ That clause 3 be omitted and consequential amendments be made in clauses 4 and 5.”

The motion was negatived.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhamadan Rural) : Sir, I move :

“ That sub-clause (1) of clause 3 be omitted.”

Sir, we have been discussing this Bill for four days and everything that can be said in a general way has been said on several of these important clauses. It is not my purpose therefore to dwell at length on this clause. All that I would like to say is this. My objection to sub-clause (1) of clause 3 is an objection based on a principle. That principle has been already stated before the House and that is, that no person should be presumed to be guilty unless the contrary is proved. No doubt, Sir, the clause, as is now drafted in the Bill now under discussion, has been greatly modified and it is a great improvement, I must admit, on the clause that was originally proposed by the Honourable the Home Member. If I have ventured to move this amendment to-day, it is because of that sympathetic consideration which the Honourable the Home Member has shown in coming to an agreement on several of the important clauses of this Bill and in modifying the old Bill to a large extent to suit the wishes of the non-official Members. But there are still a few more objectionable features permitted to be retained in this Bill and it is with a view to state the desirability of removing those objectionable features on the floor of the House and to try and convince the Honourable the Home Member that if he could see eye to eye with the non-official Benches in this matter, it would be quite possible for us to have a Bill which would be less objectionable and which at the same time would serve the purpose which he has in view that I have brought

in this amendment. The improvements that have been made in this clause are, it will be seen, that a probation period of 3 months is given to the keeper of a new press and the Magistrate, when ordering security, is required to put on record his reasons for so doing. That is a great improvement, I admit ; but still the principle is not conceded. It is open to a Magistrate to call upon any keeper of a new press to deposit security without his having done anything to deserve that penalty. The powers vested in a Magistrate are so wide, and knowing as we do the way in which discretion has been exercised by Magistrates under section 144, and other sections of the Criminal Procedure Code, notwithstanding the provisions provided for judicial control, has made me think that these powers are too wide, and it is not possible to believe that the Magistrate would eliminate the possibility of innocent people suffering under a clause like this. The exercise of these powers by the Magistrates, as we all know, are based generally on information received from subordinates on whom they place great reliance. Neither the Magistrate nor his subordinates would be prepared to take any risk. It may be that the keeper himself has not offended, but his associates may be such that the Magistrate may think it prudent to take some security from this man either on suspicion or in view of his antecedents. It is not difficult for the Magistrate to put on record his reasons for stating why a security should be demanded from these people, notwithstanding the fact that the man has not actually committed anything to deserve the penalty. It must be remembered also that there is no judicial control over these proceedings. I venture to submit, under these circumstances it is not fair to degrade the profession of printers, and it is not worthy of the Government that a clause which is the negation of the principle that all persons must be presumed innocent until proved guilty, should be permitted to be placed on the Statute-book. With these few words I move this amendment.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhamadan Rural) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Sitaramaraju. The keeping of a press is no longer a lucrative business. It is pursued now often as a supplementary source of income. The keeper of a press generally works in an office where his income is perhaps insufficient, and he therefore starts a printing press by investing a capital of a few hundred rupees from his own pocket, or by scraping it together, or by procuring a loan or an advance on mortgage, and he wishes to do that in the hope that it will fetch him some income, say Rs. 50 or Rs. 100 a month. I admit, Sir, that it does fetch him some income, but sometimes, in these days of economic depression and keen competition it is just the other way. The head compositor is often left in charge of the business, his only qualification being that he can read and write without much difficulty, and the keeper of the press comes back from his office seldom before dusk, and the keeper of the back tired, he is not in a position to look after the business ; he does not know what is going on in the press. Under the circumstances, I think that it will be a great hardship to him if he is asked to deposit any sum, big or small, especially because in these days business has to be carried on with much difficulty and under most adverse circumstances. There is no reason why the keeper of a press should not be presumed to be innocent so long as he has not offended against the law. I am not talking of jurisprudence and so forth, because I am not a lawyer.

[Pandit Satyendra Nath Sen.]

some common sense on which I take my stand and I should like to see which of my Honourable friends will go against common sense. With these words I support the amendment.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I rise to support this amendment. I have myself given notice of a similar amendment which comes on later, so I would like to say a few words on this.

My main objection against the provisions of this Bill is that, instead of introducing the rule of law in this country it introduces the rule of executive. We have been accustomed to hear from the Treasury Benches the phrase that if an administration wants to govern, it must maintain law and order at any cost. Thus law always takes precedence to order. All eminent authorities agree to this. No civilised State maintains order at the cost of law. Therefore the first point which ought to be taken into consideration in my humble opinion is whether, by introducing this new legislation, we are maintaining the rule of law in the country or are we substituting the rule of the executive for the rule of law. This clause, as a matter of fact the whole of this Bill, insists upon substituting the authority of the executive for the authority of law. By asking us to enact this particular clause, the executive asks us not only to arm it with power to punish an individual who in its opinion may transgress the limits of this Bill, but it asks us also to declare that whoever intends to keep a printing press, he shall be regarded as a man of doubtful character and that he is not fit to be a free man. As a matter of fact the business or profession of printing has been declared to be a sort of criminal profession. Any person who wants to open or to engage in the profession of printing is to be regarded as a culprit from the very start. If the operation of this clause had been limited to the cases of individuals of known bad or even doubtful antecedents, its authors could have claimed some merit for calling upon him to deposit security. In the absence of such a qualifying phrase we would be justified in concluding that irrespective of the antecedents of the declarant, the Magistrate can call upon him to deposit security. Of course discretion is vested in a Magistrate, but we have seen enough of the exercise of this discretion, the Magistrate entirely subordinates himself to the will of the District Magistrate. The District Magistrate's will is more often than not exercised in restricting the liberties of the people, instead of protecting those liberties, which is the real function of the District Magistrate. With that mentality in the land, my submission is that it will be most dangerous to arm the executive with such a power. If the Press is not wanted in this country, let the executive come forward and openly declare so and we will do without a Press in India. But if the Press is wanted, and if it is considered to be of very great help in the administration of the country, then it is nothing short of tyranny to ask the keeper of a press to deposit security. I do not agree with my friend the Mover of the amendment that the clause provides any probation of three months for good behaviour of a new press. There is no such provision. As I read sub-clauses (1) and (2) together the Local Government is given power to order a refund of the deposit money by not confirming the order of the Magistrate but heaven knows how that power is to be exercised. It is really no safeguard at all. The person who wants to open a new press will have to

deposit security in the very beginning. Therefore, my submission is that there is no rule of justice or of equity in demanding security from a new press. A new press should be considered to be innocent till the keeper or printer is found guilty, and we do not know why that rule, which has been introduced by British jurisprudence in India, should be abrogated here when we are passing such legislation as this. With these few remarks, Sir, I support this amendment.

Mr. E. Studd (Bengal : European) : Sir, I have listened very carefully to the arguments of those Honourable Members who have supported this amendment, but I am afraid I cannot agree with them. It seems to me that, in the first place, they have refused to recognise the fact that this Bill is intended not to deal with the whole Press but to deal with only one specific section of the Press which admittedly has been doing a great deal of damage by enlogising murder and instigating violence. I do not think any of the arguments of my Honourable friends opposite can hold water. If they admit that there has been a section of the Press which has been eulogising murder and violence, surely they must admit that steps must be taken to deal with.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What about the new press ?

Mr. E. Studd : I am coming to it now. It does not seem to me that it matters very much whether it is a new press or an old press. They all assume that everybody has got to pay this deposit, but I cannot agree with that assumption. I do not think that there are any grounds for believing that this clause would be operated unduly harshly by Magistrates who have to deal with applications. But, Sir, all my Honourable friends opposite complain that they object to this clause on principle because it is condemning a man before he is found guilty. I do not know how they can justify that claim. All that is asked is that the keeper of a press may be required to put down a deposit which he will have returned to him if there is no complaint against his press after three months. Now, Sir, I think I am right in saying that every Honourable Member of this House, when he stands as a candidate for election, is called upon to put down a deposit. Can anybody honestly maintain that he has been condemned as a defaulter ? It seems to me, Sir, that the two cases are very much on the same footing, and therefore, I do not think that that claim can possibly hold water. I can understand Honourable Members disliking the provisions of this Bill—I do not like them myself very much—but when an emergency arises, sometimes unpleasant measures have to be taken. Perhaps Honourable Members will remember that a year or two ago France was very much afraid of small-pox being introduced into their country, and they therefore laid down very strict regulations that no one must be allowed to land in France unless he was either vaccinated then or could produce a certificate that he had been vaccinated quite a short time before. It seems to me therefore that the present case is rather on a par with that. There is an evil in existence in this country which it is sought to eradicate and stop spreading, and therefore measures that we might not consider justifiable in ordinary times are perfectly justifiable under the present circumstances. Therefore, it seems to me that my friends opposite have made out no case for this amendment, and I strongly oppose it.

Mr. Gaya Prasad Singh : Sir, I am really surprised at the arguments advanced by my Honourable friend who has just sat down. My friend stated that this clause is intended to be directed against that section of the Press which is known to have a tendency to incite to violence and things like that. Let us assume that it is so, but what about the new printing press which is just going to be started? Why should any such presumption be raised against a new printing press? Why should this new press, which has in no way offended against the law or is not in any way guilty of incitement to violence or murderous activities, be required to give a deposit in the first instance? That is my first point which I want to place before the House, because every man must be presumed to be innocent, and the keeper of a new printing press must be presumed to be innocent till he is proved to be guilty. This is the fundamental proposition of criminal jurisprudence, which is sought to be violated by the insertion of this sub-clause.

In the next place, the right of appeal to the High Court is also sought to be denied by this particular clause. Apart from the provisions prescribed in the Criminal Procedure Code, the High Court has inherent powers of superintendence, direction and control. Now, this sub-clause seeks to deprive the High Court of that particular power. Therefore, my suggestion is that Government might, without impairing the object which they have in view, agree to the deletion of this sub-clause.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I support the amendment that has been moved by my friend, Mr. Sitaramaraju. He has made out a very strong case in favour of the amendment, and I should like the Honourable the Home Member to consider the position so far as this sub-clause is concerned a little more carefully. I am perfectly conscious—we are all conscious—of the fact that the Honourable the Home Member has gone a long way to conciliate public opinion in favour of this Bill, but I do think that this sub-clause cannot be justified having regard to the object of the Bill, with which we on this side of the House have expressed our entire sympathy. The object of the Bill as now presented to the House is to provide against the publication of matter inciting to or encouraging murder or violence. That object can be fully attained without having a sub-clause of this character. Under this sub-clause every press that is started has to deposit security.....

The Honourable Sir James Crerar : No, Sir.

Sir Abdur Rahim : Yes, unless the Magistrate chooses to dispense with it at his own discretion. Now, I contend that no such discretion ought to be given to Magistrates in the case of a new printing press. The question I would ask the Treasury Benches to consider is this,—is a printing press a legitimate business or not? If it is, is the Government entitled or justified, or is it necessary for them to ask, before a legitimate business of this character is started, that the man who starts it must be prepared, if the Magistrate so wishes, to deposit a certain amount of security? Why do you not ask for security in the case of any other business? What is the reason then that in the case of printing presses only you should ask for security beforehand, or the Magistrate should have the power to ask for security? What is the reason? The only reason apparently, so far as one can guess, is this. There is a sort of presumption in the minds of the framers of the Bill that printing is a more or less dangerous business.

Is that so? Is that the proposition that the Government want to support—that there is a possible danger to the public if a printing press is started? Unless that proposition is supported, I submit to the House that this sub-clause cannot be justified at all. Not only a printer, but every man may be liable to offend against the law of the land. Why should the printers be singled out for security? One can well understand that if a printing press is printing matter which offends against clause 4, which offends against the object of this Bill, then in that case the Magistrate should have the power to call upon the keeper of that press to deposit security. But until that has happened, what justification is there for saying to a man who wants to start a business of printing, “No, you shall not be allowed to do that unless you deposit a certain amount of security”. And, as has been pointed out, and very rightly pointed out, that will cripple printing business in this country a great deal.

There are a very large number of small printing presses in this country which will not be able to deposit any security at all. Why should you hamper such men at all? You can only do that if you really accept the proposition, if you believe in the proposition that printing is a dangerous business. Surely, it is not necessary for my Honourable friend the Home Member to go so far as that. Let him lay down that if there is any press which offends against the provisions of clause 4, that press will be called upon by the Magistrate to furnish security. But why should presses, which have not yet started or rather which have just been started, be called upon to furnish security? I submit that the Treasury Benches cannot justify this provision at all.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : I cannot quite appreciate the views of my Honourable friends Mr. Gaya Prasad Singh and Sir Abdur Rahim, and I do not agree with them in their arguments. They ask why the business of printing should be made to deposit security. Mr. Gaya Prasad Singh stated that every one in the eye of criminal jurisprudence, not only of Britain but of the Romans, I believe, is supposed to be innocent unless there is a trial held and the guilt is proved.

Sardar Sant Singh : You will find an illustration to support your view from the French jurisprudence where a man is presumed to be guilty till he is proved to be innocent.

Mr. K. Ahmed : If my Honourable friend will go to his own town—I do not know the district he comes from (*An Honourable Member* : “Lyallpur.”)—but if he comes to my town the City of Calcutta, he will find there is a Corporation there for which my Honourable friend, Mr. Amar Nath Dutt, has great respect because many gentlemen of his class make their living out of it and are very busy with regard to the public life of the country. Sir, we have got an avocation of life, the same avocation that Sir Abdur Rahim had 20 years ago, namely, the profession of a lawyer. (*An Honourable Member* : “He is still a member of the Calcutta Bar.”) But I do not think he takes out a licence from the Corporation of Calcutta. Sir, before we start our profession, we have to pay a deposit of Rs. 50 to the Municipality and take out a licence; otherwise you cannot carry on your trade.

Sir Abdur Rahim : Is that security?

Mr. K. Ahmed : I will give you another case of security. But will there be any sense if you go and say to the Municipality, “We are all

[Mr. K. Ahmed.]

innocent. We come from England. We are barristers, and why should we take out a licence? We have got the liberty to practise anywhere we go."

Sardar Sant Singh : Is there no distinction between taking out a licence and being bound down under a security?

Mr. K. Ahmed : If you like, take another illustration. Take section 110 of the Criminal Procedure Code. If there is any information that a man is liable to commit an offence, or that it is a bad livelihood case and he is aiding and abetting the commission of certain offences, even though there is no proof, but only a rumour or information, then a First Class Magistrate or a Sub-Divisional Magistrate can call upon him to show cause why he should not furnish security, in which case will not my Honourable friend go and say, "In that case I stand surety for the man in the meanwhile before his case will be heard"? The man is innocent before his guilt is proved, and in the eye of the law he is presumed to be innocent, and I fully agree with my Honourable friend in that. The printer here also before he starts his business has to take out a licence and deposit money. That deposit is not a penalty. As my Honourable friend, Mr. Studd, pointed out, do we not deposit before the returning officer at the time of nomination for election to the Legislative Assembly a certain amount of money? Mr. President, you had also to give a security of Rs. 500 before you filed your nomination paper. (*An Honourable Member* : "Is that surety or deposit?") That is surety and security of Rs. 500 but here in the case of the printer it is deposit only and in case of liability arising, forfeiture would follow. Until the guilt of his client is proved under section 110, he has either to deposit Rs. 500 or Rs. 1,000 or Rs. 2,000 or get some one to stand surety for him that he will take his trial. Similarly there will be a trial of the printers. Under the law of evidence they could not admit the evidence of the innocence of the printers for whom my friends appear. I ask them to agree with me that this clause is not in contravention of any principle of jurisprudence or criminal law. I am speaking simply as a disinterested person and I have heard the arguments on both sides. I should like to see a happy and prosperous Press in India, but the Government find that the trade is not carried on properly. Suppose a dirty press is started in the slums of Calcutta; and it has no means to pay the penalty which the Magistrate may impose on it. In that case how are you to punish it? I should like my Honourable friends to satisfy me on that point. Will they quote any law or principle of jurisprudence to support their view? I think, Sir, that their arguments have no leg to stand upon, and I challenge my friends from the opposite side to convince me how I can be in a position to agree with them.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Kural) : As one who had served on the Select Committee of the Press Bill I think I must offer a few observations on the very reasonable amendment of my Honourable friend, Mr. Sitaramaraju. At the very outset I must dispose of the last speaker who made a very serious speech which is not in keeping with his usual role as a humorist. I never thought that the expression which has been used could be true in regard to his case, an expression often used very ungenerously in regard to barristers—"Scratch a barrister and you find a bureaucrat".

(Laughter.) His argument was worthy of a supporter of the Bill and not an interpreter of jurisprudence.

Mr. K. Ahmed : I never was a supporter. I heard both sides. There is no argument to support the other side.

Mr. C. S. Ranga Iyer : I never thought that my friend had the capacity of facing both ways. (Laughter.) That is in keeping with our humorist's role.

Leaving his arguments aside, let me come to the point at issue. So far as any newspaper is concerned, our position is that no new newspaper should start with a millstone round its neck. Why should not every man who wants to keep a press or publish a paper be given an opportunity of starting on a clean slate? That opportunity is not denied under this section, but I do say it is vested in the discretion of the Magistrate and Magistrates being human beings and entrusted with the responsibility of keeping order within their domain, do not always see eye to eye with those who have sometimes to carry on a raging and tearing campaign. Why should the Magistrate be the judge of what is good and what is bad before the press has had an opportunity to sin against even his own opinions in regard to journalistic wisdom or unwisdom. That is our whole case in a nutshell. The Magistrate is a judicial officer too and strictly speaking is under the control of the High Court and in this particular matter the Magistrate is liberated from the jurisdiction of the High Court. When a security is demanded from a new press, there is no provision for appeal against that security to the High Court, and unless and until Government concede this very proper, this very legitimate and this very reasonable demand of ours, that the order of the Magistrate in regard to the demand of security from a new press must be subject to appeal to the High Court, as in the case of the old press, unless and until Government have the reasonableness to concede that demand, we on this side will not only oppose this measure but also press this point to a division. Sir, I hope and trust that the Honourable the Home Member will not take shelter under the argument that this provision is made because it is a provision to prevent masquerading by a new press man because an old press has been suppressed. Sir, after all, by trying to hit at a new press man because he happens to be the agent of an old press man who has already come under the security section of this Bill, by trying to take action in that manner, they are putting in the hands of the Magistrates a weapon which he can with equal facility use against anyone who starts a new press with no old connections, or carries on a constitutional campaign,—and I include, as the late Mr. Gokhale used to do, passive resistance under constitutional campaign. My fear is this, that Magistrates do lose their equilibrium, they are thrown off their balance when there is a movement which they find it difficult to control, which does not give them peace of mind.

Sir, standing as we do between the opening of a new era and the closing of the old, standing as we do at the parting of the ways, the going away of an old bureaucracy and the coming in of a new democracy, there will be agitation, and agitation which will disturb the peace of mind of the best of Magistrates, and this agitation will be carried on by means of the newspaper press; and I would not, Sir, allow the Magistrate to set up the standard of journalistic propriety. It is much better to censor the press, it is much better to stop the publication of newspapers, it is much

[Mr. C. S. Ranga Iyer.]

better to issue a ukase from the Viceregal Lodge, as they often did before, saying that newspapers must not be published until they fulfil this, that or the other condition ; it is much better to do that than to come to us and ask us to put a weapon in the hands of the Magistrate which, judging by our experience in the old days of the Press Act, has not been used satisfactorily. Sir, a tree is judged by its fruits ; and the Magistrate will be judged by his past actions ; and judging him by his actions, we are unwilling to put that power into the hands of the Magistrates. Therefore we request the Home Member to concede this very reasonable demand, the concession of which will not only appease public opinion in this country, but will also go a long way in the direction of ushering in a proper atmosphere for the new constitution, but the non-concession of which will only prove that the Government are unwilling to move with the times, but are willing to be as irresponsive as they have been irresponsible.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, before we decide whether this clause should be taken away from the Bill or not, we have to see why this Bill has come in. We know, Sir, that in the past the Press or a certain section of the Press has been indulging in something which requires to be stopped, and that thing was incitement to some offence which amounts to murder, or sometimes when they eulogize people who perpetrate the murder of innocent people. When we have got this point of view to remember, then we can only judge whether the Press had been behaving in the past or in the near past in such a way that they could be left entirely alone or could be believed to be absolutely innocent. We know there have been cases which could have been stopped if the Press had not incited them. Now remembering that, and also bearing in mind that this Bill is going to last for only one year—it may of course be extended for another year but that does not matter ; at present it is to be enacted for one year only—we have to judge all the arguments that have been advanced by the supporters and by the Mover of this amendment. The chief point which has been taken by the Mover of the amendment and by the Honourable Sir Abdur Rahim and the Honourable Mr. Gaya Prasad Singh is that this order should not apply to a man who starts a press for the first time, and that it will be a great hardship if any order demanding security is passed against a man who comes for the first time to open a press, as it might stop him from entering upon the enterprise of printing. Well, Sir, when it is remembered that this Bill is going to last only for one year, I do not think that this argument, that it will cause great hardship to new enterprises, has got any force. I think the people who will within one year start printing presses are not going to be very large ; there are already printing presses which are existing and about which the decision can be made in one day as to whether they are really treating their liberty as licence or utilizing their liberty properly. Now people who will come up in the future and start a press within one year can be counted on one's finger's ends, and the whole argument which has been advanced falls to the ground when we take these two elements into consideration. Then, a second thing is, supposing a man starts a press which is quite a new press, but the man is an old sinner, what has my Honourable friend got to say in that respect ? If there is a man about whom we know that he had been exciting and inciting people to commit murder and other offences against which this Bill is aimed, and

this man comes up as the possessor of a new printing press, will my Honourable friend want that security should be asked from this man, or should not be asked ? I am certain, Sir, that my Honourable friend has not got this object in his mind. He will come up at once and say that this is not the proper man ; but although he starts a new printing press, he is the same man who had been committing this crime in the past and he should be asked for full security. Sir, if this clause (i) of sub-clause (3) is taken away as a whole, what is left with the Government to enable them to judge whether they should ask security from a man of that character who starts a new enterprise ? This is the only clause which can give power to the District Magistrate to demand a security that this man may behave properly. He of course has got a certain period within which to pay, and if the Local Government do not make any order in this respect, then the whole security will be refunded. Then another objection which has been raised by Honourable Members on the opposite side is this, that the security which may be demanded may be very high for a poor man. But I must point out that the security which may be demanded may not exceed Rs. 1,000—that is the maximum. If a poor man starts a little printing press which may be worth about Rs. 500 or Rs. 600, a security of Rs. 10, Rs. 15 or even Rs. 50 or Rs. 100 may be demanded from such a press, and there will be no hardship I think. So if the press is worth lakhs of rupees—and you cannot get a press for less than Rs. 7,000 now-a-days—the demanding of a security for Rs. 100 or Rs. 200 from this man to ensure his behaving properly for one year—because this Bill is not going to last after a year—is not too much in present circumstances when we are having murders in all provinces and everywhere. I think, Sir, this point has been too much stressed and only a pathetic scene has been sketched where there is no real foundation for it.

The second is the legal difficulty. My friend wants that the whole of sub-clause (1) should be deleted. That means that the proviso in sub-clause (1) should also go with it. The proviso reads :

“ Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.”

Supposing a man has got a printing press to-day and incites to murder ; he is then asked to give security and then sells the press and starts another with the same management, what are you going to do ? How are you going to cope with the situation in these circumstances ? You cannot, unless you have this provision. Another thing is that when you make a law, you must take into consideration all kinds of things which might happen. The point is, do you want to stop murder or not ? Do you want to stop the incitement to murder ? If you want to do it, you must do it frankly and openly. If you do not want to do it, throw it out, I do not mind at all.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Can you stop murder by this Bill ?

Mr. Muhammad Yamin Khan : You can certainly stop the incitement. Theft and murder are punishable under the Indian Penal Code, but you have not been able to stop them. So you cannot stop murder by this Bill but you can stop the incitement to a certain extent.

[Mr. Muhammad Yamin Khan.]

Then, Sir, if you take out sub-clause (1) from clause 3 what is left? Sub-clause (2) will be left and it reads like this :

“Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months”, etc.

Now, Sir, take away this sub-clause (1).....

Mr. B. Sitaramaraju : But there are other amendments.

Mr. Muhammad Yamin Khan : I am not dealing with them. But supposing the other amendments fail and this amendment is carried then what is left? My friends ought to have given one amendment which would be comprehensive. But I do not find any amendment in the name of my Honourable friend there. There are amendments in the names of other Members.

Mr. B. Sitaramaraju : Look at No. 19.

Mr. Muhammad Yamin Khan : Supposing that fails and this amendment is carried, then the Bill will be an absurd Bill.

Mr. Gaya Prasad Singh : Even this will not be carried. (Laughter.)

Mr. Muhammad Yamin Khan : Yes, this should not be carried. Therefore, even besides the legal difficulty I find that the amendment which has been proposed by my Honourable friend cannot be supported on its merits and I oppose this amendment.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, as one who served on the Select Committee of this Bill I should like to make a very few observations. The principal argument of the other side as to why sub-clause (1) of clause 3 should be deleted from the Bill was based, as I understand it, on the universally accepted principle of criminal jurisprudence that every man should be presumed to be innocent until he is proved to be guilty. It is that very principle of criminal jurisprudence, Sir, that impressed itself upon the members of the Select Committee when they altered the original provision of the Bill into the provision as it now stands. You are aware, Sir, that in the original Bill the Magistrate as a matter of course demanded security from every keeper of a printing press unless for reasons to be recorded in writing he chose to dispense with that security. That may be a contravention of the principle of jurisprudence that every man is presumed to be innocent until he is proved to be guilty. But the Select Committee have altered this provision. The present provision says that the Magistrate would, as I understand it, ordinarily dispense with security except for reasons to be recorded by him in writing. Therefore instead of violating the general principle of criminal jurisprudence which has been so often enunciated on the other side, I beg to submit that the clause as altered by the Select Committee emphasises that principle. But it may be asked, if a Magistrate in the exercise of his discretion demands security to be furnished, why should not that order demanding the security be appealable in the High Court? Sir, we are aware that there is a clear distinction in matters of administration, between matters which are justiciable and matters which are not justiciable. The Magistrate who would pass such an order would pass it upon information supplied to him or upon evidence placed before him which it would not be prudent or discreet to publish to the world. In such circumstances what materials would the

High Court have, assuming the matter was made appealable? Only the other day I think this Assembly by a very large majority rejected a motion that all orders passed by a Magistrate under section 144 of the Criminal Procedure Code should be appealable or should be open to revision by the High Court. And all the reasons that prevailed in this Assembly then are precisely the reasons that can now be urged in support of this measure.

Sir Hari Singh Gour : May I ask my Honourable friend if he means to imply that orders under section 144 are not revisable by the High Court? If he says that, he has forgotten his law.

Dr. F. X. DeSouza : My point is this that whenever a Magistrate acts upon evidence which it is not prudent to disclose, then I say it would be wrong to allow an appeal to be made or a revision to be filed in the High Court for the simple reason that the High Court will have nothing before it upon which to base its interference. After all, why should we presume that every District Magistrate should act so arbitrarily or simply on a mere whim? The District Magistrate is a person in authority entrusted by Government with the maintenance of peace and order in the district. As it happens, Sir, a large number of districts are now administered by Indians who may be supposed to be in touch with the public feeling and public opinion in their districts. Why should you assume that the Magistrate always acts harshly and arbitrarily and it he acts arbitrarily, is there no check on his arbitrary orders? I understand—I am speaking subject to correction—any order passed by the District Magistrate under this clause would be appealable to the Local Government. Shall we assume that the Local Government will always endorse any arbitrary or hasty action passed by the District Magistrate?

Mr. Gaya Prasad Singh : The Bill does not provide for any appeal or anything of the sort to the Local Government.

Dr. F. X. DeSouza : It is the inherent power of the Local Government to revise all orders passed by the District Magistrates or other officers subordinate to it. Mr. Ranga Iyer spoke in very eloquent terms that this is an inopportune time—just when we are on the parting of the ways between a bureaucratic Government and a democratic Government. I entirely agree with him. It is that very consideration which will influence the District Magistrate and the Local Government which will make them, entering as they do on the threshold of a new era, refrain from passing an order hastily and arbitrarily without due caution. After all, taking security from a keeper of the press for publishing a matter inciting to violence, is it such a severe penal action as Honourable Members on the other side seem to make out? In the course of a career which I venture to say is not dishonourable, I do not know how many times I have been called upon to furnish security. When I joined my College in Cambridge, I had to deposit caution money. What was that for? For fear that I should make default in payment of College bills. When I joined the Inns of Court in London I was asked to deposit a large sum of money by way of caution money. Nobody could regard that as anything derogatory or as anything savouring of penal action. Sir, with all deference to the arguments urged on the other side, I venture to think that the clause as now amended by the Select Committee is a very mild clause and is necessary at a time when there is a great danger

[Dr. F. X. DeSouza.]

of irresponsible presses publishing articles of violence. I think it is the least that the Legislature can provide.

Sir Hari Singh Gour : Sir, my Honourable friend who spoke last spoke of the impeccability of the District Magistrate. If that had been his real and true opinion, he would not have filled the position of distinction on the Bench in Sind for so long correcting the vagaries of the District Magistrates. But, Sir, circumstances alter cases. To-day he stands as a spokesman of Government and he says that when he was in college he had to pay caution money. When he was in the University he had also to pay certain caution money. So where is the harm in taking a security? Sir, according to that argument if you are to take security from my Honourable friend against a possible pick-pocketing by him, he would have no objection and that, I submit, is his whole argument. Where is the harm if you take security? Sir, the taking of a security is in itself a disgrace, and no self-respecting man, no self-respecting member of society will submit to it unless a proper cause is shown against him. The reason why we on this side of the House oppose the going in of this clause as a part of the statute is that you take security from a man who comes before you as an innocent keeper of a public press, and what right have you to take security from him? My Honourable friend says that the Magistrate has been given the discretion to dispense with security. Now I will ask the Honourable Member and his other protagonists in this view as to what is meant by the words, "The Magistrate may, for reasons to be recorded in writing". What are going to be the reasons which the Magistrate will record for dispensing with the security? Will he say, "This man has come with a red turban and consequently he is painted red and I shall demand security"? Supposing the Magistrate passes an order of this character, is it or is it not open to appeal or revision by the High Court? The whole thing may turn upon one narrow issue. The executive are calling upon the aid of the judiciary for the purpose of upholding the integrity of the Press. It is a fundamental principle of law, and I am sure my Honourable friend must have learnt it in his school days, that if you apply the judicial machinery, you can only do so subject to judicial control. That, I submit, is the principle. That, I submit, is the fulcrum of the whole case. Here the executive are calling into requisition the services of the Judge. Is that Judge a subordinate Judge? Is that Judge to act independently of the High Court? Can my friend say that that is a principle which he can tolerate for a single moment? The whole judicial principle administered by the British Government in this country, and indeed by all civilised countries, is that all subordinate judiciary shall be subject to the superintendence, direction and control of the supreme judicial authority. You have, therefore, in this case, enlisted the services of a judicial officer freed from that control which the High Court exercises and must exercise under the British Act of Parliament over all judicial officers. That, I submit, is the point. My friend says if the District Magistrate commits an error, the man can appeal to the Local Government. Sir, I have still to learn that the Local Government is a judicial authority. I have still to learn that there is any provision in this Bill to that effect. I would give way to my Honourable friend if he will point out to me any clause in the Bill which permits the person against whom an order for security is made, to appeal to the Local

Government. He might just as well have said that the man against whom a wrong order is passed will take his revenge in heaven. That is exactly what it will come to. (Laughter.) The Local Government is the moving machinery in this matter. The Local Government in many cases—I do not say in all cases—receives confidential reports from their C. I. D. and in a mechanical fashion passes them on to the District Magistrate. The District Magistrate has a dual capacity. He is the head of the district police and he is also a District Magistrate and as such a Judge. In his one capacity as a policeman he says, this fellow is a bad fellow. At any rate if he is not a bad fellow, he is the son of a bad fellow because I knew his father. So he comes up and says, "Well, I knew your father. Your father was a bad fellow and you give security". There he is using his knowledge of the policeman for determining the case as a Judge. In his character as Judge he passes an order, which amounts to abuse of authority. Can he give me any redress at all or not? That is the whole short question. Speakers on this side say that when you find that any matter is made justiciable by having recourse to a judicial authority and you want the co-operation of a Judge, that co-operation will be only forthcoming subject to the salutary rule that the co-operation is subject to final judicial control. That being the principle, a principle which I enunciated yesterday and against which nothing has been said and nothing indeed can be said, how can you possibly resist the motion that has been made before the House?

I therefore submit that the apologists of Government have no reason on their side; they merely rely upon the fact that at the fag end of the session, the ranks of the Opposition are thin, and you with your disciplined cohorts are able to carry everything before you. If you rely upon that, you rely upon main force; you do not rely upon reason. We are asking you to rely upon reason and if there is going to be a decision on these questions upon the fundamental principles of reason and fairplay, then I say you have got no case at all. This is one of the four points I made yesterday; this is one of the four points which I asked the Government to consider seriously. They have not yet considered it; it will be too late for them if they do not consider it now. It may be that you may defeat this motion, but what will be the result? The whole of the intelligentsia in the country will feel seriously aggrieved that you have put into service your majority on the last or a few days before the last day of the session, and taken advantage of the absence of the elected representatives of the people, and placed upon the Statute-book a Bill which as far back as 1878 was the subject of popular clamour. That is the Bill which you have re-introduced with, I admit, some difference. I was in the Select Committee and I then pointed out to you, and in our dissenting note you will be pleased to observe, that five elected Members representing this side of the House have pointed out the serious defects which still lurk in the Bill as it has emerged from the Select Committee. Those are the defects you have got to remedy and rectify. If you do not rectify them to-day, I am sure you will be repenting that you did not act upon the counsel which you profess to follow, namely, to do right, no matter whether you have a majority at your back or whether we have a majority at our back. You are now trampling under foot a fundamental and cardinal principle of English law and Indian law, that whenever you apply for the co-operation of a judicial officer, that judicial officer being subordinate must be subject to correction by the highest

[Sir James Crerar.]

issue. Every argument which has been adduced by Government and the evidence which has been laid before the House to convince it that we are faced with a very serious emergency in this matter, was not seriously traversed, but they have been completely neglected by nearly every Honourable gentleman who objected to this provision.

Now, the second point which I wish to take is the one which has already been referred to before. Sir Hari Singh Gour laid great stress on the fact that Government were, as he alleged, taking a highly improper course in placing a certain responsibility upon District and Presidency Magistrates with regard to this particular provision. He said it is a manifestly, fundamentally wrong thing to do. It was indecent, it was improper, because he said in this particular instance the action of the Presidency Magistrate or a District Magistrate was not to be subject to appeal or revision by the High Court. Well, Sir, my plain answer to him is this, that we on this side have never made any disguise of it that in order to meet a great public emergency we are asking for certain executive powers. The action taken, or which will be capable of being taken, by the District Magistrate or the Presidency Magistrate under this provision is definitely executive action, and I know that there is.....

Sir Hari Singh Gour : Don't ask the Judges to help you.

The Honourable Sir James Crerar : If the Honourable Member proposes that there should be no application to the High Court even in matters which we contend are properly judiciable matters, then it is entirely open to him to move for the rejection of all applications to the High Court, and when the Honourable Member is driven plainly, palpably to advance an argument of this character to support his proposition, I ask him whether it is fair to suggest that Government are taking advantage of thinness of attendance in that side of the House rather than on the thinness of their arguments.

Now, Sir, I do not think that I need address the House at much greater length, but there are one or two points to which I must advert and which I wish strongly to impress upon the House. Practically the whole of the arguments which have proceeded from Honourable gentlemen opposite have proceeded upon the assumption throughout that every provision of this Act will be deliberately, continuously and invariably abused by the authorities to whom any discretion is given. Now, if an argument of that kind is to prevail with the House, I suggest to them that it will be quite idle for them to undertake any legislation whatsoever, because all legislation is liable to be abused, and it does not matter whether the power which is capable of abusing such legislation is an executive power or a judicial power. Even High Courts themselves occasionally err, and I believe the Judicial Committee of the Privy Council have been under the necessity of pointing that out, but I say that if this is the principle on which you are going to proceed, if you are going to make extreme assumptions of that character, then we may as well abolish ourselves as a legislative body altogether. I do not rely merely on questions of principle, but I appeal to experience. A similar measure but of a much more extensive character was in force last year. I watched its administration with the greatest care. If complaints were made in regard to it, I have not found complaints in any such considerable volume as would lead to the conclusion either

that the provisions of that enactment were consistently abused or even that in their exercise they inflicted any great hardship or inconvenience upon the printing and the publishing trade.

Mr. B. Das : Again a matter of opinion.

The Honourable Sir James Crerar : The last argument to which I would advert is the one which I first used. Are we to argue this matter as if we were merely debating society or are we to argue it as serious people in a Legislative Assembly? The main ground which, as I say, has never been traversed or even sincerely criticised on the opposite Benches of this House, regards the necessity, the grave emergency which requires a remedy. Those conditions, Sir, are the fundamental conditions that persist and will persist unless these powers are granted. My complaint against Honourable Members opposite is that at this stage of the debate they have closed their eyes to those facts. They have engaged in purely destructive criticism,

1 P.M.

whereas we have pointed out to them that if we do not have provisions of this kind—I accept my Honourable friend Mr. Ranga Iyer's advice that we should not go into details but nevertheless, as has been pointed out in the earlier stages of the debate—it has been pointed out and I think established that if we do not have provisions of this kind, inevitably there will be a constant stream of the most virulent matter published in certain sections of the Press. Honourable Members close their eyes to facts. They have not even attempted to suggest any remedy. My contention, Mr. President, is that we ought to face those facts and to apply the remedy.

Mr. President : The question is :

“That sub-clause (1) of clause 3 be omitted.”

The Assembly divided :

AYES—40.

Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bhuput Singh, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Singh.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Hajee.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Kyaw Myint, U.
Lahiri Chaudhury, Mr. D. K.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi Sayyid.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Puri, Mr. Goswami M. R.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Allah Bakshi Khan Tiwana, Khan
 Bahadur Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Bhargava, Rai Bahadur Pandit T. N.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dyer, Mr. J. F.
 Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Ishwarsingji, Nawab Nabarsingji.
 Jawahar Singh, Sardar Bahadur Sardar.
 Knight, Mr. H. F.
 Lall, Mr. S.
 Lalchand, Captain Rao Bahadur.
 Leach, Mr. F. B.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.

Morgan, Mr. G.
 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.
 Rama Rao, Rai Bahadur U.
 Ram Chandra, Mr.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Talib Mehdi Khan, Nawab Major Malik.
 Todd, Mr. A. H. A.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfikar Ali Khan, Sir.

The motion was negatived.

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. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I beg to move :

“That in sub-clause (1) of clause 3 for the words ‘one thousand’ the words ‘five hundred’ be substituted.”

In moving this amendment I do not like to discuss the general principle which has already been debated in this House. I merely wish to raise the point that the amount is very excessive. My Honourable friend Mr. Scott said that even in the case of Members of this Assembly it was necessary to demand a deposit of a sum of Rs. 500. If that is so in the case of rich men who come to this Assembly, the amount should not be fixed at an excessive rate in the case of these owners of presses or publishers of newspapers who are generally middle class men. I think we should also take

into consideration the case of honest people who may start a press as a pure business concern. We should not lose sight of the fact that the average income of Indians is only Rs. 2. My friend Mr. Yamin Khan said that this Bill is only for a year or two and that it will affect only a very few people and that we should not seriously consider these things. When I consider it from the standpoint of a principle, I think that even if it affects a single poor man, that should be a ground for this House to take action. In this connection I had my apprehensions and therefore I once rose up to speak on the main clause itself but unfortunately I could not catch your eye, being perhaps far distant from the Chair. As Mr. Studd said in his speech, my apprehensions are that this clause is meant to judge the past conduct of these people. I would like to know from the Honourable the Home Member if it is in contemplation to give this law retrospective effect as well. There are already rumours that the Delhi Administration is anxious to curb the activities of the *Hindustan Times*. Is it to wreak the vengeance of the bureaucracy on the nationalist press that this Bill is really contemplated. Otherwise I cannot see why the amount should be fixed so high. These people will get no chance to prove their innocence in a court of law. We do not know what will be the scope of the measure. A friend of mine who is Secretary of the Journalists' Association, the most representative institution in India, has asked me to find out from the Home Member whether the non-official reports on the Hijli riot, the Chittagong and the Midnapore riots will come under the scope of this comprehensive measure. Then in the last speech of the Honourable the Home Member he said that this House had degraded itself to the level of a debating club. I agree with him to a certain extent. This is the first occasion I have had to reply to that point ; I think we have really fallen on evil days. The Benches that were adorned by men like Sir William Vincent, who had the goodness and the statesmanship to repeal these repressive laws, are now occupied by my Honourable friend who is anxious to rush this Bill through in a thin House. I really think that the House has come to the level of a debating society. We are fortunate that the leadership of the House no longer vests in Sir James Crerar. We congratulate ourselves that Sir George Rainy is there, showing a conciliatory spirit. Sir, I protest against the statement of Sir James Crerar. What right has he, representing an irresponsible executive, to rush this Bill through in a thin House ? Does it lie in his mouth to make that statement which he did ? I thought there would be protests from the leaders. It may come in time. I think, Sir, it is an abuse of the procedure of this House to bring in such an important measure when the House is thin. He will have his way. The other day my Honourable friend Mr. Ghuznavi referred to Sir James as a “ spineless Member of this House ” but all of a sudden he has become so strange that he is now adamant enough not to hear a word about compromise. I think we have really fallen on evil days. Sir William Vincent, who adorned those Benches, knew the virtues of compromise. He knew when to yield. This is a House having officials and nominated Members. If the country is to judge the real opinion of this House, the question should be decided by the elected Members. Even in this House no measure is passed without a majority of elected Members. I really feel that the prestige and power of this Government will become less if men like Sir James Crerar sit on the Treasury Benches and carry these measures against the almost unanimous voice of the elected Members. If there is

[Mr. S. C. Mitra.]

any sense left, they will consider that. They must not demand from these people Rs. 1,000 as security when they have done nothing. Let them have a chance to begin their work. If you demand a deposit of more than Rs. 500, it will be really destroying the chance of the future expansion of future presses and newspapers in India. Sir, I move.

Mr. B. Das : Sir, I rise to support the motion of my Honourable friend, Mr. Mitra. Sir, I do hope the Honourable the Home Member, after listening to the cogent argument adduced by Mr. Mitra, will not say that he has brought those arguments forward as a lawyer only. Sir, I will with your permission quote a passage from the Honourable the Home Member's speech delivered this morning. He said :

"As I listened to the arguments of the Honourable and learned gentlemen opposite, I felt some curious attraction or repulsion,—I do not know which—they had ceased to regard themselves in any respect as statesmen in this House but as lawyers engaged in special pleading not on a public cause but on some private issue."

Sir, I deny this charge against the Opposition. Sir, my friend, Mr. Mitra, has adduced his arguments so cogently in favour of the poor printer that I need express no word in support of that. But I shall refute certain arguments which the Home Member used this morning, in language which was quite unparliamentary, and which he would not have tried to do had he been a member of the House of Commons.

Mr. President : The Honourable Member ought to have drawn the attention of the Chair to it if he regarded any expressions as unparliamentary. As soon as any unparliamentary expression is used, it is open to any Honourable Member sitting anywhere in the House to call attention to it. If that were done, the Chair would take action if it was satisfied that the expression was *really* unparliamentary. (Applause.)

Mr. B. Das : Sir, I regret that at the time I did not take objection. Now, Sir, my friend the Honourable the Home Member, while he was dealing with the undebatable hard facts which the Leader of the Opposition put forward this morning, ridiculed my leader suggesting he imputed motives against the executive as to wrong interpretations of the clauses of this Bill in actual practice and that my leader said that in actual discharge of responsibilities laid by these clauses on the executive they are liable to conduct which was indecent or improper. Sir, my leader never laid that charge against the executive or the district officials. Then the Honourable the Home Member suggested that there was a singular misconception of the position, a singular failure to face the plain facts of the position on this side of the House on the main principles of the Bill. Sir, I strongly repudiate that statement. I think, Sir, if the Honourable the Home Member was not backed by his 40 men behind him and also by his friends of the European Group, he would not say so bluntly that we do not understand the principle of the Bill or that we do not appreciate his position. He must pay some respect to us, Sir, and must admit that we do possess some intelligence and that we do understand the plain English language. Sir, we are willing to face the singular situation. We have always faced such singular situations. My friend, Mr. Ranga Iyer, and myself have made various statements in this House that we are here to face a particular singular situation, the singular situation that the Government of India Act of 1919 created, namely, that we should be always facing an irresponsible Government containing 26 Government

Members and 10 nominated Members who always flock like sheep to the Government lobby.

Mr. Gaya Prasad Singh : They are there for that purpose.

Mr. B. Das : Sir, my friend, the Honourable the Home Member made one suggestion which I wish had not come from a responsible Member on the Treasury Benches. He said, speaking like Cromwell—when Cromwell with his Ironsides went to the British Parliament and demanded the impossible and the members of those days did not agree, Cromwell and his Ironsides with sword in hand dissolved the Parliament—Sir the Honourable the Home Member said many nasty things. He may wish to imitate Cromwell. But I know my Honourable friend knows his limitations, his weaknesses ; he knows that if he comes with sword in hand like Mussolini of Italy, he knows that you, Sir, will not permit him to enter this Assembly Chamber. He knows that, although he controls the whole police force in India,—his so-called law and order—he cannot allow his policemen to enter this Chamber, though they are elsewhere located in these premises ; and yet he said that we may as well abolish ourselves as a legislative body altogether ! After this condemnation of the work of this Legislature which the Government sides themselves are party to, let the Honourable Member feel happy with the expressions of views he uttered ; but, Sir, we are here to voice the sentiments, the viewpoint of the people, and we have done that always. There the Home Member is sitting with his ironsides of 26 Government Members backed by his 13 nominated Members. (*An Honourable Member :* "Fourteen.") One of them is on this side—backed I say by his 13 nominated Members, and backed by the Anglo-Indian Press and by the Members of the European Group, and also backed by those few Members in this House who do nothing but always think that it suits their self-interest to follow the Government invariably. Well, nevertheless, if he thinks he can ridicule in this way the chosen representatives of the people, he is entirely in the wrong. I should have thrown out the challenge to him, if he was an elected Member, to resign on this very issue, to resign I say on clause 3 of this Bill, and to contest any seat in any part of India—excepting perhaps the European constituency (Laughter) ; and I would tell him that I would any day defeat him, and probably he would lose his security of Rs. 500 (Laughter). Sir, if my Honourable friend wants executive action, he had it six months ago when he advised the Viceroy to pass an Ordinance. Why does he not again have an Ordinance passed, and thus absolve us the elected Members from taking any responsibility ? To-day, Sir, he, with his majority, with his nominated majority, forces the Bill down our throats and involves us in the responsibility ; and the moment we criticise the measure, the moment we suggest something which will help him to appear in the role of a more civilized Government, more representative of public opinion, he says, "You are not representative of public opinion". Sir, I deny that charge which has been levelled against us.

One other thing I find is that the Honourable Member said that we must face the fundamental conditions, the fundamental conditions that persist and will persist in the country unless these powers are granted. What does the Opposition want ? The Opposition is willing to grant Government such powers as are controlled by judicial action of the High Court. It is not going to give Government any executive power, and if the Honourable Member is going to assume that power, let him go and

[Mr. B. Das.]

advise the Viceroy to include this Bill in an Ordinance and the representatives of the people will not be responsible then for such a repressive enactment.

The Honourable Sir George Rainy (Leader of the House) : I should like to submit, Sir, that the Honourable Member is travelling very far from the amendment before the House.

Mr. President : That is perfectly true. The amendment before the House is that the amount provided in the clause be reduced from Rs. 1,000 to Rs. 500. At the same time it must be pointed out that the motion before the House is that clause 3 stand part of the Bill. To that motion this amendment is proposed. I hope the Honourable Member will be satisfied with what he has said already on the general aspect of the question and proceed to deal with the amendment now.

Mr. B. Das : I thank you very much, Sir, and I bow to your advice and suggestion. Sir, when feelings run high we must divert and digress a little to express our denunciation.

The Honourable the Home Member said that we have attempted to suggest no remedy. Here is a remedy suggested by my friend Mr. Mitra Ziauddin Ahmad, pointed out that he was very anxious for the Muslim printing profession. I hope the Honourable Member will see the reasonableness of it and will accept the amendment as moved by my Honourable friend, Mr. Mitra.

Dr. Ziauddin Ahmad : Sir, I rise to support the motion. One of the very important arguments that has been brought forward by the Honourable the Mover of this Bill is that the discussion is reducing the Assembly to the status of a school debating society. I have repeatedly drawn the attention of the House to the fact that the Government are treating the Assembly like a college debating society. But the distinguished Member went one step further. I used the expression, "college debating society" and he considers us a "school debating society". Of course the Government have got the votes in their pocket. They take advantage of the fact that a large number of Members on this side of the House have already gone down. The Honourable Member in charge of the Bill is intoxicated on account of keeping a majority of votes in his pocket; he can afford to say whatever he pleases. Sir, we on this side of the House also support the phrase that the Assembly is no better than a "debating society" but on entirely different grounds. We call it such on this ground, that our decisions have no value whatsoever in the eyes of Government, and in that sense certainly Government are treating this Assembly as a school debating society.

Sir, I raised four points of principle when I moved that clause 3 be deleted, and I expected that in the course of the day the Honourable the Mover of the Bill would reply to those points. But he did not touch on any of those points, and the only reply he gave was that our argument was only the argument of a school boy. Of course we have in our younger days followed many debates.....

Mr. President : I hope the Honourable Member is not going to deal in detail with his three points again.

Dr. Ziauddin Ahmad : No, Sir; I am not going to repeat those points. In college and school debating societies we often indulged in logical fallacy in our replies of this kind, when the speaker advanced one argument and the reply was quite different. In my first speech I very much emphasised the fact that this particular clause is exceedingly hard; we are really punishing the innocent, and the punishment is also very hard; because the sum of Rs. 1,000 for a small press, whose value does not exceed Rs. 200 or Rs. 300, is really a harsh punishment, and I strongly advocate that this quantum should be reduced. With these words I beg to support the amendment.

Sardar Sant Singh : Sir, I rise to support this amendment of my Honourable friend, Mr. Mitra. Before coming to the merits of the amendment, I want to add my humble protest against the language used by the Honourable the Home Member. I am new to this Assembly, and when I stood for election I thought this Assembly was not as bad as was suggested by the Congress people. But when I reached here, I found that it was worse, not only because it possesses no power to influence the Treasury Benches, but also because the Treasury Benches, instead of acting in a responsible manner, are showing an irresponsibility which is probably inherent in them. And I think, therefore, that there can be no more condemnation of this Assembly than the words which have been used by the Honourable the Home Member to-day on the floor of this House. I know that, soon after the division when we left the place, feelings were running high. I do not know whether the language used by my Honourable friend was unparliamentary or not, because I am new to the Assembly and he has got more experience than I have. But I know this that it was very undesirable, and instead of getting up and making amends, my friend was laughing in his seat when the ruling was given by the Chair, a laugh which we very rarely see on his face in this House. I am sorry that I have to say, on behalf of the elected Members on this side, that soon after hearing the Honourable Member.....

Mr. President : I would remind the Honourable Member that the amendment before the House is to reduce the sum of Rs. 1,000 in clause 3.

Sardar Sant Singh : Yes, Sir. I was saying that, I am sorry on this account that those Members who after hearing the Honourable Member voted for the Government did a dis-service to the country. In protest also they should have voted with the popular party.

Now, Sir, coming to merits of this amendment, my submission is that in these days of admitted financial stringency, which does not assail Government alone but has depleted the resources of private individuals as well, to demand such a heavy sum as Rs. 1,000 from a new press,—and for reasons which I need not repeat now as the first amendment has been defeated—will be very unjust. It will be an act of justice that the amount should be reduced from Rs. 1,000 to Rs. 500, especially when the press is a new one and the person who applies for a declaration has not any bad antecedents. I, therefore, support this amendment of my friend, Mr. Mitra.

The Honourable Sir James Crerar : Mr. President, in speaking on this amendment, I think I should be careful not to incur your censure, and I shall therefore restrict myself to the merits of the amendment which is purely arithmetical. The Honourable the Mover and those who supported him were

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strongly in favour of the reduction of this amount. I should like to point out to the House that in the Bill which was originally introduced, the amount proposed, following the earlier enactment, was a minimum of Rs. 500 and a maximum of Rs. 2,000, and I submit that in response to criticisms made on this point, Government have already gone a very long way to meet them. As the sub-clause now stands, the Magistrate has got a discretion which in the original Bill he had not got, and the intention of the change made in the sub-clause was of course that the Magistrate should exercise that discretion having regard to the merits of each particular case coming before him. It does not follow, nor is it anticipated, that the Magistrate would in all cases demand the maximum security. He has that latitude. His decision is of course subject to revision by the Local Government. I submit, therefore, that we have already gone a very long way to meet criticism on this point and I very much regret I cannot go further. I must oppose the amendment.

Mr. President : The question is :

“That in sub-clause (1) of clause 3 for the words ‘one thousand’ the words ‘five hundred’ be substituted.”

The Assembly divided :

AYES—32.

Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Mujumdar, Sardar G. N.
Murtuza Sahib Bahadur, Maulvi Sayyid.
Parma Nand, Bhai.

Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Uppi Sahib Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Ziauddin Ahmad, Dr.

NOES—56.

Abdul Qayyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhargava, Rai Bahadur Pandit T. N.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.

Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Khan, Haji Chaudhury Muhammad.
Jawahar Singh, Sardar Bahadur Sardar.

NOES—contd.

Knight, Mr. H. F.
Lall, Mr. S.
Lakehand, Captain Rao Bahadur.
Leach, Mr. F. B.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Rai, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Ram Chandra, Mr.
Rama Rao, Rai Bahadur U.
Rastogi, Mr. Badri Lal.
Row, Mr. K. Sanjiva.

Boy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. S. C. Mitra : Sir, I move :

“That in the proviso to sub-clause (1) of clause 3 for the words ‘three thousand’ the words ‘one thousand’ be substituted.”

My arguments are more or less the same as I advanced on the last motion I moved a few minutes before. I would only like to add this. Let not the world or the Government judge the Indians by the high salaries that we Indians pay to our officers. It is a fact, no doubt true, that the Indian Civil Servants get the highest pay in the world; but that should not be the standard by which we should be judged that we are a very rich people and we can afford to pay Rs. 3,000 as deposit. That is my submission. I move.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I support this motion of my friend, Mr. S. C. Mitra. I find the proviso says :

“Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.”

Supposing the previous keeper had been ill and had to go away for *bona fide* reasons, and if another man has to take his place, why should three thousand rupees be asked for? I want the Honourable the Home Member to consider whether he should ask for three thousand rupees in every case. Why not make it one thousand rupees in all cases?

The Honourable Sir James Crerar : Sir, I regret to find myself opposing another amendment by the Honourable gentleman from Bengal. But I have drawn the attention of the House to the fact that on every occasion, so far on which an amendment has been moved, I have been able to show him that the matter has been carefully and sympathetically considered by the Government and that important mitigating changes had been made. With regard to this particular proviso, I should like to point out, in reply to what fell from the Honourable gentleman opposite, that three thousand is the maximum, and his suggestion that three thousand rupees would be demanded in all cases has

[Sir James Crerar.]

no basis. I should like to point out also that this proviso applies solely in the case in which a deposit has been previously demanded from the same press, and that implies of course that the press must have been a source of offending matter. The position, therefore, is entirely different from that of a new press. There are I think clear and good reasons why this maximum should be provided, and I wish to make it perfectly clear that this is a maximum and not a fixed amount to which the Magistrate must in all cases go.

Mr. President : The question is :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

The motion was negatived.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I move :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ two thousand ’ be substituted.”

The reasons have already been given and I do not wish to add any more.

Mr. Muhammad Yamin Khan : Sir, I think this amendment may be accepted (Hear, hear from the Opposition Benches) because as the security demanded in the first instance is one thousand rupees. I think it is but fair that the next time it is demanded, it must be the double of that amount. I think double of that amount will meet the case all right. Three thousand does not seem to be fair. Double the amount is quite sufficient and I support it.

Mr. Gaya Prasad Singh : Very good arithmetic. (Laughter.)

The Honourable Sir James Crerar : Sir, I have very little to add to what I have already said. The amount of three thousand was very carefully considered. It is a very reasonable amount in the circumstances, and I regret I cannot accept the reduction proposed.

Mr. President : The question is :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ two thousand ’ be substituted.”

The Assembly divided.

AYES—32.

Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Hajee.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Muhammad, Sardar G. N.

Murtoza Sahab Bahadur, Maulvi Sayyid.
Parma Nand, Bhai.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit Saryendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Uppl Sahab Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

NOES—54.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhargava, Rai Bahadur Pandit T. N.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Khan, Haji Chaudhury Muhammad.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lall, Mr. S.
Lalchand, Captain Rao Bahadur.
Leach, Mr. F. B.

Maswood Ahmad, Mr. M.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Ram Chandra, Mr.
Rama Rao, Rai Bahadur U.
Rastogi, Mr. Badri Lal.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Muhammad.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yakub, Sir Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Sir.

The motion was negatived.

Mr. President : The next amendment is the one standing in the name of Mr. Sitaramaraju, No. 19.*

Mr. B. Sitaramaraju : I do not propose to move that amendment, Sir.

Mr. President : Then the next amendment is No. 23.

Mr. S. C. Mitra : Sir, I move :

“ That in sub-clause (2) of clause 3 the words ‘ on application by the keeper of the press ’ be omitted.”

I do not know why the Government should not return the money after the period, why it should be incumbent on the owner or the publisher to apply for it again. It is a simple point I think, and I hope the Honourable the Home Member will accept this amendment as a reasonable one.

The Honourable Sir James Crerar : Sir, I regret very much that I cannot accept this amendment. I must point out that my objection is in the interest of the keeper of the press whom Mr. Mitra, I think, proposes to subject to a very serious risk. If the money is refunded otherwise than on the application of the person who has deposited it, it is perfectly clear that there is a very serious danger that the money might get into wrong hands. In any case, merely as an ordinary piece of business, this money will have to be paid out from the Treasury on a

*“ That sub-clause (2) of clause 3 be omitted.”

[Sir James Crerar.]

chalan in the ordinary way, and the person who is entitled to the money must necessarily sign the *chalan*. I think, therefore, that the Honourable Member's amendment is a bit misconceived and perhaps on reflection he will consider the advisability of withdrawing it.

Mr. S. C. Mitra : I beg to withdraw the amendment, Sir, with the permission of the House.

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

Mr. S. C. Mitra : Sir, the next amendment which stands in my name reads thus :

" That in sub-clause (3) of clause 3 for the words ' Whenever it appears to the Local Government ', the words ' Whenever a Local Government is in possession of sufficient proof ' be substituted."

My main point is that the language employed is very vague—" Whenever it appears to the Local Government ",—and so I want that the words " Whenever a Local Government is in possession of sufficient proof " should be substituted to make the language clearer. The point is quite clear, and I hope the amendment will be accepted.

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Obviously the amendment sought to be moved by my Honourable friend is out of place, because the wording of his amendment is very vague. Moreover, it will be remembered that in clause 23 there is a right of appeal given, and that will make it incumbent upon the authorities to consider what the proof is on which the action is proposed to be taken. It appears to me that considering sub-clause (3) of clause 3 with clause 23, the amendment of my Honourable friend is really beside the point and would not serve the purpose which my Honourable friend has apparently in mind.

Mr. C. S. Ranga Iyer : I would suggest to the Honourable the Mover of this amendment in view of what has fallen from the Honourable the Law Member, to withdraw his amendment. Personally I would very much welcome the Local Governments to take action whenever they were in possession of insufficient proof because when our pressmen go to the High Court they will have a chance of winning the case. (Laughter.)

Mr. President : The question is :

" That in sub-clause (3) of clause 3 for the words ' Whenever it appears to the Local Government ', the words ' Whenever a Local Government is in possession of sufficient proof ' be substituted."

The motion was negatived.

Sardar Sant Singh : Sir, before I move my amendment No. 25, I want to submit one thing for your kind consideration. As a matter of fact, this amendment, and amendments Nos. 28, 29 and 35 form part of one continuous amendment of the whole of sub-clauses (3) and (4) of clause 3. I hope you will permit me to move them together.

Mr. President : The Honourable Member in moving this amendment may explain the whole position relating to the other amendments also, preparing the House to vote for those amendments in due course.

Sardar Sant Singh : May I submit this for your consideration ? Without the other amendments this amendment would be meaningless. If one is carried.....

Mr. President : I have pointed out to the Honourable Member that he will be allowed to explain the whole position of all the amendments when moving this amendment. He can thus prepare the House to vote with him on each of those amendments. I will not restrict his speech to this amendment only. In his speech he can bring out all the points which he wishes to make out so that the House may be able to follow his whole case.

Sardar Sant Singh : I beg to move :

" That in sub-clause (3) of clause 3 for the words ' Local Government ' occurring in the first line, the words ' District Magistrate having jurisdiction in the place where the press is situated ' be substituted."

Sub-clause (3) as it is now worded reads as follows :

" Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose."

Now, in this sub-clause what I want to substitute is a judicial authority instead of the executive authority, and that is why I propose to substitute the words ' District Magistrate ' in place of the words ' Local Government ' in the first line. You have permitted me to refer to the other amendments also. In line 10, I want for the words ' Local Government ' the words ' District Magistrate ' should be substituted (amendment No. 28). In amendment No. 29, I want for all the words occurring after the words ' describing such words, signs or visible representations ' the following to be substituted :

" call upon the keeper to show cause why he should not be called upon to deposit security to such an amount not exceeding one thousand rupees as the District Magistrate may think fit."

Then after this notice has been issued, I want, (amendment No. 35), that,—

" For sub-clause (4) of clause 3 the following new sub-clauses be substituted :

- (2) When such keeper appears or is brought before the District Magistrate in compliance with, or in execution of, a notice issued, the District Magistrate shall proceed to inquire into the truth of the allegations upon which action was taken and to take such evidence as may appear necessary.
- (3) Such inquiry shall be made as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases.
- (4) Pending the completion of the inquiry under sub-section (3) the District Magistrate, if he considers that immediate measures are necessary for the prevention of using the press in the manner objected to, may, for reasons to be recorded in writing, direct the keeper of the press to deposit security not exceeding the amount entered in the notice until the conclusion of the trial.
- (5) If upon such inquiry it is proved that the press is used for the purpose of printing matter described in section 4, sub-section (1) and that the keeper should be made to deposit security in money or the equivalent

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thereof in securities of the Government of India as the person making the deposit may choose, the District Magistrate shall make an order accordingly.

(6) If on an inquiry it is not proved that the press is used for the purpose of printing matter described above the District Magistrate shall make an order discharging the keeper and ordering the refund of deposit, if any, made under sub-section (4) of this section.

(7) If the District Magistrate makes an order under sub-section (5) he shall appoint a date, not being sooner than the tenth day after the date of the order on or before which the deposit shall be made.'''

My submission is that this clause gives power to the executive to demand security without giving any opportunity to the keeper of the press who has offended against the Press law to show cause, or even without allowing any hearing to the person aggrieved. I submit this procedure is not in accordance with the principles of criminal jurisprudence. The executive may be very competent; they may possess exceptional abilities; but yet there can be no justice unless the person aggrieved has had an opportunity to put his case before some judicial authority. Sir, the penalising of an individual in whatever manner it may be, is not the object of any civilised administration.

If we look at the procedure prescribed in the Criminal Procedure Code of this land, we find that it is not doing the justice that is insisted upon but it is the impression created on the accused that justice has been done to him that is insisted upon. For that reason there is section 371 of the Criminal Procedure Code which makes it obligatory upon the Magistrate to supply a copy of the judgment to the accused. The accused can also insist that the judgment should be translated in the vernacular of the accused, so that he may be able to understand on what material he has been convicted. Now, this system is in vogue in India. Although there are certain exceptions in the Criminal Procedure Code, which were referred to by my friend, Mr. K. Ahmed, when he was quoting sections 109, 110 of the Criminal Procedure Code, I quite see that according to the strict interpretation of the principles of criminal jurisprudence, these sections do not strictly follow those principles. They are rather the exceptions which have been made in the criminal law of India. In England nobody is punished except for doing an act which is regarded to be an offence. Now, these preventive sections are not consistent with the principles of jurisprudence. Therefore, they should not be a guide to us in making future laws. If the practice is permitted to grow that the executive should replace the functions of the judiciary, then the position indicated in the following story will come into existence. An Anglo-Indian of the type of my friend, who sits on the Treasury Bench, was passing by the Houses of Parliament. He inquired what those buildings were and he was told that they were the Houses of Parliament. He was heard to say "Is this rubbish still going on?" If all the power is transferred to the executive, then we are coming to the days when the executive will virtually rule. As a matter of fact, the principles of democracy demand that no law should be made except with the willing consent of the people. Unfortunately, in this country we have only got an imitation of Parliamentary institutions. The form is observed but the reality is wanting and we are asked to give our opinion in a particular piece of legislation. Under the guise of passing the law through the Legislature, the executive is grasping all the power in its own hands. If the executive is

to perform judicial functions as well, then the sooner the Legislature is abolished the better, because we will not be guilty of hypocrisy at least. Suppose for the sake of argument the necessity for this measure exists. Concede also the objection taken by some of the elected Members that we are not going to assist the murderer to have a free hand in this land. Assuming these two facts to exist in this country, the question still arises—are you going to hang the murderer without trial or are you going to give him a hearing at all. If you hang without trial, then in these days of financial stringency, you had better abolish all the High Courts and posts of Magistrates. That will be giving short shift to all judicial administration. If you want to defend the liberty of the subject, then my submission is that judicial authority should reign supreme. It is an unfortunate state of affairs in this land, that even the judiciary is not independent. In the lower rungs, the Magistrate is not only the judicial but also the executive officer. I have been practising for a quarter of a century in a mofussil court, and my experience is that in trying political or semi-political cases, the Magistrates, with rare but noble exceptions, act on the hints derived from the executive authorities. Not only that, judicial pronouncements amounting to conviction and sending the accused to jail have been made on a word from the District Magistrate. The Magistrates have also said openly that they are helpless in these cases. I wish this House could appoint a committee of inquiry and I can produce thousands of witnesses to say that Magistrates have openly said that they are helpless in such cases. If this state of things will not open the eyes of those who are responsible for the administration of justice, I wonder what will. Knowing these facts and feeling as I do, I would certainly not be a party to legislation which places power in the hands of the executive. For three quarters of a century we have been demanding the separation of judicial from executive functions, but still that reform has not been carried out. These grievances will probably remain till the present form of government is crushed away. Whatever the Magistracy do, let us have at least a form of trial. Give the accused a chance to defend himself. In that case the person aggrieved will have one satisfaction at least, that he has been heard. My submission is that the judicial authority will have the grace to give an opportunity to the accused to defend himself before he is punished. Here security to the extent of Rs. 3,000 is to be demanded without giving any opportunity to the culprit to be heard. My Honourable friend has refused to accept the amendment for reducing the amount to Rs. 2,000. Demanding a security of Rs. 3,000 means the strangulation of the press, the shutting up of the man's shop and sending him away. It means the ruining of the career of a man, and it means restricting the liberty of trade and freedom of action. Under these circumstances, Sir, my submission is that this clause should not stand as it is. Even in respect of the Act of 1910, Sir, I would like to quote our late friend, Mr. K. C. Roy, whose death we all mourn here. Let us see what was his opinion about the Press Act of 1910 and about this executive action? He said:

"I was present at the meeting of the Imperial Legislative Council on the 4th February, 1910, when the Press Act was introduced and am fully conversant with the discussions both in and outside the Legislature. While admitting that the presence of anarchy and anarchical crime demanded drastic treatment, I was not in favour of the Bill then, and ten years' working of the Act has but confirmed my earlier opinions. I am therefore prepared to ask the Committee to consider its repeal on the following grounds:

- (1) That the Act has failed to achieve the object which its author had in view;

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- (2) That the loyalty of the press has generally stood the test of a Great War ;
- (3) That the political ideals have changed ("Swaraj", "self-determination" and "rights of subject nations" are now accepted political doctrines. Pressmen prefer taking responsibility to evasion of law) ;
- (4) That it has affected the growth of a healthy press in India ;
- (5) That it has added to the discontent among the Indian people ; and
- (6) That the Act is not in keeping with the spirit of the reform."

My submission is that herein our late esteemed colleague gave that Committee to understand that the Act had added to the discontent of the Indian people. From the day this Press Act was introduced, there has been protest after protest from all quarters of the country. Not only that, I would like my Honourable friend the Home Member to point out a single opinion of a single individual—of course that of an Indian, not a European or one of European descent—who has blessed this Act. On the contrary even in to-day's telegram it is stated that the Press of Calcutta observed a hartal and did not issue any newspaper on account of this Press Bill. Will my Honourable friend add to the contentment of the people by proceeding in that way ? My submission is that if he wants to win the confidence of the public, then the least that he can do is to substitute judicial action in place of executive action. Similarly, in the written statement of Mr. Kali Nath Roy, the Editor of the *Tribune*, we find him saying :

"The absurdity of making the executive the judge in their own affairs—for they are as much a party to every action taken against the Press as the Press itself—is self-evident. No newspaper need exist if it does not fearlessly criticize the Government ; and to place the Press at the mercy of the Executive Government as the Press Act admittedly does, is to say that this function shall either not be performed by the Press at all or at any rate shall be most inadequately and perfunctorily performed. It is no argument to say that in spite of the Press Act there is a good deal of strong and independent criticism in the country. The fact that there are men who are prepared to do their duty regardless of consequences does not divest an arbitrary, obnoxious and totally indefensible measure of its objectionable features."

Herein, too, Sir, the point emphasised by the witness is that the executive authority should not be permitted to keep the destinies of the Press in their own hands. Similarly, further on in his statement he said :

"Any modification of the Act, to be acceptable to the Indian public, must take these salient facts into account. It must restore the principle of liberty to its original position, and it must give the Executive no control whatever over the Press."

Sir, these are views expressed in 1921, after the Press Act had been in working order for eleven years, in the light of its working for eleven years. The Committee gave their opinions in paragraph 7 of their report as follows :

"On an examination of the third aspect of the case, viz., the comparative advantages and disadvantages of retaining the Act, we find that, while many Local Governments advocate its retention in the interests of the administration, on the other hand the Act is regarded with bitter hostility by nearly all shades of Indian opinion. Most of the witnesses examined before us believe it to be indefensible in principle and unjust in its application."

Now in face of this finding of a committee appointed by the executive Government to review the working of the Press Act for eleven years, it is singularly an irony of fate that the same Act, with the same evil, should be brought before this House. Sir, the least that can be expected is that the executive should divest itself of the power of punishing the alleged

guilty party, be it the keeper of a press or the publisher of a newspaper, and substitute for its place an impartial tribunal. The executive Government may themselves come to a conclusion that some one has written something which is an incitement to murder according to them, but according to judicial authority, it may not be an incitement to murder. Why, I ask, should the word of the executive be considered as if it was God's word and cannot be altered ? Therefore, my submission is that if they really want to do away with the unfortunate activities of certain young men who commit assassinations of a political nature, they should rather try to produce more contentment in the country than discontent on which such anarchical crimes feed. Therefore, Sir, I move this amendment.

Sir Abdur Rahim : Mr. President, I support this motion ; and I hope the Honourable the Home Member will give it his calm and dispassionate consideration, if that be possible. (Laughter.) Sir, in a matter of this kind which is being debated in this House, it serves no good and useful purpose for anyone to lose his temper. Legislating in a fit of temper cannot be good statesmanship (Hear, hear), and I venture to hope that those who call themselves responsible ministers of Government will consider very carefully what would be the effect if this amendment is negatived. Sir, the Honourable the Home Member, in an earlier stage of the debate, charged us with disregarding the serious position of this country. I am afraid, Sir, he has a very short memory indeed. He has forgotten that we gave every support to him in his endeavour to suppress the terrorist movement in so far as it can be done by controlling writings of a certain character. He forgot that entirely when he brought that charge against us. We, on the other hand, are in a position to charge the Treasury Benches with trying to bring forward a measure really for controlling the Press, for establishing a sort of censorship over the Press, under the guise of preventing incitements to certain kinds of offences.

Sir, what is this new Bill ? The former Bill, the House will remember, was frankly one to obtain control over the

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Press. The present Bill is not of that character, I mean, it does not profess to be of that character, and I want the Home Member to stick to the scope of this Bill. The scope of the Bill is to prevent incitement to certain forms of crime, to violence and murder. Now, Sir, if the Home Member is really anxious to confine the provisions of the Bill to its preamble and its title, to what its real scope is, then I ask him in all seriousness to accept this amendment. What is the scope of this amendment ? As my Honourable friend, Sardar Sant Singh, has pointed out, this amendment ought not to be read by itself ; there are other subsidiary amendments which ought to be read with it in order to make the position clear. Amendment No. 25 is now specifically before the House and then there are amendments Nos. 28, 29 and 35. If all these amendments are read together, they amount to this : there ought to be some form of judicial inquiry, a proper inquiry before a Magistrate, in which inquiry the person who is charged with having committed an offence, or rather with having violated the provisions of clause 4 of this Bill, should be heard and should be given an opportunity of proving that his action and his writings do not come within the purview of clause 4. Is this asking the Government to concede too much ? Government, I understand, are agreeable to provide an appeal to the High Court at one stage or another. Are not Government aware, after all those decisions that have been given under the old Act, that it is no good giving such

[Sir Abdur Rahim.]

powers to the High Court if the very foundation is wanting for the exercise of that power? What is the foundation as laid down in sub-clause (3)? The foundation is purely executive. How can the High Court know what is working in the mind of the Local Government? The Local Government are merely an executive body; they act upon a certain class of information; they act upon suspicion and they act upon information which cannot be available to the High Court. They then make up their minds and they may be right. I am not one of those who say that the executive are always in the wrong, nor do I say that the police are always in the wrong. I know that the executive and the police often have information which cannot be placed before judicial tribunals, because it is not admissible under the Evidence Act. But that is a separate matter. But when you ask the High Court to review purely executive action, you are really not treating the High Court fairly. You are not giving them any opportunity to exercise their judicial power, or judicial discretion or judicial judgment. Where are the materials for them? That is why my Honourable friend, Sardar Sant Singh, has brought forward this amendment. You lay the foundation of a judicial procedure and then there will be very little objection to the provisions of this Bill. If the Magistrate holds an inquiry and finds that a certain press has issued matter which offends against the provisions of clause 4 of this Bill, let him call upon the accused to show cause why his press should not be forfeited, or rather why his security should not be forfeited. He may have good cause to show. Hear him at least and let him produce evidence. But you would not do that. All that you want to do is to act in a purely arbitrary and high-handed manner. What remedy has the High Court against that? The High Court cannot know the mind of the executive; it is impossible. The two things are inconsistent. Either you have an entirely executive provision for controlling the press or controlling any writings or speeches on the part of the public, or lay down a judicial procedure. I do not see what answer there can be. This mixture of the judicial and the executive is most unfair to both the parties it is unfair to the judicial authority because it cannot exercise its judicial functions properly, and it is unfair to the executive, which is hampered in its action. It cannot lead to a proper discontent. The public will say, "Here are these newspapers which have been suppressed or whose security has been forfeited on no proper grounds whatever because there has been no public inquiry into the matter". One of the things which this Government can well take credit for, and which we have given them full credit for, is this, that they have established what is called the rule of law in this country. We are indeed to Britain for having established the authority and rule of law in India. Are you not going to destroy that rule of law in this important matter? Where is the rule of law here? I would ask my Honourable friend, the Law Member, if he can tell us, can assure us, that this is the sort of rule of law that Sir John Simon contemplated or which is contemplated by English law and jurisprudence. If he could so assure us, then I should know what the position is. Then we would know where we stand. This is in fact the negation of all rule of law. I have had something to do

with the administration of the old Press Act, and I know what the difficulties are. Every judicial authority has felt that and has expressed it in unmistakable terms. Are you going by this Bill to relieve them of those difficulties? Most certainly not. You are having the same provisions which have been condemned more than once. Cannot Government learn by experience, the experience of the past? We have offered our co-operation in order to enact a measure which would really prevent, as far as it is possible for any such measure to prevent, incitements to a certain class of offences. We are still willing to co-operate with Government to that extent, but we have made our position absolutely clear from the very beginning that we are not inclined to go further; we are not inclined to give the Government control over the entire Press, and that is what they are really seeking to have by a measure of this sort. I ask Government, therefore, to reconsider their position with respect to this clause and to enact a clause which will enable the Magistrate to hold a proper inquiry before declaring any security to be forfeited, even before demanding any security whatever. Why should there be such a demand for security, or why should there be any forfeiture of any security if it has been given, without a proper inquiry? Sir, I suppose it will be said that otherwise, it will mean a prolonged inquiry, it will mean giving further publicity. We are perfectly familiar with this argument. As a matter of fact, if you want any inquiry whatever, it must mean some delay. Otherwise an inquiry would be of little value. Then as regards giving publicity, has not this matter another aspect to it? Are you not exposing to public odium the writings which you condemn? Are you not inflicting a further punishment upon their author, a more deterrent punishment, I venture to think, unless the theory of the Government be that the public at large in India are in sympathy with such writings? Are they prepared to say that? If they are, then they themselves stand self-condemned. Surely in a matter of this sort the best course for Government is to give publicity to such writings at once and to bring them to the bar of public opinion and expose them to the condemnation of the public. I for one cannot admit, and I do hope the Members on the Treasury Benches will not allege, that the public of India are so misguided and so perverse that they will not condemn writings of the character contemplated by the Bill. If so, if I am right that the public condemn such writings as we are condemning them in this House, then what justification is there not to hold a proper enquiry before you mulct a press by forfeiting security or even by asking for security? I submit there is no justification for leaving such a matter entirely to the discretion of the Local Government. I submit there is no justification for leaving it entirely to the Local Government's discretion, which must be exercised in the Council Chamber of the Government to which nobody can have access, a discretion which is exercised on materials which are never placed before a court of justice. This amendment is very reasonably framed and I do hope that the Members of Government will accept it. It may not have been properly worded. That is a matter for the draftsmen to put right. Let it be put right if necessary, but let the public be assured that a press will not be punished unless there has been a proper enquiry.

Mr. C. S. Ranga Iyer : I only want to say one or two words on this amendment. The Honourable the Home Member, in a vigorous speech in which he reminded us that the discussion in the House was below the

[Mr. S. C. Ranga Iyer.]

level to which sometimes interesting debates in the House of Commons rise, stated that Honourable Members have not even attempted to suggest a remedy. To my Honourable friend from the Punjab, the Honourable Sardar Sant Singh, has fallen the opportunity to suggest what I consider to be a sort of judicial remedy to what might otherwise be executive indiscretion. Sir, the Honourable the Leader of the Independent Party to whom the Honourable the Home Member gave a just and appreciative tribute, in his vigorous speech, as an ornament of the Bench when he was living a life of glorious exile from Bengal in the Presidency to which I have the honour to belong, has justified that tribute in an equally vigorous speech supporting the Honourable Member from the Punjab and attempting to judicialise the procedure which we very much wish the Honourable the Home Member had accepted when Member after Member had urged more or less a similar course in the Select Committee. Sir, the defect of this Bill is this. It is more or less an executive measure, clothing the executive with authority, which responsible Members on this side of the House cannot agree to entrust them with—I have already in my previous speech stated my reasons why we could not entrust the executive with that authority. It is natural for the Honourable the Home Member to complain that the Opposition does not give the authority to the executive which he wants. It is even more natural for the Honourable the Home Member to speak as he spoke with the vigour with which he spoke. But it is equally natural for us to feel that, so long as the Government have no responsibility to us but are responsible to a country separated from us by more than half the world, we cannot give the executive the powers which he demands for them, and in the transitional stage it becomes very difficult to grant them. These are not normal times, and therefore it becomes extremely difficult for us to give the executive the power that they want, especially when we are carrying on an agitation to deprive the executive of the power that they possess at present. Therefore, the danger of misuse—men being human—becomes aggravated when you entrust them with unrestrained power. The Government, as I said, are irresponsible—I do not say they are irresponsible, but I do say they are irresponsible. In the Parliamentary sense they are not responsible to us and so long as this system continues, we would seek, as the Honourable the Leader of the Independent Party in his closely reasoned speech pointed out, we would seek to substitute the reign of discretion which this Bill introduces by the reign of law. Sir, especially the reign of discretion cannot be granted to the executive when the executive are not responsible to us. The reign of law prevails in a country where there is responsible government and the reign of law ought to prevail even more in a country where there is irresponsible government.

Mr. K. Ahmed : Irresponsible.

Mr. C. S. Ranga Iyer : I say “ irresponsible ” because “ irresponsible ” does not convey the meaning that I want to convey, namely responsibility in the Parliamentary sense. When sometimes my Honourable friend interrupts, he rises to heights which ungenerous Members who do not appreciate his humour would describe as irresponsible. (Laughter.) But when the Government brings forward a measure giving more power to the

executive we are often reminded of the fact that the Government are irresponsible. I believe now my Honourable friend (Mr. Kabiruddin Ahmed) understands exactly what I mean.

Sir, I do not think I need add much more to these few words. I for my part do not resent some of the hard words that the Honourable the Home Member has uttered and I say this because there has been resentment among certain Members and they have given expression to their resentment on the floor of this House. But my unhappiness in this House has always been that it seldom rises to the heights of parliamentary ferocity which the House of Commons often shows. Sir, it has been my good fortune to witness some of those stormy debates, debates in which the Honourable the Leader of the House, Mr. Baldwin, was not sometimes permitted to speak. I have often felt that this House and its reports have not become sufficiently attractive to the country outside because it does not even keep up the Swarajist level of opposition. A country which is supposed to struggle for more power, a country which is supposed to resent the Press Act, ought to show better representation on these Benches than it has been pleased to show. The Honourable the Home Member was pleased to send to this House what I may describe. As a new pulse. He sent a new pulse beating through this House because in Gladstone's words it has been “ afflicted with the premonitory lethargy of death ”.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, Sir, I do not propose to contribute to the parliamentary ferocity in respect of which an appeal was made by my Honourable friend. Rather would I prefer to bring to bear upon the discussion of this subject—a very important subject indeed—that calm and dispassionate consideration for which my Honourable friend, the Leader of the Independent Party, pleaded. Giving the calmest and the most dispassionate consideration to this particular clause, let us first remember the scope of this Bill as the Leader of the Independent Party asked us to remember it. The intent of this Bill is surely this : that at the present moment a particular emergent situation has arisen in regard to which a special procedure has been found necessary. I lay some emphasis upon that for this reason. This House in its previous vote has given its consideration to that emergency and has come to the deliberate decision that two or three elements are essential : firstly, speedy action, secondly, close scrutiny of that speedy action. The general purport of the Bill might therefore be said to be that, in order to combat the evil which may now be taken to be admitted, speedy and effective action is necessary. Secondly, in order that that action may be tested and properly and adequately tested, the fullest possible safeguards should be given to see to it that that action is neither hasty nor irrevocable, nor subject to those grave objections to which expression has been given in the various speeches. Now, let us analyse not only clause 3 but also clauses 23, 24, 25 and 26, because these clauses must be read in conjunction with the other clause. Before doing so, let me say at once that there can be no mistaking the object and the motive of my Honourable friend opposite who has moved these amendments. Frankly and confessedly the object of his amendments is to judicialise the initial procedure ; in other words, before security is asked for from a press, to go through the form of a criminal trial from first to last. In fact the expressions, used by my Honourable friend in the course of his speech, lead to the conclusion—and that is the inevitable conclusion—that the procedure in a summons case is to be adopted. That being so, the question arises at once is what

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has been attempted by the Bill adequate and sufficient for the ultimate purpose which my Honourable friend has in view, or is it not? Or is there going to be any irremediable evil produced by the various sections of the Bill taken together, remembering always that the primary and immediate object of the Bill is to secure speedy and effective action in a dangerous category of cases? Now, clause 3 undoubtedly clothes.....

Sardar Sant Singh : Clause 4 provides for that.

The Honourable Sir C. P. Ramaswami Aiyar : I am much indebted to my Honourable friend for reminding me of it, and I shall advert to that presently. Clause 3 provides that whenever it appears to the Local Government that any printing press, etc., is used for the purpose of printing or publishing any newspaper, book or other document containing certain things described in clause 4.....

That being so, the first thing that has to be considered by the Local Government is whether this particular publication offends against clause 4. It comes either to the conclusion that it does offend or it does not offend. If it does offend, it takes a certain course of action prescribed in sub-clause (3). That having been taken, what happens next? Clause 23 begins to operate at once and under clause 23 practically the High Court is converted into what, in the language of the British procedure, may be called a *Nisi Prius* Court or in the language of the Indian procedure may be termed a trial court—a trial court vested with this jurisdiction of analysing those publications and seeing whether those publications come within the mischief of clause 4 or not.

Turning to clause 23, what do we find? As soon as this order is made, the person against whom the order has been made can apply to the High Court, and then it must be noticed that under clause 23 (1) the High Court shall decide if the newspaper, book or other document did or did not contain any such words, etc. A definite modification has been made there—I do not propose to enter into it at this juncture—but a definite modification has been made there in Select Committee with a view to get rid of some of the apprehensions felt as to the procedure before the High Court. But that is not all. The Special Bench shall set aside the order if it appears to the Special Bench that the words, etc., were not of the nature described in section 4. And then in section 26 permission is given for the giving of evidence in regard to this matter both on the one side and on the other. Thus, therefore, the objections which were so strongly emphasised as to the abdication of judicial procedure or the elimination of judicial discretion or responsibility—those observations are really out of place. For the purpose of immediate and speedy action, clause 3 begins to operate, and that action is taken. The moment that action is taken, the full armoury of what may be called judicial proceedings is donned both on the one side and on the other; and a judicial procedure begins to operate with liberty to give evidence on both sides and with the further duty laid upon the High Court to consider not only whether the particular publications offended within the mischief of clause 4, but also taking into account any evidence that may be given on the one side or the other. Thus, therefore, the primary and fundamental objection of my Honourable friend that there has been, in his own language, a nullification of all the doctrines of criminal jurisprudence, I submit, does not prevail.

Sardar Sant Singh : May I call the attention of my Honourable friend to the difference? Regarding my amendment, I have asked for the deletion of this clause 23 which is the High Court clause. One point more. What I complain of is this, that after proceedings before the District Magistrate, the onus of proof as in ordinary criminal cases will be upon the prosecution, who will be called upon, while in the case of a complaint to the High Court, the onus will be shifted on the person of whom security has been required.....

Sir Hari Singh Gour : No, no.

The Honourable Sir C. P. Ramaswami Aiyar : I am indebted to my Honourable and learned friend, the Leader of the Opposition, for having pointed that out. It is perfectly true that under the old Press Act there was considerable doubt as to whether in all cases and necessarily the one party, namely, the party complaining of the order should be the party to begin as having the burden of proof laid upon him. In order to make it abundantly clear that the object of this Bill is to see to it that only those people are hit who have offended against clause 4 and that nobody is put under any disadvantage, it will be noticed by my Honourable friend, if he turns to clause 23, that the High Court shall decide if the newspaper, etc., did or did not contain any words, etc. Therefore, the difficulty or the embarrassment of a definite throwing of the burden or onus of proof on the one party is really eliminated in that manner. It will depend upon the High Court, looking at the document. There may be some documents which on the face of them lay the proof on one party; here may be some which on the face of them lay the burden on the other: we have left it open therefore under clause 23.

In regard to the earlier portions of the interjections made by my Honourable friend, what I have got to say is this. I do not for a moment deny that my Honourable friend, if his object is to be attained, has completely altered and modified the scope and aim of this Bill. He has not only made clause 3 judicial, but has followed it up in other clauses so as to make it clear that the judicial procedure begins and ends completely judicially. My submission to this Honourable House is that from the point of view of speedy administration in the initial stages, it has been found necessary, and indeed no other course would eliminate the inevitable delays of a summons case dragging its weary length as is contemplated in this amendment,—in the initial stages it is undoubtedly action savouring of an executive character which is found necessary, but in order to rob that executive action of all those features which are objected to by the other side, we have given the fullest possible rights to the High Court which is by the combined operation of the various sections really converted into a trial court. I submit, therefore, that you get the speediness and the efficacy of the executive action, combined with all the safeguards of a judicial trial by the combined effect of the clauses to which I have referred. I submit, therefore, that this amendment is really inappropriate to the scope and the aim of this Bill.

Mr. S. C. Mitra : Mr. President, I should like to ask only one question, and my argument will be based mainly on that. In sub-clause (3) in line 11, I find the word "may". It is stated there, "That the Local Government may by notice in writing" and so forth. Why has the word "may" been used here? I shall be obliged if the Honourable the Home Member or anybody else on the Government side will explain this point.

[Mr. S. C. Mitra.]

Why do they make it optional for the Government to give notice in writing for deposit or forfeiture ?

The Honourable Sir C. P. Ramaswamy Aiyar : If I may interrupt my Honourable friend, I think he is under a misapprehension. Notice in writing is not optional. When the Local Government has to proceed, it may proceed in a particular manner after giving notice in writing. I may assure my Honourable friend that by no construction could it be said that under clause 3 the Local Government may take certain action without any notice whatsoever.

Mr. S. C. Mitra : In that case, Sir, what is the objection on the Government side to substitute the word "shall" for the word "may" ? Why do you give option in demanding security or forfeiting it. You make it binding on the Local Government to give notice with reasons thereof. If you use the word "may", they may give notice, but they may not give the reasons ; it will not be binding on them.

The Honourable Sir C. P. Ramaswamy Aiyar : On calmer reflection, I am sure my Honourable friend will realise that the substitution of the word "shall" would really be more prejudicial to the cause which he has at heart. Let me read the sentence as it would run after modifying it according to his ideas. "Whenever it appears to the Local Government, etc., the Local Government shall ask him to deposit....." Does he want to make it obligatory upon the Local Government in every case to do that ? What it says is, it may do so, but when it does so, it must be by notice in writing. My Honourable friend may take it from me, and I think eminent jurists who are present in this House will agree with me in what I say.

Mr. S. C. Mitra : May I take it then that it is obligatory on the part of the Government to give notice in writing ?

The Honourable Sir C. P. Ramaswamy Aiyar : Yes, that is what I have been endeavouring to point out.

Mr. S. C. Mitra : Sir, if by construction it is clear that it is obligatory on the part of the Government to give notice in writing and the reasons thereof, then I accept it.

Mr. President : The question is :

"That in sub-clause (3) of clause 3 for the words 'Local Government' occurring in the first line, the words 'District Magistrate having jurisdiction in the place where the press is situated' be substituted."

The Assembly divided.

AYES—31.

Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.

Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ismail Khan, Haji Chaudhury Muhammad.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. C.

AYES—contd.

Murtuza Saheb Bahadur, Maulvi Sayyid.
Parma Nand, Bhai.
Ranga Iyer, Mr. C. S.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.

Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Ziauddin Ahmad, Dr.

NOES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Ishwarsingji, Nawab Naharsingji.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lall, Mr. S.
Lalchand, Captain Rao Bahadur.
Leach, Mr. F. B.
Montgomery, Mr. H.
Moore, Mr. Arthur.

Morgan, Mr. G.
Mujumdar, Sardar G. N.
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.
Ram Chandra, Mr.
Rama Rao, Rai Bahadur U.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Muhammad.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Sykes, Mr. E. F.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. S. C. Mitra : I move :

"That in sub-clause (3) of clause 3 the words 'less than five hundred or' be omitted."

My argument is why do you restrict the discretion of the Magistrate ? Are you suspicious even of your own Magistrates ? You put a maximum that the amount should not go to more than a particular amount. But I do not understand why you should say that it should not be less than Rs. 500. I hope that Government will see their way to accepting this amendment. Sir, I move.

The Honourable Sir James Crerar : I must point out to the Honourable Member that the particular portion of the sub-clause to which he refers deals with a case in which the press has already published offending matter. I think in those circumstances that it is perfectly reasonable

[Sir James Crerar.]

to direct the Magistrate to demand a security not less than the amount mentioned in the sub-clause.

Mr. President : The question is :

“ That in sub-clause (3) of clause 3 the words ‘ less than five hundred or ’ be omitted.”

The motion was negatived.

Mr. President : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President : The question is :

“ That clause 4 stand part of the Bill.”

Mr. S. C. Mitra : I move :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or tend to incite to or to encourage ’ be omitted.”

My main ground is that the scope of this clause is too wide, and it is not necessary for the purposes for which this Bill has been introduced. I think it is sufficient if you have the words “ incite to or encourage ”, and any tendency to incitement to or encouragement of the commission of any offence should be omitted from the scope of this clause, because if there is no effect, the mere tendency should not be punished. So I should like to restrict this Bill only to incitements or encouragements and not to a mere tendency to incite or encourage, the main point to be kept in view being that intention should be the criterion and not mere tendency. Sir, I move.

The Honourable Sir C. P. Ramaswami Aiyar : Having regard to the object of the Bill, I think it will be realised that if a writer attempts to provoke that effect, that must come within the scope of the Bill. In these circumstances, I submit that the words “ tend to incite to or to encourage ” are necessary.

Sardar Sant Singh : I did not move my amendment No. 36 for the simple reason, that I thought that my object would be served by the amendment of my friend, Mr. Mitra. My submission is that, power having been given to the executive, it is absolutely necessary that we should restrict that power as much as possible. The words, “ Or tend to incite to or to encourage ” are so wide that they can embrace anything in the world. If the power is given to the executive whose actions we cannot control, in that case before we can come to the rescue, some injury may have been done to the person against whom the action has been taken. Therefore, it is absolutely necessary that the wording of the law should be restricted to its narrowest limit. A particular paper which in the opinion of the executive offends against the law may find itself in the grip of the executive and it may not be able to move the High Court to get redress. At the same time the object of the Bill has been stated to be that it would be restricted in its operation against those who incite to or encourage acts of assassination or murder. Now, there may be cases wherein a comment may be made by an honest editor in a *bonâ fide* manner, and that comment may go against certain actions of the executive in punishing the

man who has incited to murder : I will illustrate my point thus. Suppose the executive has abused the legal power vested in their hands and a certain young man tries to take the law in to his own hands and he commits an act of violence against that particular person. It should be absolutely open to the Press to comment upon the high-handedness of the executive officer as well as condemn the action of the young man who has taken the law in to his own hands. If the writer tries to condemn the action of the executive officer, it may be considered as inciting to or encouraging murder. In order to provide against such a contingency, my submission is that the words of this clause should be restricted to the narrowest limit.

Mr. S. G. Jog (Berar Representative) : We are practically at the rag end of the day, and I am quite aware that it will be useless on my part to tax your patience any longer. It will not serve any useful purpose to discuss the provisions of this Bill, which has been introduced with a view to muzzle and gag the Press. Whatever the ostensible object of the provisions of the Bill may be, the real object is to discourage newspapers. However, we have passed that stage now, and although the Bill now before the House is in a much diluted form, still its sting or its poison remains in a virulent form, and even a small dose of it is sufficient to kill the growth, or the healthy growth, of newspapers. When the Bill was introduced, the main attack against the Bill was about its vagueness and its wideness. There is a certain school of thought which believes that there should be some restriction on the liberty of the Press which incites to murder and violence. What the newspapers are really afraid of is the executive action of the Government. It is all right when we sit here and pass this law. Ultimately it will have to go to the executive and there in many cases it will be abused. I am surprised at the statement made by the Home Member yesterday and at his stiff and stubborn attitude and certain allegations made by him, and I think it is my duty to resent those remarks. Yesterday evening, he said that every law is likely to be abused and if no law is to be passed, then it is better that this Assembly should be abolished. We have not come here to hear this lecture. We know our responsibility very well. We know what legislative bodies have got to do. We owe our duty to our constituencies and to the Press of India, and it is our duty to oppose measures which are likely to take away the liberty of the Press. As I have already said, one of the objects of attack on the Bill was its vagueness and its wideness. Unrestricted power should not be given to the executive, and although the provisions of the law should be strict, very little discretion should be left to the executive. With this object in view, I think that the retention of the words, “ tend to incite to or encourage ” is likely to lead to abuse. I think I shall be justified if I give out a secret. I am told that there was some controversy over the words “ tend to incite or encourage ”. Afterwards a suggestion was made that the proper words should be “ have the effect ”, which will convey the proper meaning. I do not know how the words “ tend to incite to or encourage ” came to be subsequently introduced. Sir, I support the amendment that these words should be dropped.

The Honourable Sir James Crerar : I do not think it is necessary for me to add anything material after what my Honourable colleague, the Law Member, has said on this subject to explain the necessity for the words ‘ tend to incite to or encourage ’. I merely wish to explain for the information of the House what happened in the Select Committee, as it was

[Sir James Crerar.]

referred to by the learned gentleman from the Central Provinces and Berar. The particular words against which he has directed criticism were accepted on behalf of Government during the examination in Select Committee. The suggestion he referred to was from one of the Members dissenting and it was not the original proposition of Government. I do not wish to add anything more.

Mr. President : The question is :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or tend to incite to or to encourage ’ be omitted.”

The motion was negatived.

Mr. S. C. Mitra : I beg to move :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or any cognizable offence involving violence ’ be omitted.”

My object in moving this amendment is to restrict the very very wide scope of this clause 4. There are any number of punishable offences, and I think the real intention of this law is to restrict this Bill to acts of incitement to murder or abetment to murder. That will serve the purpose of the Government. Even the words under sections 325, 326 come under cognisable offences involving violence. I move that these words be omitted.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, I seldom

stand on my legs on the floor of the House, and at the end of the day I do not want to prolong the debate ; but at the same time I feel it my duty to record a word of protest against the action which is being taken in this House in enacting this Bill, and I support the amendment which has been moved by my Honourable friend, Mr. S. C. Mitra. (Mr. K. Ahmed made an interruption which was inaudible.) My friend, Mr. K. Ahmed, seems impatient ; I think he ought to be a little bit patient. Sir, it is only a very legitimate demand which has been put forward by my friend, Mr. Mitra, that in sub-clause (1) (a) of clause 4 the words ‘ or any cognisable offence involving violence ’ be omitted. Sir, the interpretation actually placed in practice on the word ‘ violence ’ is of such wide scope—of which I may say we had such practical experience during the last non-violent movement, and the word was interpreted in such a way that really we are afraid of putting this word on a newspaper which I had from Bengal, the *Amrita Bazar Patrika* (Mr. K. Ahmed : “ Oh, oh ! ”), I will do so, Members of the House are aware of the fact that during the recent Hijli incident the police were guilty of barbarous action in shooting down non-violent detenus. Now, Sir, if this Bill is passed, then under it the mere quoting of an extract will amount to an incitement to violence. The extract runs, with the heading, “ A Touching Scene. Wife Breaks Down at the sight of Dead Husband ” :

“ It was a pathetic scene to witness when the body of Santosh Mitter was placed in front of his house in Akur Dutt Lane. His young widow came near the body, saw the face of her beloved husband for 2 or 3 minutes with her eyes dried of tears, and declared at the top of her voice, addressing her dead husband,—

‘ you are gone. But I am left behind to fulfil the mission cherished by you up to the last moment of your life.’

With these words, she broke down and was carried away inside the house. The old parents of the deceased were so much overpowered that, at the sight of their beloved

son, they fainted and were removed from the place. Floral wreaths were then placed on the bier by other members of the house. Nobody could help shedding tears at the sight of this pathetic scene. The bier was then taken away from the place.”

Sir, this Bill has been criticized by the Press on the legitimate ground that, with the passage of this Bill, anything, even the quotation of the foregoing, will be taken as an incitement to violence. The word “ violence ” is of such wide scope that, really speaking, in this part of the House, every Member feels that it signifies something which really does not represent the real attitude of the Honourable the Home Member. With these remarks, Sir, I whole-heartedly support the amendment which has been moved by my Honourable friend, Mr. Mitra.

Dr. Ziauddin Ahmad : Sir, I also support the amendment, since the words in question render the scope of this Bill much too wide. We agreed to the words, “ incite to or encourage or to tend to incite or to encourage the commission of any offence of murder ”, and I think that is quite sufficient to meet the purposes for which this Bill is pressed. I should like to have one or two definite cases which are not covered by the first part of this paragraph and for which it is necessary to make the addition of the words, “ or any cognizable offence involving violence ”. I should like the Home Member or the Law Member to give us one or two definite illustrations of what may be called terrorist activities and which are not covered by the first part of this clause.

The Honourable Sir James Crerar : Sir, I think I may very briefly explain to the House the necessity for these words. In the first place, it would not meet the full scope of the Bill to deal solely with incitements to or encouragement of murder. Terrorist crime resorts to many other forms of violence than murder,—for example, arson, or causing grievous hurt. The threat, or incitement, to break every bone of some man's body, is a form of violence which obviously it is necessary to prevent. But the question, I may say, was very fully considered in Select Committee. Objection was urged that comparatively slight forms of violence, such as common assault and so forth, might conceivably come within the mischief of the Act. Therefore, the phrase “ cognizable crimes of violence ” was adopted in order to secure that such comparatively trivial offences were excluded. But as regards the necessity of providing for incitements to cognizable crimes of violence, I have no manner of doubt, that that is a very essential purpose of the Bill.

Mr. President : The question is :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or any cognizable offence involving violence ’ be omitted.”

The motion was negatived.

Mr. President : The House is now adjourned to 11 O'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd October, 1931.

LEGISLATIVE ASSEMBLY.

Friday, 2nd October, 1931.

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

QUESTIONS AND ANSWERS.

SELECTION GRADE POSTS IN THE SIMLA GENERAL POST OFFICE.

1092. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that there are eight posts of selection grade of 160—250 in the Simla General Post Office ?

(b) Is it a fact that out of the eight posts seven are held by Hindus and one by a Christian Sub-Post Mistress ?

(c) In view of the Muslims constituting a majority in population in the Punjab and North-West Frontier Circle, are Government prepared to order that at least half of the selection grade appointments should be held by Muslims in the Simla General Post Office ?

Sir Hubert Sams : (a) There are nine, including the town sub-post offices.

(b) Of the nine, one is held by a Muslim, one by a Christian and the remainder by Hindus.

(c) The composition of the selection grade cadre, which is a Circle one, depends on the fitness for promotion to that grade and cannot be regulated on a communal basis. Postings also are not made on communal considerations.

APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1093. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that both the Town Inspectors in the Simla General Post Office are Hindus ?

(b) Is it a fact that the Head Clerk (Correspondence) and his six assistants in the Correspondence Branch, Simla, are all Hindus ?

(c) Is it a fact that the accountant of the Simla General Post Office is a Hindu ?

(d) Is it a fact that out of the four accounts clerks three are Hindus and only one is a Muslim ?

(e) Are Government prepared to order that at least half of the staff in the above cadres should be Muslims ?

Sir Hubert Sams : (a) Yes, but one of them is under orders of transfer and a Muslim is coming in his place.

(b) The Head Clerk is a Hindu. Two of his assistants are not Hindus.

(c) Yes, he being the most senior official in the office who has passed the Post Office Accountants' examination.

(d) Yes. They are employed in the Accounts Branch because they have passed the Post Office Accountants' examination.

(e) Postings are not made on communal considerations.

APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1094. *Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the period for which the posts of Accountant and Head Clerk (Correspondence) in the Simla General Post Office have been held by Hindus during the last 10 years ?

(b) Are Government prepared to order that the posts of Accountant and Head Clerk (Correspondence) should be held by Muslims and Hindus, alternatively, every three years ?

Sir Hubert Sams : (a) Throughout the last ten years.

(b) Postings are not made on communal consideration.

APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1095. *Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state whether the following composition of the staff in the Simla General Post Office is correct ?

Appointment.	Hindu.	Muslim.	Total.
Clerks ..	69	7	76
Reserve clerks ..	14	1	15
Post-men ..	84	1	85
Officials of 45—85 grade ..	8	—	8
Inferior servants ..	80	3	83
Season servants ..	38	—	38
Runners ..	79	1	80
Sub-postmasters of time-scale ..	10	1	11
Grand total ..	382	14	396

(b) Will Government be pleased to state reasons for the above negligible proportion of the Muslim staff in the Simla General Post Office ?

(c) Is it a fact that the one Muslim postman out of 85 was confirmed after his having worked as a candidate for over ten years ?

(d) Is it a fact that the appointment of one Muslim postman is due to the fact that a Muslim was required to deliver letters in the Beef Market where no Hindu would go ?

(e) Are Government prepared to order that the posts referred to above should be filled up in rotation for three years by Muslims and Hindus ?

Sir Hubert Sams : (a) Information received from the Postmaster General shows that the composition is not correct, the actual totals of the categories of staff specified by the Honourable Member under the control of the Postmaster, Simla, being 305 and not 382 Hindus, 25 and not 14 Muslims, eight Sikhs and six others.

(b) The comparatively small number of Muslims is attributed to the difficulty experienced in the past in obtaining suitable candidates of that community in this place. The matter is receiving the attention of the Postmaster General.

(c) and (d). No. He was confirmed within a year of his joining the Department. Another Muslim has since been recruited to act as a postman and he will also be confirmed when his turn comes.

(e) No, postings are not made on communal considerations.

Sir Muhammad Yakub : Will the Honourable Member be prepared to take qualified Muslim candidates who come forward ?

Sir Hubert Sams : Yes, Sir.

NOMINATION FOR SELECTION GRADE OF CANDIDATES IN THE DELHI GENERAL POST OFFICE.

1096. *Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to an editorial note on pages 2 and 3 of the *Postal Advocate*, Delhi, September, 1931 issue ?

(b) Is it a fact that Rai Sahib Iqbal Nath, acting Postmaster, Delhi, nominated three Hindus, including one matriculate, for the selection grade examination ignoring several Muslim undergraduates and graduates including one Muslim M.A. fulfilling the conditions of the examination ?

(c) Is it a fact that some Muslims protested against the unjustified nomination of Hindus to the Postmaster General, Lahore ?

(d) Are Government prepared to inquire into the full facts of the cases and to call for fresh nominations of deserving officials of the Delhi General Post Office after cancelling the previous nominations ?

Sir Hubert Sams : (a) Government have seen the article.

(b), (c) and (d). Government have no information. The matter is within the competence of the Postmaster General.

APPOINTMENT CLERK IN THE DELHI GENERAL POST OFFICE.

1097. *Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that the post of Appointment Clerk of the Delhi General Post Office was held by Hindus for 18 years ?

(b) Is it a fact that according to recent orders the Appointment Clerk will in future be borne on the establishment of the Correspondence Branch instead of the Accounts Branch ?

(c) Is it a fact that a Muslim was entrusted with the duties of Appointment Clerk of the Delhi General Post Office only a couple of months ago ?

(d) Is it a fact that Rai Sahib Iqbal Nath tried to retransfer these duties to a Hindu in the Correspondence Section instead of transferring the present Muslim incumbent of the post to that section ?

(e) Are Government prepared to order that the charge of the Appointment Branch in the Delhi General Post Office is held by Muslims and non-Muslims in rotation for every three years ?

Sir Hubert Sams : (a), (c) and (d). Government have no information. The matter is within the competence of the Postmaster General, to whom a copy of these parts of the question is being sent.

(b) The orders are that appointment work should be done in the correspondence section of a post office.

(e) Government admit no claim to the charge of a branch on communal grounds and cannot undertake to make the order proposed by the Honourable Member.

ALLEGATIONS OF COMMUNAL BIAS IN THE BALUCHISTAN POSTAL DIVISION.

1098. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to an article entitled "Hindu Rajia in the Postal Department of Baluchistan" published on page 5 of September, 1931 issue of the *Postal Advocate*, Delhi ?

(b) Is it a fact that several Muslim applicants for leave were asked to pay the travelling allowance of their substitutes owing to stringency of funds in 1930, whereas several Hindu officials were granted leave in the same year at Government expense ?

(c) Is it a fact that the Hindu officials named in para. 3 of the said article have either never served at any of the out-posts or not completed their term, whereas the rules were strictly enforced in the case of Muslims ?

(d) Is it a fact that since the assumption of charge of the Baluchistan Division by Mr. Giyan Dave and his Hindu Head Clerk not a single Muslim has been made permanent ?

(e) Are Government prepared to inquire into the allegations of communal bias against Mr. Giyan Dave, as contained in the said article and take suitable action in the matter ?

Sir Hubert Sams : (a) Government have seen the article.

(b), (c) and (d). Government have no information. If any person connected with the Department has a grievance, it is open to him to represent it through the proper official channel.

(e) Government will take cognisance of representations made through the prescribed channel.

COMMUNAL COMPOSITION OF POSTAL STAFF IN CERTAIN POST OFFICES.

1099. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to the tables of communal composition of postal staff in the Karachi, Delhi and Calcutta General Post Offices and in the Bengal Circle as published in the September, 1931 issue of the *Postal Advocate*, Delhi ?

(b) Will Government be pleased to state whether the figures given therein are correct, and, if not, will Government please state the correct figures ?

(c) What steps do Government contemplate to take to avoid a preponderance of non-Muslims in the said offices and Circle ?

Sir Hubert Sams : (a) Government have seen the tables.

(b) Government have no information.

(c) Orders are in force for the adjustment of communal inequalities in new recruitment. Promotions and postings are not made on communal considerations.

PAUCITY OF MUSLIMS IN GOVERNMENT SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

1100. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that the Muslim Association of Peshawar Cantonment has recently brought to the notice of the Private Secretary to H. E. the Viceroy, the fact of Muslim paucity in the Government services in the North-West Frontier Province ?

(b) If the reply to the above is in the affirmative, will Government be pleased to state the action, if any, taken on the said representation and state the gist of the reply sent to the President of that Association ?

Mr. E. B. Howell : (a) The representation to which the Honourable Member is presumably referring related to the more general question of the employment of educated Muslims in Government service in the Punjab and North-West Frontier Province.

(b) It was transferred to the appropriate Department of the Government of India for disposal.

PREPONDERANCE OF HINDUS IN APPOINTMENTS IN THE NORTH-WEST FRONTIER PROVINCE, SIND AND BALUCHISTAN.

1101. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the correct interpretation of the term minority community in its application to provinces like the North-West Frontier Province and Sind and Baluchistan as promised by the Honourable Sir James Crerar in reply to a question by Sir Sahibzada Abdul Qaiyum ?

(b) Are Government aware that the present procedure of reservation of every third vacancy for all the minority communities, including the Muslims, has not proved effective in checking the predominance of the Hindu community ?

(c) Are Government prepared to order that until such time as a certain percentage of a certain community is not reached, recruitment of members of the other communities which preponderate should be stopped ?

The Honourable Sir James Crerar : (a) and (b). I would refer the Honourable Member to the reply given on the 28th September, 1931, to Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1038.

(c) No.

APPOINTMENT OF MUSLIMS IN THE PESHAWAR GENERAL POST OFFICE.

1102. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the periods for which the posts of Accountant and Head Clerk (Correspondence) have been held by Hindus during the last six years in the Peshawar General Post Office ?

(b) Will Government be pleased to state whether the Deputy Postmaster and all the Assistant Postmasters in the Peshawar General Post Office are Hindus ?

(c) Is it a fact that the Sub-Postmaster, Peshawar City Post Office, the only selection grade office in the town, is held by a Hindu ?

(d) Is it a fact that the Muslims constitute 95 per cent. of the population of the North-West Frontier Province ?

(e) Is it a fact that the Town Inspector of Peshawar City Post Offices is a Hindu ?

(f) Are Government prepared to keep at least two-thirds of the important posts in Peshawar General Post Office to be filled up by Muslims ?

Sir Hubert Sams : (a), (b), (c) and (e). Government have not the information and do not propose to call for it for the reason stated in the reply to the following parts of the question.

(d) and (f). Even if the facts are as stated by the Honourable Member, Government cannot undertake to act as proposed by him, because postings are not made on the basis of communal representation.

APPOINTMENT OF MUSLIMS IN THE ACCOUNTS BRANCHES OF CERTAIN POST OFFICES.

1103. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state separately the total clerical strength of the Accounts Branch of Lahore and Amritsar General Post Offices ?

(b) Will Government be pleased to state separately the number of Muslim clerks working in the Lahore and Amritsar General Post Offices in the Accounts Departments ?

(c) Will Government be pleased to state separately the periods for which the posts of Accountants have been held by Hindus in the Lahore, Amritsar, Ambala, Rawalpindi and Simla General Post Offices ?

(d) Are Government prepared to order that at least half of the posts of clerks in the Accounts Branches of the above offices should be filled up by the Muslims to learn accounts work enabling them to qualify for the accounts examination ?

Sir Hubert Sams : (a) to (c). Government have no information.

(d) The matter is within the competence of the Postmaster General, Punjab and North-West Frontier to whom a copy of the question is being sent. It may be mentioned, however, that postings and transfers are made according to the exigencies of the service and not on communal considerations.

REPLACEMENT OF HINDUS BY MUSLIMS IN CERTAIN APPOINTMENTS IN THE RAILWAY MAIL SERVICE, DELHI.

1104. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that according to the rules, an official of the selection grade should not hold charge of a particular post or office for more than three years ?

(b) Will Government be pleased to state the periods for which the present Head Clerk and the Head Record Clerk of the office of the Superintendent, R. M. S., 'D' Division, Delhi, have held charge of their present posts and whether their transfer is overdue ?

(c) Is it a fact that the present Head Clerk of the office of the Superintendent, R. M. S., 'D' Division, Delhi, has been in the same office for over ten years ?

(d) Will Government be pleased to state separately the periods for which the posts of (i) Head Clerk, (ii) Head Record Clerk of the office of the R. M. S., 'D' Division, Delhi, have been held by Hindus during the last six years ?

(e) Are Government prepared to order transfer of the existing incumbents of the posts, replacing them by Muslims for a like period ?

Sir Hubert Sams : (a) No, the rule is that certain specified posts of Head Clerks should not be occupied by the same official continuously for more than three years at a time.

(b), (c) and (d). Government have no information. A copy of these parts of the question is being sent to the Postmaster General, Punjab and North-West Frontier.

(e) Whatever the facts may be and whatever action may be taken by the Postmaster General under the rules, postings are not made on the basis of communal representation.

APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

1105. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the communal composition of the undermentioned staff in the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi ?—

(i) Superintendents, (ii) accountants, (iii) First Division clerks, (iv) Second Division clerks, (v) inferior servants.

(b) Will Government be pleased to state the communal composition of the above cadres of the staff entertained in the office of Deputy Accountant General, Posts and Telegraphs, Delhi, during the last three years ?

(c) Will Government be pleased to state the communal composition of the above cadres of the staff employed as temporary establishment in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi ?

(d) Are Government prepared to order the increased entertainment of Muslims in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, to avoid preponderance of any one class or community ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

DEFALCATION OF EXCESS FARE MONEY ON THE EAST INDIAN RAILWAY.

1106. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it is a fact that one Mr. Duff, an employee of the Crew Department of the East Indian

Railway was convicted in Howrah Division for a defalcation of Rs. 1,500 of excess fare money ?

(b) Is it true that he was an *ex-convict* before being employed in the Crew Department ?

(c) During how many days was this amount recovered by him ?

(d) Who was held responsible for slack supervision in failing to see that he regularly deposited the money and what punishment was accorded to him ?

(e) How was this money accounted for ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 1106, 1107, 1108 and 1109 together. They are the first intimation that the Railway Board have received of certain allegations against employees in the recently abolished crew system. I will certainly have enquiries made as to the truth of these allegations if the Honourable Member can give me an assurance that facts have come to his notice suggesting that there may be some truth in them. I should add that in all cases any action to be taken will apparently be within the competence of the Agent without reference to the Railway Board.

CONVICTION FOR CHEATING OF A CLERK IN THE CREW DEPARTMENT, EAST INDIAN RAILWAY, CALCUTTA.

†1107. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it is a fact that one Kidar Nath Day was convicted by the Chief Presidency Magistrate, Calcutta, for cheating certain candidates on promise to secure appointments for them in the Crew Department ?

(b) Is it a fact that he was a clerk in the Crew Department attached to the Head Office, Calcutta ?

(c) Is it a fact that he granted pro-notes for the money thus recovered from the candidates ?

(d) When was he arrested ?

(e) When was he convicted ?

(f) When was he suspended ?

(g) When was he dismissed ?

(h) Is it a fact that the Magistrate in his judgment remarked that he had been the tool of larger fry ?

(i) Is it a fact that the Magistrate sent certain papers along with his judgment to the Agent, East Indian Railway, for information ?

(j) Will Government please lay on table a copy of those papers ?

(k) Did Government take steps to find out the larger fry ?

(l) Who were found connected therewith and what punishment was accorded ?

SALE AND DETECTION OF USED RAILWAY TICKETS AT GAYA AND PATNA.

†1108. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is a fact that a few of

†For answer to this question, see answer to question No. 1106.

the Railway employees were convicted at Gaya and Patna for re-selling used tickets on the area where the Crew system was under operation ?

(b) Is it a fact that these cases were detected by the staff not belonging to the Crew Department, i.e., Crew recruits, but by the staff deputed by the Chief Commercial Manager of the East Indian Railway ?

ALLEGATIONS AGAINST CERTAIN INSPECTORS IN THE CREW DEPARTMENT AT LUCKNOW.

†1109. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is true that Messrs. Sams and Homes, Inspectors of the Crew Department, Lucknow, were convicted for travelling in a ladies' compartment while on duty ?

(b) Were they discharged for this conviction ? If not, why not ?

(c) Are they still in service on the East Indian Railway ; if so, in what capacity ?

(d) Is it true that one Inspector of the Crew Department was found under the influence of liquor while on duty on Howrah station and arrested by the Railway Police ?

PREVENTION BY CREW STAFF OF PASSENGERS FROM BOARDING TRAINS.

1110. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it was the primary function of the Crew not to allow a person to board the train without a ticket and on this fundamental principle this system was started on the East Indian Railway ?

(b) Will Government please state if, in view of the above fundamental principle, it was not the function of the Crew staff to collect excess fare but to divert the passengers to the booking offices ?

(c) Will Government please state if entry into a compartment without a ticket is an offence ?

(d) Will Government please state if any railway servant is empowered under the Indian Railway Act to prevent a person from boarding the train without a ticket ?

(e) Under what law was this power invested in the Crew ?

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

(c) to (e). I would refer the Honourable Member to Section 68 of the Indian Railways Act, 1890 which reads as follows :—

“ No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket.”

EMPLOYMENT OF CREW STAFF ON OTHER THAN THEIR LEGITIMATE DUTIES.

1111. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is true that Crew staff was often utilised in other than their legitimate duties such as guards, office clerks, etc., etc. ?

†For answer to this question, see answer to question No. 1106.

(b) Will Government please state if it is true that a circular was issued by the Chief Operating Superintendent, East Indian Railway, prohibiting this; if so, when?

Mr. A. A. L. Parsons : (a) In times of pressure, staff ordinarily employed on certain duties are utilised elsewhere where the need for their services is considered to be greater, but Government have no information of the extent to which the crew staff were utilised, if at all, for other than their ordinary duties.

(b) Government have no information.

CONTROL OF TRAVELLING TICKET EXAMINERS AND CREW STAFF ON THE EAST INDIAN RAILWAY.

1112. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state clearly on what grounds the control of the Travelling Ticket Examiners of Oudh and Rohilkhand Railway was transferred from Operating to Accounts Department in 1909 or so?

(b) Will Government please state if the Public Accounts Committee decided in 1929 to transfer the control of the Crew system from Operating to Accounts Department and why it was not acted up to on the East Indian Railway?

Mr. A. A. L. Parsons : (a) No records are traceable in the office of the Railway Board bearing on the question of the control of the Travelling Ticket Examiners on the old Oudh and Rohilkhand Railway system. I am unable, therefore, to give the information required by the Honourable Member.

(b) The Public Accounts Committee in their report on the accounts for 1927-28, merely suggested that the Railway Board should consider whether it would not be more appropriate to place the crew system under the control of the Accounts Department instead of under the Traffic Department. The latter part of the question does not, therefore, arise.

CONTROL OF TRAVELLING TICKET EXAMINERS AND CREW STAFF ON THE EAST INDIAN RAILWAY.

1113. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state why the control of the Travelling Ticket Examiners has been kept now under the Operating Department of the East Indian Railway?

(b) Will Government please state why the ticket checking department, especially the Travelling Ticket Examiners, responsible for detection of illicit travelling are not kept under an independent officer like the Watch and Ward and Government Railway Police Departments?

(c) On what grounds has the Accounts control not been thought proper?

Mr. A. A. L. Parsons : (a) to (c). I would refer the Honourable Member to paragraphs 59 to 68 of the report dated 5th August, 1930 of the Committee appointed to enquire into the working of the crew system of checking and collecting tickets on the East Indian Railway, a copy of which is in the Library of the House.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1114. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is true that Messrs. Moody and Ward, officers of the Crew Enquiry Committee, were asked by the Railway Board to submit definite proposals as to what system should be adopted in future to prevent persons from travelling without tickets?

(b) Will Government please state why sanction has been given to adopt the present system of one or two Travelling Ticket Examiners per train as suggested by the said officers? Is it purely a detective measure like the Travelling Ticket Inspection system?

(c) Will Government please state whether after the abolition of the Crew system on the North Western Railway in 1924 a modified system of two men per train was started and in terms of the officers of the Crew Enquiry Committee "died its natural death"? If so, why has this modified system been introduced on the East Indian Railway now which is called "Moody-Ward" or "Modified Crew system"?

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

(b) The present system has been adopted to check illicit travelling. Under this system, the chances of passengers without proper tickets escaping detection are so small as to make the system act as a deterrent to passengers who might otherwise entrain without proper tickets.

(c) It is presumed the Honourable Member is referring to paragraph 6 of the Moody-Ward Committee report. The scheme which is referred to as having died was the crew system of ticket checking as introduced in 1923; but it was found that the scheme could not be worked by two men per train. The system recently introduced on the East Indian Railway is not the crew system in force on the North Western Railway in 1924.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1115. ***Shaikh Fazal Haq Piracha :** (a) Will Government please state whether the officers of the Crew Enquiry Committee, in paragraph 39 of their report, stated as under:—

"Comparatively low pay of the crewmen is probably the main cause of this tendency to slackness and corruption....."?

(b) Is it not a fact that the grades of the Travelling Ticket Examiners in the Moody-Ward system are very much similar to those of crewmen and Crew-in-charges as given below:—

Moody-Ward System.			Crew System.		
Designation.	Pay maximum.	Allowance.	Designation.	Pay maximum.	Allowance.
T. T. E. grade First.	95	20	Crew-in-charge	90	20
T. T. E. grade Second.	64	15	Crewman ..	50	15

- (c) Is it a fact that in the said report it has also been stated :
 " Little or no work goes on if the crew are left to themselves ",
 " a marked difference is noticeable in the work of the crews if no officer or Inspector is in the vicinity " ?
- (d) Will Government be pleased to state the number of supervising staff of the crewman, i.e., Inspectors, Assistant Inspectors and Crew-in-charges on four Crew Divisions ?
- (e) How many Inspectors are there now over the same area as sanctioned by the Moody-Ward report ?

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

(b) The Honourable Member has only quoted the maximum pay of the categories affected. The minimum pay of a Travelling Ticket Examiner is Rs. 55 and while the minimum pay of a Crewman is Rs. 35.

(c) Yes.

(d) and (e). I am calling for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipts.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1116. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is a fact that the officers of the Crew Enquiry Committee in paragraph 39 of their report stated :

" A better policy in our opinion would be to decrease the numbers but improve the pay.... "

(b) Will Government be pleased to state :

(i) the number of the Travelling Ticket Inspectors under Accounts Department on the whole of East Indian Railway ;

(ii) leave-salary of the Travelling Ticket Inspectors ;

(iii) number of Travelling Ticket Examiners in the Moody-Ward system ; and

(iv) leave-salary of the Travelling Ticket Examiners ?

(c) Will Government be pleased to state why as opposed to the suggestion, referred to in (a) above, the number of the Travelling Ticket Examiners has been increased and the salary of the Travelling Ticket Inspectors reduced ?

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

(b) and (c). I am calling for information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1117. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if the Agent and the Chief Operating Superintendent of the East Indian Railway, in their reports on the working of the Crew system, mentioned from year to year that the system had achieved a great success and

recommended it to be confirmed and extended all over the East Indian Railway ?

(b) Will Government be pleased to state whether the officers of the Crew Enquiry Committee reported in clear terms that the Crew system is an impracticable measure and recommended that it should be abolished ?

(c) Will Government be pleased to state if it is a fact that the Agent and the Chief Operating Superintendent both agreed with the above opinion of the officers of the Crew Enquiry Committee ?

(d) If the reply to part (c) be in the negative, will Government please state what opinion was expressed by the said officers on the Moody-Ward report and whether it has been sanctioned in accordance with or against their will ?

(e) Is it a fact that the Crew system was totally condemned by the officers of the Crew Enquiry Committee and has since been abolished ? If so, will Government be pleased to state why no correct opinion was submitted by the Agent and the Chief Operating Superintendent earlier on the working of this system ?

Mr. A. A. L. Parsons : (a) A recommendation for the confirmation and extension of the crew system was made by the East Indian Railway Administration in March, 1928, on such information as was available at the time. In January, 1930, however, when more experience had been gained of the crew system, the East Indian Railway Administration reported that they were not satisfied with it.

(b) Yes.

(c) and (d). The East Indian Railway Administration did not express an opinion on the Committee's report, beyond agreeing with the view that the crew system should be abolished and the arrangement recommended by the Moody-Ward Committee, adopted.

(e) A reply to the first part has been given in my answer to (b) and in view of my reply to (a) the second part does not arise.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1118. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state the total sum spent on the Crew system of the East Indian Railway from 1st August, 1926 to 31st May, 1931 (on all items separately under each head) ?

(b) Will Government be pleased to state what is the annual expenditure on the present Moody-Ward system, East Indian Railway, under the following heads :—pay, allowance and uniform of the staff ?

Mr. A. A. L. Parsons : (a) Government regret they cannot undertake to collect the information required as it would entail a disproportionate expenditure of time and labour.

(b) The information available is given in paragraph 56 of the Moody-Ward Report a copy of which is in the Library of the House.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1119. ***Shaikh Fazal Haq Piracha :** Will Government be pleased to state if it is a fact that the expenditure on the Travelling Ticket

Inspectors was less than on the Travelling Ticket Examiners under the Moody-Ward system in the East Indian Railway? If so, will Government please state why this expensive measure has been undertaken under the present state of economic depression?

Mr. A. A. L. Parsons : I presume the Honourable Member's reference to the expenditure on Travelling Ticket Inspectors is in connection with the arrangement in force prior to the introduction of the crew system. The arrangement now adopted has been considered necessary to safeguard revenue, as it is believed that it will be more effective in detecting passengers travelling without a proper pass or ticket than the arrangement in force prior to the introduction of the crew system.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1120. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if the Moody-Ward system on the East Indian Railway is a temporary measure or a permanent one?

(b) If temporary, why have the permanent staff been discharged and the salaries of the remaining lot curtailed?

(c) If a permanent measure then why have the temporary men not been confirmed?

(d) If this system is a temporary measure, will Government please state why a permanent measure has been replaced by a temporary one?

(e) If it is a permanent one, will Government please state why it has been confirmed without trial?

Mr. A. A. L. Parsons : (a) to (e). I have called for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1121. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why no mileage allowance is given to the Travelling Ticket Examiners of the East Indian Railway when they come under the category of the running staff like the guards and the drivers?

(b) Why are they paid an allowance of only annas 10 and 8 per day for long hours of journey and halt at out-stations? Is it a fact that for such journeys and halts the other running staff would earn several times more than the Travelling Ticket Examiners?

Mr. A. A. L. Parsons : (a) and (b). Travelling Ticket Examiners are treated differently from guards and drivers on account of the difference in the character of the duties.

ALLOWANCES OF CREW STAFF ON THE EAST INDIAN RAILWAY.

1122. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is a fact that the following permanent travelling allowance was paid to the Crew staff of the East Indian Railway?

Crew-in-charge

Crewman

Rs. 20 per month.

Rs. 15 per month.

(b) Will Government please state if it is a fact that under the rules a permanent travelling allowance is admissible all the year round whether a subordinate leaves his headquarters or not?

(c) Will Government please state if this permanent travelling allowance is admissible on casual leave or leave on average pay?

(d) Will Government please state if it is true that the following three different ways were adopted by the East Indian Railway in respect of the payment of the said allowance to the crew staff:

Howrah Division.—No allowance was given when a man was on station duty and did not leave his headquarters even for a day and was not paid on casual leave or on leave on average pay.

Dinapore Division.—Allowance was paid whether a man left his headquarters or not for any period and also during casual leave.

Lucknow Division.—Allowance was given on station duty provided a man left his headquarters once a week and was not paid during any kind of leave?

(e) If answers to part (d) be in the affirmative, will Government please state:

(i) why different methods existed on one Railway;

(ii) which of them is the correct method; and

(iii) who is responsible for adopting the wrong method?

(f) Do Government propose to draw up an arrear list of payment for the staff affected by the wrong method of payment? Was it carried on for five years on either of the three Divisions?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions, Nos. 1122, 1123, 1124, 1125, 1126, 1127, 1130, 1131, 1132, 1133, 1134 and 1135 together.

I am calling for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

ALLOWANCES OF CREW STAFF ON THE EAST INDIAN RAILWAY.

†1123. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why no consolidated allowance was given to the ticket collectors who were designated as crewmen and Crew-in-charges in the crew system on the East Indian Railway?

(b) Will Government please state if it is true that under the rules they were entitled to this consolidated allowance?

(c) Do Government propose to draw up an arrear pay sheet for those ticket collectors who worked in the crew system and were not paid this allowance?

ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1124. ***Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is correct to exclude all kinds of leave, rest days, holidays in calculating average mileage?

†For answer to this question, see answer to question No. 1122.

(b) Will Government please quote the State Railway rules with illustrations on the subject?

(c) Is it true that wrong method of calculating average mileage of the Travelling Ticket Inspectors was adopted by the Operating Department of the East Indian Railway, which resulted in a regular monthly loss to them?

(d) Will Government please state if it is also correct that the Travelling Ticket Inspectors appealed against this and after about 20 months correspondence the average mileage was re-calculated and majority of the Travelling Ticket Inspectors were paid the arrears?

(e) Will Government please state the cause of this delay?

(f) Will Government please state why, in re-calculating the average mileage, period of recorded leave was only excluded and rest days, holidays, and casual leave were not excluded?

(g) Is it correct that during casual leave, rest days, holidays no mileage was drawn by Travelling Ticket Inspectors whereas during recorded leave they were paid average mileage to the extent of 75 per cent. of their pay? If so, why were those days not excluded during which they did not draw any mileage?

(h) Will Government please state whether in the case of guards periods of non-working days are excluded or not?

(i) Do Government propose to compensate the loss sustained by the Travelling Ticket Inspectors while in the crew as a result of this wrong calculation of average mileage inasmuch as the period of all non-working days should have been excluded, which was not done?

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

†1125. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state whether as a consequence of the abolition of the crew system, which was a temporary measure, the pay of the Travelling Ticket Inspectors has been reduced, mileage allowance abolished and future increments stopped?

(b) Will Government please state the total number of Travelling Ticket Inspectors utilised in the Moody-Ward scheme and how many of them have suffered a loss in their leave salary?

(c) Has the cause of this heavy reduction in their salary been assigned to the abolition of their post? If so, will Government please state in what respect the post of the Travelling Ticket Inspectors has been abolished?

(d) Will Government please state whether the functions of the Travelling Ticket Inspectors are the same as that of the Travelling Ticket Examiners of the Moody-Ward system, and if so, how the post of the Travelling Ticket Inspectors is said to have been abolished?

(e) Will Government please state if the Travelling Ticket Inspectors and Travelling Ticket Examiners are in general terms described as Travelling Ticket Checkers?

†For answer to this question, see answer to question No. 1122.

(f) If there is any difference in their function, will Government please lay on the table a comparative statement showing a comparison and contrast of the duties of a Travelling Ticket Inspector and a Travelling Ticket Examiner?

(g) Is it a fact that train ticket checking staff were designated as Travelling Ticket Checkers, then Travelling Ticket Examiners and after amalgamation of the East Indian Railway and the Oudh and Rohilkhand Railway, they were designated as Travelling Ticket Inspectors?

(h) Will Government please state if the transfer of Travelling Ticket Inspectors' control and change of designation from Travelling Ticket Inspectors to Travelling Ticket Examiners is not a new thing but an old one?

(i) Will Government please state why Ticket Collectors—preventive—and Travelling Ticket Examiners—detective bodies—have been placed under one head? Is it not a fact that long ago it was thought necessary to keep them under different departments?

(j) Will Government please state why the Watch and Ward Department and Government Railway Police are independent of the Operating control?

PROMOTION OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1126. ***Shaikh Fazal Haq Piracha** : (a) Will Government please state whether, when the Travelling Ticket Inspectors of Dinapore Division of the East Indian Railway appealed against the appointment of outsiders over them on high pay, the following reply was given to them by the Chief Operating Superintendent in his letter No. 40/O.D./Crew of 7th August, 1928 :—

“.....If encouraged by considerate procedure, they are going to make this a lever for getting higher appointments, for which they are not fitted, I am afraid it may lead to a revision of the decision arrived at.”

But, when Moulvi Mohd. Yakub asked in the Legislative Assembly on the 16th March, 1929 (Question 1110) :—

“Will Government please state on what basis the opinion was formed that the old Travelling Ticket Inspectors were not qualified for higher posts in the Crew Department?”

the following reply was given :—“No such opinion was formed”

(b) Will Government please state now as to which of them is the correct answer?

DISCHARGE OF TRAVELLING TICKET INSPECTORS ON THE ABOLITION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

†1127. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state why and how many Travelling Ticket Inspectors have been discharged due to the abolition of the crew system on the East Indian Railway?

†For answer to this question, see answer to question No. 1122.

(b) Will Government please state their names, length of service, and cause of their discharge from service ?

(c) How many of the recruits of the crew system belonging to the category of Inspectors and temporary in service were discharged from service as a result of the abolition of the crew system ?

(d) Will Government please state whether it is not a fact that permanent men were discharged and temporary men retained ? If so, why ?

QUALIFICATIONS AND SERVICE OF CERTAIN EMPLOYEES AND THEIR PAY AFTER ABOLITION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1128. ***Shaikh Fazal Haq Piracha** : Will Government please state the departmental qualifications and the length of service of the following staff, and whether temporary or permanent, and the pay offered to them after the abolition of their posts in the crew system on the East Indian Railway.---

Messrs.

- (i) A. Latif, Chief Inspector, Howrah.
- (ii) A. H. Kuraishi, Senior Inspector, Howrah.
- (iii) A. Ghaffar, Senior Inspector, Howrah.
- (iv) G. T. Shivi, Junior Inspector, Howrah.
- (v) C. E. Chambers, Assistant Head Ticket Collector, Howrah.
- (vi) Dufold, Assistant Head Ticket Collector, Howrah.
- (vii) Day, Assistant Head Ticket Collector, Howrah.
- (viii) Kitchlu, Head Ticket Collector, Allahabad.
- (ix) J. W. Parratton, Head Ticket Collector, Moradabad Division.
- (x) K. M. Asghar, Head Ticket Collector, Moradabad Division ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 1128 and 1129 together.

The Railway Board are not in possession of the information with regard to the individuals mentioned in these questions for which the Honourable Member asks and are not prepared to call for it from the Railway Administration. If any of them feels aggrieved at any action which may have been taken, he has a right of appeal.

SERVICE, QUALIFICATIONS, LEAVE-SALARY, ETC., OF CERTAIN DIVISIONAL INSPECTORS AND TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1129. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state the length of service, departmental qualifications, leave-salary (on which Income-tax and Provident Fund were deducted and which was paid during leave) of the following Divisional Inspectors of Travelling

†For answer to this question, see answer to question No. 1123.

Ticket Inspectors and the Travelling Ticket Inspectors on the East Indian Railway ?

Messrs.

1. J. S. Roberts, Divisional Inspector of Travelling Ticket Inspectors.
2. J. Marshall, Divisional Inspector of Travelling Ticket Inspectors.
3. Bhagat Ram, Divisional Inspector of Travelling Ticket Inspectors.
4. Judge Ally, Divisional Inspector of Travelling Ticket Inspectors.
5. C. Benjamin, Travelling Ticket Inspector.
6. T. V. Liddle, Travelling Ticket Inspector.
7. Springett, Travelling Ticket Inspector.
8. Raja Bahadur, Travelling Ticket Inspector.
9. Shakir Ali, Travelling Ticket Inspector.
10. Syed Mahmud, Travelling Ticket Inspector.
11. S. N. Chakraverti, Travelling Ticket Inspector.
12. G. D. Dass, Travelling Ticket Inspector.
13. Shaikh Mahmud Hussain, Travelling Ticket Inspector.
14. Farrukh Hussain, Travelling Ticket Inspector.

(b) Will Government be pleased to state what pay has been offered to them now in the Moody-Ward system ?

PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1130. ***Shaikh Fazal Haq Piracha** : Will Government be pleased to state whether rules regarding the pay and allowances of the Travelling Ticket Inspectors in the Crew system on the East Indian Railway framed in 1927 gave them the choice to elect to retain the scale of their Travelling Ticket Inspectors' post *plus* average mileage or accept the Crew scales ? If so, why were their claims not considered on their pay *plus* average mileage ?

PROMOTION OF TRAVELLING TICKET INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.

†1131. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state if it is true that seniority has been based on pay only in allotting various posts in the Moody-Ward scheme on the East Indian Railway ?

(b) Is it a fact that the Agent O. D. in his letter No. 40/Od. Crew, dated 7th August, 1928 said "It is unwise to base selection purely on pay" ?

†For answer to this question, see answer to question No. 1122.

EXAMINATIONS FOR TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1132. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state why the Travelling Ticket Inspectors in the Crew system on the East Indian Railway were compelled to appear at Crew Examinations?

(b) Is it a fact that the Instructor Crew Training School, Fyzabad, is one of the old Travelling Ticket Inspectors possessing the same qualifications as the other Travelling Ticket Inspectors?

(c) Will Government please quote the syllabus of the Travelling Ticket Inspectors and Crew Inspectors' Examination?

UNIFORMS SUPPLIED TO CREW STAFF AND TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†1133. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state how much blue colour summer uniform cloth was purchased for the Crew staff on the East Indian Railway?

(b) When was it purchased and what was the amount spent?

(c) If a large stock is still lying, why so much surplus cloth was purchased when the Crew system was temporary?

(d) Are Government aware of the fact that the use of the cloth caused numerous skin diseases to its wearers?

(e) Is it a fact that even the cloth of chaprasis' uniforms is higher in price than the one which was supplied to the Crew staff?

(f) Is it true that the same stuff is going to be supplied to the Travelling Ticket Examiners?

(g) Will Government please state if the Travelling Ticket Examiners are going to be supplied with knickers and half sleeve shirts? If so, will Government please state why the Travelling Ticket Examiners are going to be supplied now? Were the Travelling Ticket Inspectors strictly prohibited the use of knickers?

(h) Why do not Government supply them the same uniform which was supplied to the Travelling Ticket Inspectors and which is supplied to the other railway officials?

(i) Will Government please state why no waterproof coats are supplied to the Travelling Ticket Examiners like the other running staff?

NUMBER OF TICKET COLLECTORS AT CERTAIN STATIONS AND CHECKING OF TICKETS AT ROAD-SIDE STATIONS.

†1134. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state if it is a fact that the officers of the Crew Enquiry Committee stated in paragraph 53 of their report :

"By common consent the number of the ticket collectors in the old days was inadequate"?

(b) Will Government please state the strength of ticket collectors at the following stations before and after the introduction of the Moody-Ward system :—

Howrah, Asansol, Gaya, Dinapur, Moghalsarai, Allahabad, Cawnpore, Tundla, Aligarh, Benares Cantonment, Lucknow, Bareilly, Moradabad, Hardwar and Dehradun?

(c) Are Government aware that at road-side stations there is one Assistant Station Master who on arrival of the train has to perform various important duties and the passengers have either to stay in order to deliver their tickets to the Assistant Station Master when he is free or they are collected by illiterate menial staff or the passengers clear off without handing them over, as there is none to take the tickets immediately on arrival of the train?

(d) Will Government please state the number of such stations on the East Indian Railway and those having ticket collectors?

(e) Will Government please state how many *per cent.* stations are there on the East Indian Railway which have got fencings to keep back trespassers?

(f) Why are no arrangements made to protect the station premises from unauthorised entry?

(g) Is it a fact that tickets are not checked at the checking stations now-a-days as it was done before the introduction of the Moody-Ward system? If not, why not?

(h) If this work is proposed to be checked by the Travelling Ticket Examiners booked with the train, will Government be pleased to state if they have considered whether it is possible for one Travelling Ticket Examiner to finish checking in the limited stoppage at the station?

TICKET COLLECTORS DISCHARGED AND REDUCED ON THE EAST INDIAN RAILWAY.

†1135. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state why and how many ticket collectors of permanent cadre were discharged on the introduction of the Moody-Ward system on the East Indian Railway?

(b) Will Government be pleased to state whether any and if so, how many permanent ticket collectors have been reduced to Rs. 95 from Rs. 120, their length of service, and their term of service as Head Ticket Collectors?

(c) Will Government please state the length of service of those posted in their place and the pay offered to them?

(d) Will Government be pleased to state why this grave injustice has been done to these men?

APPOINTMENT OF ACCOUNTS CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

1136. ***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state whether an establishment of Accounts Inspector, Crews, was maintained on the East Indian Railway to have a super-check over Crew working from the Accounts side?

†For answer to this question, see answer to question No. 1122.

†For answer to this question, see answer to question No. 1122.

(b) Will Government please state the grades of these Inspectors ?

(c) Will Government please state the names of these men and the sources from which these men were taken and their length of service on the Railway before being taken as Accounts Crew Inspector ?

(d) Will Government please state their railway qualifications and whether they were temporary or permanent before appointment as Accounts Inspector ?

(e) Will Government please state why a few Crewmen on Rs. 35 pay were taken as Inspectors of Accounts Crew and one of them was a discharged Travelling Ticket Inspector ?

(f) Will Government please state why Travelling Ticket Inspectors' claims were overlooked who were Accounts hands ?

(g) Will Government please state if the Travelling Ticket Inspectors sent appeals on this subject to the Chief Accounts Officer ? If so, why were their claims overlooked even then ?

(h) Will Government please state whether with the abolition of the Crew system their post was automatically abolished ?

(i) How many of them were discharged ?

(j) Will Government please state why most of them have been retained for Accounts Super Check over Operating Travelling Ticket Examiners ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer to this and the following question together.

I regret I cannot undertake to make the very laborious enquiries which a reply to the Honourable Member's questions would entail.

ACCOUNTS CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

†1137. ***Shaikh Fazal Haq Piracha :** (a) Will Government please state if all the Accounts Crew Inspectors on the East Indian Railway were served with a notice regarding the termination of their service from 31st May, 1931 ?

(b) Is it a fact that afterwards it was withdrawn ?

(c) Will Government please state whether it is true that they did no work in June 1931 because sanction for their post came in July, 1931 ?

(d) Will Government please state if their service will be counted as continuous and whether they have been paid for June, 1931 ?

(e) Will Government please state who from amongst them are related to the officers of the Accounts Department and other Railway officials ?

(f) Will Government please state why Travelling Ticket Inspectors' claims have again been overlooked for this post as well ?

(g) Is it a fact that practically all of the Accounts Crew Inspectors are Bengalis with the exceptions of only a few ? If so, will Government please state why minorities' claims have been overlooked ?

(h) Will Government please state :—

(i) the number of such posts, and

(ii) the number of Hindus, Muhammadans, Sikhs and Christians ?

†For answer to this question, see answer to question No. 1136.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1138. ***Shaikh Fazal Haq Piracha :** (a) Will Government please state whether Inspectors of various departments of the East Indian Railway are authorised to check tickets ? If so, why ?

(b) Why have they not been asked to qualify first in the checking duties ?

(c) Are they allowed to check in private dress instead of in uniform ? If so, why ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to this and question No. 1139 together.

I am asking the Agent, East Indian Railway for the information required by the Honourable Member and will communicate with him when it is received.

TICKET CHECKING ON THE EAST INDIAN RAILWAY.

†1139. ***Shaikh Fazal Haq Piracha :** (a) Will Government please state if it is a fact that every railway employee has been authorised to check tickets, even illiterate menial staff, on the East Indian Railway ?

(b) If so, have Government considered that it will give a chance to bogus persons to impersonate as Travelling Ticket Examiners ?

(c) Are Government aware that it will be harassing to the public to have so many men demanding tickets every now and then ?

(d) Is it a fact that a regular staff has been maintained exclusively for checking purpose, and if so, what is the necessity of having these other men for checking purposes ?

ADMISSION OF RAILWAY MAIL SERVICE CLERKS TO THE ACCOUNTANTS' EXAMINATION.

1140. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the clerks in the Railway Mail Service in the grade of Rs. 35 to 135 are not allowed to appear at the Accountants' examination, whereas the clerks in the same grade employed in the Postal Department other than the Railway Mail Service are allowed to appear at the said examination ?

(b) Do Government propose to allow the clerks in the grade of Rs. 35 to 135 employed in the Railway Mail Service to appear at the Accountants' examination ? If so, when ? If not, why not ?

Sir Hubert Sams : (a) The examination referred to is the Post Office Accountants' examination, which, as its name indicates, is with reference to the accounts of post offices, which are not the same as those of the Railway Mail Service. Accordingly, only Post Office clerks are eligible to appear for it.

(b) No, for the reason stated in reply to part (a). The remaining parts do not arise.

†For answer to this question, see answer to question No. 1138.

CREATION OF AN ADDITIONAL SELECTION GRADE POST IN EACH RAILWAY MAIL SERVICE DIVISION.

1141. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that there is a selection post in the grade of Rs. 160 to 250 in each Division of the Railway Mail Service ?

(b) Is it a fact that in some Divisions the said post in the selection grade is held by Head Clerks in the offices of the Railway Mail Service Superintendents, while in other Divisions it is held by the Accountants of the head record offices ?

(c) Are Government prepared to consider the question of creating one more selection grade post in each Division of the Railway Mail Service and in each Railway Mail Service Division to fix one such selected post for the Head Clerk in the Railway Mail Service, Superintendent's office and another such post for the Accountant of the head record office ? If so, when ? If not, why not ?

Sir Hubert Sams : (a) and (b). The fact is not as stated by the Honourable Member. In each Railway Mail Service Division there are a number of selection posts in the grade of Rs. 160—250, the number varying according to the importance of the Division. To the office of each Superintendent of a Railway Mail Service Division is attached a post on Rs. 250—350 and a post on Rs. 160—250. The former is always held by the Head Record Clerk, who forms a part of the Superintendent's office establishment, and the other may be held either by the Head Clerk or by the Accountant of the office according to requirements.

(c) No, in the circumstances stated in the reply to parts (a) and (b) and in the present financial circumstances there can be no question of the creation of further posts.

ADMISSION OF RAILWAY MAIL SERVICE CLERKS TO THE SELECTION GRADE EXAMINATION.

1142. *Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that "junior" clerks in the grade of Rs. 35 to 135 as well as "senior" clerks in the same grade in the Railway Mail Service were admitted to the selection grade examination of 1930 in all the Railway Mail Service Divisions except the "J" Division ? If so, why were not the "junior" clerks from the "J" Division admitted to the said examination ?

Sir Hubert Sams : Government have not the information. The matter of selection was entirely within the competence of the Postmaster General.

PAY AND ALLOWANCES OF STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

1143. *Mr. B. N. Misra : (a) Is it a fact that there is a difference in the pay and allowances of the staff of the Secretariat and attached and subordinate offices ?

(b) If so, will Government please state the reason for such difference ?

The Honourable Sir James Orerar : (a) Yes.

(b) The reasons are stated in my reply to part (d) of the Honourable Member's question No. 938, on 24th September, 1931.

CURRENCY WITHDRAWN FROM CIRCULATION AND THE GOVERNMENT OF INDIA'S NEW LOAN.

1144. *Sirdar Sohan Singh : (a) Will Government be so good as to place a statement on the table showing the amounts that have been withdrawn from circulation within the last five years ?

(b) Will Government be pleased to say when the new loan is going to be closed and if they have considered the question as to whether the new loan is likely to operate against agriculturists and depress credit and prices ?

The Honourable Sir George Schuster : (a) The attention of the Honourable Member is invited to the statement on pages 20 and 21 of the Report of the Controller of the Currency for 1930-31.

(b) Government have not decided yet when the new loan will be closed. As stated in the notification, it will remain open until further notice. Government do not consider that the loan is likely to operate against agriculturists or depress credit and prices. On the other hand it offers an attractive opportunity to small investors which the returns, of subscriptions indicate is being considerably appreciated.

RECRUITMENT OF GOANESE IN DEPARTMENTS IN THE EAST AFRICAN COLONIES.

1145. *Mr. Gaya Prasad Singh : (a) Are Government aware that about 80 per cent. of the non-European staff in the various Departments of the East African Colonies consists of non-British subjects, i.e., Goanese ?

(b) Are Government aware that due to trade depression heavy retrenchment is in progress in those colonies and many Indians with several years services have been turned out ?

(c) If the answers to parts (a) and (b) be in the affirmative, do Government propose to take necessary steps for replacing the non-British staff by British subjects and stop further recruitment of Goanese ?

Mr. Ram Chandra : (a) and (b). Government have no information.

(c) Does not arise.

EMPLOYMENT OF COOLIES ON THE GREAT INDIAN PENINSULA RAILWAY.

1146. *Rao Bahadur B. L. Patil : (a) Is it a fact that all the *hamals* (coolies) working in the Great Indian Peninsula Railway stations, and particularly in the Victoria Terminus, Bombay, were dismissed and a contract has been given to supply *hamals* ?

(b) Are Government aware that the contractor is making huge profits and is it a fact that the *hamals* have made representations to the railway authorities and to Government complaining against the methods of the contractor ?

(c) Is it a fact that the *hamals* are mainly from the Konkan Districts that have recently suffered from heavy floods ?

(d) Has any action been taken to restore the *status quo* ?

Mr. A. A. L. Parsons : The Railway Board have received no representations on this matter which is one of those left to Agents of railways. I am sending a copy of the Honourable Member's question to the Agent, Great Indian Peninsula Railway.

NON-INCLUSION OF KANARESE IN THE LANGUAGES PRESCRIBED FOR THE INDIAN CIVIL SERVICE EXAMINATION.

1147. ***Rao Bahadur B. L. Patil :** (a) Is it a fact that *Kanarese* is not included in the Indian languages prescribed for the Indian Civil Service examination that is now held in India and also for the probationers' course in England as notified in the *Gazette of India*, dated 2nd June, 1931, in Notification No. 162 of 1931?

(b) If not, what are the reasons for this discrimination?

(c) Are Government aware that *Kanarese* is one of the languages prescribed for the various examinations in Arts for higher degrees in the Universities of Bombay, Madras, Calcutta and Mysore?

The Honourable Sir James Crerar : (a) *Kanarese* is one of the languages that may be offered in the compulsory section of the examination for the Indian Civil Service in India. It is not one of the languages prescribed for the probationers' course in England.

(b) Only the most widely spoken vernacular languages of the province to which a probationer is allotted are prescribed for the probationary course.

(c) Yes.

UNSTARRED QUESTIONS AND ANSWERS.

LACK OF MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.

127. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that no medical facilities have been provided for the employees of the Government of India Press, Delhi, in their new quarters at Barakhamba?

(b) Is it a fact that there is no dispensary nearby and are Government aware that the Press workers and their families consisting of about 2,000 persons are suffering great privations in this malaria season?

(c) Is it a fact that nearly 75 per cent. of the Press population is at present down with a severe type of malaria and dysentery is prevalent in an epidemic form and no medical aid from Government is available for them?

(d) Is it a fact that the Combined Hospital is too far from the Press quarters and the employees cannot take advantage of it?

Mr. J. A. Shillidy : I propose to deal with questions Nos. 127 to 130 together. The majority of the press employees, like other Government servants on a pay of Rs. 15 to 149 per mensem, can, in case of illness, call in a Sub-Assistant Surgeon at their house free of charge. A first aid medical chest is also maintained in the premises of the Press for emergencies. The Government of India consider these facilities to be adequate and as the Combined Hospital in New Delhi is not at any great distance from

the site of the press, they do not consider it necessary to provide a separate dispensary exclusively for their use. No separate dispensary was also provided for the press employees at old Delhi, because the Balak Ram Hospital happened to be near at hand and was utilized by them.

The Chief Engineer has been asked to submit through the Chief Commissioner, Delhi, his proposals for constructing a primary school for the children of the press employees. These proposals will be considered by the Government of India on their receipt.

LACK OF MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.

†128. **Mr. S. C. Mitra :** (a) Is it a fact that medical facilities enjoyed by the Government of India Press employees for the last 19 years in old Delhi have been withdrawn with their transfer to New Delhi?

(b) Are Government aware that with the transfer of the Government of India Press population from Timarpur (Old Delhi) to New Delhi there is no necessity for two medical officers in the Balak Ram Hospital? If so, why one doctor cannot be provided to staff a dispensary for the Press employees? Is it a fact that the Manager of the Press has reserved a "B" type quarter to be used as a building for the dispensary?

LACK OF EDUCATIONAL FACILITIES FOR THE CHILDREN OF PRESS EMPLOYEES IN NEW DELHI.

†129. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that there were two Primary Schools for boys and girls at Timarpur for the education of the children of the Government of India Press employees at Delhi?

(b) Is it a fact that no schools have been opened in New Delhi for the children of the Press employees since the move of the Press from Old Delhi to New Delhi last month? If so, is it the intention of Government to deprive the children of the Press workers of all the previous facilities for education?

LACK OF EDUCATIONAL AND MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.

†130. **Mr. S. C. Mitra :** Will Government be pleased to state if it is a fact that the Government of India Press workers at Delhi have been deprived of all facilities for education and medical attendance and that the Royal Commission on Labour recommended better facilities for the education and medical attendance of industrial workers?

QUARTERS ALLOTTED TO PRESS EMPLOYEES IN NEW DELHI.

131. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that the Manager, Government of India Press, Delhi, has allotted "F" and "Duffry" type quarters to the clerks of his office?

(b) Is it a fact that in the Government of India subordinate offices and Public Works Department quarters lower than "E" type are not allotted to clerks? If so, why inferior type of quarters have been given to Press clerks?

†For answer to this question, see answer to question No. 127.

(c) Are Government aware that great discontent is prevailing amongst the Press clerks owing to the treatment meted out to them?

(d) Is it a fact that according to the allotment rules made by the Manager himself junior clerks were entitled to "E" type quarters? If so, why is the Manager not giving effect to the rules framed by him and approved by the Controller of Printing and Stationery?

(e) Is it a fact that Press clerks have brought their grievances to the notice of the higher authorities, but no action has so far been taken to redress their grievances?

Mr. J. A. Shillidy : (a) to (e). Residential quarters attached to the Government of India Press at New Delhi have been constructed with due regard to the pay and status of the employees of the Press including clerks. Rules regulating the classification and allotment of these quarters are still under the consideration of the Government of India and pending their issue allotments have been made on a provisional basis.

APPOINTMENT OF A LAND AND DEVELOPMENT OFFICER IN THE PUBLIC WORKS DEPARTMENT, NEW DELHI.

132. **Mr. Gaya Prasad Singh :** (a) Is it a fact that a new officer has been appointed as Land and Development Officer in the New Delhi P. W. D. this year?

(b) Is it a fact that before this officer was appointed, the duties of Land and Development Officer and P. A. to the Chief Engineer were carried on by one officer?

(c) Is it a fact that the officer is still on probation?

(d) Is it a fact that a considerable number of poorly paid clerks of the Delhi P. W. D. have been retrenched and turned out of service recently, whereas this highly paid appointment of Land and Development Officer has been created? What is his pay?

(e) What is the justification for the appointment?

(f) Is it a fact that the works in New Delhi P. W. D. are nearing completion?

(g) In view of the acute financial stringency, do Government propose to dispense with the services of the Land and Development Officer? If not, why not?

Mr. Ram Chandra : (a) A whole-time Land and Development Officer for New Delhi, who is directly under the control of the Chief Commissioner was appointed in October, 1930.

(b) The Personal Assistant to the Chief Engineer performed the duties of Land and Development Officer in addition to his own from the 1st April, 1928 to the 17th March, 1930.

(c) Yes.

(d) Notices for termination of service have been given to a certain number of temporary staff—gazetted and non-gazetted, and on various rates of pay—in the Central Public Works Department. The Land and Development Officer draws a pay of Rs. 800 per mensem plus a motor car allowance of Rs. 100 a month.

(e) The Honourable Member's attention is invited to paragraph 39 of the Standing Finance Committee's proceedings, dated the 22nd January, 1929, a copy of which is available in the Library of the House.

(f) Yes.

(g) The question will be considered in connection with the recommendations of the Retrenchment Advisory Committee.

DHABI GHATS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

133. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that for every 25 quarters one big *dhobi ghat* has been constructed in the Press quarters recently built at New Delhi for the Press staff?

(b) Is it a fact that nearly 12 such *dhobi ghats* have been built for a staff of about 270 employees living in the quarters? If so, what was the necessity of building so many *dhobi ghats* and what is the amount of expenditure incurred in constructing and fitting water pipes in those *dhobi ghats*?

(c) Who will pay the cost of filtered water supply in those *ghats*?

Mr. J. A. Shillidy : (a) and (b). No. There are in all only six *dhobi ghats* to serve over 400 employees. Together with their families, there are estimated to be 1,500 persons on the Press estate.

(c) Bills for the water consumed will be sent to the New Delhi Municipal Committee for payment. It is understood that they make certain recoveries from the *dhobies* in the form of a licence fee.

QUARTERS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

134. **Mr. S. C. Mitra :** (a) Is it a fact that in New Delhi one "B" type and three "C" type standard size quarters were sanctioned by the Government of India for the high-paid Reading Branch and supervising and clerical staff of the Press employees? If so, is it a fact that the Engineer-in-Charge of the project has built an inferior design of quarters, triangular in form, in place of the standard type? If so, what is the authority for that?

(b) Have Government compared the plans of the standard type of quarters with the ones actually built for the Press employees noted above; if not, why not?

(c) Is it a fact that a room four feet square is called an 'Entrance Hall' in the plan of the so-called "B" and "C" type quarters and many doors and fittings have been fitted? If so, why?

(d) Is it a fact that the doors fitted to the quarters are so small that beds and furniture cannot be taken in without dismantling them?

(e) Why have the said "B" and "C" quarters been constructed adjoining duffry type quarters?

(f) What is the name of the engineer or architect who has designed these quarters and what are his qualifications?

Mr. J. A. Shillidy : (a) The reply to the first part is in the affirmative. As to the second part, the quarters actually built were naturally designed to suit the new site. The accommodation provided is somewhat

less than that allowed in the standard "B" type of quarter but is greater than in the case of the "C" type quarters.

(b) Government have not themselves compared the plans but they were approved by responsible authorities.

(c) No. The room in question is 6' 6" square and no unnecessary door has been put in.

(d) The doors are of the same size as in the standard type of quarters.

(e) The architect was asked to place these quarters as near as possible to the main Press building and they therefore adjoin the duffries' quarters but are divided off from them by walls.

(f) Mr. R. M. Love, A.R.I., B.A.

BUNGALOWS FOR THE MANAGING STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

135. **Mr. S. C. Mitra** : Is it a fact that two gazetted officers' bungalows have been built for the managing staff of the Press, although there is only one gazetted officer in the Press? At what rate is rent recovered for these bungalows?

Mr. J. A. Shillidy : One "C" class bungalow and one "D" class bungalow have been constructed for the Manager, who is a gazetted officer, and for the Assistant Manager, who holds a non-gazetted post. The latter class of bungalow is not reserved for gazetted officers only. The Manager of the Press is entitled to rent-free quarters. The question of the rent to be charged from the Assistant Manager is under consideration.

PLAN OF QUARTERS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

136. **Mr. S. C. Mitra** : (a) Will Government be pleased to state if it is a fact that the open spaces called squares provided in the Press quarters are considerably smaller than those in the Secretariat quarters?

(b) Is it a fact that even the small space in the Press quarters has been occupied by building *dhobi ghats* and places for dumping night soil called pail shutes and there is no open space left for the children to play?

(c) Is it also a fact that in the Press quarters all the latrines face towards the squares and standing in the squares one can see nothing but rows of latrines, *dhobi ghats* and pail shutes for night soil?

(d) Is it a fact that the squares and quarters have been designed by an architect specially brought out from England for the purpose? If so, what are the name and qualifications of that architect and what pay is given to him?

Mr. J. A. Shillidy : (a) The areas at the back of the Press quarters are certainly smaller but they are not intended as playgrounds. There are open spaces in the front of the quarters for this purpose.

(b) Yes. This is the purpose for which they were designed.

(c) Yes. The conveniences referred to have naturally been placed at the back of the quarters and not in front of them.

(d) For the name of the architect please see the reply to part (f) of the Honourable Member's question No. 134. He was not engaged specifically for this work. His rate of pay is Rs. 1,275 per mensem, plus £30 Overseas' pay.

RENT FOR BUNGALOWS RECOVERED FROM THE MANAGER AND ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

137. **Mr. S. C. Mitra** : Will Government be pleased to state whether any rent is recovered from the Manager and the Assistant Manager of the Aligarh Press for the bungalows occupied by them? If not, why not?

Mr. J. A. Shillidy : Both the Manager and the Assistant Manager of the Government of India Press, Aligarh, have been granted rent-free quarters as they are required to live in the premises in connection with their duties in the Press and the Postal Workshop.

RECRUITMENT TO THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

138. **Mr. S. C. Mitra** : (a) Is it a fact that ministerial branch selection examinations are held by the Public Service Commission, when necessary, with a view to select suitable candidates for appointment to the ministerial establishments of the Government of India Secretariat and its attached offices?

(b) Is it a fact that appointments are made in the Third Division of the clerical establishments of the Government of India Secretariat and its attached offices from the list of candidates who have passed the Public Service Commission examinations?

(c) Is it a fact that in declaring the results of the examinations the Public Service Commission have due regard for the redress of communal inequalities?

(d) Is it a fact that all the qualified Third Division clerks of the minority communities, including those who were declared qualified on a communal basis at the last two examinations of the Public Service Commission, have been provided for in the Departments of the Government of India and their attached offices, and that in spite of this the Home Department have issued orders recently to the effect that unqualified Muslim clerks and lady clerks should be employed in preference to the qualified candidates in certain vacancies in those offices? If so, why?

(e) Are Government aware that the orders referred to in part (d) are calculated to defeat the object for which the Public Service Commission ministerial selection examinations are held and have caused a good deal of discontent and resentment amongst the successful candidates on account of those orders? If so, do Government propose to consider the question of cancelling those orders?

(f) If the reply to part (e) is in the negative, will Government please state the reasons which render it necessary that recruitment to the clerical establishment of the Government of India Secretariat and its attached offices should be made through the examinations conducted by the Public Service Commission?

The Honourable Sir James Crerar : (a) and (b). Yes.

(c) The redress of communal inequalities is a matter for Departments of the Government of India who are charged with the responsibility for preventing the preponderance of any one class or community. The Public Service Commission only supply the names of candidates of minority communities when they are asked for such candidates by the Departments.

(d) The reply to the first part is in the affirmative. As regards the second part, I would point out that the orders are to the effect that unqualified ladies and Muslims may be employed temporarily in vacancies earmarked for those categories until qualified candidates of the respective categories are available for appointment.

(e) and (f). Do not arise.

ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

Mr. President : I have to inform the Assembly that the following seven Members have been elected to the Advisory Publicity Committee, namely :

1. Mr. Arthur Moore.
2. Mr. P. G. Reddi.
3. Nawab Major Malik Talib Mehdi Khan.
4. Rao Bahadur Chaudhri Lal Chand.
5. Mr. Badri Lal Rastogi.
6. Mr. M. Maswood Ahmad.
7. Muhammad Azhar Ali.

RECOMMENDATION OF THE INTERNATIONAL LABOUR CONFERENCE RE PREVENTION OF INDUSTRIAL ACCIDENTS.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, on the 7th July 1930, a Resolution moved on behalf of Government was adopted by this House recommending that the Governor General in Council should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents adopted by the Twelfth International Labour Conference, 1929, and that the results of this examination should be placed before this House within 18 months from that date.

In pursuance of this Resolution a letter was addressed to all the major Local Governments and the Chief Commissioner of Delhi asking for their views. The replies have now been received, in the light of which the Government of India have undertaken a further examination of this Recommendation.

While there is a general agreement with the principle underlying the Recommendation, there is considerable criticism of the details. The Recommendation is divided into four parts and comprises no less than 23 Articles covering a very wide field of activities. The preamble to

the Recommendation extends its application "to agriculture, taking into account the special conditions of agricultural work". The general view of Local Governments, with which the Government of India are in agreement, is that in some respects the Recommendation goes beyond what is possible or necessary in the existing stage of industrial development of the country. In particular it is considered that, even with the proviso contained in the preamble, the application of this Recommendation in any form to agriculture would be inoperative in practice. The use of machinery in agricultural operations is in its infancy throughout India and it would be impossible to take any effective action which would ensure that legislative or administrative orders were carried out. Moreover, it is pointed out that both Parts I and II of the Recommendation presuppose an amount of co-ordination and co-operation between the three parties concerned, namely, Government, the employer and the employee which cannot be expected in existing Indian conditions. Labour in this country is still to a large extent migratory, illiterate and insufficiently organised to be able to undertake the various duties which are implicitly required of it by the Recommendation. In addition, there are certain proposals, particularly those relating to industrial accident insurance, psychological and physiological research, which postulate the existence of organisations and agencies which are either non-existent or still imperfectly developed.

On the other hand, the replies from Local Governments indicate that many of the items in the Recommendation are already in operation in varying degrees and that, in certain directions, further progress is possible and desirable. Indeed, many of the details involved in the Recommendation also find mention in the report of the Royal Commission on Labour. Thus, although the terms of the Recommendation cannot be accepted as immediately practicable, they may be regarded as forming a standard which employers, employees and inspecting authorities may gradually work up to in the future. Of the four parts into which the Recommendation is divided, Part III dealing with the legislation which each State Member should undertake is the only one on which definite action can be taken by Government. For the remaining parts, Government are dependent on persuasion and must first secure the co-operation of private organisations and associations. So far as legislation is concerned, Government are anxious that it should not be undertaken piecemeal. The Royal Commission on Labour have examined the working of the Factories Act and the Mines Act which are the principal Acts concerned and have made recommendations for their amendment and revision including proposals for industrial safety. The Recommendation of the International Labour Conference will need to be re-examined in the light of the Report of the Royal Commission on Labour, which has only lately been published. The examination of the Report is at present being pursued, but until this is completed, Government will obviously not be in a position to take any action. It may also be mentioned that the last reply from a Local Government to the Government of India's circular letter regarding this Recommendation was received only towards the end of June last, and, in view of the numerous criticisms of the details, the time available has been inadequate for arriving at any definite conclusions. As the Report of the Royal Commission on Labour covers the same ground as the Recommendation, the Government of India propose to proceed with the consideration of the latter simultaneously with the former and to give effect to it so far as may be practicable.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do I take it that the Government of India, in the light of their examination of the Labour Commission's Report and also these Recommendations, will themselves bring forward legislation without our applying pressure on the Government ?

Mr. J. A. Shillidy : I think I explained once before in answer to a question that there were a great many of these Recommendations of the Labour Commission, the decision on which would rest with the Local Governments. There were other matters in regard to which either the Local Governments or the Central Government could take action by executive order. As regards the legislation which the Honourable Member refers to, we are at present engaged in examining the recommendations of the Labour Commission. Some of these recommendations as I said will have to go to Local Governments. There are other recommendations which we have previously examined, the results of our examination having been given to the Labour Commission, and on these we shall certainly try to take action and prepare legislation as soon as possible. I can assure the Honourable Member that no pressure will be required from this House on Government to undertake that legislation.

Mr. B. Das : Does the Honourable Member expect that he will bring in such legislation at the winter session at Delhi ?

Mr. J. A. Shillidy : I would be most unwilling to give any promise, but our hope at the present moment is that there will certainly be certain legislation in the Delhi Session.

THE INDIAN PRESS (EMERGENCY POWERS) BILL—contd.

Mr. President : The Assembly will now resume further consideration of the Press Bill. Does any Honourable Member wish to move amendment No. 41 ?

Mr. B. Das (Orissa Division : Non-Muhammadan) : Yes, Sir. I move :

"That in sub-clause (1) (b) of clause 4, before the word 'directly' the words 'subject as above' be inserted."

This amendment has been given in pursuance of the note of dissent of the minority in the Select Committee. I may refer to their note of dissent which says :

"Particularly in clause 4 (b) the closing lines to the effect that any printing press which directly or indirectly expresses approval or admiration 'of any person, real or fictitious, who has committed or is alleged to have committed any such offence' are too wide and might expose a person who incidentally comments upon the merits of the offender unconnected with the offence and without detracting from its gravity to the penalty of the section. We think that the clause should be made subject to the dominating purpose of clause (a)."

With that object in view, this amendment has been moved.

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Mr. President, if my Honourable friend would realise that the word "such" occurs in two places in clause 4 (1) (b), he will see that what he really has at heart is carried out by this sub-clause, because if "subject as above" means anything more than that, it is superfluous and may lead to ambiguities. What I am saying is this : my Honourable friend wants to insert the words "subject as above" before the word "directly", so that

it would read "subject as above, directly or indirectly express approval or admiration of any such offence or of any person, etc., who is alleged to have committed any such offence." The word "such" is correlated to what precedes and therefore there ought to be no real difficulty in the matter.

Mr. President : The question is :

"That in sub-clause (1) (b) of clause 4, before the word 'directly' the words 'subject as above' be inserted."

The motion was negatived.

Sardar Sant Singh (West Punjab: Sikh) : Sir, I beg to move :

"That the words 'or indirectly' appearing in sub-clause (1) (b) of clause 4 be omitted."

The object of this amendment is this. As I submitted to the House yesterday, the clause vests a vague and very wide power in the hands of the executive. The word "indirectly" embraces a very wide range of subjects, and as the use of the power rests in one hand, probably on the report of the C. I. D. or of some member of the C. I. D., it is absolutely necessary that this power should be circumscribed and the words "or indirectly" be omitted. Sir, I move.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, from the observations of the Honourable Member, it would appear that he is apprehensive lest the word "indirectly" should be extended unduly, but it must be remembered that the object of this Bill is to strike at a certain movement which is extolled or encouraged. Now, very rarely does it happen that the encouragement or eulogy is a direct eulogy—very rarely indeed does it happen that a newspaper article says that such and such a murder is an excellent thing or such and such an assassination is commendable. What they often do,—to cite an example,—is that a story is narrated, a kind of serial story in which it is stated that a certain lady, a queen in this case, strangles a General. She goes on to say, "As I have strangled so and so, let all the white people be strangled." But then another person says that is not right, so on and so forth. That is an extract which I have in mind, one out of these extracts which are before the House. My contention therefore is that if you want to hit this particular evil, if you want to combat this trouble, you cannot restrict your activities to direct eulogy or commendation, because no newspaper is indiscreet enough to indulge in such, and therefore this amendment is out of place.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan) : Sir, I want to ask just one question. A newspaper publishes certain court proceedings in which an accused, say in a conspiracy case, has made a statement that he has murdered or wants to murder a particular individual. Now, will not the use of the word "indirectly" bring him under the purview of this section ? I want only to know this.

The Honourable Sir C. P. Ramaswami Aiyar : My Honourable friend proves too much. If the publisher is perfectly accurate in what he has published, he will not come within the scope of this Bill, because if a newspaper publishes a comment of some proceedings in a court in which an accused person has made certain very dangerous statements, that would not be direct approval, and that is not the intent of this clause, because the whole question is whether the report of the proceedings has got the object or the effect of inciting or encouraging. If a newspaper publishes

[Sir C. P. Ramaswami Aiyar.]

accurate reports of the proceedings of a court and confines itself to that, no Magistrate or High Court would say that that is itself incitement. But cases might easily be conceived of where, under the guise of publishing these proceedings, something more is sought to be done which will come within the purview of this section. The elimination of the word "indirectly" will not improve matters.

Mr. President : The question is :

"That in sub-clause (1) (b) of clause 4, the words 'or indirectly' be omitted."

The motion was negatived.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I move.

"That in sub-clause (1) (b) of clause 4, the words 'real or fictitious' be omitted."

My contention is that the word "real" is redundant and unnecessary, because the person is a real person. But as regards the word "fictitious" my argument is based on a still stronger ground, because they make indictable even the eulogy or admiration of a fictitious person supposed to have committed murder or violence, even if he does not incite or encourage murder or violence. One could understand if the admiration or eulogy of the fictitious person, who is supposed to have committed a murder, resulted in incitement or encouragement to some kind of violence, because there would then be some justification for the use of this word. Now, the clause is already too wide, because it covers indirect incitement to murder. Will the Honourable the Law Member explain why Government have put these words "real and fictitious" in this clause also, because it will endanger persons delineating historical narration or writing a book or fiction. There may be a description of supposed murders and there may be reasons to admire their conduct, but if it does not lead to incitement to murder or violence, I do not know how it can come within the purview of this Bill at all. Sir, I move.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, I rise to support the amendment which has been moved by my friend Mr. S. C. Mitra, and the reason for my supporting my friend is this. In the Statement of Objects and Reasons to the Bill it is stated, "This Bill reproduces the first Bill as amended by the Select Committee". When the Honourable the Home Member made the motion for referring this Bill to the Select Committee, he said that Government have not sought to go one inch beyond the actual necessities of the case, but, Sir, I find in practice that the Home Member is not only going beyond one inch, but is going beyond one yard and more than that, because it has been definitely stated by my friend Mr. Mitra that the word "real" is redundant. There is also sufficient ground for us to oppose the placing of the word "fictitious" in this measure. I want to draw the attention of the Honourable the Law Member to one point. He just observed on the amendment which was last moved in connection with the omission of the words "directly or indirectly" that really papers which extol murder or violence cannot be brought within the purview of this measure and therefore it is necessary to retain the word "indirectly". I think the words "directly or indirectly" cover all the points, and the words "real or fictitious" need not be put

on the Statute-book. I hope the Honourable Member will see his way to at least accept this small amendment. With these words, I support my friend Mr. Mitra's amendment.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhamadan Rural) : Sir, I do not rise to support my friend's argument in the hope that it will receive that amount of attention from the Treasury Benches that it ought to. During the last three days we have been debating about the necessity or otherwise of this measure, and I have come to know sufficient of the mentality of the Mover of this Bill, so that I think it useless to stand up to support any amendment that may be proposed by my friends on this side. Now, if I rise to support my friend's amendment, I once more reiterate that it is not in the hope that it will be accepted by the Treasury Benches, but with a view to point out to them their error in endeavouring to kill not only the Press of India, but the literature of India. And if it falls upon deaf ears on the other side, as it will, I am sure there is a wider public which will condemn this portion of the Bill at least, if not the other portions, with the same voice and with the same unanimity as we have done on this side of the House.

Sir, open the pages of any of the books of our literature in Bengal. I yield to none on this side of the House about the glorious literature that we in Bengal have put forth during the last century, not excepting the Tamil literature which is as old as 2,000 years. (*The Honourable Sir C. P. Ramaswami Aiyar* : "4,000 years.") But at the same time, I think that at the present time, of all the living languages in India, we in Bengal can boast of a literature which no other language of this country can boast of. Begin from some of the books written, say, 70 or 80 years ago, for example, that great poem called *Britra Sanghar*, wherein there is certainly an approval of the murder of *Daityas*. Now, Sir, I hope my Honourable friends on the other side—*Sadhus*—are not so many *Daityas*. Sir, if that book is not an incitement to the murder of the *Daityas*, i.e. the demons, I think if my Honourable friend is a real *Sadhu*, he will join with me in having those demons killed. They are a blot on the civilisation of humanity and human history. Then I shall cite before you only one or two other books from the literature of my province. Let me mention, *Krishna Kanta's Will*,—one of the best works of fiction which not only my literature possesses, but I think it can rival any of the best works of fiction in the world. There *Rohini*, that dissolute woman, was murdered, and therein you will find the approval of the murder of that dissolute woman. Will you ask our authors, will you ask our novelists, not to write in that strain? Then, again, there are historical facts, about which there are poems. Take for example *Kurukshetra*—and I do not refer to *Palasir Juddha* by Nabin Chandra Sen, who was a servant of the bureaucracy which sits here on the opposite Benches. The very same author wrote *Kurukshetra*, and therein you will find an approval of murder. You will strike at the source of all literary activities if you really bring in the words "real or fictitious" in that way. Unless you have lost reverence for all the products of intellect, unless you have lost respect for human culture, and may I add human morality, you will not introduce such words here. My Honourable friend on the other side observed that, by taking away the words "directly or indirectly", you will render the section innocuous, because he said that no newspaper incites to murder directly but by an indirect way. I say here you are not only indirectly gagging our

[Mr. Amar Nath Dutt.]

literature, but you are striking at the very fountain source of the intellect of the nation. You are trying not only to kill the Press but our literature also. We do not care if they go away from this land and thus enable our literature to flourish. In fact, before the introduction of printing press we had our Vedas, we had our Gitas, and the wisdom contained in those great books was handed down from sire to son, and it is still a source of inspiration to the millions in this country. Take away the Press, I won't grudge it, but in the name of taking away the liberty of the Press and forfeiting the same, don't gag the literature of this country, don't gag our poetry, don't gag the source of our inspiration for all that is great and good in human nature. Sir, I know that the Government will not accept this amendment. I will not add any words which may incite you to abuse us as you have been doing for the past few days. I know the reason of those abuses, and in fact, as you have a bad case you have no other argument than the argument of the fish woman. I wish that you had still some good sense left in you not to press for the retention of the words "real or fictitious".

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): I rise to support the amendment moved by my Honourable friend Mr. Mitra. Here we have got the word "incite" which is capable of covering both "directly or indirectly" and "real or fictitious", because "incite" is a much wider term and it is capable of covering all these things. By adding these words we are putting a wrong emphasis on them. With these few words I support the amendment.

The Honourable Sir C. P. Ramaswami Aiyar: I rise with some trepidation because it has been suggested that the addition of this particular word "fictitious" might involve either the condemnation or the destruction of very valuable literature. If I really felt that the glorious specimens of literature to which allusion had been made by my Honourable friend opposite would be hit by this addition, I should be very loathe to support it. But, Mr. President, I am afraid that there is a little confusion about this matter.

The word "person" has been defined in the General Clauses Act of 1897, and if it stood by itself, it would eliminate all possibilities of any document coming within this clause, which by a dexterous use of pseudonyms might serve the same purpose as the use of the real name but yet be outside this clause. Let me illustrate this, but before doing so, let me preface my statement by at once remarking that it is true that there are a great many works of literature in which killing has been referred to and generally extolled or eulogised. As a matter of fact, the Gita, which my Honourable friend on the other side and myself both regard as revelation, suggests that on the field of battle, physical or spiritual, you should not flinch from destroying your enemies. That class or category of work is really dealt with, Mr. President, by the Explanation which makes it abundantly clear, "No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a)".

Mr. Amar Nath Dutt: The sting lies in the tail.

The Honourable Sir C. P. Ramaswami Aiyar: Most of the insects which have stings have them in the tail. What I am trying to prove is

that that category of real literature is excluded in that explanation. Suppose for a moment that the words "or fictitious" were omitted. There is nothing to prevent exactly the same thing which will be dealt with if real names were mentioned escaping beyond the ambit of the section by putting in asterisks or using some other device and then asserting that no real person has been referred to and so it does not come within the meaning of this clause. We are not all *Sadhus* and I do not know what particular advertence was made when my friend opposite referred to *Sadhus*. I am not a *Sadhu* myself, but at the same time we are all anxious that works of pure art or literature should not be proceeded against. There is no doubt that pure art or literature might be so twisted as to come within the scope of this Bill. Suppose a person wrote a wonderful poem which extolled murder definitely. There is no doubt that it would come within this Bill. The attempt is to combine the two things, firstly, to except literature unless it has that specific tendency referred to in this Bill, secondly, to make it clear that no devices or evasions by substitution of fictitious names for real names should exempt persons who are otherwise guilty under the Bill.

Mr. B. Das: Will it apply to literature already existing or to new literature?

The Honourable Sir C. P. Ramaswami Aiyar: Apart from the general non-retrospectivity of Acts, it is impossible to conceive that suddenly the publisher of the Gita should be prosecuted under this Bill.

Mr. B. Das: The printers of the Gita might be prosecuted.

Mr. President: The question is:

"That in sub-clause (1) (b) of clause 4, the words 'real or fictitious' be omitted."

The motion was negatived.

Sardar Sant Singh: I beg to move:

"That in sub-clause (1), of clause 4, for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted:

'the Local Government may apply to the High Court for the local area in which such press is situate stating or describing the words or signs or visible representations which in its opinion are of the nature described above. The High Court shall decide in the manner hereinafter provided if the newspaper, book or other document in respect of which the application is made did contain any words, signs or visible representations of the nature described above'."

I want to draw the attention of the Honourable Members as to how the clause will read after making the amendment I suggest. I am not objecting to part (a) or (b), but I want all the words beginning from "the Local Government may, by notice in writing" up to the words "forfeited to His Majesty" deleted, and the words I have read out to be substituted in their place. My submission is that, in moving my amendment, my object is to judicialise the proceedings from the very beginning. I shall recall to Honourable Members what I said yesterday in moving my amendment to clause 3. I was not surprised when the executive authorities opposed the principle of judicialising the proceedings, but my surprise was greatest when I found the Honourable the Law Member getting up and defending the executive action. I am reminded of the story of Mansur who was punished to be stoned by the public. He was taken

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through the town and everybody threw brickbats at him under the orders of the executive. As he was passing along, a friend of his who knew him and understood his teachings threw a flower at him in order to conform to the order. Mansur retained his self control and seemed

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to be indifferent to the shower of stones that hurt his body, but when the flower of his friend touched his body, he began to cry aloud. His custodians asked him what the matter was. "Why should this flower pain you more than the brickbat?" they enquired. He replied, "The other people did not know what they were doing, but this friend knew me—his flower hurts me more than the shower of stones." One can understand the executive trying to grasp and keep the power in its own grip, but one fails to understand, and to appreciate a gentleman who is not only an eminent lawyer himself but has risen to his present position on account of his ability and application of legal principles during his life, and probably his present position due to his intellectual gifts in the forensic field solely. I refer to the Honourable the Law Member. (Laughter.) I may add that he has got qualities of heart also! But when he got up to defend the theory that the rule of executive should be substituted for the rule of law, it pained me a good deal—and not only me, but I am expressing the sentiment of the whole country when I say that this is a very painful affair. Now this makes me put my case rather more vehemently than I should have done. In spite of the knowledge that we have got very few votes at our command, and in spite of the fact that we know that we shall be defeated, we have the consolation of feeling that there is the larger audience outside to judge between us and the executive, and that larger audience is fit to appraise the merits and demerits of this Bill. My submission is that, in order to convince my friend, I think I should bring a very high authority to bear upon my arguments; so I have decided to read out a certain portion from this book, "The New Despotism", written by no less an authority than the Lord Chief Justice of England and published as late as 1929.

Mr. Amar Nath Dutt : This is not a new despotism—it is an old despotism!

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Are you not satisfied with your yesterday's quotations?

Sardar Sant Singh : It is at page 24 :

"Dicey, in his classical work on the law of the constitution, enumerates three distinct conceptions which are involved in the statement that the English constitution is characterised by the supremacy of the rule of law. The statement means, first, that in England no man can be punished or can be lawfully made either to suffer in his body or in his goods except for a distinct and definite breach of law, established in the ordinary legal manner before the ordinary courts. It means, secondly, that in this country not only is no man above the law but that every man, whatever his rank or condition may be, is subject to the ordinary law of the land and the jurisdiction of the courts. And, finally, it means that the general principles of our constitution are mainly the result of judicial decision determining the rights of private persons in particular cases brought before the courts."

This, then, is the conception of the rule of law. Sir, the Honourable the Home Member, while replying, referred to certain exceptions existing in England even and he was pleased to illustrate his position by referring to the obnoxious trades and other matters. Well, to my limited

intellect I cannot understand what he means and how the analogy holds good. When the executive is given power by the Legislature to pass a certain Bill, certainly despotism takes a different form. What was the old despotism? The despot sat in his place, and with the advice of his ministers or without the advice of his ministers, issued a decree or an ukase, and that was binding upon every individual. What is the new despotism? Under it, you establish a majority and by that majority you place before the Legislature a Bill and say, "Here is a law we want you to enact", and instead of issuing a decree without the sanction of the Legislature behind it, you pass it by the help of the mere force of numbers. What difference does it make? The old despotism is changed into the new despotism by the mere change of form,—nothing more. It remains there in substance. The real point, Sir, again brought forward by the Lord Chief Justice in England is, as he says :

"To summarise the matter, it may be said that the rule of law comprehends and denotes the following principle. No one can be lawfully restrained or punished or condemned in damages except for violation of the law, established to the satisfaction of a judge or jury or a magistrate in proceedings regularly instituted in one of the ordinary courts of justice. The rights of personal liberty and of freedom of speech, the liberty of the press and the right of public meetings are all the result of the application of this fundamental principle. Secondly, every one, whatever his position, minister of State or Government official, soldier or statesman, is governed by the ordinary law of the land and personally liable for anything done by him contrary to that law and is subject to the jurisdiction of the ordinary courts of justice, civil and criminal."

Now some Honourable Member may get up and say that there is the Judicial Protection Act for the Judges and there are certain other exceptions to this principle, meaning thereby that the rule of law as it is found in England does not find the same place in India. I know it that the exceptions have been created and that the executive has armed itself with the power to punish without reference to the procedure they ought to adopt, but it does not mean that, because there are exceptions already existing, therefore we should go on adding to them. If this country is to be governed by public opinion and with the aid of public opinion, then in that case it is absolutely necessary that the executive should move in response to public opinion, not in contravention of it. Therefore, my submission is that the present clause 4 offends against this rule. Further on, the learned Chief Justice has given the advantages which will follow from placing the matter in the hands of courts of justice instead of in the hands of the executive. He says :

"The work of a court involves many important ingredients, as for example :

- (i) that the judge is indemnified and is personally responsible for his decision ;
- (ii) that the case, subject to rare exceptions, is conducted in public ;
- (iii) that the result is governed by the impartial application of principles which are known and established ; and
- (iv) that all parties to the controversy are fully and fairly heard."

In other words, the decision of a court in every important respect is sharply contrasted with the edict, however benevolent, of some hidden authority, however capable, depending upon processes of reasoning which are not stated, and the enforcement of a scheme which is not explained. The administration of the law of the land in the ordinary court presupposes at least personal responsibility, publicity, uniformity and the hearing of the parties. These are the advantages of public trial. How can the Honourable Members on the Treasury Benches come forward and say that the Indian Press will not have those fundamental

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advantages guaranteed to them. The European Press will be free to write and say anything they like, but the Indian Press will be muzzled and bound down by an order passed behind their back. That is the position. If the thing is to be placed before the ordinary Judges and everything is to be done in public under the same procedure which is applied to the ordinary criminal, then everybody has a right to judge whether the culprit has been treated fairly or in a partial manner. Therefore my submission is that my friend the Law Member's position is not certainly clear to me when he says that there are occasions when the executive should be given the opportunity, and he claims that this opportunity should be given in this particular case because it is an emergency measure. What is the emergency measure? If this is an emergency measure, I would advise him, as the state of the country is going from bad to worse every day, to suspend all laws and all courts. After all we are in want of money. Disastrous taxation is facing us at the present moment and savings have to be made. Why not do away with the Magistrates, High Courts and all the paraphernalia that exist in the land and let the executive Government do as they please? Why not introduce legislation to the effect that for two years to come there will be no courts, no Magistrates, no Judges? That will be very much better. And here I am reminded of an article written in the *Statesman* which probably out-Herods Herod. In this article, dated the 27th September, the Editor writing under the caption "More Violence" says:

"It is the duty of an elected legislature to secure as far as possible that the innocent cannot suffer from the law. Since the Government must desire the same it has found no difficulty in creating a water-tight Bill by substantial alterations in title, preamble and text which clearly define the scope of the measure."

This is after the Bill came out from the Select Committee. Then it says:

"A murderous Press is a disgrace to the profession and we fail to understand the excessive enthusiasm for license which makes some prefer that incitement to murder should continue and the guilty go unpunished and undeterred rather than everybody should have a chance of defeating the object of the law to provide work for the lawyers."

This is the complaint, Sir, that the amendments that have come from this quarter are due to the excessive zeal of the lawyers; and the Honourable the Home Member was pleased to remark yesterday that we on this side of the House are merely pleading as lawyers without responsibility for the welfare of the country. After all we are the chief residents of this country; our sons will live in this land; our grandsons will enjoy the benefits that are conferred by us. It is not the Englishmen who will live in this land. The Englishmen will go away some day, does not matter when, but they are not permanent residents of this land. Therefore the interests of this country are more sacred, more real and more genuine for Indians than for Englishmen. Therefore to put forward the plea that we on this side are not actuated by a genuine desire to protect the interests of this country is not true at all. We are not here to provide work for the lawyer or to plead as persons with briefs. But we are really here to discuss whether you are transgressing the fundamental principles of law or not. If you transgress the fundamental principles of law, my submission is that you must be prepared

to meet opposition from this quarter of the House. Then, further on, the Editor of the *Statesman* has a very good fling at those who have tabled motions of amendment. He says:

"They emanate from quarters which cannot be suspected of sympathy with terrorism or with the dubious left wing of the Congress."

The implication behind this is that because we sympathise with the terrorist movement, therefore we have tabled these amendments. Is that fair play? Is that the sort of Press which is to be protected?

"We find the active opposition of some Muslims extremely difficult to understand."

Here is a lesson for our Muslim friends. Here is an attempt made, the thin end of the wedge thrown in, to create discord among the two communities in this House. This has been the game of the *Statesman* all along, and it has not been given up yet. Proceeding, he says that the respectable press should not be afraid of this Bill. Let us calmly examine this plea. My submission is that in its working no Indian press will be safe, and I will illustrate my position by referring to that very paper which Mr. Arthur Moore in his speech the other day described as quite safe and that paper is the *Tribune*. There was an anniversary of the late Bhagat Singh to be celebrated at Lahore and a notice was issued. The *Tribune* published that notice after striking out the objectionable passages which the editor thought should not appear in print. But in spite of that, in spite of the fact that the paper did not contain anything beyond the news, the particular issue of the *Tribune* was confiscated under the Ordinance which is the predecessor of this Bill. My submission is that no paper can be safe if the language employed in the Bill is so vast that it can net in anybody and everybody. My Honourable friends on the other side have refused to agree even to the most reasonable amendments proposed by this side. "Indirectly tending to incite or encourage"—this is the vast net thrown wide, and every possible article or criticism can be brought under the purview of this. In spite of this vast power given them under the law, they are not agreeable to place the matter in the hands of the court. My submission therefore is that it would be most dangerous to hand over the power to the executive. The same authority, the Lord Chief Justice of England, thus describes the mentality of the executive:

"An agreeable writer, collecting from the pages of Boswell and elsewhere individual opinions expressed by Samuel Johnson, has compiled and composed a kind of Johnsonian creed or soliloquy, which sums up concisely the essence of his faith. If a similar method were applied to the ardent bureaucrat, the amateur of the new despotism, his reflections might perhaps be indicated in some such creed as this:

1. The business of the executive is to govern.
2. The only persons fit to govern are experts.
3. 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, being worthy'.
4. But the expert must deal with things as they are. The 'foursquare man' makes the best of the circumstances in which he finds himself.
5. Two main obstacles hamper the beneficent work of the expert. One is the Sovereignty of Parliament and the other is the Rule of Law.
6. A kind of fetish-worship, prevalent among an ignorant public, prevents the destruction of these obstacles. The expert, therefore, must make use of the first in order to frustrate the second."

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--this is a maxim which is particularly being followed in introducing this Bill--

"7. To this end let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms are Parliamentary, defy the Law Courts.

8. This course will prove tolerably simple if he can: (a) get legislation passed in skeleton form; (b) fill up the gaps with his own rules, orders, and regulations; (c) make it difficult or impossible for Parliament to check the said rules, orders, and regulations; (d) secure for them the force of statute; (e) make his own decision final; (f) arrange that the fact of his decision shall be conclusive proof of its legality; (g) take power to modify the provisions of statutes; and (h) prevent and avoid any sort of appeal to a Court of Law.

9. If the expert can get rid of the Lord Chancellor, reduce the judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a business man to be called "Minister of Justice", the coping-stone will be laid and the music will be the fuller."

Is not the same mentality visible in the provisions of this Bill? Therefore, Sir, my submission is that my learned friend, for whom I have the greatest respect, should reconsider his position. Then I will read this passage on page 102 of this book, "The New Despotism":

"But vital as the independence of judges has always been, there never was a time when it was more manifestly important than in these latter days, when the effect of the Executive does or permits is to render it difficult for the Courts to maintain the rights of the individual. The method of attack, to be sure, is subtle enough. In Tudor and in Stuart times much was attempted in defiance of Parliament. The attempts ultimately failed, and failed signally. But despotism may be no less sinister, and perhaps even more mischievous, if it acts under the cloak of Parliamentary forms than when it seeks to act in direct opposition to Parliament. Let it be granted that there may be acute and well-intentioned persons who have persuaded themselves that the rights of individuals are perfectly safe in the hands of Government departments, and may properly and economically be left to be determined behind the back of one of the parties, by officials of the Executive, upon principles not to be explained sufficiently well known. Meantime, however, judicial decision may often appear to be a stumbling-block in the way of the zealous official. The official course might be so much more smooth, and the official arm might be so much more powerful, if there were no troublesome Law Courts to stand between the Executive and the individual, the Crown and the taxpayer."

Herein lies the reason, Sir, why the rule of law is more necessary in cases where the administration of infliction of penalty is to be more speedy. In the present clause you will find that the penalty imposed comes in certain cases to the extent of Rs. 3,000 and to the forfeiture of the press which may be a lakh of rupees or so in value. Again, Sir, in this case the opinion of the journalists who are directly concerned with the matter has expressed itself very strongly. They suspended publication for a day as a protest. Yesterday such news came from Bengal and to-day the news comes from Madras that Madras papers have closed their offices for a day as a protest against this measure. Therefore, my submission is, is it not high time that the executive should pause and reconsider their position? What is this power which is being asked for the executive? My Honourable friend in replying to yesterday's debate said that the onus is not thrown upon the aggrieved person. I have to differ from him in this reading of the Bill. The words, according to clause 25, as it stands are:

"If it appears to the Special Bench on an application under sub-clause (1) of section 23 that the words, signs or visible representations contained in the newspaper,

book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order."

The Honourable Sir C. P. Ramaswami Aiyar: It may be useful for my learned friend to refer to clause 23, sub-clause (1), where it is stated "shall decide if the newspaper, book or other document in respect to which the order was made did or did not contain any words", and so on. Those were the expressions I referred to.

Sardar Sant Singh: I am very grateful to my Honourable friend for pointing out to me this provision, "did or did not contain any words".

These are the two words: so at the utmost, straining the language to the breaking point, I will say that what the Bill says is that the onus is thrown on both parties.

The Honourable Sir C. P. Ramaswami Aiyar: Quite so.

Sardar Sant Singh: Not on one party, but on both parties, while the principle of criminal jurisprudence is that the onus shall be upon the prosecution, upon the Crown, not upon the other party. That is why in my amendment I use the expression.....

Mr. President: May I know how long the Honourable Member is likely to go on? As to-day is Friday, I wish to adjourn early?

Sardar Sant Singh: I will take only five minutes more, Sir. That is why in my amendment I say "in respect of which the application is made did contain any words". I have omitted the words "did not". "Did" throws the onus entirely upon the prosecution, and this is the principle of law on which I insist. The object of this amendment is further illustrated by this fact that I do not want that a man shall be punished first and then should be asked to establish his innocence in a High Court by applying to the court. What I want is that the Local Government which is aggrieved that the Law has been violated should be called upon to move the High Court for the purpose of establishing that a certain press has offended. With these remarks I beg to move the amendment.

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

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

Mr. President: Further consideration of the amendment moved by Sardar Sant Singh.

Rao Bahadur Chaudhury Lalchand (Nominated Non-Official): Sir, the object underlying the amendment proposed by my Honourable friend, Sardar Sant Singh, is a laudable one. He has taken very great pains in framing his amendments and has put his case very lucidly before this House. But he has forgotten one thing. Yesterday, while replying to one of his amendments, the Honourable the Law Member made it clear to him that speediness of action was the essence of this Bill, as this was an emergency measure, and unless speedy action was taken the Bill was of no use. Since then the House has given its verdict

[Rao Bahadur Chaudhury Lalchand.]

once for all on a previous amendment for referring things to judicial courts rather than to the executive. Therefore, after that verdict, it was not fair for the Honourable the Mover to press his case for judicialising the procedure, even from the initial stage under this Bill.

Much has been made again of the liberty of the Press. Liberty of the Press, as I said the other day, has its limitations, like limitations on our liberty in every other walk of life. As an example everybody has a right to walk on the public road, nobody can be prevented from doing so. But supposing, somebody takes it into his head to exercise his right of occupying the whole of the road. Supposing he takes a spear in his hand and goes on the road attacking everybody that comes in the way, can that be called a due exercise of his right to walk on the public road? Will not the executive be justified in catching hold of him at once and send him to the nearest lunatic asylum? They would not, in fact they cannot wait for the judicial courts; they could not afford to let him proceed on his march and injure people on the ground that they must consult the Criminal Procedure Code to find out whether his offence is a cognisable or non-cognisable one, whether a formal complaint should be filed or the police should take that man away. The executive alone can deal with this man at once and take the necessary action. The present measure is exactly on the same footing. It is an emergency measure, and as such it can only be handled by the executive. If you take away these powers from the executive, you do away with the Bill altogether.

Then, Sir, we need not press this judicial *versus* executive controversy too far. Supposing a house is on fire, and there are 50 other houses in the same line and there is a danger of the fire spreading to the other adjoining houses. What will the executive officer do in such circumstances? He will at once come forward and give orders to demolish one of the houses with a view to break the line in order to save the other houses. If you want this case to be dealt with by a judicial officer, he will come and frame issues first. Supposing he is sensible enough not to make any inquiry into the causes of the fire at this stage, the least he will do is to have an estimate of the house, that was going to be demolished, prepared, for, there might be a suit for damages lodged against the Government and the price may have to be determined. He will then ask for the services of an expert engineer. Well, the engineer prepares the estimate of the house that is proposed to be demolished,—mind you all the while the fire is raging in all its intensity,—then they will say that the owner of the house that is to be demolished should be consulted, and the owner must naturally be given some time to object to the estimate prepared by the engineer. Well, suppose the owner is near by, he comes forward and gives his consent, but at the end of his statement he says that last year he had mortgaged the house for Rs. 15,000 to a man residing in Calcutta. In such circumstances, what is the judicial officer to do? Well, these are the difficulties in a judicial procedure. I do not mean any disrespect to the judicial procedure. (Mr. B. Das: "You are only libelling it.") It is dilatory and can never take the place of executive decisions. The functions of the two are different. Sir, I am only trying to point out that this is a case in which the executive alone could take prompt action. The amendments

of my Honourable friend are quite good, but they are good for a *pucca* Press Bill which probably will have to be brought forward when the new Swaraj Government comes. For, I cannot believe that any Government could sit with folded hands when such pernicious propaganda is going on in the press. With these few words, I oppose the amendment.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I realise that time is precious, and that it is the duty of every one on all sides of the House to be as brief as possible, and therefore, although I should have normally succumbed to the temptation of dealing with the many points so comprehensively dealt with by my Honourable friend opposite who moved this amendment, I propose to restrict myself only to two or three aspects. In the first place, let me at once dispose of what may be termed the personal argument. A very impassioned appeal was made to me, and it was suggested that there was something inappropriate or indecorous in my getting up and opposing amendments such as these, and something was said with reference to my career, and also very kindly, to my alleged qualities of head and heart. All that I can say is that I feel absolutely sure that my friend and his confreres, when they occupy these Benches, as I hope and trust they shortly will, will pursue exactly the same line as I am pursuing having regard to the immediate history of this particular act of legislation. For, let it be remembered, Mr. President, that two things were made abundantly clear at the outset of these discussions, firstly this was regarded, as my friend just now stated, as an emergency legislation, which is temporary in character, and it was therefore found necessary to arm the executive with certain initiatory or inauguratory powers. But care was taken at the same time to see that those powers when they entrenched or were likely to trespass upon the domain of private rights, should be subject to a careful scrutiny and an exhaustive investigation by the courts of law. It appeared to me, listening to the appeals and the arguments of my Honourable and learned friend, that he had omitted to realise the existence of clause 23 altogether, that he had omitted to see that there was a recourse to the High Court, and the procedure of the High Court is also indicated in the Bill. What is contemplated by this provision and clause 23 taken together is that the first step is to be taken by the executive, but that the rightness or wrongness of that step should be tested and exhaustively tested in the High Court.....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Exhaustively?

The Honourable Sir C. P. Ramaswami Aiyar : I adhere to the expression exhaustively because—thanks to the labours of my Honourable and learned friend opposite—certain objections which were raised to clause 23 and which were very forcibly formulated in the course of the earlier discussions have been surmounted, and that is why I again reiterate and use the word exhaustively. Then a great deal was said with regard to the new despotism which it was asserted was being copied from England and enacted in the shape of this Bill, and copious extracts were forthcoming from Lord Hewart's book on "The New Despotism". As passage after passage was read, there flashed across my mind another passage which I remembered to have read from the same book some time ago, and so I took the liberty of asking my Honourable friend to lend me his book. Let me read that passage, and from that you will find exactly what

[Sir C. P. Ramaswami Aiyar.]

the evil was which was inveighed against by Lord Hewart. What he says is this :

“ A little inquiry will serve to show that there is now (in England) and for some time past has been a persistent influence at work which, whatever the motives or intentions that support it, may be, has the effect of placing a large and increasing field of departmental authority beyond the reach of the ordinary law.”

Sir Hari Singh Gour : May I ask the Honourable the Law Member whether that is not what the Lord Chief Justice condemns and whether it was not in consequence of statements of that kind that a Committee was appointed for the purpose of going into the question as to how far the executive had encroached upon the rights of the Legislature ?

The Honourable Sir C. P. Ramaswami Aiyar : I am deeply obliged to my Honourable and learned friend for recalling to this House all those incidents as I was going to make remarks very similar to those which have emanated from my Honourable and learned friend. What I was anxious to point out and reinforce was this that in England it was found that gradually departmental authority, or what may be called the reign of bureaucracy, was tending to encroach on the domain of law and keep itself above law, above the ordinary activities of the ordinary courts of justice, and therefore, Lord Hewart gave a great lead in that book “The New Despotism”. But mark what follows. In that passage which I have read out, what he strongly protests against is departmental action which is placed beyond the reach of ordinary law. I state that so far as this measure is concerned, executive action or authority or exercise of authority is not placed beyond the reach of ordinary law but is subject to the scrutiny and investigation and decision of the ordinary courts of law. Now, it is an interesting commentary upon that Committee to which reference has been made by my Honourable and learned friend—executive upon judicial authority—that to-day England is living in a reign of Orders in Council following upon an Act of Parliament consisting of one section (Laughter), but that is perhaps neither here nor there. The only thing that I wish to say is this, that even in England, that home of liberty, whose institutions we are endeavouring to copy, and I hope will successfully copy, we have these Orders in Council or executive dictates and one comprehensive section to cope with an emergency, and in order to meet that emergency such powers have been taken by the executive with the unanimous consent of the three great organised parties of the State.

Mr. President, what I desire to add is this, that the Honourable gentleman, Sardar Sant Singh, is perfectly consistent and perfectly logical. What he desires to do is to get rid of the executive action *ab initio*, get rid also of what may be called the limited scope of the authority of the High Court, institute a procedure closely assimilated to the criminal trials from beginning to end and give to the High Court all the powers which it would normally and ordinarily have in a criminal trial. That is his object and intention, and I realise that I have interpreted his intention correctly because I see his approval manifested. That being so, the difference between this side and the other side, or that portion of the other side which is really represented by my Honourable friend is this. Are you going to have speedy executive action

subject to judicial cognisance afterwards, or judicial action *ab initio* ? That is the only matter, that is the narrow issue before the House. I have attempted elsewhere and on earlier occasions to point out what the object of this Bill was and why it was considered essential to have judicial cognisance with those safeguards superadded to preliminary executive action.

Mr. S. C. Mitra : I have heard with great attention what the Honourable the Law Member has said. He thinks that executive orders should be substituted for judicial proceedings. I know as a lawyer he is bound to espouse any cause with which he is entrusted, and I am quite sure that he would have made quite a different speech had he been to-day sitting on this side of the House.

It is difficult to fight this mighty Government on the part of poor press owners and publishers once the executive orders are passed, and I crave your permission to read a certain passage to show how the executive mind works. They have taken trouble to publish this big volume, from which I will show what passages they consider will come within the purview of the Bill that is before the House. Mr. Arthur Moore, the Leader of the European Group, quoted extensively from that book, and I hope you will excuse me also if I read some passages from the same. I know the remarks are strong, but I invite the House to tell me how they incite or tend to incite to murder or acts of violence. You will see for yourself that the remarks are very strong against the Anglo-Indian community and the Anglo-Indian Press at whose instance the Honourable the Home Member has thought fit to bring in this measure. (Mr. E. Studd : “ Question.”) I read from page 54 :

“ *Liberty* (Calcutta) of the 2nd August, 1931, writes :

“ It is regrettable that Anglo-India, almost the whole body of it, has started a dishonest, a cunning, a spurious agitation over recent violent outrages. It is neither surprising nor disconcerting that Anglo-Indian exploiters of India should have mainly sought to make political capital out of tragedies which ought to move our humanity deeply and give to statesmanship food for serious reflection. For panic and foolishness we should make ample allowance but for perversity and mischief there is none so poor in spirit as to offer pity. It is not for us to allay a storm deliberately raised for political exploitation. It is not for us to show up shameless pretenders and obstinate hypocrites. An earlier generation set up a howl against a conciliatory Viceroy and packed him off. The plan is more comprehensive to-day. Anglo-India is out to wreck the prospects of peace in India and to deceive her out of the goal of freedom. It has asked the Government ‘to govern or go out’—(that is what the *Statesman* says)—if the existing Government cannot discharge its functions—at the dictation of Anglo-India—they must prepare means for finding another !”

Lashed into fury by outbreaks of violence and lawlessness, these bullies would take the law into their own hands ‘to drive out terrorism by terror’. They threaten ‘the gravest events’ if the Congress which is ‘guilty of murder’ which has ‘fresh blood upon its hands’ is admitted into the Round Table Conference. A Conservative backbencher, one Bracken, in spiritual affinity with the Anglo-Indian pack, has blamed Mahatma Gandhi for assassinations and said that ‘the Government of India should have tried him for incitement instead of inviting him to St James Palace’.”

I shall make no apology for reading another passage to show to the House that that it is not against incitement to murder or acts of violence that this Bill is intended. From the selections that have been made in this volume you will see that those newspapers are against murder. I have carefully read through every selection, and they condemn violence, not to speak of murder, but wherever they criticised the Anglo-Indian press, it was taken as though they criticised the Government of India. You

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will therefore excuse me if I read some more passages to show that this Bill is intended not against any incitement to murder or acts of violence, but only to crush the press the Honourable the Home Member intends this Bill. Let me read from page 53 of these Selections :

"A meeting of the European masters of this country was lately held at the Dalhousie Institute. All the people of this country are now regretting the unjust murder of Mr. Garlick. All thoughtful men in the land believe that these acts of lawlessness put serious obstacles to the progress of the nation. But one's mind is embittered by the bitterness of feeling displayed in resolutions adopted by the European Association. Nobody holds the entire European community responsible for the agony inflicted on the oppressed coolies by tea garden managers. No revolt was proclaimed against the whole English race because of the fiendish Jallianwala Bagh massacre by Dyer. For the daily persecution of the black by the white only individual justice has been demanded and the people of the country have never been mad enough to start an attack on all whites in consequence. The need of an explanation from the Viceroy or the Premier has never been felt for the lives of the people of the country taken by police shots, with or without reason in this country."

I wish I could read other passages because this House has been prejudiced by reading extensively by Mr. Moore, passages from unknown papers, but these are the more responsible papers, which I quoted. This book is in the hands of all Honourable Members and they will find that incitement to murder and acts of violence have all along been condemned by the Indian Press. Now, the cat is out of the bag. The Honourable the Home Member wants to crush fair criticism and the liberty of the Indian Press, so that there may be no spirit of nationalism kept alive. My friend, Sardar Sant Singh's amendment is only for the substitution of judicial proceedings instead of executive orders. Why should Government be anxious to pass this Bill without changing a comma or a semi colon. The Home Member is determined to have his pound of flesh. Yet the country knows how unreasonably the provisions of section 124-A. have been interpreted so that everything can be brought under it. Why should you be afraid of a judicial proceeding in a court of law? The Honourable the Law Member says that judicial proceedings will come later on. In clause 3 you will find the word "may" instead of "shall", so it is permissive. You don't find any provision that reasons should be given for demanding security. In those circumstances what will the High Court do? If there are no reasons stated on the demand for security, the High Court is helpless. As has been shown in the *Comrade* case, even the judicial procedure that is being talked of so loudly is really a farce. It will give no protection. As I have shown, Sir, the passages I have read out to you are really strong criticisms but were never intended to incite murders or violence. Sir, I support the motion of my Honourable friend, Sardar Sant Singh.

Mr. B. N. Misra : (Orissa Division : Non-Muhammadan) : I would not have opened my mouth, but as we are proceeding I feel that the Government are bent upon suppressing and oppressing the Indian Press. If their only object is that incitement to murder must be stopped, we are all agreed to stop this incitement. If that was the only object, you do not want to a three day's discussion of this Bill. Now, Sir, I ask, why do you find so many people against the Treasury Bench? We in these benches have cried ourselves hoarse and why should the time of the House be wasted like this? Really we feel that the Honourable the Home Member wants to institute a system of slavery. I think that most

of the Members of this House have experience of our Magistracy. I have practised in the courts for a quarter of a century, at least 27 or 28 years. I shall quote a specimen of a Magistrate in order to make my point clear. In the early part of 1904 or 1905, I appeared before a Magistrate of ten years standing. When I appeared in the first case, he had to acquit my clients and he then admired me. He said, "During my ten year's magistracy I have never acquitted a man, especially if it was a police case". Even in private cases when there was a medical certificate held by the complainant, he always convicted the accused. In my case the complainant had a medical certificate and he had to acquit the accused. That is the mentality of Magistrates. They take their orders from the superior officers like the District Magistrate or Police Superintendent. They are told they ought to have an elastic conscience. The District Magistrate's advice to him was that his conscience must permit of everything. He must carry out the orders of the District Magistrate. Even now a days the something is happening. If our Magistrates were really administering justice, there would not be any grievance at all. The Subordinate Magistrate simply has to obey the orders of the District Magistrate, which proceeds from the Commissioner of the Division or the Local Government or the India Government. That is the kind of mentality of our Magistrates. I do not know whether the Honourable the Home Member has practised in the law courts but he must have been a Magistrate in his younger days. All our fears are due to the mentality of our Magistrates. The law is not administered except according to the whim of the superior officers. I should say our Magistracy are not human beings. They are slaves who have to carry out the orders dinned into their ears by the Police Superintendent or the Magistrate of the district. That is the mode of the administration of justice by the Magistracy.

Now, Sir, I come to the motion of my friend, Sardar Sant Singh. Sir, my friend is asking that the Local Government should apply to the High Court. Now, where is the objection to that? If the Government are afraid because the High Court will be independent and will administer impartial justice to people and, that is perhaps the only ground on which they can oppose giving them this power because they will be in difficulty. But illustrations like, "Oh, the house is burning", "The British Empire is dwindling" are more dreadful illustrations. But as a matter of fact I do not think, none of us believes, that the house is really burning, or that the British Empire is crumbling, and so forth. Sir, the house is not burning, and the British Government will continue for long. So that this kind of alarmist argument is unreasonable and simply sophistry. Sir, we have amongst ourselves what are called *Astikas* and what are called *Nastikas*, believers and unbelievers in God. The latter class do not believe in God in spite of all his manifestations on earth. They do not see the real state of things. Now, please consider, why there are so many people who differ from the Government Bench? If they think, Sir, that we are so many mad people, and they think that they are the only sane and wise people, then why not send us to the lunatic asylum (Laughter)? If, however, they think we have some sense, some reason, then I tell them that, after reconsideration, after thinking over our objections, they should not persist in the error of their ways. Their action, instead of suppressing murders or putting a stop to incitement to murder, will recoil on them tenfold, and there will be ten times as many

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murders as are committed in the country to-day. (Hear, hear.) (Laughter from the Official Benches.) Sir, this is not the way! What is the real way? Sir, there was a time when the Europeans, were welcomed almost as Gods. I remember my old father saying half a century ago that he had implicit faith in these white people and that he had no faith in the dark people of this country, but, Sir, he had reasons for that, because that was the real state of things in those times,—I may tell you, that the Pandas of Jagannath welcomed even the Europeans and offered them free into the temple. But now, Sir, their crookedness and their avarice have soared very very high, and their behaviour....

Mr. President : The Honourable Member must address the Chair.

Mr. B. N. Misra : Why do they put themselves in the position (An Honourable Member : "Look towards the Chair") of enemies? Do they think it is a human thing to commit murders, is it natural that human beings should commit murders? I think you have experience and you know. (Laughter.) If a child cries, any one picks up the child out of sheer human sympathy? Sir, unless one's mind is abnormal or deranged, one never commits these murders. Then why do these people commit murders? I say, for their sins, for their actions: and they must think over their past karma, and their past actions.

Mr. President : The Honourable Member must address the Chair.

Mr. B. N. Misra : I am addressing the Treasury Benches through you, Sir. The Government officials must realize what their duty is; they must recall their own past actions and their own past deeds. Sir, somehow or other it is always beneficial to calculate our own actions, and to review our own sins and actions: I say those Government officials—who fall victims to these attacks. It must be due to their unreasonable and passionate actions and behaviour. They must think of it and should take a lesson from the consequences of their actions. The position, then, is that the present amendment proposes that the Local Government should apply to the High Court. That is an obviously reasonable motion which I think the whole House ought to carry.

Mr. Ram Prashad Narayan Sahi (Bihar and Orissa : Nominated Official) : On a point of information, Sir, may I ask the Honourable Member whether in the instance he previously gave us of the purport of his conversation with a Magistrate, the Magistrate was in his senses when he told him what he has told us?

Mr. B. N. Misra : I personally was told. I believe in their sober moods. (Laughter.)

Mr. President : The question is :

"That in sub-clause (1) of clause 4 for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Local Government may apply to the High Court for the local area in which such press is situate stating or describing the words or signs or visible representations which in its opinion are of the nature described above. The High Court shall decide in the manner hereinafter provided if the newspaper, book or other document in respect of which the application is made did contain any words, signs or visible representations of the nature described above.'"

The motion was negatived.

Sardar Sant Singh : Sir, I beg to move the following amendment which stands in my name :

"That in sub-clause (1) of clause 4 for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Local Government may authorize any person to file a complaint before the magistrate having jurisdiction in the place where the press is situate stating or describing the words, signs or visible representations which in its opinion are of the nature described above to proceed against the keeper of such a press. The magistrate thereupon shall proceed to try the accused in the manner provided in the Trial of Summons Cases in the Criminal Procedure Code Act V of 1908.'"

Sir, I am not going to make a speech in support of this amendment except to speak a few words. I know the Treasury Benches are not prepared under any circumstances to give power to the judicial authority to determine the question of guilt or innocence of the person proceeded against. The only justification which has been put forward is that it is an emergency measure and as such speedy action is required; and secondly they say that I have omitted to take into consideration the provisions of clause 23 providing for the examination and scrutiny of the acts of the Local Government by the High Court. To these two points my reply is this.

Mr. President : Order, order. I should like to invite the attention of Honourable Members to the manner in which the discussion is proceeding. It is a well recognised practice that when an alternative amendment is moved the old ground is not allowed to be covered because that is repetition. The Honourable Member has made a certain change in the second amendment which he is now moving, and he will be allowed to address the House to the extent of the new matter which is introduced in the alternative amendment. The Honourable Member in his first amendment wanted that the Local Government should be authorised to apply to the High Court. In the alternative amendment he says that the Local Government may authorise any person to file a complaint before a Magistrate. This is the only new matter he introduces; he will be required to restrict himself to such new matter only.

Sardar Sant Singh : I bow to the ruling of the Chair and I accept the suggestion. Therefore, I do not intend to make a speech as my suggestion is in the amendment itself. Sir, I beg to move.

The Honourable Sir C. P. Ramaswami Aiyar : Sir, I do not propose to say more on this point than that the amendment suffers from the same infirmities to which I have already drawn attention in the earlier parts of the discussion.

Mr. President : The question is :

"That in sub-clause (1) of clause 4 for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Local Government may authorize any person to file a complaint before the magistrate having jurisdiction in the place where the press is situate stating or describing the words, signs or visible representations which in its opinion are of the nature described above to proceed against the keeper of such a press. The magistrate thereupon shall proceed to try the accused in the manner provided in the Trial of Summons Cases in the Criminal Procedure Code Act V of 1908.'"

The motion was negatived.

Sardar Sant Singh : Sir, I beg to move the next amendment :

"That in sub-clause (1) of clause 4 for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Magistrate having jurisdiction in the place may by notice in writing to the keeper of such printing press shall call upon him, stating or describing the words, signs or visible representations which in his opinion are of the nature described above to show cause why in cases where security has been deposited such security or any portion thereof should not be declared to be forfeited to His Majesty or where no security has been deposited why his declaration under section 4 of the Press and Registration of Books Act, 1867, should not be annulled'."

I beg to move.

The Honourable Sir James Crerar (Home Member) : Sir, for the reasons explained already by my Honourable colleague, I cannot accept this amendment.

Mr. President : The question is :

"That in sub-clause (1) of clause 4 for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Magistrate having jurisdiction in the place may by notice in writing to the keeper of such printing press shall call upon him, stating or describing the words, signs or visible representations which in his opinion are of the nature described above to show cause why in cases where security has been deposited such security or any portion thereof should not be declared to be forfeited to His Majesty or where no security has been deposited why his declaration under section 4 of the Press and Registration of Books Act, 1867, should not be annulled'."

The motion was negatived.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I beg to move :

"That part (ii) of sub-clause (1) of clause 4 be omitted."

This clause is an innovation of the Select Committee, to whom the last Bill was sent for consideration. This was not in the original Press

3 P.M. Act of 1910 which was passed at a time of very great emergency and when the anarchist movement was at its height. The Legislature at that time did not think fit to put in a clause like that. Then after the lapse of some twenty years, the Press Act was introduced in the shape of an Ordinance by His Excellency the Viceroy. In that also this clause was not put in. That Ordinance was the most recent experience of the administration of this law in this country, but I do not think that up to now any complaint was made either by the Local Governments or by the Government of India about the absence of this clause. In the Bill which was again introduced in the Delhi Session, this clause was not also put in. That shows conclusively that the Government did not feel embarrassed by the absence of this clause. If so, why should this clause be added now ? No reason has been given why this clause should be added. In the report of the Select Committee we find this passage only :

"The latter portion of sub-clause (1), therefore, provides for the case where security has been deposited, and also for the case where security has not been deposited. In the latter case, as there is no other means of making the order effective, we have provided that the press itself may be forfeited. An application to the High Court will lie against this forfeiture."

Now, Sir, what was the state of things when the old Press Act was in existence or, when the Ordinance was in existence ? Did they feel any embarrassment because there was no such clause ? They say here, "There is no other effective means of making the order effective". Why ? The effect of this is that the keeper of the press would be debarred from carrying on his own business. To understand this let us see what was the preventive which they had and what is the preventive which they want now ? The same thing. Nothing more than that the keeper of the press would be prevented from carrying on his business. Moreover, there is another objection to this. If I pay the security, then I shall be entitled to invoke the aid of clause 13 of the Bill which says :

"Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security ; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person."

Now, there is that remedy. If I pay the security, I can come under this provision, that I do not want to keep the press. I want my license to be cancelled and therefore the Magistrate would return the security to me. In the other case if I fail to pay the security because it may be abnormal, beyond my power and I do not wish to carry on business, I cannot go before the Magistrate and my only remedy lies by an appeal to the High Court. Under these circumstances, I submit that this clause should be deleted.

Mr. S. C. Mitra : I cannot understand why, instead of for a fixed amount, the Government is for the forfeiture of the entire press. In fact a big press may cost a lakh of rupees or more and in that case it means a fine of a lakh of rupees, while for a small press which costs only Rs. 200, it means a fine of only Rs. 200, though the offence and its gravity may be the same in both the cases. I do not see why there should not be a fixed sum as contemplated in other clauses of the Bill. This means unequal punishment on different persons committing the same offence. I think that Government will even now consider whether they should not fix the amount and exclude the provision for the forfeiture of the press. I, therefore, support the amendment.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, we have watched with amazing interest how the Honourable the Home Member, sometimes backed by his worthy colleague, the Honourable the Law Member, has been unrelenting in regard to all the previous amendments that have been moved by us. But still I make bold to stand up to support this amendment and I do it not in the manner of a drowning man catching at a straw, but fully conscious of the fact that this is the most cruel and severest part of the Bill. Sir, I implore the Honourable the Home Member to give his best attention to this part of the Bill and I hope he will not object to this clause being deleted. I want to put one question to the Honourable the Home Member point-blank. Should we go on moving our amendments simply to be told by him that he has already given his best attention to these amendments in the Select Committee and he is not prepared to give further consideration to these amendments ? Sir, I doubt very much if the Honourable the Home Member or any other Honourable Member is in order when he refers to a Bill which

[Pandit Satyendra Nath Sen.]

is not before the House and the details of which we are not supposed to know, and I refuse to admit that a comparison with the original Bill is the criterion of propriety. Sir, I hope the Honourable the Home Member will yet see his way to accede to our request at least in this case.

The Honourable Sir James Crerar : I propose to reply immediately to the question which was put to me by the Honourable Member opposite, but to restrict myself entirely to the amendment which is before the House. I had occasion once before to point out to Honourable Members that on every amendment on which I have hitherto spoken in the course of the debate I have been able to show that, in the course of discussion, important changes had been made by Government in response to criticism which was being passed. We were able to do so even in the present case. If Honourable Members—and in this context I wish to refer to another clause of the Bill—if Honourable Members will refer to clause 5, which will come under consideration, they will see that a very important change is being made. The original clause 6 of the Bill provided that in certain circumstances both the security and the offending press should be forfeited. Now this is a very important change. The present clause which is now under discussion makes provision for two circumstances. If security has been deposited then that security is liable to forfeiture and in respect of that forfeiture an application can be made to the High Court. If security has not been deposited, then this clause enables the press itself to be forfeited and against that forfeiture too, an application lies to the High Court. But it is perfectly obvious that if the keeper of a press contumaciously refuses to obey an order of deposit, the deposit cannot be forfeited and therefore to give effect to the order, the press should be forfeited. This clause provides for it; the keeper of a press who desires to preserve his press from forfeiture can always do so by complying with the order to deposit security. If that security is forfeited, he has got his remedy before the High Court. I submit that not only does this clause comprise a perfectly reasonable provision, but it is a provision the omission of which would clearly be vital to the whole purpose of the Bill so far as presses are concerned.

Pandit Satyendra Nath Sen : I want to know one thing; will the press owner be allowed to make his deposit when the order of forfeiture has already been passed?

The Honourable Sir James Crerar : He has every opportunity of making his deposit when the order to deposit security has been made and he is given a reasonable interval to do it.

Mr. President : The question is :

“That part (ii) of sub-clause (1) of clause 4 be omitted.”

The motion was negatived.

Mr. S. C. Sen : Sir, I beg to move the next amendment which stands in my name, namely :

“That in the Explanation to sub-clause (1) of clause 4 the words ‘unless it has the tendency described in clause (a)’ be omitted.”

I move this because I have not understood the Explanation itself. It is suggested in the Report of the Select Committee that they have added this explanation as a safeguard for *bona fide* literary and historical writings. I do not see where the safeguard comes in. It says, “Unless it has the

tendency described in clause (a)”. I do not understand what is the object of putting in these words, if you want books of this character to be published. The tendency described in clause (a) is, “incite to or encourage”—I do not comment on that—“or tend to incite to or encourage the commission of any offence of murder or any cognizable offence involving violence”. That is the tendency referred to in this clause. Now tendency has a much wider meaning than mere encouragement or incitement. Therefore, if under clause (a) incitement or encouragement have not been put in but only the words “tend to incite or encourage” a person reading such things, that would be sufficient and that would cover everything wanted by the clause (a). By adding these words “unless”, etc., you have taken away with one hand what you have given with the other. Under these circumstances I think it does not give any safeguard to the publisher of a book or historical writing, and I do submit these last words should be deleted if the Government are earnest and sincere in their desire to create a safeguard for the publishers of these books. Even the Gita would come under the definition; even a history about Shivaji would come under this. It would be impossible for any person writing a historical book to write it in such a way as will not, although he may not intend to do it, come within the purview of this clause.

Mr. Lalchand Navarai (Sind : Non-Muhammadan Rural) : Sir, I had no intention of speaking to-day, especially as I have not been well since yesterday; but I get up only to give a bit of advice to Members on this side of the House. It is no use. My advice to them is not to get up and move any more amendments. We have seen since yesterday what is happening. Government are passing this Bill in any way they like; they do not want to agree to any amendment that we have given notice of; we gave in 116 amendments, but I do not think that even one amendment will be accepted or passed. We realise on this side how few we are now and on the other side how many there are. But I thought I might say a word or two in order to tell the Government how all these arrangements are at their complete mercy and how they may be exercising their sense in agreeing to certain amendments which are very necessary. You are not asking for the amendment with regard to clause 3. With regard to this clause you are giving with one hand and taking away with the other. Read the Explanation for yourself; the Explanation says :

“No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).”

Up to the words “unless it has the tendency” it is all right. You are providing this Explanation in order to see that no approval or admiration is made punishable, but then you take it away with the other hand by saying “unless it has the tendency”. That means that it will be twisted in every case to mean that the admiration or approval has the tendency described in clause (a). I would therefore submit these few words as I am going away to-day and I think many other Members are also leaving to-day.

Mr. Gaya Prasad Singh : Sir, I do not want to make a speech, but I would seriously ask the Government to realise the reasonableness of this amendment, because in the speech which my Honourable friend the Law Member just made he was anxious to protect literary and historical

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[Mr. Gaya Prasad Singh.]
 writings. Now the retention of this expression "unless it has the tendency described in clause (a)" will effectively do away with the protection which the Government seek to afford. I will quote an instance. Suppose a print of the Gita is made by a printing press, and as my Honourable friend the Law Member himself has said, in the Gita or elsewhere in some historical or literary books, murder has been extolled under certain circumstances. If that particular book is printed from a particular press, and if it is followed by a murder elsewhere of some person, Indian or European, will it not, under these words, be quite open to the District Magistrate to say that this particular murder has been committed as a result of the publication of this book by the printing press? I want to be satisfied only on that, because as it stands it is liable to be misused and misapplied by some of the Magistrates. I hope under the circumstances the Government will see the reasonableness of this amendment and will agree to delete these words. They must seriously think over the matter. We know we are fighting a losing game; we have only to count up our losses, for gains we have had none; but I feel strongly on this point, and in order to protect documents of historical or literary value, I only make this appeal to the Government to think carefully before negating this motion.

Mr. Amar Nath Dutt : Sir, I wish to say a few words to the Honourable the Law Member to whom, I am sure, the Gita is as much sacred as to any Hindu on this side. Probably being far away in the South, he does not know the woeful tales in Bengal when there was a recrudescence of anarchy in my unhappy province, that there were repressive measures and indiscriminate searches made in the houses of several respectable gentlemen in my province, and the main target in those days of these myrmidons of the bureaucracy was this very sacred book the Gita. Wherever the Gita was found, it was snatched away. Probably, my friend the Law Member could not hear all about our sufferings and the oppression and the tyranny that was perpetrated upon the people of Bengal in those days.

The Honourable Sir C. P. Ramaswami Aiyar : I was Secretary of the Calcutta Congress of 1917.

Mr. Amar Nath Dutt : Then I think he should know more of the tyrannical misdeeds of the Government of those days in Bengal, and if he can convince us that the Government of the present day have improved their methods and they have really become a little more moral, and a little more respectful of truth and less vindictive than they were in those days, we shall not have much quarrel with him. But, Sir, I think during the short tenure of his office as Law Member, my friend must have seen how this Government are constituted, of what material they are made. If the material that constitutes the Government which makes these laws is of this type, one can imagine what their subordinates in the provinces are likely to be. If these people here show some sympathy, their subordinates when they get back to their provinces undo what is done here, people are afraid of them more than Yama the god of death. No doubt, some of them have some sympathy for us. In any case, I must frankly say, Sir, that Honourable Members opposite have not shown any wisdom whatsoever in the passage of this Bill. I submit considering the history of the bureaucracy for the past in this land, considering how they have acted, I think my friend the Honourable the Law Member should advise his temporary colleagues. . . .
 (An Honourable Member : "Permanent colleagues.")—I wish they were

his permanent colleagues, but that permanency cannot last, because the Honourable Sir James Crerar might be appointed as Lieutenant-Governor of Bihar and Orissa, and Sir George Rainy as Governor of some other province. . . .

Mr. President : The Honourable Member should confine himself to the amendment before the House.

An Honourable Member : There is no Lieutenant-Governor for Bihar and Orissa. There is a Governor for that province now.

Mr. Amar Nath Dutt : Oh, I meant Governor, and not Lieutenant-Governor. What I was submitting was this, that the present Government are very ill-advised in launching a measure of this character. Really I wonder how, under the Law Membership of the present brilliant luminary of the Madras Bar, such an unhappy specimen of legislative draftsmanship as this could come before this House. I was really surprised, but I saw the Roman hand of some one else behind him, and probably he too was powerless to amend and alter the Bill as it ought to be. I hope, Sir, the Honourable the Law Member will see his way to persuade the Government to accept some of the amendments at least that have been moved, that he will be able to persuade the Honourable Member to accept some of them at least. With these words, I support the amendment.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I do not propose to follow the biographical excursions of my learned and respected friend, nor do I propose to deal more than is necessary with the subject matter of this particular amendment. The first remark that I wish to make is to invite the attention of Honourable Members to the minute of dissent penned by stalwart lovers of the freedom of the Press. It will be noticed that with reference to this particular clause, the Report of the Select Committee says this : "We have also added an Explanation which safeguards bona fide literary and historical writings". That is the Report of the Select Committee. The dissenting minute, succinct and admirably terse as it is but comprehensive with regard to the points on which it concentrated itself, is significantly silent on this matter, and therefore I am entitled to assume that the Leader of the Opposition and those who were associated with him in writing this minute did not think that this particular clause was obnoxious to all those charges which are levelled against it. I will leave the matter at that. But let me analyse the clause. It will be noticed that the main criticism of the Honourable Member who spoke first was with reference to the expression tendency in clause (a). "Tendency" there has reference obviously to the expression "tend to incite to or encourage". It is that expression which must be correlated with "tendency". Now, what does the Explanation say?

"No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a)."

Surely, it cannot be said that a historical or literary work merely because it is historical or literary cannot have that tendency. What is sought to be done is to meet those words alone which have a tendency. As for the Gita, I have again to repeat what has already been stated that if Honourable Members will scrutinise (a) and (b), they will find there is absolutely no danger of any real classical book of that kind being used for the purpose which my friend fears. I do not wish to repeat what I have already said, but I submit that the fact that the dissenting minute does not refer to it shows that Honourable Members on the other side are as perfectly safe in their minds with regard to this matter as we are.

Mr. President : The question is :
 "That in the Explanation to sub-clause (1) of clause 4 the words 'unless it has the tendency described in clause (a)' be omitted."
 The motion was negatived.

Sardar Sant Singh : Sir, I am not moving this amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I do not want to move this amendment as I want to withdraw it in favour of No. 51.

Sardar Sant Singh : Sir, as amendment No. 45 has been defeated, and this amendment No. 51 depends entirely upon the previous ones, I do not think there is any use in moving this amendment.

Mr. President : The question is :

"That clause 4 stand part of the Bill."

The Assembly divided :

AYES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dyer, Mr. J. F.

Fazal Haq Piracha, Shaikh.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Heathcote, Mr. L. V.
 Hezlett, Mr. J.
 Howell, Mr. E. B.
 Ibrahim Ali Khan, Lt. Nawab Muham-
 mad.
 Ishwarsingji, Nawab Naharsingji.
 Jawahar Singh, Sardar Bahadur Sardar.
 Knight, Mr. H. F.

"That in the Explanation to sub-clause (1) of clause 4 for the words 'unless it has the tendency described in clause (a)' the words 'unless it amounts to incitement described in clause (a) or (b)' be substituted."

"That sub-clause (2) of clause 4 be omitted."

"That for sub-clause (2) of clause 4 the following be substituted :

"(2) If the High Court finds the keeper of the press guilty in the manner hereinafter provided, the High Court shall declare such security or any portion thereof to be forfeited to His Majesty. The declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, thereupon shall be deemed to be annulled."

(If this amendment fails.)

For sub-clause (2) of clause 4 the following be substituted :

"(2) If the Magistrate finds the accused guilty he shall where the security has been deposited declare such security or any portion thereof to be forfeited to His Majesty and where no security has been deposited the accused may be punished with a fine which may extend to one thousand rupees. On conviction the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled."

(If this amendment also fails.)

For sub-clause (2) of clause 4 the following be substituted :

"(2) After the expiry of ten days from the date of the service of the notice requiring the keeper of the press to show cause, if no cause is shown or the cause shown is in the opinion of the Local Government not sufficient the Local Government may declare such security or any portion thereof to be forfeited to His Majesty, or where no security has been deposited declare the declaration as annulled and may also declare all copies of such newspaper, book or other documents wherever found in British India to be forfeited to His Majesty."

AYES—continued

Lalehand, Captain Rao Bahadur.
 Lall, Mr. S.
 Leach, Mr. F. B.
 Montgomery, Mr. H.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Pandit, Rao Bahadur S. R.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Rai Bahadur U.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.

Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Tait, Mr. John.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Todd, Mr. A. H. A.
 Yakub, Sir Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir.

NOES—20.

Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Lahiri Chaudhury, Mr. D. K.
 Lalehand Navalrai, Mr.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.

Parma Nand, Bhai.
 Ranga Iyer, Mr. C. S.
 Sant Singh, Sardar.
 Sarda, Rai Sahib Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Singh, Kumar Guptaeshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Thampian, Mr. K. P.
 Ziauddin Ahmad, Dr.

The motion was adopted.

Clause 4 was added to the Bill.

Mr. President : The question is that clause 5 do stand part of the Bill.

Sardar Sant Singh : I beg to move :

"That in sub-clause (1) of clause 5 for the words 'not being less than one thousand or more than ten thousand rupees' the words 'not exceeding double the amount which the keeper of such press has been previously ordered to deposit' be substituted."

Most of my Honourable friends do not realise the principle underlying this amendment. The point is this. In clause 3, the words as modified by the Select Committee are these :

".....may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees....."

All the intervening words have been deleted by the Select Committee. Now, what is proposed in the present clause 5 is to demand security "to such an amount, not being less than one thousand or more than ten thousand rupees"; that is to say, discretion is given to the Magistrate to demand security, even 5 times, 6 times, or sometimes 20 times, the security demanded in the first instance. Supposing in the first instance the keeper of the press was called upon to deposit Rs. 500, and next time he is called upon to deposit Rs. 10,000, that amounts to 20 times, the original deposit required under clause 3. What I propose is that, instead of giving this discretion to the Magistrate, it should be restricted to double the amount originally deposited, the reason being that the guilt of the man has not been determined by any judicial authority; it is by executive action that it has been done, and therefore the discretion of the Magistrate should be restricted. With these few words, I move my amendment.

Mr. D. K. Lahiri Chaudhury : Sir, I rise to support the amendment moved by my Honourable friend. I have read the speech of the Honourable the Home Member who said that the Government were not anxious to have too drastic provisions and that they were anxious to provide for a course of action which should attain the ultimate purpose of the Bill without too much hardship or too much inconvenience. Is this the way in which the Honourable Member carries out his own statement made when he was moving that the Bill be referred to a Select Committee? If you wish to punish a man you can do so but in this case the punishment is so much heavier that it strikes one's conscience. With these words I support the motion of my friend Sardar Sant Singh.

Mr. S. C. Mitra : I support the motion of my friend Sardar Sant Singh. We think it our duty to put before you how the whole country will view these provisions. We know we are not in a majority. That should be no ground why we should not voice the feeling of the country as expressed in the Indian Press throughout the length and breadth but that each time the deposit should be doubled. Government have so much faith in their Magistrates and yet they do not trust them and consider that there must be a minimum beyond which they cannot go. That shows the mentality that is working in the official brain. As regards the amount it is really very heavy. Rs. 10,000 really means that the paper will cease publication. I think it will be still possible for Government to accept the very reasonable amendment of my friend Sardar Sant Singh.

The Honourable Sir James Crerar : In considering this amendment I should ask Honourable Members to compare the provisions of the Bill as introduced and the Bill as it is now before them. They will see, as I have already explained, that the original Bill provided in sections 5 and 6 of that Bill for the circumstances in which it should be within the discretion of the Magistrate to forfeit both the security deposited and the press. In response to suggestions which were made, we have agreed to abrogate in this particular context provision for the forfeiture of the press, and we have simply maintained the maximum amount of Rs. 10,000 prescribed in the original Bill. I must remind the House once more that that is a maximum and I am glad to see that my Honourable friend, Sardar Sant Singh, in explaining the principles of his amendment, assumed that the Magistrate would ask for a small amount in the first instance. In other words, he assumes that the Magistrate would use a reasonable discretion. Let him assume equally that, in taking security under this provision subject to a maximum of Rs. 10,000, the Magistrate will in accordance with his own hypothesis equally exercise a reasonable discretion. For these reasons I must oppose the amendment.

Mr. President : The question is :

"That in sub-clause (1) of clause 5 for the words 'not being less than one thousand or more than ten thousand rupees' the words 'not exceeding double the amount which the keeper of such press has been previously ordered to deposit' be substituted."

The motion was negatived.

Mr. Lalchand Navalrai : In view of the fate of the previous amendments and of the hopelessness of any amendment being carried, I do not move this* or any other amendment.

Mr. President : The question is that clause 5 stand part of the Bill. The motion was adopted.

Clause 5 was added to the Bill.

Mr. President : The question is that clause 6 stand part of the Bill.

Sardar Sant Singh : As this amendment depended entirely upon the previous amendments, I am not moving it†.

Mr. S. C. Mitra : Sir, I move :

"That in sub-clause (1) of clause 6 for the words 'declare—

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in British India

to be forfeited to His Majesty' the following be substituted :

'require to deposit with the magistrate within whose jurisdiction the press is situated a security in amount not more than five thousand rupees in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose'."

My main object is that there should be no forfeiture of the press. It seems, the law has really no concern with the enormity of the crime. The man having a larger press suffers more. I think in justice there should be an amount prescribed as fine every time and not forfeiture, irrespective of the capacity of the man. Even for a small crime, a big press might be forfeited altogether. This clause offends against the principle of law that the punishment should be proportionate to the crime. Sir, I move.

The Honourable Sir James Crerar : I think that if the Honourable Member will examine his amendment in the context of the clause which he seeks to amend, he will agree with me that it is somewhat misconceived. The proposal to enable the Local Government to require the keeper of a press to deposit security appears to presume that no security had already been required. I think the Honourable Member, in an earlier part of his remarks, observed that he was opposed to the principle of confiscating presses. Now what would the Honourable Member's amendment really effect? The relevant words of the clause as they would stand would read :

"If after security has been deposited the Local Government may require him to deposit with the Magistrate security of not more than Rs. 5,000...."

Now if action is to be taken under this section at all, it is that, upon the appearance of offending matter, the security which has already been deposited should be forfeited. It would be quite meaningless, to say that after the deposit of such security—which may in accordance with the provisions of the previous clause be in excess of the amount suggested by the

*"That in sub-clause (1) of clause 5, for the words 'ten thousand', the words 'four thousand' be substituted."

†"That in sub-clause (1) of clause 6, for all the words beginning with the words 'the Local Government may' and ending with the words 'to be forfeited to His Majesty' the following be substituted :

'the Local Government may proceed in the manner described in section 4, sub-section (2) '."

[Sir James Crerar.]

Honourable Member—it would be quite useless and meaningless to suggest that the only further action that the Government could take would be to demand a further security, without having already forfeited the security deposited. The Honourable gentleman made a great point of the amount of security demanded being reasonable proportionate to the merits of the case. But I must point out that the amount prescribed is the maximum, and the Magistrate and the Local Government have precisely that discretion which the Honourable Member urges ought to be provided for. I think that after this explanation the Honourable Member may perhaps be disposed not to press his amendment.

Mr. President : The question is :

“That in sub-clause (1) of clause 6 for the words ‘declare—

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in

British India

to be forfeited to His Majesty’ the following be substituted :

‘require to deposit with the magistrate within whose jurisdiction the press is situated a security in amount not more than five thousand rupees in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose’.”

The motion was negatived.

Clause 6 was added to the Bill.

Mr. President : The question is that clause 7 be added to the Bill.

Mr. S. C. Mitra : Sir, I move :

“That in sub-clause (1) of clause 7, after the word ‘newspaper’ occurring in the first line the words ‘if he is not also a keeper of a printing press’ be inserted.”

Sir, my point is that if a man is to start a newspaper, necessarily he must have a press also. By this clause it seems that he is required to deposit two securities ; and I think if the Government are not to be unduly oppressive on the new publishers of newspapers, they should accept my amendment. Sir, I move.

Mr. C. S. Ranga Iyer : Sir, this is a very important amendment ; and if only we had concentrated on a few amendments the previous day, I am sure we would have concentrated on this amendment. Sir, in Select Committee we urged upon the Government that it would be very improper to punish twice the same person, when the same person happens to be the keeper of the press as well as the publisher of a paper. In the old Press Act this thing was quite unknown, and in this Press Bill I think the Government need not unnecessarily have made it harsher by introducing this double security demanded from the keeper of the press, who generally also happens to be the publisher of a newspaper. Sir, if the Honourable the Home Member were to call for information as to how many newspapers there are in the country and who are the publishers of the newspapers and who are the keepers of presses, he will find that in the large majority of cases the keeper and the publisher happen to be one and the same person. I still urge upon the Government that they should concede this demand, this very legitimate demand that the Opposition have put forward, and I do hope they will not insist on and persist in doing what will ultimately be a double wrong to the keeper of a press when he also happens to be the publisher.

Dr. Ziauddin Ahmad : Sir, I had put down a motion to express the same object as this amendment seeks to do. My amendment is No. 78,* and I will not move my amendment but shall say what I have to say under this clause. Sir, I pointed out when we had the first discussion on this Bill, that this Bill violates five fundamental principles, and one of them was that one and the same person should not be punished twice for the commission of the same offence—once in the capacity of the owner of a printing press and a second time as a publisher. This is an entirely wrong principle, and I hope the Honourable the Home Member and the Honourable the Law Member will realize the difficulty and will agree to this very important amendment. Some Honourable Members suggest that the Government, under the intoxication of commanding a majority of the votes, will feel that we are talking nonsense, and whatever we may say, it will not have the slightest weight with them. Of course, they have their chance now ; but we also will have our chance in the next session.

Mr. D. K. Lahiri Chaudhury : Knowing the results of the amendments moved so far, I know, Mr. President, quite fully that there is no chance of getting any amendment passed by the House. Still I do protest.

An Honourable Member : Why are you then wasting the time of the House ?

Mr. D. K. Lahiri Chaudhury : Just wait and hear my arguments. The Honourable Member may think it mere waste of time, but there are occasions in human affairs when even a dumb mouth makes its futile protest. Sir, there are no human beings in the world who in any constitution of law can be punished for the same offence twice, at the same time in the same case, but it has been definitely laid down in this Bill that the printer of a press has to deposit a huge amount. Sir, it has been definitely pointed out by my Honourable friend that, even in Select Committee, the matter was discussed, and it has already been pointed out that in many cases the publisher and the pressman are the same. Under these circumstances I hope the Honourable Member will at least concede this point and will support this amendment.

The Honourable Sir James Crerar : Mr. President, I quite agree with my Honourable friend opposite, Mr. Ranga Iyer, that this is an important amendment. It is an amendment,

4 P.M.
Sir, to which Government have given careful consideration. It was considered very carefully in the Select Committee ; but I think a good deal of misapprehension exists as to what the precise position under the Bill is as compared with the original position. The original Act of 1910 prescribed that :

“Every publisher of a newspaper who is required to make a declaration under section 5, etc., shall at the same time be required to deposit with the Magistrate a sum not less than Rs. 500 or more than Rs. 2,000 as the Magistrate may in each case think fit to require : Provided that if the person registered under the said Act as printer of newspapers is also registered as the keeper of the press where the newspaper is printed, the publisher shall not be required to deposit security so long as such registration is in force.”

Now, Sir, the second clause of the same section went on to make certain prescriptions as to the second deposit of security by the publisher of a newspaper. Honourable Members if they examine the provisions of that

“That to clause 7, the following proviso be added :

‘Provided that no security will be demanded if the publisher is the owner of the press from whom security has already been demanded under clause 4’.”

[Sir James Crerar.]

section, will see that the effect is that the exemption provided in the first sub-section of the section to which I have referred did not extend to established newspapers. Consequently the effects of that clause and the exemptions so far as they exist were only for new newspapers. Honourable Members must recollect in this connection also that under the provisions of the original Bill, which followed in this respect the provisions of the Act of 1910, the Magistrate was required to take the deposit of security except when for special reasons he thought fit to dispense with it. That provision has now been changed and it has a very important bearing upon the present case. Secondly, we have provided in an earlier clause of the Bill for a provision that, if at the end of three months, the keeper of a press or publisher has not been responsible for the issue of any offending matter, his deposit is returned and he attains the position of the keeper of an established press or the publisher of an established newspaper. Now, I suggest to the House that this makes a very important change in the position. We have indeed taken great pains to provide, as far as possible, for the difficulties to which the Honourable Member has referred, and I must point out now that, if the amendment were accepted, the results would be as follows. It would lay itself open to a very plain and palpable means of evasion, because all that would be necessary for a publisher, who intended to publish objectionable matter and who wished to avoid the pains and penalties which the Bill would otherwise entail upon him, would be to proceed as follows. He could arrange with the keeper of some press which has already made a declaration and deposited it is a common practice with the kind of newspapers and presses which we wish to restrain.—I am glad to say they are a very limited number—to put up fictitious persons as publishers or keepers. The dummy editor and the dummy keeper are perfectly familiar to anybody who has studied this question. That is a means by which the provisions of this clause can be completely nullified, and in view of our experience of dummy editors and the like, there can be no doubt whatever that that expedient would be resorted to. Not only would this amendment permit of that easy and palpable means of evasion, but it would quite clearly and positively ensure my Honourable friend Mr. Ranga Iyer will agree with me—that the registration of the publisher of a newspaper should be properly effected. To be a publisher of a newspaper is a very responsible office. The law provides that he shall be rightly and correctly registered and for various other provisions of the law it is necessary that that registration should be a good and valid registration. Consequently I think we should be acting entirely wrongly if we adopted an amendment which invades very seriously a plain and reasonable proposition. The man who undertakes to be the publisher of a newspaper should, in accordance with the law of the land which is in existence independently of this Bill, carry out a true and valid registration.

To sum up, therefore, my objections to this amendment are three. Firstly, it infringes very seriously the purpose and the plain necessity and propriety of having a valid and correct registration of the publisher of a newspaper. Secondly, it provides a plain and palpable means of evasion

which, having regard to the kind of newspapers which are mostly likely to come within the danger of this Bill, could not be allowed, as it would provide an expedient to which the controllers of such newspapers would certainly resort. Thirdly, I have already stated the position and explained that the effect of this clause, read with the other relevant clauses of the Bill, is to provide a very large measure of remedy for the particular trouble which is apprehended by the Honourable Members who support this amendment.

For these reasons I am unable—though I much regret it—to accept this amendment.

Mr. President : The question is.

“That in sub-clause (1) of clause 7 after the word ‘newspapers’ occurring in the first line, the words ‘if he is not also a keeper of a printing press’ be inserted.”

The motion was negatived.

Mr. S. C. Mitra : Sir, I beg to move :

“That in sub-clause (1) of clause 7 for the words ‘one thousand’ the words ‘five hundred’ be substituted.”

I think that after all our previous amendments have failed this amendment now stands even on a stronger basis because, when starting a newspaper, the owner of the press shall have to deposit Rs. 1,000, and it may be possible for Government now at least to diminish the amount so far as the publisher of the newspaper is concerned. As a matter of fact, if anybody has to deposit Rs. 2,000 on two accounts, once as owner of the press and again as publisher of a newspaper, it will be really killing the future enterprise of starting any newspaper in India.

I should just like to say one word as regards the point raised by my friend Kunwar Ismail Ali Khan about the waste of time. He may think so, but I think, Sir, it lies with you to consider whether it is really any waste of time. If he reads the constitutions of other parts of the civilised world, he will find that, after the election, it is always found that one party is in a majority and the other is in a permanent minority; and the duty of the constitutional opposition is always to put before the House and the country, Sir, their view point. It is not so much that we win a division, but we have to represent truly our constituencies, and as such you will allow me to propose all my amendments if I think it to be in the best interests of the country. I find that the Honourable gentleman is not in the House now, but I do not think it is a waste of time at all and I consider it my duty to press all the points that I think should be raised in the best interests of the country.

The Honourable Sir James Crerar : Sir, I must point out that this amendment, except that it refers to a newspaper instead of to a press, refers to circumstances which are practically identical with those which we have already considered in sub-clause (1) of clause 3; and I do not therefore propose to recapitulate the arguments used on that occasion.

Mr. President : The question is :

“That in sub-clause (1) of clause 7 for the words ‘one thousand’ the words ‘five hundred’ be substituted.”

The motion was negatived.

Mr. S. C. Mitra : Sir, I beg to move :

“That in the proviso to sub-clause (1) of clause 7 for the words ‘three thousand’ the words ‘one thousand’ be substituted.”

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[Mr. S. C. Mitra.]

I know my argument will be more or less the same as I put forward on the last motion, but I fear the Honourable the Home Member could not catch my point. I say that once you have by the previous clauses the right of full demand of Rs. 1,000, the present clause stands on a weaker foundation. It is an additional demand for a newspaper publisher. The publisher of a newspaper shall have to pay as the Government demand under this clause. It is different now because there will already be a deposit with the Government by the owner of the press. So in the case of the publisher they should consider whether the amount may be diminished at least to a certain extent.

Sir, I move.

The Honourable Sir James Crerar : I have nothing to add to what I have said on the previous amendment.

Mr. President : The question is :

“ That in the proviso to sub-clause (1) of clause 7 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

The motion was negatived.

Mr. President : The question is that clause 7 stand part of the Bill.

The motion was adopted.

Clause 7 was added to the Bill.

Mr. President : The question is that clause 8 stand part of the Bill.

Sir Lancelot Graham (Secretary, Legislative Department) : I have a formal amendment to move under clause 8 to the following effect :

“ That in sub-clause (1) of clause 8 for the words ‘ deposited as required by ’, the words ‘ ordered to be deposited under ’ be substituted.”

The reason for this formal amendment is the amendment of sub-clause (1) of clause 7, by which 10 days’ grace was provided in the case of a new newspaper. A similar amendment, Honourable Members will remember, was made in sub-clause (3) of clause 3 in respect of new presses, and in pursuance of that amendment, an amendment was made in clause 4 in the language which I have now proposed to be used in clause 8. It is needless to say that the amendment which I am now proposing ought to have been included as a consequential amendment in the Report of the Select Committee. It was actually noted for inclusion, but by some oversight it was omitted. Honourable Members will see that the amendment is necessary because you now have two classes of presses. You have presses which have deposited security, and you have presses which have been ordered to deposit their security but have not yet deposited it. It is, therefore, incorrect in clause 8 to deal only with persons whose security has been deposited. You have also to deal with cases where deposits have been ordered to be made but the deposit has not been made. That is the purpose of the amendment.

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.

Mr. President : The question is that clause 9 stand part of the Bill.

Sardar Sant Singh : Sir, I beg to move :

“ That in sub-clause (1) of clause 9 the words ‘ or any other newspaper which is the same in substance as the said newspaper ’ be omitted.”

Sir, my reason in moving this amendment is that this amendment aims at protecting the indiscriminate exercise of discretion on the part of the Magistrates. These words “ which is the same in substance as the said newspaper ” are so vague and so general that almost every newspaper can be covered by this phrase. Now suppose a particular paper has been penalised. A person comes forward with a declaration in the name of a newspaper ; this person is different, the press is different and the name of the newspaper is different from the one penalised. Thus everything is changed. But how on earth can any Magistrate say that in substance it is the same unless there is something in the mind of the Magistrate which nobody can fathom ? This will give a handle to the Magistrate to refuse declaration. Therefore, my submission is that we should keep the dignity of law and use words which are capable of some meaning. I know that reason does not hold good in the discussion of this measure. I know that in carrying forward all their wishes, the executive are bent upon using any language by which they can kill any person they like. By person I do not mean actual physical person, but his trade and profession. Therefore, I submit that there is something like judicial honesty which is at stake. What is the meaning of these words, “ which is the same in substance as the said newspaper ” ? Unless the power of reading the minds of others is given to human beings, this power will be exercised in the most tyrannous manner possible. Therefore my submission is that there should be some decency left in the Bill.

The Honourable Sir James Crerar : I think it will be apparent to the House, Mr. President, that the particular words objected to in this amendment have been inserted and were indeed contained in the Act of 1910 in order to provide against a very simple evasion. If these words or words with this purport were not inserted, it is possible for the publisher of a newspaper to make some purely formal changes in the title, formal and general get up of his newspaper, but continuing nevertheless on precisely the same old lines and yet plead that he was not the publisher of a newspaper which had been found to offend.....

Sardar Sant Singh : May I know who will be the judge of whether it is in substance the same old paper ?

The Honourable Sir James Crerar : In the first instance it will be the Magistrate who will be the judge, and he will probably be most familiar with the antecedents of the newspaper, and therefore I suggest that he is the proper person to judge. I maintain therefore that the substance of this phrase in the clause is quite essential. I do not myself see any objection to the particular phraseology employed, which has passed the scrutiny of several generations of draftsmen ; but if it is merely a question of verbal amendment and not a question of substance, I regret that the Honourable Member has not himself suggested some feasible alternative. If it is on the question of substance that he stands, then I also must stand on the question of substance.

Mr. President : The question is :

"That in sub-clause (1) of clause 9 the words 'or any other newspaper which is the same in substance as the said newspaper' be omitted."

The motion was negatived.

Sardar Sant Singh : Sir, I beg to move.....

The Honourable Sir James Crerar : May I point out to the Honourable gentleman before he moves this amendment* that, contrary to what has been imputed to the Government Benches, I have accepted the Honourable Member's amendment already and incorporated it in the Bill.

Mr. President : The question is that clause 9 stand part of the Bill. The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 17 were added to the Bill.

Mr. President : The question is that clause 18 stand part of the Bill.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in sub-clause (1) of clause 18 after the word 'Whoever' the word 'knowingly' be inserted."

My object in moving this is to protect illiterate newspaper boys who will be hit very hard by this clause. They are the people who sell and they do not know what they are selling, and it is rather hard upon them if they are to be punished without their having knowingly committed any offence. With these words I move my amendment.

Mr. D. K. Lahiri Chaudhury : I rise to support this amendment, Sir. My reason is this : for instance these little boys who sell papers do not know the law. Of course ignorance of law is no excuse, but still in the case of these little boys and illiterate hawkers, they should not be punished unnecessarily. I support the amendment.

Sardar Sant Singh : Sir, I do not agree with the word "knowingly" being placed before the word "makes"; but I do agree with the principle underlying this Bill (Laughter from the Government Benches.)—I mean the principle underlying this amendment. We can see that very wide powers are given and a criminal offence created by this clause. Suppose for the sake of argument that an unauthorised newspaper is published and sent to me by post and it is lying on my table and there the clients have access to it. I am an offender under this Act because I publicly exhibit a paper without even knowing whether it is published as an unauthorised or authorised publication. Under the circumstances you will be punishing a man not for committing an offence, but for not being careful enough to know that an offence has been committed by another person without his knowledge and he happened to keep the incriminating paper on his table.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Ignorance of law is no excuse.

"That in sub-clause (1) of clause 9, after the words 'in securities of the Government of India' the words 'as the person making the declaration may choose' be added"

Sardar Sant Singh : But ignorance of fact is an excuse. This is a mistake of fact, and if you have ever cared to study the Penal Code, you will find the distinction there between a mistake of fact and a mistake of law. There are two phrases used in the criminal law. This is a mistake of fact and not a mistake of law, and as such a mistake of fact is always excusable. This amendment proposes that this mistake of fact should be excused and not made punishable.

Mr. S. G. Jog (Berar Representative) : Sir, we have practically reached the middle stage (Honourable Members : "The last stage.") of the battle, or rather the battle of words that was begun six months ago. Fortunately there was a truce for some time, but in this session the battle has been reopened again. We have reached the middle stage now—and probably we will reach the end very soon—and it is a foregone conclusion on which side the victory will lie. But how far the victory would be ugly.....

Mr. President : The Honourable Member should restrict himself to the amendment that is before the House.

Mr. S. G. Jog : I may bring it to the notice of the House, and especially the occupants of the Treasury Benches, that in the criminal law there is a principle and a very important principle which is known as the *mens rea*. This expression, I think, must be familiar even to the Law Member. (Laughter.) The words "*mens rea*" mean criminal intention. In any act, in any offence, whatever that may be, there must be that criminal intention in the mind of that man. Unless that criminal intention is there, or unless that criminal intention is established in a proper court of law, no man can be charged with any offence.

Mr. K. Ahmed : What is the meaning of "knowingly" ?

Mr. S. G. Jog : Knowingly means one who does an act knowingly.

Mr. President : Order, order : please continue your observations.

Mr. S. G. Jog : Very well, Sir. This is the first elementary principle of law, and I think an attempt has made to give a go-by to this elementary principle of law in this way. I will give the House a typical instance. Take the grocers' shops. Sometimes these papers are purchased as waste paper in bundles. You buy some article, the grocer packs it up in one of those authorised or unauthorised papers, and hands over the article to you. Would that grocer come under this law or not ? As the clause stands, I am afraid the grocer will certainly come under this, and he will be punishable. If this law is made, then you will punish innocent people. I do not know what to call this law, whether to call it a law or a lawless law. I submit that the amendment proposed is absolutely necessary, and I think the Mover of the Bill will be kind enough to accept it.

Mr. S. C. Mitra : Sir, I support this motion. I did not give notice of this amendment because I thought that it was implied in the clause itself that, when there is any such sale or distribution, it necessarily connotes that the man is punishable only when the criminal intention is proved against him, but when the question has been raised, I find that Government are not in a mood to accept it. I think they now intend to punish anybody and everybody who may sell or distribute or who may happen to have a copy of any of these unauthorised publica-

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[Mr. S. C. Mitra.]

tions. So if the Government oppose the amendment, I think it is necessary to make it clear that the criminal intention, as in all other criminal cases, should be proved against the man before he is found guilty under this section. Sir, with these words, I support my friend.

The Honourable Sir C. P. Ramaswami Aiyar : Sir, my Honourable and learned friend opposite said that even the Law Member must be aware of what he termed "*mens ree*". I take it that what he really meant was "*mens rea*", which is a criminal intention. I have the good fortune or misfortune of knowing what *mens rea* indicates in law, but without wasting more time on the discussion whether the Law Member is aware of this term or not, I shall go to the substance of the matter at once. It will be remembered that these provisions relate to unauthorised news-sheets or newspapers, and the mischief of these news-sheets or newspapers lies in the fact that they are circulated largely and they gain a certain amount of hold upon people, and it is therefore necessary to deal with that evil. Now, how is that evil to be dealt with? In the first place, some remarks were made with regard to exhibiting or keeping. If Honourable Members will look carefully into clause 18, they will find that it is stated there—"Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale.....", the disjunctive construction is the one which is indicated by the way that sentence runs, so that those Honourable Members who are afraid that their clients may look at some papers on their tables and that on account of that information percolating to the police they may be arrested, need not be under any such apprehension.....

Sardar Sant Singh : May I draw the attention of the Honourable the Law Member to the word "publishes"?

The Honourable Sir C. P. Ramaswami Aiyar : "Whoever makes, sells, distributes, publishes or publicly exhibits.....". A lawyer keeping a pamphlet on the table does not publish it, and it is well known what publication either in the law of libel or otherwise connotes, and I take it that a lawyer keeping that pamphlet on his table does not publish it. That apart, the whole question is this. It will be noticed that this is only a clause which defines an offence. It does not mean that a news-boy who runs about is necessarily to be punished. It means that a prosecution is permissible in cases where it is called for; it will not be called for in such cases. But I will put the other side of the case for the moment. Supposing a person having been responsible for these pamphlets simply hands them over to a hundred different people and asks them to go round the city to make them public, what is the remedy? If Honourable Members will realise that, they will see that the object of this section is only to make a thing punishable and not to make it obligatory on Government to start a prosecution.

Mr. President : The question is :

"That in sub-clause (1) of clause 18 after the word 'Whoever' the word 'knowingly' be inserted."

The motion was negatived.

Sardar Sant Singh : Sir, I beg to move :

"That in sub-clause (2) of clause 18 for the word 'non-bailable', the word 'bailable' be substituted."

The Honourable Sir James Crerar : The Honourable Member will perhaps pardon me if I interrupt him. It might perhaps save the time of the House if I point out that this is another occasion on which I have accepted the amendment proposed by the Honourable Member, and it has been incorporated in the Bill before the House. I am afraid he has not gone through the Bill very carefully. The amendment has already been made in the Bill.

Sardar Sant Singh : Have you already incorporated it in the Bill?

The Honourable Sir James Crerar : Yes, Sir.

Sardar Sant Singh : Thank you.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the Bill.

Mr. President : The question is that clause 23 stand part of the Bill.

Sardar Sant Singh : Sir, I do not wish to move this* amendment.

Mr. B. Das : Sir, I beg to move the following amendment :

"That for clause 23 the following be substituted :

'23. Any person against whom an order calling upon him to give security has been made and any person interested in the press which is ordered to be forfeited may appeal to the High Court for the local area in which such order was made to set aside such order.'

Sir, this seems to have been drafted in a much better manner than the drafting in the Bill. One thing that we want to safeguard is that if any press is encumbered, then the person to whom the property is mortgaged, should be allowed to appear and appeal to the High Court for recovery of his dues. For that reason I move this amendment, and I hope the Honourable the Law Member will accept it.

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is not surely pressing this, because he will realise if he scrutinises it, that if this amendment be carried, there would be no recourse to the High Court if there was a forfeiture of security.

Mr. President : The question is :

"That for clause 23 the following be substituted :

'23. Any person against whom an order calling upon him to give security has been made and any person interested in the press which is ordered to be forfeited may appeal to the High Court for the local area in which such order was made to set aside such order.'

The motion was negatived.

Mr. S. C. Mitra : I am afraid my amendment No. 95 is barred by the previous motion, but if you will allow me to move it, I shall do so.

Mr. President : The Honourable Member may move it. The question will be considered if a point of order is raised.

Mr. S. C. Mitra : I beg to move :

"That in sub-clause (1) of clause 23 for the word 'sub-section' occurring in line three the words 'sub-sections (1) and' be substituted."

My amendment really gives power to the High Court to revise any order that is passed by the District Magistrate. There is some provision in the

"That Clause 23 be omitted."

[Mr. S. C. Mitra.]

earlier clauses that the Magistrate, while giving notice for security, should also put forth his arguments. It may not be a judicial trial, but if my amendment is accepted, it will give the High Court power of revision to go through the order. The Magistrate may not be bound to give reasons, but if any reasons are given, then the High Court will be in a position to see if there are adequate grounds for passing such orders. Sir, I move.

The Honourable Sir James Crerar : The Honourable Member was commendably brief in moving his amendment, and he asked the House to approve of the proposition that an order made under sub-clause (1) of clause 3 should be made subject to an application to the High Court. When we were debating clause 3 of the Bill, that particular question was exhaustively scrutinised, and I shall imitate the Honourable the Mover's brevity by recalling very shortly to the House what the contentions then advanced were.

It was pointed out that a Magistrate proceeding under sub-clause (1) of clause 3 naturally was not acting upon matter which offends under clause 4 of the Bill. We have provided remedies against any inconvenience or hardship that might be occasioned, firstly, by requiring the Magistrate to record his reasons for passing an order of that kind, which makes it liable to the scrutiny of the Local Government, and secondly, by the other proviso to that clause, more particularly the provision that if the keeper of the new press has not offended within three months of the declaration, his deposit will be automatically returned. In short, the general grounds of my opposition to the amendment are those which have already been indicated. If the keeper of the press fails and his security is forfeited, then at that stage recourse to the High Court becomes both admissible and practicable. I oppose the amendment.

Mr. President : The question is :

"That in sub-clause (1) of clause 23 for the word 'sub-section' occurring in line three the words 'sub-sections (1) and ' be substituted."

The motion was negatived.

Mr. S. C. Sen : I beg to move :

"That in sub-clause (1) of clause 23, after the words 'the High Court shall decide' the following be inserted :

'whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and '."

Sir, both under the Act of 1910 and this Bill, certain provisions have been made regarding notice calling for security and of forfeiture. In both the enactments, it is provided that a description of the words complained of, a description of the figures complained of, etc., should be given in the notice. Lord Sinha, then he was Mr. Sinha, in supporting the Bill of 1910, considered this provision as one of the most valuable safeguards against official *zoolum*. In this House also, if I remember correctly, the Honourable the Law Member considered that it was obligatory on the Local Government to describe the words, etc., and he also regarded this provision as one of the safeguards. How is this safeguard to be provided for? Supposing the Local Governments, as they have hitherto done, do not describe in the notice the words complained of, what would happen then? No provision has been made to meet such a contingency. As a

matter of fact, Sir Lawrence Jenkins in the well known *Comrade* case held that having regard to the language of the Act, his hands were tied and he could not do anything in the matter, that he could not enter into the question whether the notice was good, bad or indifferent. Let me quote his words :

"The notification, therefore, appears to me to be defective in a material particular, and but for section 22 of this Act, it would, in my opinion, be our duty to hold that there had been no legal forfeiture."

That was his opinion. He felt constrained to find that, although the notice was bad, although the notice was defective and did not comply with the express provisions of the Act,—which the late Lord Sinha considered to be a safeguard—he could not do anything in the matter. I want to provide against that. It may be said that you should leave the matter to the discretion of the Local Government, that you should not consider that the Local Government are so bad that they would not frame their notice in the manner provided in the Act. But from the report of the *Comrade* case you will find that not only the notice was bad but the Advocate General of Bengal was instructed to take this point and to oust the jurisdiction of the High Court to consider whether the notice was good, bad or indifferent. Again, if it be held that the notification was invalid, there would be in fact no forfeiture. Moreover the High Court has no jurisdiction to inquire into the validity of the forfeiture for two reasons. First, it is barred under the corresponding section, to clause 30, and secondly under section 17, under which this application is made, the High Court is given power to set aside an order of forfeiture on the one narrow ground, namely, that the newspaper or book or other document in respect of which an order was made did not contain the words, etc. Clause 30 and again clause 23 which we are now considering, show that the matter which the High Court should take into cognisance is that the High Court shall decide if the newspaper or other document in respect of which an order was made did or did not contain any words, etc. The only function of the High Court in this case would be to consider this particular question and no others. Again under clause 25 :

"If it appears to the Special Bench on an application under sub-clause (1) of section 23 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order."

The only question which the High Court can decide is the question whether the articles complained of or the book complained of contained these words or not. If so, the very salutary provision which was put into the Act of 1910 and which Mr. Sinha considered to be of vital importance and a safeguard to the accused and which the Law Member here also considered to be necessary cannot be gone into by the High Court having regard to the provisions of the Bill. Therefore I move my amendment. I have also similar amendments to clauses 25 and 30. These are amendments standing in my name, Nos. 103 and 114.† Moreover having regard

† "That in sub-clause (1) of clause 25 after the words and figures ' of section 23 that ' the following be inserted :

'whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and '."

"That in clause 30, after the words ' has taken place ', the following be inserted :
'provided the notice of forfeiture was made in strict conformity to the provisions of this Act '."

[Mr. S. C. Sen.]

to the express provision made in the Bill and to the declaration made by the Honourable the Home Member, it would not look nice for the Government now to contend that, although these words are necessary, that notice should be given in accordance with the provisions of the Act, still we will not allow the High Court to enter into this question. If the Government are really sincere, they ought not to object to the addition of these words which I have suggested in my amendment.

Sardar Sant Singh : I rise to support this amendment. Its necessity has become greater on account of the defeat of all the amendments which attempted to judicialise the proceedings. The executive are required to comply with the forms of procedure at any rate as they themselves propose. If they do not want to accept this reasonable amendment, it means that the executive do not want to comply with the provisions of this Act. A case like this may arise. Without notice or a single word a press is forfeited and taken away. There is no remedy. The person who has suffered will not be given an opportunity to understand what were the words or expressions which he used which were considered objectionable by the executive. Of course he will have a right to go to the High Court. The High Court will not look into the question whether the notice was good, bad or indifferent. The High Court says, "Here is a newspaper. If the executive have not chosen to point out the words, signs or visible representations which are objectionable in their view, then we will not look into it". The Public Prosecutor will get up and say "I press the point. Page 5 is objectionable and the forfeiture was justified". The High Court says, "No, the words on page 5 are not objectionable". Then the Public Prosecutor will say, "There are some more objectionable passages in other pages". So, I say, Sir, that this will make the Act very loose and the executive will act in a high-handed manner. I therefore strongly urge that this portion should be included in the clause. I support this amendment.

Mr. Amar Nath Dutt : I think my friend the Law Member will not deny that it is an elementary principle of law that the accused should know the charge against him.

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In civil cases also there is the provision that a plaintiff should disclose a cause of action so that the defendant knows what the case is against him. And the plaintiff is also given a chance of knowing what the defendant has to say against the plaintiff's case. If that is so in a civil case, it is all the more necessary in a criminal case, which deals with the life and liberty of the people. That being so, the man who is going to be fined under the provisions of this Bill ought to know from the very beginning the facts upon which the executive bases its charge. Those who have experience of the subordinate Magistracy know too well how often notices under sections 107, 108 and 110 have been declared invalid by superior courts. I believe in many cases invalid notices are intentionally issued. I do not say that Government keep in service Magistrates who do not know the provisions of the Criminal Procedure Code. The only other conclusion to which we will be entitled to come to is that Magistrates intentionally prostitute their office and do not make mention of the real facts under which these men are hauled up. I think the Honourable the Home Member held the office of a District Judge for some time and I think he had on several occasions to set aside the order of the subordinate Magistracy and I trust the Honourable the Law Member had experience of the fact that notices

were often given which were not according to law, and the party aggrieved had not the means to know what the real charges against them were, and, Sir, as my Honourable friend, Sardar Sant Singh, has been pleased to observe, they can, without giving proper notice, without going to the High Court, simply say, "The offensive article is found on page 1 or 2 or 3 or 4 or 5 and so on". That being so, if the Government really do not want to invest Magistrates with further powers of oppression and tyranny, they ought to have safeguards at least for those proprietors of presses who are entitled to ask that, "At least let us know what you complain of, so that we may prove beyond the shadow of a doubt that we are not guilty". If your intention is that everything is to be done by executive order, of course we have nothing to say; but if you are really sincere, after our having pointed out to you these facts, you should not object to the motion.

Mr. S. G. Jog : Sir, if one can see through the provisions of the Bill, he will see that it is a double-object Bill. With one object an attempt is made to control the Press; and another hidden object is to control the powers of the High Court. The fact is that the executive authorities now somehow or other are losing confidence in these High Courts, and they think that if they must do the job in their own way, they must curtail and control the powers of the High Court by such legislative measures. As regards the question of notices—how the processes are issued, how they are manipulated in the offices, through whose hands they pass, and what sorts of irregularities are done, that is a matter which is within the common knowledge of those who have to deal with courts. There are a number of irregularities committed in the issue of notices, in the service of notices; and if an adverse order is passed which goes against the interests of the printer or publisher, what is he to do? Now after the chapter of the executive processes is finished, we enter upon the powers of the High Court which were described by the Honourable the Law Member the other day. Now the High Courts have to exercise their powers; but this Bill says, "No, you shall not look into the whole matter carefully but your powers are restricted; you must only decide this much and no further; you are not to go behind all this". I say, Sir, what propriety is there for curtailing the powers of the High Court in this way? If an irregularity is done, does the executive authority mean that the High Court should be powerless in setting aside orders which have not been passed in conformity with the provisions of law, and that there should be no remedy for that, and that even fetters should be put on the powers of the High Court? Sir, this is an attempt to encroach upon the ordinary powers of the High Courts, and I submit that the amendment moved should be accepted.

The Honourable Sir C. P. Ramaswami Aiyar : Sir, let us analyse clause 3, sub-clause (3) and clause 7, sub-clause (3), which are the two clauses dealt with in section 23. Clause 3, sub-clause (3) says that certain persons should be given notice by the Local Government stating or describing such words, signs or visible representations and so forth. Therefore a notice has first of all to go to the keeper of the press, under clause 3, sub-clause (3), indicating clearly what the words, signs and visible representations are which are supposed to be obnoxious to the law. Under clause 7, sub-clause (3), there are practically identical provisions. Then we come to clause 23. It is to the keeper of the press who has been ordered to deposit security under sub-section (3) of section 3;

[Mr. S. C. Sen.]

to the express provision made in the Bill and to the declaration made by the Honourable the Home Member, it would not look nice for the Government now to contend that, although these words are necessary, that notice should be given in accordance with the provisions of the Act, still we will not allow the High Court to enter into this question. If the Government are really sincere, they ought not to object to the addition of these words which I have suggested in my amendment.

Sardar Sant Singh : I rise to support this amendment. Its necessity has become greater on account of the defeat of all the amendments which attempted to judicialise the proceedings. The executive are required to comply with the forms of procedure at any rate as they themselves propose. If they do not want to accept this reasonable amendment, it means that the executive do not want to comply with the provisions of this Act. A case like this may arise. Without notice or a single word a press is forfeited and taken away. There is no remedy. The person who has suffered will not be given an opportunity to understand what were the words or expressions which he used which were considered objectionable by the executive. Of course he will have a right to go to the High Court. The High Court will not look into the question whether the notice was good, bad or indifferent. The High Court says, "Here is a sign or visible representations which are objectionable in their view, then we will not look into it". The Public Prosecutor will get up and say "I press the point. Page 5 is objectionable and the forfeiture was justified". The High Court says, "No, the words on page 5 are not objectionable". Then the Public Prosecutor will say, "There are some more objectionable passages in other pages". So, I say, Sir, that this will make the Act very loose and the executive will act in a high-handed manner. I therefore strongly urge that this portion should be included in the clause. I support this amendment.

Mr. Amar Nath Dutt : I think my friend the Law Member will not deny that it is an elementary principle of law that the accused should know the charge against him.

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In civil cases also there is the provision that a plaintiff should disclose a cause of action so that the defendant knows what the case is against him. And the plaintiff is also given a chance of knowing what the defendant has to say against the plaintiff's case. If that is so in a civil case, it is all the more necessary in a criminal case, which deals with the life and liberty of the people. That being so, the man who is going to be fined under the provisions of this Bill ought to know from the very beginning the facts upon which the executive bases its charge. Those who have experience of the subordinate Magistracy know too well how often notices under sections 107, 108 and 110 have been declared invalid by superior courts. I believe in many cases invalid notices are intentionally issued. I do not say that Government keep in service Magistrates who do not know the provisions of the Criminal Procedure Code. The only other conclusion to which we will be entitled to come to is that Magistrates intentionally prosecute men and do not make mention of the real facts under which the office of a District Judge for some time and I think he had on several occasions to set aside the order of the subordinate Magistracy and I trust the Honourable the Law Member had experience of the fact that notices

were often given which were not according to law, and the party aggrieved had not the means to know what the real charges against them were, and, Sir, as my Honourable friend, Sardar Sant Singh, has been pleased to observe, they can, without giving proper notice, without going to the High Court, simply say, "The offensive article is found on page 1 or 2 or 3 or 4 or 5 and so on". That being so, if the Government really do not want to invest Magistrates with further powers of oppression and tyranny, they ought to have safeguards at least for those proprietors of presses who are entitled to ask that, "At least let us know what you complain of, so that we may prove beyond the shadow of a doubt that we are not guilty". If your intention is that everything is to be done by executive order, of course we have nothing to say; but if you are really sincere, after our having pointed out to you these facts, you should not object to the motion.

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The Honourable Sir C. P. Ramaswami Aiyar : Sir, let us analyse clause 3, sub-clause (3) and clause 7, sub-clause (3), which are the two clauses dealt with in section 23. Clause 3, sub-clause (3) says that certain persons should be given notice by the Local Government stating or describing such words, signs or visible representations and so forth. Therefore a notice has first of all to go to the keeper of the press, under clause 3, sub-clause (3), indicating clearly what the words, signs and visible representations are which are supposed to be obnoxious to the law. Under clause 7, sub-clause (3), there are practically identical provisions. Then we come to clause 23. It is to the keeper of the press who has been ordered to deposit security under sub-section (3) of section 3;

[Sir C. P. Ramaswami Aiyar.]

that is, it is to the man to whom notice has been given, as indicated already, in which notice are contained those words and visible representations, etc., that it applies. Supposing it applies, then the High Court has to consider and decide if the newspaper, book or other document in respect of which the order was made did offend—it is not to wander at large from page to page, as was stated. A specific order should have been made, which is complained of, and that order has to describe, under clause 3 and clause 7, the particular signs or visible representations, and the High Court has to decide if that order was within the law or not. If, on the other hand, there have been such fundamental irregularities, the order would not be within the law and would not have been held to have been passed under the relevant clause as the High Court would say. "There is no such word or sign or representation as you are supposed to have uttered, and there is therefore no order which you have infringed, and you are acquitted". That I submit is the answer to the question put.

Mr. Amar Nath Dutt : Then what is your objection to have it put down more clearly ?

Mr. President : The question is :

"That in sub-clause (1) of clause 23, after the words 'the High Court shall decide' the following be inserted :

'whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and ...'

The motion was negatived.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

Mr. President : The question is that clause 25 stand part of the Bill.

Mr. S. C. Mitra : Sir, I move :

"That in sub-clause (1) of clause 25, for the words 'the order shall stand' the words 'the opinion of the Chief or Senior-most Judge shall prevail' be substituted."

The clause at present runs thus :

"(1) Where there is no such majority which concurs in setting aside the order in question, the order shall stand."

Now the ordinary procedure in High Courts in cases where there is a difference of opinion and there is equality of opinion on both sides, is that the opinion of the Chief or senior-most Judge prevails. My argument is that where the senior Judge of the High Court differs from his brother as regards the guilt of a person, the rule is that the accused gets the benefit of doubt ; I do not see why the general and ordinary procedure should not be followed in these cases, where it is supposed that a High Court Judge is in the position of holding that the person concerned is not guilty ; and I do not see why the opinion of the Chief or senior-most Judge should not prevail in such cases also.

The Honourable Sir James Crerar : Sir, I think the Honourable Member's amendment has been moved under some misapprehension. All the High Courts and Chief Courts of India and nearly all the Judicial Commissioners' Courts have got at least three Judges, and consequently the position in which there are only two Judges to consider an application could not arise except I think in the one case of the Court of the

Judicial Commissioner of the North West Frontier Province. Therefore the provision he proposes would in any case have an exceedingly limited application. On the merits, my position is this. Even supposing that such a position arises, it would be reasonable that the matter should be left in the *status quo* in which the application came to the court. Firstly, there would be the opinion of the Magistrate, secondly, of the Local Government and thirdly, at least one of the Judges supporting their views. In all these circumstances I think it would be reasonable that in the few number of cases in which this contingency might arise, the *status quo* should prevail, just as when the opinion in this House is equally divided, you in the exercise of your Presidential functions maintain the *status quo*.

Mr. President : The question is :

"That in sub-clause (1) of clause 25, for the words 'the order shall stand' the words 'the opinion of the Chief or Senior-most Judge shall prevail' be substituted."

The motion was negatived.

Sardar Sant Singh : Sir I beg to move :

"That in sub-clause (1) of clause 25, for the word 'stand' the words 'be set aside' be substituted."

In moving this amendment, I have in mind the reply which the Honourable the Home Member has just given to the previous amendment which has been lost. The reason given on the other side is that the opinion of the Judge is corroborated by the opinion of the Local Government or of the Magistrate, as the case may be, and hence there is a majority on the other side and one Judge's opinion should not prevail. My submission is that here is another assault on criminal jurisprudence. The rule of law in the administration of criminal justice is that the benefit of the doubt goes to the accused and not to the prosecution. The benefit of having at least one Judge on the side of the newspaper or the keeper of the press is really a benefit over which the executive should submit their judgment to the judgment of the one Judge. If the doubt arises and if the publisher or keeper can carry with him one Judge of the High Court, he is certainly entitled to hold that his words were not of that objectionable nature which the executive say they were. Therefore my submission is that, taking into consideration the principle of giving the benefit of doubt to the accused, it is absolutely essential that the judgment of even the one Judge should carry the day, and it should not be in favour of the Local Government.

The Honourable Sir James Crerar : Sir, I must oppose this amendment on the same grounds as the previous one.

The motion was negatived.

Clause 25 was added to the Bill.

Clauses 26 to 29 were added to the Bill.

Mr. President : The question is that clause 30 stand part of the Bill.

Mr. B. Das : Sir, I beg to move :

"That in clause 30, after the words 'as against all persons' the words 'other than bona fide encumbrancers' be inserted."

[Mr. B. Das.]

Sir, when a property is mortgaged, the mortgagee has the right over that property under the law. I do not know very much of law, but I think this is common sense. If that is so, then I want to safeguard the right of *bona fide* encumbrancers. It will not interfere with the principle of the Bill or with the object which the Honourable the Home Member has in view. I hope, therefore, he will accept the amendment which I move.

Pandit Satyendra Nath Sen : Sir, some time ago I rose to support the amendment No. 47, which I thought had reference to the most cruel part of the Bill. If that amendment referred to the most cruel part, this amendment refers to the most irrational part of the Bill. Does it stand to reason that "A" should suffer for the offence of "B" and for no fault of his? This amendment is most reasonable, and I hope the Honourable the Home Member will relent a bit this time, although he may be afraid that it will go a great way to damage the good reputation of his being possessed of an exceptional equanimity of mind with which he has kept tight so long to the wonder of this House and, for the matter of that, to the wonder of the whole country.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, this amendment has considerable force and in my opinion encumbrances created before the passing of this Act should be protected. A man who took a mortgage of a press before the commencement of the Act did not know that the Press Bill was to be passed and brought on to the Statute-book. He certainly did not know that the press after the first bite would be forced to deposit security, and if it were not deposited within the specified time, the press was liable to be forfeited. Now, Sir, it is a fundamental principle of law that a man who has taken a transfer for valuable consideration before a certain enactment comes into force must be protected and it is also equity, justice and good conscience. It is the duty of the Legislature to protect all *bona fide* encumbrances which were made for valuable consideration before the commencement of the Act. The case of a man who has sold his press on a hire and purchase contract is directly in point. The transferee does not become absolute owner of the press until the last instalment is paid and the transferor has a lien on it to the extent of the unpaid amount. Surely the Government should not be allowed to destroy a lien created before the enforcement of the Act. Sir, I agree that encumbrances created after the passing of the Act need not be protected, because the press being under a cloud, the Government have every right to forfeit it. But the right of the Government to forfeit should be subject to a lien if the encumbrance is created before the passing of the Act. I do not know of any principle of law under which the Government are entitled to forfeit the property over which a lien in favour of a third person was created by a mortgage before the passing of the Act. The point is too obvious and in my humble opinion the Government in equity, justice and good conscience should accept my suggestion. Sir, I may be allowed to move this amendment to the amendment of my Honourable friend Mr. Das. (Applause.)

Sardar Sant Singh : Sir, to me this clause 30 has been drafted without any regard to the interest of anybody except the State. My objection to this is this. I will give an illustration. Supposing I advance

money to a keeper of the press or the owner of the press and I get a decree against him and in execution of that decree I get the press attached and the press is actually under attachment. Then the auction takes place, but the money is not yet given to me. Meanwhile at this stage the Government forfeits the press. I want to know whether I am protected at that stage or not. What right has been left in the owner of the press or the keeper of the press which the Local Government wants to forfeit? There is nothing. Another extreme case is this. Supposing a charge is already there on the press by a mortgage. Now the Government come in and forfeit the press. Why should my rights be taken away? There is no reason. Therefore, this amendment is a fundamental amendment which goes to the root of the whole thing and I support it.

Sir Lancelot Graham : Sir, we are appealed to in the name of justice. We desire to deny justice to no one. But there are great difficulties attached to the possibility of acceptance of the amendment now before the House. I am not quite sure whether it is suggested that we have forged a new weapon of repression in this clause. But I do notice that not a single one of the speakers has made any reference to the fact that this clause 30 actually only reproduces the contents of the corresponding section in the Act of 1910.

Sardar Sant Singh : Is that a justification?

Sir Lancelot Graham : I expected that from my acute friend, Sardar Sant Singh. That does not necessarily justify the existence of this clause. I agree with him. But I do say that the fact that the clause had been in operation for 12 years is worth taking into consideration.

Mian Muhammad Shah Nawaz : The clause was condemned by Sir Lawrence Jenkins and the Chief Justice and Mr. Justice Stephens of the Calcutta High Court in the famous *Comrade* case.

Sir Lancelot Graham : As regards the rights of the mortgagee?

Mian Muhammad Shah Nawaz : As regards the rights of the previous mortgagee, the Government has absolute right under this clause to forfeit those rights. My contention is that the *bona fide* mortgagee, or one who held a lien over the property before the commencement of the Act should be allowed to establish it before a civil court. As the clause stands now the Government's right to forfeit is absolute against all persons including the *bona fide* mortgagee who took the mortgage long before this Bill was contemplated.

Sir Lancelot Graham : I entirely agree that is the position and I have suggested nothing else. But what I do understand is, that my Honourable friend, Mian Shah Nawaz, for whose opinion I have the greatest respect, said that he would support action of this kind, confiscation in respect of the press being mortgaged if the mortgage had not taken place before the passing of this clause. But I do not find that the amendment on the paper makes any such distinction. I think it is a great pity if my Honourable friend, Mian Shah Nawaz, holds such definite views, that he should not have tabled an amendment himself.

Mr. B. Das : May I ask if I can move an amendment in line with what the Honourable Member, Sir Lancelot Graham, has suggested and whether that will be accepted?

Sir Lancelot Graham : I am not suggesting any amendment, Sir. I am criticising the position of my Honourable friend, Mian Shah Nawaz. My friend, Mr. Sen, on the other hand, said that "A" should not suffer for the sake of "B". As I understand the purport of this amendment, it is that a press, though it be the instrument by which the offence is committed, is not to be forfeited, if people can come forward saying, "I have a mortgage and consequently cannot have the forfeiture". It is opening the way to confusion and merely putting in the word *bona fide* is not going to ensure the proper working of the amendment. It will be possible for proprietors of presses to take refuge behind their mortgages and in that way evade merited forfeiture. My friend, Mr. Das, said he wanted to be kind to mortgagees. We do not wish to be unkind to mortgagees. But we have to look to the activities of the press and not to the feelings of the mortgagees, and for that reason, I think this clause is essential in its present form. I do not say it was impossible for the Opposition to devise something which might have been acceptable, provided it did not interfere with the effectiveness of the provision for forfeiture. Forfeiture is absolutely essential when the press or the newspaper has contravened the provisions of this Bill in such a way as to require the passing of an order of forfeiture.

Mr. B. Das : After hearing the Honourable Sir Lancelot Graham's speech, may I suggest an amendment acceptable to him, namely, the protection of such encumbrances which are declared before a Magistrate at the time of encumbrance.

Sir Lancelot Graham : That would not help us in the least.

Mr. S. C. Mitra : May I suggest that we might add all encumbrances before the passing of this Act?

Sir Lancelot Graham : That does not solve the trouble either.

Mr. S. C. Sen : I do not know whether Sir Lancelot Graham is willing to take any suggestion.....

Sir Lancelot Graham : I am afraid not.

Mr. President : Government do not seem to be inclined to accept any suggestion on those lines. The question is :

"That in clause 30, after the words 'as against all persons' the words 'other than bona fide encumbrances' be inserted."

The Assembly divided :

AYES—18.

Chandi Mul Gola, Bhugat.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Shaikh.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Mitra, Mr. S. C.

Ranga Iyer, Mr. C. S.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Thampan, Mr. K. P.
Uppi Sahib Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—49.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Alah Baksh Khan Tiwana, Khan.
Bahadur Malik.
Azizuddin Ahmad Bilgrami, Qazi.

Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crapper, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.

NOES—contd.

Dyer, Mr. J. F.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Heatheote, Mr. L. V.
Henlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Nuharsingji.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lalehand, Captain Rao Bahadur.
Lall, Mr. S.
Leach, Mr. F. B.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.

Rajah, Rao Bahadur M. C.
Rama Rao, Rai Bahadur U.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Sykes, Mr. E. F.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. S. C. Sen : Sir, the amendment which I wish to move reads thus :

"That in clause 30, after the words 'has taken place' the following be inserted :

'provided the notice of forfeiture was made in strict conformity to the provisions of this Act'."

I know, Sir, the opinion that has been expressed by the Honourable the Law Member, and I do not expect any mercy from the Government. I know that the Treasury Benches will not accept this amendment. The opinion of the Honourable the Home Member is not only wrong, but it is against the considered opinion of two Chief Justices and four Judges of the High Court. With these observations, I move.

The Honourable Sir James Crerar : I think, Sir, that in substance the Honourable Member's amendment is practically the same as the one which has already been dealt with. It has been dealt with in full by the Honourable the Law Member, and I have nothing to add to what he said, except that in this context the same considerations will apply.

The motion was negatived.

Clause 30 was added to the Bill.

Clauses 31 and 32 were added to the Bill.

Mr. President : Clause 1.

Mr. S. G. Jog : Sir, we have practically reached the last stage of the battle, and if we fail here, we will fail in the battle, subject of course to the position at the third reading of the Bill. My amendment is that the provisions of this measure shall not be operative in any province unless the Local Government of the province makes out a case for the application of the said Act and takes the sanction of the Government of India or the Governor General in Council. When I sent in this amendment, I was a bit doubtful about the propriety of this. Somehow or other I find that I am not supported by anybody else, and I stand by myself, and I have to fight my own battle. Fortunately to-day I find there is a similar amendment moved by my friend, Mr. Thampan, and I think I have only to depend

[Mr. S. G. Jog.]

on him for supporting this amendment. Over and above that, I find that a leading newspaper of my province has also taken the same view as I have taken in this matter. That paper has suggested that it is admitted that terrorist organizations exist in some parts of the country, and so it asks why cannot the Bill be restricted to the same parts in the first instance, giving power to the Local Governments to apply it to other areas if necessary. I must congratulate myself that I belong to a province which fortunately is not in the list of "bad boys". I observe from the brochure that has been supplied to us showing the statement of offences and crimes in all parts of India, that there is not a single case of terrorist movement or incitement to violence and such like things in my province. I will not take the highest number first, but I shall take the lowest number, and I would ask the Honourable the Home Member to point out any terrorist crime in my sub-province or head province under which my province is. There is not a single case of terrorist movement or any incitement or any leaflet published calculated to incite people to murderous activities, or any charge of that sort in my province. (*An Honourable Member* : "Which is that province?") Berar. As regards the Central Provinces, I find that there is only one case, and that case is the finding of a bomb in the house of a *sonar* in a certain village, and a certain quantity of chemicals and communist and revolutionary literature was recovered from that goldsmith's house. The suspicion is that that the bomb was being prepared for political purposes. Whenever a bomb is found it is always suspected that it is for political purposes. This is the only case which is referred to. As regards the other provinces, take Burma, and I find no case there. The United Provinces, there is one case, Indian States, one case. So my point is that in those provinces in which there is no such terrorist movement, or where the newspapers have not taken to bad ways or to those bad measures as are described in some of these pamphlets, I do not see any reason why these drastic provisions of the law should be applied. On the contrary, if this law is applied indiscriminately to all the provinces, it will be practically keeping a sword hanging over the heads of those provinces. I say there is absolutely no necessity to apply this law to other provinces where there is no terrorist or other kind of anarchical movement. If Government still insist that this law should be applied to other provinces also, then I shall have no hesitation in charging Government with carrying this poison to my province and to other provinces where there is no terrorist movement in existence and if anything happens, it will be due to application of this law where it is not necessary. Therefore, my submission is this. You pass the general law, and if any recommendations come from the Local Governments, or if there are any cases of such a nature as to render the application of this law necessary, those Local Governments should make out a case and the Government of India should be satisfied that there is necessity for applying the provisions of this law, and then this law could be applied to such provinces. Sir, with these words, I move the amendment.

Mr. S. C. Mitra : Sir, I support the amendment of my friend, Mr. Jog. I do not know whether Government will accept this amendment or whether it will be supported by other Members who pose as free thinkers and are guided only by the consideration of justice and equity. Now, from the very beginning I was under the impression that this Bill was really meant, not for suppression of incitement to murder and the like, but its real purpose was to suppress the nationalist Press. If the Government are

of that opinion, let them say so now. Mr. Jog is speaking of provinces where there are no cases of terrorist or other revolutionary activities, and Government, even from their own book, could not cite a single case in some provinces of incitement to murder or violence. Now, the law will be there, and, only if any Local Governments want it, they can apply to the Government of India. If the real purpose of the Bill is not to suppress the Press, then Government will see their way to accepting the amendment.

The Honourable Sir James Crerar : I think the Honourable the Mover of this amendment, if he reflects a little, will come to the conclusion that this amendment is misconceived. In the first instance, I should point out that its form is quite inadmissible, and would be, for example, entirely inconsistent with sub-clause (3) of the clause. But what I imagine the Honourable the Mover had in mind was this, that the Bill, when it becomes law, should not be generally in force in the whole of British India, but should only come into force with the sanction of the Governor General in Council on the motion of the Local Government concerned. I will deal with what appears to me to be the principle behind the Honourable Member's amendment, though I could not in any case accept it because of its extreme defect in form. But let me get down to the question of principle. He suggests that if in any particular province no terrorist crime has taken place, that will be a good case for not having the Act in force in that province. Sir, I may point out that the Bill is directly aimed against incitement to and encouragement of murder and other acts of violence and not the original offences themselves, which, of course, are dealt with by other provisions of the law. My point is that the principle of my Honourable friend's amendment is quite misconceived. It is also based upon a misapprehension of facts, because in point of fact the recent Punjab Mail train murder took place within the territories of the Central Provinces, and it was found....

Mr. S. G. Jog : The matter is *sub judice*.

The Honourable Sir James Crerar : And within the jurisdiction of the Courts of that province.

Mr. S. G. Jog : It is the Central Provinces.

Mr. J. F. Dyer (Central Provinces : Nominated Official) : One of the accused persons did come from Berar.

Mr. S. G. Jog : The matter is still *sub judice*.

The Honourable Sir James Crerar : Sir, it is a relevant fact that in the course of that trial references were made in evidence to the influence of inflammatory literature. That, therefore, I think, disposes to a very large extent of the allegations of fact on which the Honourable Member bases his case. But the principle goes really much further. It is quite clear that a measure of this kind, if it is to be effective, at all, must be applicable to the whole of India because if the provisions of this law are not applicable to one particular province, it will be perfectly open to the offending Press to invade that province and carry out its propaganda from there. It is essential in order to prevent the circulation and dissemination of undesirable matter from one province to another that the law should have general applicability. For these reasons, both on the point of form and on the point of principle, I must oppose this amendment.

Mr. President : The question is :

“ That in sub-clause (2) of clause 1, after the words ‘ Southal Parganas ’ the following be added :

‘ but it shall not be operative in any province unless the Local Government of the Province makes out a case for the application of the said Act and takes the sanction of the Government of India or the Governor General in Council ’.”

The motion was negatived.

Mr. S. C. Mitra : I move :

“ That in sub-clause (3) of clause 1, all the words occurring after the words ‘ for one year only ’ be omitted.”

My purpose is to restrict the operation of this Act to one year only. As a matter of fact, I know that such a drastic measure with wide scope, under which anything may be netted, was accepted by many Honourable Members as a emergency measure, which means that it will last only for a short period. If the Honourable the Home Member is not afraid of this House when it will be in full session, if he is not afraid that in a fuller House he may not get the opportunity he has now, and that it may not be such plain sailing for him, I hope that he will accept this suggestion of mine that the Act should last for a period of one year only, and if any necessity arises again thereafter for such a measure, it may be re-enacted at the proper time. Sir, I move.

The Honourable Sir James Crerar : I am afraid I cannot accept this amendment. I think that it would be idle to suppose, in the circumstances with which we are confronted, that a period of one year would be a reasonable period within which to expect that a definitive effect would be produced upon this evil. The Government have already gone a long way in reducing the period from three years to two years, and if we go beyond that I think we should be failing in our duty.

Mr. President : The question is :

“ That in sub-clause (3) of clause 1, all the words occurring after the words ‘ for one year only ’ be omitted.”

The motion was negatived.

Mr. President : The question is that clause 1 stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

Mr. President : The question is that this be the Title and Preamble of the Bill.

Sardar Sant Singh : Sir, I am not moving amendment No. 3,† but I beg to move amendment No. 5 which runs as follows :

“ That in the preamble to the Bill, before the word ‘ violence ’ the words ‘ cognisable offence involving ’ be inserted.”

The provisions of this Bill are confined to cognisable offences involving violence, and therefore those words must be added. It is only a formal amendment and I hope it will be accepted.

† “ That in the preamble to the Bill the words ‘ or encouraging ’ be omitted.”

The Honourable Sir James Crerar : I think this is quite unnecessary. The operative part of the Bill is in clause 4 ; and the preamble is not an operative part of the Bill. It does not purport to give a precise statement of the detailed provisions of the Bill, and the preamble as it stands is a succinct and quite adequate expression of the general contents of the Bill. For these reasons I do think that the amendment will be entirely inappropriate.

Mr. President : The question is :

“ That in the preamble to the Bill, before the word ‘ violence ’ the words ‘ cognisable offence involving ’ be inserted.”

The motion was negatived.

Mr. President : The question is :

“ That this be the Title and Preamble to the Bill.”

The motion was adopted.

The Title and Preamble were added to the Bill.

Mr. President : I should like now to ask Honourable Members whether they wish that the motion to pass the Bill should be taken up now.

The Honourable Sir George Rainy : I should like to say, speaking not so much on behalf of the Government as on behalf of what I believe to be the wishes and convenience of a great majority of the Members of this House, that the arrangement which would be most convenient would be that we should proceed to the third reading of the Bill now. I wish to make it quite clear that it is not a question of the interests of Government or the consideration that sometimes arises over other Bills, but I do believe that there is a very strong wish amongst the majority of Members of this House that, if possible, the session should be closed to-morrow and I do not see how that is possible at all unless we can clear off the work to-morrow.

Mr. C. S. Ranga Iyer : I endorse every word that the Honourable the Leader of the House has said. I very much wish that we should sit up and finish this Bill, especially, judging from the thin attendance in the House, which reveals that there is no desire to prolong the discussion of this Bill on this side of the House.

Mr. S. C. Mitra : We do not agree with the Honourable the Deputy Leader of the Nationalist Party. If it is a question of the thinness of the House, we could have gone away a couple of days earlier. If the Government want to take advantage of the thinness of the House, let them do so but the Opposition must have its say. I should like you, Sir, to adjourn.

Mr. President : The point on which I wish to consult Honourable Members is whether the third reading of the Bill should be taken up now or whether it should be taken up later. If it is not taken up to-day, it will be open to Government to take it up to-morrow or on Monday. Having regard to what Mr. Ranga Iyer has said, I want to know the feeling of the House.

Sir Lancelot Graham : It is on the Agenda Paper for to-morrow.

Mr. President : Will those Honourable Members who want the debate to be adjourned rise in their places ?

(A number of Honourable Members stood up.)

Mr. President : Having regard to the lateness of the hour, it would be preferable to adjourn the meeting now.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 3rd October, 1931.

LEGISLATIVE ASSEMBLY.

Saturday, 3rd October, 1931.

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

QUESTIONS AND ANSWERS.

RETRENCHMENT IN THE HOME DEPARTMENT.

1148. ***Bhagat Chandi Mal Gola :** (a) Will Government be pleased to lay on the table a statement showing the number and names of persons employed in the Home Department and its attached and subordinate offices who are on the verge of retirement, having put in nearly 29 or 30 years' service ?

(b) In view of the impending retrenchment, are the Government of India prepared to instruct the Home Department, as the administrative department, to consider the advisability of taking the initiative in retiring the above mentioned persons and employing men on lower scales of pay as their successors ? If not, why not ?

The Honourable Sir James Crerar : (a) I regret I am unable to supply the information.

(b) The question raises a matter of general policy affecting all Departments of the Government of India and not merely the Home Department. It will doubtless be considered on its merits along with other methods of retrenchment.

Sardar Sant Singh : Will the Honourable Member please translate it for the benefit of the person who put this question ? (Laughter.)

Mr. Gaya Prasad Singh : You know Persian—you can translate it ? (Addressing the Honourable the Home Member.)

Kumar Gupteshwar Prasad Singh : I think the Honourable Member has passed the departmental examination in the vernacular or in Hindi ?

Mr. President : Order, order.

RETRENCHMENT IN ACCOUNTS AND AUDIT OFFICES IN BENGAL.

1149. ***Mr. S. C. Mitra :** (a) Is it not a fact that the Auditor General in his letter No. 1474-E.441-A-25, dated 26th March, 1926, to the Accountant General, Bengal, ordered that the temporary assistants in the Experimental Accounts and Audit Offices should be borne on the cadre of the Accountant General, Bengal ? If so, what action, if any, was taken on the letter ? If not, why not ?

(b) Is it not a fact that the same orders were re-iterated in para. (3) of the Auditor General's letter No. 736-N.G.E.344-30, dated 21st April, 1931, in which he laid down that these men should be considered for confirmation in the office of the Accountant General, Bengal, in exactly the

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same way as the temporary men working in the said office? Was any action taken on this letter? If not, why not?

(c) Are Government aware that due to the fact that the circular letter No. 1474-E.441-A-25, dated 26th March, 1926, of the Auditor General was not given effect to by the Accountant General, Bengal, clerks of much longer services in the Experimental Offices are still styled as quasi-permanent or temporary, while much junior men in the Accountant General's Office have been made permanent?

(d) Is it a fact that at the time of some retrenchment in the office of the Accountant General, Bengal, a junior man of the Experimental Accounts Offices was discharged to provide for a senior man from the Accountant General, Bengal's Office? If so, do Government consider the clerks in both the Accountant General, Bengal's Office and in the Experimental Accounts and Audit Offices, in the same cadre?

(e) Will Government please state whether at the time of present retrenchment, the clerks of both the Accountant General, Bengal's Office and the Experimental Accounts and Audit Offices in Calcutta will be treated on the same level, and length of service will be treated as the criterion for discharge, irrespective of their being permanent, quasi-permanent, or temporary?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

SHORT NOTICE QUESTIONS AND ANSWERS.

INVESTMENT OF PROVIDENT FUNDS IN SINGLE PAYMENT STERLING INSURANCE POLICIES.

Mr. S. C. Mitra : (a) Is it a fact that Government officials are withdrawing large amounts from the Provident Fund and utilising these amounts for purchasing single payment life insurance policies?

(b) If reply to part (a) be in the affirmative, will Government please state how they are treating these transactions for the purpose of sale of sterling and whether such transactions are being treated as those for genuine trade or domestic purposes?

(c) Is it a fact that when the exchange situation offered similar scope in the past this very method of buying sterling was adopted by officials?

The Honourable Sir George Schuster : (a) This part of the Honourable Member's question apparently refers only to the present or I presume to the short period which has elapsed since the promulgation last Thursday of Ordinance No. VII. So far as this period is concerned, I can tell the Honourable Member that, according to my information, there has not been any occasion on which the facilities which Government as currency authority now offers for the sale of sterling have been applied for to Government on behalf of officials for the purpose referred to in the question.

(b) The question contained in part (b) has not therefore, so far as Government are aware, yet arisen.

(c) I do not quite understand this part of the question. There has not been any period in the past when the conditions applicable to it were in force.

Mr. B. Das : May I inquire if such withdrawals as are referred to in part (a) of the question come to a very heavy amount per annum?

The Honourable Sir George Schuster : I have already, in answer to the question, stated that since the 21st September, there have been no applications of this kind dealt with by Government.

Mr. B. Das : May I inquire of the Honourable Member as to what is the normal annual sum of withdrawal previous to the 21st of this month by Government officials for the purpose of purchasing such single-payment life policies?

The Honourable Sir George Schuster : I am afraid I have no statistics on that question.

EXPORT OF GOLD FROM INDIA.

Mr. R. K. Shanmukham Chetty : Sir, with your permission, I would like to ask a short notice question.

Will Government be pleased to state :

(a) the total value of gold bullion exported by means of private export from India since 21st September, 1931 ;

(b) whether Government propose to prohibit the private export of gold from this country ; and

(c) whether Government as currency authority propose to buy gold at a rate which will be approximately in parity with the sterling-dollar exchange.

The Honourable Sir George Schuster : Sir, according to my information, the value of gold exports up to Tuesday last was about 150 lakhs. I have not yet got returns from the Controller of Currency since Tuesday last, and any subsequent information which I have on the subject is contained in Press notices.

As regards parts (b) and (c) of the question, Government have the matter under their consideration ; and that I think is all that I can say at the moment.

Mr. R. K. Shanmukham Chetty : Sir, in view of the fact that evidently people who are exporting gold want currency, does not the Honourable Member think that this will be a good opportunity for the Government as currency authority to purchase gold more in accordance with the prevailing market rate and thereby take this opportunity of increasing their gold reserves?

The Honourable Sir George Schuster : My Honourable friend is asking me a rather difficult question. Government naturally are reluctant to interfere with the ordinary operations of private trade. On the other hand, if Government purchased gold in present conditions, that would raise a very difficult question. Government are at present under an obligation to buy gold at a price which of course is entirely out of parity with the present price. I would like to know whether my Honourable friend considers that it is against the public interest that gold should be exported by private individuals at present.

Mr. R. K. Shanmukham Chetty : When the monetary gold available in the country goes out, I consider, Sir, that it would be wise on the

part of Government, especially when their gold reserves are very small, to take that opportunity to purchase gold and increase their gold reserves. Incidentally, this will result in the expansion of currency very much indeed for trade purposes.

Mr. Arthur Moore : May I ask.....

Mr. President : Let Mr. Chetty's question be answered first, Mr. Moore.

The Honourable Sir George Schuster : I think my Honourable friend hardly asked a question ; but in answer to his remarks, all I can say is that I shall give the fullest consideration to the argument he has put forward.

Mr. R. K. Shanmukham Chetty : I did not put it in the form of a question, but I was merely replying to a question which the Honourable Member himself put to me.

Mr. Arthur Moore : May I ask, Sir, whether the Honourable the Finance Member is considering the possibility of an embargo upon the export of gold, in order to prevent this heavy export of gold by private persons ?

The Honourable Sir George Schuster : I think I have dealt with that as far as I was able to deal with it at the present moment, in answering the original question. I said that the Government have the whole matter under their consideration, but that it raises very difficult issues.

Sir Hari Singh Gour : Did not Government have this matter under their consideration before the issue of Ordinance No. VII ?

The Honourable Sir George Schuster : It was one of the points which we naturally did consider.

Sir Hari Singh Gour : With what results, Sir ? Have they been as expected ?

The Honourable Sir George Schuster : With the result, that we decided that we had better wait and see !

Mr. B. Das : Has not the Honourable Member received representations from the various Merchants' Chambers urging him to take this opportunity of expanding his currency in order to stop the export of gold ?

The Honourable Sir George Schuster : I have received certain representations from various Indian Merchants' Chambers ; and as a very prominent member of the Federation of Indian Chambers of Commerce has, according to the Press reports, been himself the largest exporter of gold, I am prepared to suggest to them that they might perhaps themselves take some action in the matter. (Hear, hear.)

Mr. B. Das : Is it not a fact that that prominent member of the Federation is also a business man and from a business point of view he has to handle any business that brings in profit ?

The Honourable Sir George Schuster : I quite agree with my Honourable friend that in the life of a business man his motives as a business man and as an Indian patriot, may often come into conflict. (Laughter.)

Mr. B. Das : Is it not a fact that England has passed an embargo on the export of gold and should we not follow the same practice in India ?

The Honourable Sir George Schuster : As far as I am aware England has passed no embargo on the export of gold.

Mr. R. K. Shanmukham Chetty : As my Honourable friend suggests that there is such a big difference between the price of gold at which the currency authority will purchase it and the market rate, and also a difference between the price of gold in India and the price of gold in other countries, will the efforts on the part of an unofficial body like the Federation have such effects as control by Government in placing an embargo on gold ?

The Honourable Sir George Schuster : I am not suggesting that any individual action can have the same effect as an embargo by the Government on the export of gold. But an embargo by the Government on the export of gold is a very drastic measure and requires very careful consideration before Government can adopt it.

THE INDIAN PRESS (EMERGENCY POWERS) BILL—contd.

The Honourable Sir James Crerar (Home Member) : Sir, I move that the Press Bill, as amended, be passed.

Sir Hari Singh Gour (Central Provinces, Hindi Divisions : Non-Muhammadan) : Sir, I know that what I am going to say will not have the slightest effect upon Government, who have carried clause after clause yesterday and the day before by their ruthless majority, in spite of the criticisms of the Members of the Opposition. Sir, this is one of the Bills upon which the public at large have expressed their views in no uncertain terms and it is one of those Bills in which five Members of the Opposition serving on the Select Committee had recorded their respectful but emphatic protest against certain clauses which they thought required amendment. The other day I pointed out to the House that those clauses were of the very essence of the Bill, and amendments were necessary for the purpose of safeguarding the Press and public rights. In spite of our appeal to the Honourable the Home Member and to those who sit behind him, we were not able to force to a successful division any of the clauses. The fact remains that the Bill as it emerged from the Select Committee, in spite of its numerous defects, is about to become law and we sitting on this side of the House, though few in numbers and on the eve of a dissolution of the Assembly, shall be failing in the discharge of our duty as the spokesmen and representatives of the public if we allow this motion to pass without a protest. I know, Sir, it is now too late to ask the Honourable the Home Member to reconsider his decision, and even if we were not too late, I know his mentality and it would be futile to ask him to once more exercise his reason in the interests of the public, in the interests of the Press, and indeed in the interests of the established Government itself. For what has been the result of this Bill and what would be the result of this Bill ? The dissentient Members pointed out that the most operative clause, clause 4, was extremely defective in its wording and Honourable Members pointed out that sub-clause (b) of clause 4 was so largely worded that it would neutralise in many cases the effect of the dominant clause (a).

[Sir Hari Singh Gour.]

Honourable Members will remember that that clause punishes a person who :

“directly or indirectly expresses approval.....of any person who has committed or is alleged or represented to have committed any such offence.”

Sir, I can visualise to myself the case of a soldier of the Crown who by his gallantry on the battle-field has, let us say, earned the well-coveted decoration of the Victoria Cross. In a moment of misguided frenzy he commits a murder. The Press says that this man has committed a murder and is, therefore, likely to suffer the penalty of the law, but at the same time it must be remembered that he was a man who had served his country and the Crown by his services on the battle-field. That statement unconnected with the murder, recounting a mere statement of fact would be exposed to the penalty of sub-clause (b) of clause 4 (1). I am quite aware of the explanation that has been added to clause 4, but as Honourable Members have pointed out, that explanation is shorn of its effect by the last words, which lay down that even a work of literary or historical importance may be exposed to the penalty of the section if it has the tendency described in clause (a). Sir, the Honourable the Home Member remembers that in the well known works of the greatest poet in the English language, we have plays like Julius Caesar and Macbeth and we have the statement of Brutus who justifies the murder of Julius Caesar on the ground of public necessity. That statement, Sir, and the whole play of Julius Caesar would be exposed to the penalty of this section.....

The Honourable Sir James Crerar : Including Mark Antony's speech ?

Sir Hari Singh Gour : Sir, it will be left to the tender mercies of the Home Member to exempt the passage of Mark Antony if he wishes, but the whole play would come under the provisions of clause 4 and the explanation because it has a distinct tendency to counsel the murder of tyrannical rulers. Take the case of Macbeth and the statement of Lady Macbeth. That play itself would come under the provisions of this clause under this explanation. I am quite sure that in his multifarious preoccupations the Honourable the Home Member must be occasionally casting a glance at that classical work by Thomas Carlyle on the French Revolution. I recall to him the statement contained in that work on the storming of the Bastille and what a vivid passage occurs there :

“Oh sons and friends of France, lovers of liberty, you by your blood and by your steel prepare the dawn for the liberation of your country !”

That, Sir, would be one of the most obnoxious classical works having a tendency to tell the people of France, and through the people of France the people of the world at large, that if you wish to end tyranny it can only be by applying the doctrine of blood and iron. That is what Thomas Carlyle in his History of the French Revolution so vividly depicts. Sir, all these works, the greatest classics in the English language, would come under the provisions of this clause which is, I submit, so largely worded that it is entirely left to the executive to say as to what shall be printed and what shall not be printed. Sir, I am sure that if the Honourable the Home Member had left the decision of this question to the free vote of the House, if he has said that this is a highly controversial Bill brought at almost the close of the Session and that it will affect a very large body of the public, namely the Press and through them the public at large, I am quite sure, that the result would have been very different. Because I

see before me Honourable Members who are pledged to support the Government. But if they were free to vote according to their conscience, they would have hesitated in doing so and I am sure my Honourable friend, Sir Lancelot Graham, would have been the most vocal in exclaiming, following the example of his half namesake, Launcelot Gabbo, “Certainly my conscience will serve me to run away from this clause, my master”. (Laughter.) But, Sir, disciplined as they are under the crack of the whip, it is not for them to reason why but to march blind-fold to the lobby that the Honourable Member may point to them, and therefore, I say that the Honourable the Home Member cannot congratulate himself upon his achievement in placing this reactionary measure upon the Statute-book. Whatever may be the view of the Honourable the Home Member, we as representatives of the people have no duty but to assist the Government so far as the Government were right and to oppose them when it is found that they were wrong. Because we feel that the necessity for a measure of this kind had been made out, we immediately and willingly served on the Select Committee and there we gave our unfettered opinion as to what we considered to be necessary for the purpose immediately in hand. We were defeated in the Select Committee and we have been defeated in the open House. But we have one satisfaction, that whatever may be the result of this Bill, Honourable Members on this side are unanimous in supporting the dissentient view of their representatives and of the country. Sir, if it were the only clause, it would be a serious blot upon the Bill. But there are other clauses equally obnoxious to the plain provisions of the Statute law both in England and in this country. I do not wish at this late hour to tire the House by referring in greater detail to those clauses, but I cannot help feeling that the amount of security that is demanded from the keepers and publishers of these petty presses, who are the main offenders, if not the sole offenders, according to the view of the Government, is not only excessive but even prohibitive. Presses worth Rs. 100 or 200 or 300 may be called upon to deposit a security to the tune of Rs. 10,000. Sir, it would have been kindness indeed if the Honourable the Home Member had retained the clause regarding forfeiture. Forfeiture in that case would have implied forfeiture of small presses, perhaps a small lithographic press, which a man is able to put in a gunny bag and carry upon his shoulders. But that has not been the case. The substitution of fine or security has been out of all proportion to the value of the press.

Sir, dealing with the powers of the High Court, I pointed out at very great length that the power that is given to the High Court in the Bill in many cases would be illusory. The High Courts in India constituted as they are, are the custodians of the people's rights and liberties, and with all their defects, the people still look up to them as the palladium of the people since they stand at are expected to stand between the Government and the people when the Government go wrong and the people have a right to safeguard. But the power that has been given to the High Court of merely deciding as to whether the security was rightly demanded is a power which, I submit, would not be conducive to the ends of justice. For, the High Courts may find that while the security was rightly demanded, the amount of security is excessive. In that case, the High Court will be powerless to act. Sir, I am not despondent, because after what I have said in this House, I am quite sure that this clause of the Indian Legislature is likely to be challenged in a court of law because it contravenes section 107 of the Government of India Act and of the Letters Patent to

[Sir Hari Singh Gour.]

which I made reference the other day. Whatever you may do, if your power is *ultra vires*, whatever you may do if you have not expressly amended the Letters Patent, the powers of the Chartered High Court would remain unimpaired. That is my small consolation in referring to this clause.

There is one more point and it will be the last, illustrative of what I have got to say on the subject. The clause which condemns the press to forfeiture, takes no note of the fact that that press may be subject to *bonâ fide* encumbrances. Case after case occurs in this country in which a poor man either purchases a press on what is known as the hire purchase system or he mortgages the press in anticipation of starting it. In all these cases, the mortgagee or the encumbrancer knows nothing at all about the purpose to which that press might be put. There are cases now when you find that illustrated articles appear in the papers. The illustrations are taken from one press that specialises in producing illustrations. In such cases the language of the clause is so widely worded that both the presses are liable to come within the penalties of the Bill. I, therefore, submit that this is one of those clauses upon which the Government should have given way. In the Select Committee as I pointed out to this House, the question of *bonâ fide* encumbrancers was supported by the majority of the members, but the Honourable the Home Member would not accept the view of the majority. Whatever may be the case, we pressed upon the Government the desirability of doing this small justice to *bonâ fide* innocent encumbrancers and charge-holders. Even that appeal fell flat upon the Treasury Benches and why? If this Bill had been introduced in this House in the earlier part of the Session, instead of my going over to the Home Member and cajoling him to accept these clauses, you would have seen the spectacle of the Home Member coming over to me and cajoling me to accept some reasonable compromise. That.....

The Honourable Sir James Crerar : May I point out that the original Bill containing this provision was introduced on the very first day of the Session?

Sir Hari Singh Gour : The Honourable the Home Member reminds me of that unsavoury chapter in which he has taken so conspicuous a part. A Bill was introduced on the first day; a few days after, that Bill was gone and another Bill was introduced. What is the good of referring to the introduction of a Bill earlier in the Session? This House was never given an opportunity of criticising the Bill after it emerged from the Select Committee and by the time it came before this House from the Select Committee the Session was practically at an end. That, I submit, is the grievance of the Members of the Opposition. The majority of them finding that the work of the Simla Session was over and that highly controversial measures would be held over for the Delhi Session, left the place: others, who had other engagements had to leave Simla, with the result that we see the few Members left to constitute the Opposition. That is our grievance. All I say is that the Honourable the Home Member has taken a mean advantage of the absence of a majority of Members of the Opposition: he should have held over this Bill.....

Mr. Arthur Moore (Bengal : European) : On a point of order, Sir, is the Honourable Member in order in saying that the Home Member has taken a mean advantage?

Sir Hari Singh Gour : I think the *Statesman* uses stronger language even than that.

Mr. President : Stronger language may be used outside in the Press; but that is no justification for using it in the Assembly. The phrase "mean advantage" is a very offensive expression and I will not allow it.

Sir Hari Singh Gour : I do not think the Honourable the Home Member himself objects: he thinks it is very common. If he objects I withdraw it.

The Honourable Sir James Crerar : It is not a common expression on this side of the House.

Mr. President : The Chair objects to that expression.

Sir Hari Singh Gour : All right, Sir. The Honourable the Home Member has taken undue advantage of the thinness of the Opposition.

Mr. President : The Honourable Member must withdraw the word "mean".

Sir Hari Singh Gour : I have withdrawn it, Sir. I say he has taken undue advantage of the thinness of this House, and the result is that he had a walk-over upon all clauses which we considered to be the most offending features of this Bill. It is useless to cry over spilt milk. The Bill is now going through, and within a few moments it will become law. But let not the occupants of the Treasury Benches go away with the impression that they have passed this measure with the concurrence of the elected representatives of this House. Let them go away with the solatium that if this Bill had come before this House earlier in the Session when contested and controversial questions were being agitated, this House would have fought these clauses inch by inch and prevented their entry into the Statute-book. That is the assurance we wish to give to the Honourable the Home Member. He may enact this measure; he may impose it, but he will never find any support either from the Members of the Opposition or from the public outside who are watching the work of the Legislative Assembly. The other day the Honourable the Home Member was pleased to characterise this Assembly as having deteriorated into a debating society. I do not wish to retaliate.....

The Honourable Sir James Crerar : On a personal explanation, Sir. If the Honourable gentleman will refer to what I said on the occasion, he will find that his interpretation of what I said is entirely incorrect. All I said on that occasion was that the speeches of some Honourable Members opposite might indicate that they were taking part in a debating society instead of in a Legislative Assembly.

Sir Hari Singh Gour : I leave the Members of the House to draw their own conclusions as to the effect of the language used by the Honourable the Home Member. But judging from the pressure that has been brought to bear upon me from all sides of the elected portion of this House, judging from the indignation which was felt by the Members on this side of the House when the Honourable the Home Member used the expression which he said he did—he also characterised the arguments of some Members on this side of the House as absurd and ridiculous—that I submit is the position into which this House has been brought and had to submit because this Bill was taken towards the far end of the session. If these expressions had been used when the House was in full force, this House

[Sir Hari Singh Gour.]

would have known how to vindicate its rights and its privileges. That time has gone.....

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural) : Do it during the Finance Bill.

Sir Hari Singh Gour : My friend tells me "Do it during the Finance Bill". That would not be the occasion to do it. This is the occasion, when the Press Bill is under discussion ; and as soon as the Press Bill is passed we forget and forgive the Members of the Treasury Benches for what they have done and for what they have accomplished. (Applause.)

Mr. Amar Nath Dutt : We can forgive but cannot forget.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to register my protest against the passing of this double-faced measure in as few words as possible. I call it a double-faced measure because it professes to be one thing while its provisions are something very different. It professes in the title and preamble to be a Bill to control writings which incite to crimes of violence and murder ; while if you examine the provisions of the Bill, as we have examined it on this side of the House, you will find that it is perfectly clear that what the Government aim at and what they have secured is control of the entire Press of the country. Clause 3 gives them that control and the wide powers vested in the executive Government emphasise that control. But that is not the title and preamble of the Bill. It is a deceptive measure and on that ground alone we are entitled to enter our emphatic protest against it. We all know that the Press in this country is divided into two sections. One which is conducted by the Anglo-Indian community mainly to support Government, and the other I claim represents true Indian public opinion. When you vest the control of the Press in the Government so that it is to find whether certain sections of the Press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the Press which criticises its measures and it will not apply those provisions to that section of the Press which carries on propaganda in favour of Government.....

Mr. Arthur Moore : When you were in the Bengal Government, you controlled the Press ?

Sir Abdur Rahim : I had nothing to do with the Press. Certain friends on this side have pointed out that there is a paper which calls itself as the friend of India, but which repeatedly acts against India's interest.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Save us from such friends.

Sir Abdur Rahim : That paper, I understand, is represented by my Honourable friend, the Leader of the European Group here. Sir, I take no objection to that. I think if my friends on this side of the House knew the mentality of what is called the European Group, they would realise at once that there is a distinction between being a friend of India and being a friend of the Indian people. Sir, that paper pretends to be the friend of India. That does not mean that it is a friend of the Indian people.

India, we know, is the property and possession of Britain, and so in that sense an Anglo-Indian paper can always say, "We are befriending our own possession", but that is a very different proposition from befriending the people of India. As regards this European Group, I should like to challenge the very name of this group. Do they represent here France, Germany, Poland, Russia or do they represent here Britain ? Why then this false name ? Why do they claim to represent Europeans ? If they said that they represented Britain, if they said that they represented England, Wales and Scotland or Ireland or South Africa....

Mr. John Tait (Burma : European) : On a point of order, Sir. Has what the Honourable gentleman says about the European Group got anything to do with the Press Bill ?

Sir Abdur Rahim : It only requires very little judgment to find out the connection. I do not know for whose benefit this misnomer has been adopted. Is it for the benefit of Europeans or for the benefit of Indians ? Surely the Europeans generally are not deceived ; they know they have no interest in India. Then why this assumption of a false title on the part of my friends who sit on the other side ?

Sir, a great deal has been said about the way the Government secure their majority. They know that very well. They have their own block, the solid official block, the silent block, which is carried along with them wherever they go. They have then a certain number of men, gentlemen who are extremely anxious, much too anxious to assume the responsibility of office. They see visions every day of the mantle of some office falling on their shoulders. Is it then very difficult for the Government to carry such people with them ? Most certainly not.

Then, Sir, as regards the manner in which the Honourable the Home Member has conducted the Bill through this House, I must say once again that it has left a very bitter taste in our mouth. He has not improved either his own position or that of his Government. Sir, the Bill will be passed in a few moments, but I can assure the Honourable the Home Member that the Bill as it has emerged now, will never be acceptable to the country. There will be a chorus of protests throughout the land, because the Bill goes far beyond its object and scope. The Government had no business to widen its scope in the effective provisions of the Bill, and that is exactly what has been done. They have also tried to stifle absolutely certain branches of the business of printing. We have asked them repeatedly, and none of them could justify that provision, why those printing presses which have not offended against clause 4 of the Bill should be called upon to furnish security, why there should be forfeiture without a proper inquiry. Here is a Bill which cannot be justified from any point of view. I could justify under certain circumstances executive measures pure and simple for purposes like these, but not a measure of this mixed character. You know, Sir, there is a dish known in India called *kitchri*. That is exactly the sort of Bill which has been introduced and which is going to be passed in this House.

Mr. Arthur Moore : Sir, the Honourable Member who just sat down challenged the title of this group. I do not propose to follow his example, because I think that the Honourable the Leader of the Independent Party has chosen the title of his party very well. He in particular is extremely independent. He is independent of all the trammels and restraints that would fetter most men who had held the positions in public life that he

[Mr. Arthur Moore.]

has held. The Honourable Member has been a Judge of the High Court ; he has been a Member of the Bengal Government.....

Sir Abdur Rahim : But not a slave. (Applause.)

Mr. Arthur Moore : He was a member of the Bengal Government. I have never accused any Member of the Bengal Government of being a slave, and my Honourable friend was a Member of the Bengal Government when they introduced a far more sweeping Ordinance than any that exists at present, one extremely rigorous in character. Then my friend used very different language. He attacks what he calls the Anglo-Indian Press, and what is the head and front of the offending of the Anglo-Indian Press ? It has not changed its attitude towards Indian aspirations. He did not complain of its support when he was a Member of the Government. But now the whole head and front of its offence is that it attacks violence, for otherwise that Press stands exactly where it stood.

Sir Abdur Rahim : No doubt about it. (Laughter from the Nationalist Benches.)

Mr. Arthur Moore : It is now taking a definite stand against the outbreak of terrorism in this country and in the Honourable Member's own province, and he comes to this House and uses language of that character. Sir, I think that opposition to the Bill, which is based upon such specious pleas, should not be treated very seriously. As regards the remarks that were let fall by the Leader of the Nationalist Party, I cannot help saying that I have never seen a more elaborate and artificial attempt to manufacture a grievance. What are the facts, which are perfectly well known to the Honourable Member opposite ? The Bill was introduced at the very beginning of this Session..... (Sir Hari Singh Gour : " This advantage of the mistake of the Assembly Department to manufacture a grievance. He knows perfectly well that the Bill was introduced at the beginning of this Session,—this Bill before it was revised by the Select Committee. The Bill was revised by the Select Committee at the earliest opportunity after full debate, and the Bill as revised by the Select Committee was before this House for over a week before it came up for discussion. I may have been wrong, but I understand that he agreed with the procedure that was finally adopted in order to obviate that mistake ; and I do not think that my Honourable friend is justified at this stage in making that a grievance or in pretending that this Bill has not had the very fullest discussion in this House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The Honourable the Home Member the other day compared some of the speakers on this side to amateurish debaters and he was reminded almost of an amateur debating society on this side of the House. It is mainly the fault of the Montagu-Chelmsford constitution that this side of the House has no more power than to debate, and it is because it is deprived of the power to carry on the administration of the country even if it happens to be in a majority that this side of the House is not adequately represented to-day in this debate. Wise men on this side thought that silence would be golden, and therefore, they do not want to indulge in silvery words of opposition. Sir, I believe we do not take our stand on the fact that the opposition on this side has

not represented its strength on the floor of the House as it should have done on this Bill and in this debate. I am willing to concede that the Government introduced this measure at the very beginning of the Session. I am willing to go further and say that they introduced the measure at the Delhi Session. I agree with the Honourable the Leader of the European Group that we are not here to take advantage of an unfortunate mistake, which is not the mistake of the Assembly Department alone (Hear, hear). My Honourable friend, Mr. Amar Nath Dutt, remarks that it is a mistake of the Select Committee..... (Mr. Amar Nath Dutt : " Of the Chairman of the Select Committee ")....and he says of the Chairman of the Select Committee, Mr. Arthur Moore. I say it is a mistake of every one of us present in this House (Mr. Gaya Prasad Singh : " No, no "). My Honourable friend, Mr. Gaya Prasad Singh says, " No, no ". I say, " Yes ", because the Gazette is supplied to us and we are supposed to have read the Gazette and we are supposed to have seen the thing and brought it to the notice of the Government then and there for the issue of a correction in the matter. Therefore, every one of us is to blame (Mr. B. Das : " Including the Government "),—including the Government of course, because the Assembly Department is part of the Government..... (Mr. B. Das : " Why did not the Honourable the Home Member read, and why did not Sir Lancelot Graham read, the Gazette ? ") Yes, Sir, Sir Lancelot Graham is as guilty as myself in this matter, and the Honourable the Home Member is as guilty as my Honourable friend, Mr. B. Das. (Laughter.) All of us are guilty in this respect, and the less the fault of the Assembly Department is mentioned in this House the better. I see because of this mistake the *Statesman* of Calcutta through its special representative has already had a fling at the Assembly Department, which was unworthy of the *Statesman*, especially as the Editor of the *Statesman* happens to be the Leader of the European Group and the representative of the *Statesman* happens to enjoy in the Press gallery the hospitality conceded to him by the head of the Assembly Department.....

Mr. Arthur Moore : On a point of order, Sir. Is the Honourable Member justified in making allegations of this kind which cannot be refuted on the floor of the House ?

Mr. C. S. Ranga Iyer : I am going to prove it presently. My justification is this. The *Statesman* of Calcutta-Delhi three days ago published a statement that, because of the separation of the Assembly Department owing to Mr. Patel, therefore this mistake was committed (Cries of " Shame ") ; otherwise it would not have been committed. (Cries of " Shame ".) And Mr. Arthur Moore does not read his own newspaper. It is time he read his own paper and prevented it from indulging in such mischief. I did not want to rub it in. I was very polite, but the Honourable gentleman had the audacity to rise on a point of order, forgetting the mischief that his own paper had perpetrated.

Sir, I would follow the example of my Honourable friend, Sir Lancelot Graham, who on that occasion when the matter was brought to the notice of the House, and said with a sincerity and sportsmanship for which I have known him ever since I entered this Assembly, and very rightly said, that as Secretary of the Legislative Department he sympathised with the Secretary of the Assembly Department. I wish that that point of mistake had not been made in the course of the debate, and I for my own part would treat this Bill as one that was introduced at the beginning

[Mr. C. S. Ranga Iyer.]

of this Session, because as I have already said, it was only a very unfortunate error which could not be helped.

Sir, the Honourable the Leader of the European Group, while levelling his attack against our esteemed friend, the Leader of the Independent Group, said that his criticism of the attitude of the Anglo-Indian Press was not justified. It is justified by the fact that, long before this Bill was introduced, the Anglo-Indian Press carried on a raging, tearing campaign asking for the introduction of a Bill of this kind, and, but for the support that the Government had received from the Anglo-Indian Press, they might have not been perhaps in the same hurry to introduce the Bill which they introduced in this House, and, but for the work that we did in the Select Committee, the Bill would not have been so radically altered as it has been. If the Anglo-Indian Press and their representatives had their own way in the matter, judging from their writings in the newspapers and their speeches on the floor of this House when the Bill was first introduced—if they had had their own way in the matter, this Bill would not have been altered as it has been altered. Sir, the Honourable the Leader of the European Group said, and very rightly said, that the Anglo-Indian Press stands to-day where it stood, say 150 years or 100 years ago.....

Mr. Arthur Moore : I said nothing of the kind.

Mr. C. S. Ranga Iyer : The Honourable gentleman was trying to interrupt me in the middle of the sentence, and therefore, I must repeat what he said. He said that the Anglo-Indian Press stands where it stood, I say 100 years ago, opposed to terrorism. So, are we opposed to terrorism. He said the Anglo-Indian Press do not want terrorism, and if by that he insinuated—I hope he did not insinuate that we were in favour of terrorism, he is only misrepresenting us as the Anglo-Indian Press has been endeavouring to misrepresent the Opposition on this side of the House. We are opposed to terrorism and if we do not support this measure, it is because we are convinced that it will not be wholly directed merely to newspapers which encourage terrorism or adore the terrorist for there are grievous defects, very serious defects in this Bill. It was not adequately dealt with in this House. The clause relating to violence was quite unnecessary for the purpose of this Bill, for we are only concerned with terrorism and the terrorist and if I had been convinced that this Bill as it stands to-day would not be abused, I would at any rate have thought it my duty to support this Bill, if I could at the same time be convinced that the passing of this Bill would stamp out terrorism. I am perfectly convinced that this Bill will leave the terrorist untouched. The very fact that all over the country responsible newspapers have been suspending publication of the paper for one day as a mark of protest at the passing of this measure ought to convince the Honourable the Home Member and the European Group that the passing of this Bill is resented by responsible organs of constitutional agitation.

Sir, I must now turn my attention to the Honourable the Home Member. Throughout this debate, I regret that the Honourable the Home Member did not accept even one or two of our important amendments because he considered that they were so vital to the Bill, amendments such as the asking of a double security from the printer and the publisher, when the printer and the publisher happened to be one and the same,

amendments such as putting the old press and the new press on the same footing, amendments in respect of demanding an advance security from the new press should the Magistrate think that such a security should be demanded. If in these two matters he had agreed, we might not have pressed so much the judicialising of the procedure. I knew it was more difficult for him to accept the motion relating to the judicialising of the procedure. If the Honourable the Home Member had only some imagination, if he had only thought what a tremendous weapon the Press would be on his side if he had judicialised the procedure, I am sure he would not have taken up an attitude which he in his responsibility to his executive in this country, thought proper to take up.

Sir, the other day the Honourable the Law Member in his very powerful advocacy of the Government cause said that he would be a better supporter of the Press than myself on this side of the House and he thought that the Press exercised much greater influence in the country than I thought it did. Sir, I differ from the Honourable the Law Member, and at this final stage of this Bill, I repeat my difference with his judgment in this matter and with the pronouncement that he made on the floor of this House. When the Law Member and I differ what are we to do? We can only appeal to one of his predecessors in office, a distinguished predecessor, nearly as brilliant and almost as competent. I refer to Sir Tej Bahadur Sapru who presided over the Press Laws Committee. Sir Tej Bahadur Sapru and his Committee made the following observations which I have since discovered and I think they are in agreement with me more than the Law Member. They say :

“We believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the Press and no press law can be effective for the repression of such activities. In our opinion therefore it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it has been both futile and irritating.”

And what, Sir, was the purpose of that Act? If only the Honourable the Law Member reads the speech of a distinguished predecessor of his, a great man whom the whole country held in adoration in his day, I refer to Lord Sinha who was an honour to the profession to which the Honourable the Law Member has the honour to belong, he would find that the principal purpose of that Act was nothing short of this—to stop terrorism in the country. Lord Sinha then said in his speech in the old Imperial Legislative Council that the principal purpose of the Press Bill was to cut off the fuel that fed terrorism. It is in the same strain that the Honourable the Law Member and the Honourable the Home Member have spoken throughout this debate. Their purpose is to stop the newspaper Press, should it be inclined to support terrorism and to adore the terrorist. When this Bill is passed, they will find that terrorism will not be affected by it at all and if the Magistrates are so inclined, they will follow a policy of using this measure to suppress the legitimate and healthy activities of the civil disobedience Press.

I hope that the Honourable the Home Member, now that he is in sight of victory, will not abuse the fruits of his victory and that the Government of India will issue instructions to Local Governments to see to it that this Bill is not in any way applied to any of the newspapers which carry on a policy of *bonâ fide* civil disobedience or constitutional

[Mr. C. S. Ranga Iyer:]

agitation. That instruction must be definitely issued to Local Governments in view of the misuse and abuse of the old Press Act. It was said of Hannibal that he knew how to gain a victory, but not how to use it. Let it not be said of the Honourable the Home Member, now that he is in sight of victory, that after achieving victory, he did not know how to use it, and that instead of getting the constitutionalists on his side, he forced them to go to the other side of the fence. I hope the Home Member will be inclined to take this advice of mine.

Lastly, Napoleon once said "four hostile newspapers are more to be feared than a thousand bayonets". It is the Napoleonic view that the Honourable the Law Member took the other day, but I would while admitting that the Press was the Archimedean Lever which moved the world, while it had great strength, it was occasionally inclined to abuse its strength. Still there is greater strength on the part of the Government, now that this Bill vests authority in the Government and it becomes the duty of the Government to see to it that while the Press Act gives them the strength of a giant, they do not abuse it like a giant. With these words I once again appeal to the Honourable the Home Member to see to it that this Bill does not create mischief which the Government will have to deplore. I may also say incidentally that we on this side of the House propose to take every step in future to see that this Bill is repealed or at any rate sufficiently modified, and I do hope that Honourable Members on this side of the House will take the earliest opportunity of introducing a repealing measure in the Legislative Assembly when it meets at Delhi (Applause). Sir, lastly, I am reminded, though in a contrary sense, of an old saying of a fellow-countryman of the Honourable the Home Member. "The Scots wear short patience and long daggers." On the other hand, the Honourable the Home Member has shown himself to have a long patience, beginning from the Delhi Session, and a short dagger—the one dagger that went home to this side of the House and which drew forth many a long dagger from this side. Sir, I would like to compare this Assembly to something like a tennis court, in which it is the duty of the Opposition to hit the Government as hard as it can, and it is the duty of the Government to return the ball with the same vigour. Incidentally, we develop the sporting habit. (Applause.)

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I need congratulate myself that after all I have succeeded in catching the eye of the Chair towards the end of this Session.....

Mr. President : I should like to ask the Honourable Member whether he wishes to insinuate that the Chair deliberately did not see him earlier in the Session ?

Sir Muhammad Yakub : Nothing of the sort, Sir, but the next sentence which I wanted to utter would have cleared the situation ; I was just going to say that I need not however make it a cause of complaint when I find that I have got my seat at the farthest end of this big hall. Sir, after the Bill has been discussed for so many days and after all the arguments in favour of and against the Bill have been exhausted, it would be very difficult for me to contribute fresh arguments on the subject. Sir, I am prepared to concede that the Bill under discussion is bound to place some control on the freedom of the Press. But, Sir, all the laws in this

world, whether religious or secular, are meant to control the actions of human beings. My religious laws restrict the liberty of my actions. The Bible restricts the liberty of action of Christians. The Vedas control the liberty of action of the Hindus, and other religious books of those who follow them. In the same way the secular laws control other actions and liberty of the people.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about the quotation from the Bhagavad-Gita already cited ?

Sir Muhammad Yakub : Yes, the Bhagavad-Gita does restrict the liberty of those who believe in it, but not of unbelievers like my friend, Mr. K. Ahmed, who does not believe in anything, religious or secular, and who has no decorum or decency.

Mr. K. Ahmed : That is rather irrelevant.

Mr. Amar Nath Dutt : Sir, I submit that no Member should indulge in such personal remarks against an Honourable Member who has been in this House as long as he has been, and who is a member of the Calcutta Bar !

Mr. K. Ahmed : Yes, I am much older than he in the Assembly, in experience and he does not know that ; nor has he the experience and knowledge of Parliamentary etiquette, though he was President for only a week !

Mr. President : Order, order.

Sir Muhammad Yakub : Sir, it would be better if I ignored my Honourable friend's remarks altogether, and treated them with the contempt they deserve. (Hear, hear.) I will now proceed with my speech. I was saying, Sir, that all the laws in this world are meant to control the liberty of action of human beings, and it is quite clear that unrestricted liberty is not conducive to the well-being of mankind, and no form of government in any country and no civilization can endure and prosper until some restrictions are placed on the illegitimate liberty of the people. I am fully satisfied, Sir, that the writings in some of the irresponsible journals have to a great extent contributed to the encouragement of assassinations and murderous assaults which have assumed very alarming dimensions during the last 12 months. Not only the material which has been supplied to us by the Government, in which only very extreme cases have been mentioned, but a perusal of other papers, both vernacular and English, will go to prove that these murderous assaults have received certainly a great deal of encouragement from these papers. Sir, do we not see every day that murderers are described as martyrs and saviours of their country ? (An Honourable Member : "Some are".) Do we not see that their photos are put in papers like the photos of heroes and leaders of people ? Do we not know that *hartals* are preached and observed on the days of their execution and processions are carried in the bazaars ? Well, all this propaganda, is carried on through the Press, certainly it encourages sensitive youths and creates a desire in their minds to become saviours of their country in this way. If this is so, then something ought to be done to stop this sort of propaganda. I am prepared to admit that the measure under discussion will not succeed in eradicating the evil of communism from this country. But there are certain other laws, and probably we will have to adopt more drastic measures, in order to eradicate the

[Sir Muhammad Yakub.]

evil. However, the present enactment will certainly control the encouraging impetus which is given by certain irresponsible papers to the commission of these crimes.

Sir, I say that the Bill in the form in which it appears before the House now, is greatly improved. All those features and provisions which were calculated to bring extra hardship upon moderate papers have been removed. (*An Honourable Member* : "Not all".) The preamble of the Bill has been changed. The indefinite provisions of clause 4 have been restricted. The duration of the Bill has also been curtailed ; and with all these improvements, I do not think this Bill, when placed on the Statute-book, will bring extra hardship on the moderate journals and presses in the country. Sir, I am as keen on the preservation of the liberty of the Press as any other Honourable Member on the opposite side (Laughter from some Non-Official Benches), and I think that the liberty of the Press is very useful for the creation of a healthy opinion in the country (Hear, hear) ; but when liberty is misused, whether by the Press or by the people, it becomes a menace to mankind and a source of destruction of society : and therefore, it is necessary that some restriction should be placed on it when it is fully proved that liberty is being misused in certain directions. Sir, we are now on the threshold of responsible government, and it is therefore very desirable that the future executive of the country should be armed with all the weapons that would be necessary for the protection of the country's constitution. History tells us that after each change in the government of a country irresponsible people, irresponsible journalists, and irresponsible papers grow up and try to create chaos in the country, and therefore, it is just the proper time, as I said, when the future constitution of the country should be armed with weapons to stop these vagaries of irresponsible people.

Sir, I have finished what I had to say, but before I conclude, I should like to make two points more. One is that it has been frequently remarked by many Honourable Members that Government are taking advantage of the thinness of the House and that this Bill is being rushed through at the fag end of the session. On this question I should like to submit that the present session of the Assembly commenced on the 7th September and the Bill which, in a modified form, is now before the House was introduced on the very same day that this present session commenced. In fact, if I am not guilty of divulging any secrets, I may say that the Government took care to take the responsible Leaders of the House into their confidence even before this session of the Assembly commenced, and therefore, it is not right for the Honourable Members to say that this important measure was taken without giving them due notice. Then, on the same day that the Bill was introduced in this House, the Leader of the House indicated that on Friday, the 11th September, the motion to refer the Bill to Select Committee would be made. Then, on the 11th, two full days were spent in discussing the Bill before it was sent to Select Committee. After realising the importance of this measure, after knowing that this Bill would bring hardship to the Press in this country, there was no excuse for the Honourable Members who have left to leave the House and not to realise their sense of responsibility. They cannot afterwards say that the Bill has been brought at the fag end of the session or that sufficient notice was not given to the Members of the House that this important measure was coming

before the House. The meetings of the Assembly are convened only twice a year and if important measures are not brought up during the course of certain sessions, I do not think it would ever be possible for this Assembly to transact any important business.

The second point to which I should like to refer is that reference was made by Mr. Misra and some other Honourable Members about the executive in this country and it was said that the powers vested by this Bill would be exercised by the Magistrates in a reckless manner. Sir, we are all aware that the majority of the executive in this country consist of Indians, and if educated Indian Magistrates are liable to abuse their power in this way, as my friend, Mr. Misra and other Honourable Members think they do, then our claim for responsible government and self-government for this country falls to the ground.

Mr. Gaya Prasad Singh : They were condemning the system under which these Indian officers work, and not the officers themselves.

Sir Muhammad Yakub : No, they did not condemn the system ; they only said that this law will be abused. I would not have raised any objection if they had said that the law is defective. They did not condemn the system, but they said that the people who administer the law will abuse it. That is to say, they attack the educated Indian young men in whom the future hopes of the country lie, and I would like to lodge a strong protest against this wanton abuse of the educated people of the country who will in future govern this country to the credit of the Indians and everybody concerned. With these remarks and for these reasons I support the motion that the Bill be passed.

Mr. President : Mr. Mitra.

Mr. K. Ahmed : Sir, reference has been made to the Mahabharata, which was alluded to by the last speaker and my Honourable friend, Mr. Amar Nath Dutt.....

Sir Muhammad Yakub : I never alluded to the Mahabharata or to anybody.

Mr. K. Ahmed : Mr. Amar Nath Dutt when he was speaking yesterday.....

Mr. President : The Honourable Member is now making a speech.

Mr. K. Ahmed : I am not doing anything of the kind which is not allowed.

Mr. President : The Honourable Member will get his turn, if he wishes to speak. I have called Mr. Mitra now.

Mr. K. Ahmed : Before he speaks, I have a right to make an explanation.

Mr. President : The Honourable Member cannot offer an explanation of a speech delivered some time ago. Mr. Amar Nath Dutt has not spoken yet.

Mr. K. Ahmed : The last speaker has spoken and I am entitled if you will allow me.....

Mr. President : The Honourable Member can only rise to a point of order. What is the point of order ?

Mr. K. Ahmed : The point of order is this. It is the practice in Parliament and in this Assembly also that when the last speaker has made a reference.....

Mr. President : Order, order. The Honourable Member cannot take up the time of the House unless he raises a point of order. The way in which he has started does not indicate that he has any point of order. What is the point of order ?

Mr. K. Ahmed : The last speaker has made a reference to certain allusions made in the speech, to him, when it was mentioned to him what about certain extracts which were quoted last time by Mr. Amar Nath Dutt that he will go to heaven if he kills a man ; and the last speaker was not intelligent enough or probably he did not follow the interjection in spite of answering the question that it is not irreligious or that religion did not allow to say so, it was not right for Mr. Amar Nath Dutt.....

Mr. President : I cannot see that there is any point of order in the statement which the Honourable Member has made so far. I cannot allow the time of the House to be occupied in this way. Mr. Mitra.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I oppose the Bill, though I must say that, had it been the object of the Bill to suppress incitement to murder, I would have supported the principle of the Bill. Before I make my own arguments, I would like to meet two points that my Honourable friend, Sir Muhammad Yakub, has raised. He said that there was sufficient notice. I think my Honourable friend forgot that the notice from the Legislative Assembly Department said that the Session was to last till the 24th of September. Now, to-day we are on the 3rd of October. So I think he could not make much on that point.

Sir Muhammad Yakub : It was never said so. It was only a tentative programme.

Mr. S. C. Mitra : It may be for you. When the notice comes from the Assembly Department we can see only what is contained in it. As an *ex-President* you may have other information.

Then the other point was with regard to the Magistrates. His soft heart was very much aching for the Magistrates. My point is that if we say something, it is not against the persons. If we say something here against the Government, we do not mean that it is Sir James Crerar or Sir George Rainy. It is the bad system under which the bureaucracy is working, that we blame. It is against the principle that we fight. It may be a good and intelligent man like Sir Muhammad Yakub that may be the Magistrate. But he has to work under the existing system and that is what we are fighting against. The Indian National Congress has been fighting for the separation of judicial and executive functions and it has been accepted even by Government that it is a good principle. But yet Government could not see their way to give effect to that principle. We say that the executive orders should never take the place of judicial proceedings. If my Honourable friend has not realised it, after so many years of practice in the courts, I cannot help him.

Then, as regards the point raised by the Leader of the European Group, I very much agree with my Honourable friend, Mr. Ranga Iyer, that every Member is as much to blame. But if there is anybody who is

more to be blamed, I think it is our Honourable friend, Mr. Arthur Moore himself, because he was the President of the Select Committee and it was his bounden duty, as the President of the Select Committee to see whether proper publication was made in the Gazette.

Mr. Arthur Moore : On a point of personal explanation, may I say that I did not use the word imputed to me by Mr. Ranga Iyer. I did not say anything about the fault of the Assembly Department. I merely used the word which you used, that it was a mistake. We all recognise that it was merely a slip.

Mr. S. C. Mitra : I do not specially find fault with my Honourable friend. If anybody is to be blamed more, it is the Chairman of the Select Committee whose business it was to see that the proper publication has been made.

Then, I come to the points which I wish to raise. I admit that there is a frequency of these political assassinations, which it is the duty of the Government, whether it is an alien Government or a national Government, to stop. But you must make a proper diagnosis of the situation and apply the proper remedy. It is no use applying quack remedies when you cannot really destroy the root cause. You know that discontent has been prevailing in the country now for a long time. I admit that in writings in the Press there may be passages where you can see a lurking sympathy with these political assassinations. It is no use saying that these are misguided youths. I do not agree with Sir Muhammad Yakub in saying that they are all misguided youths.

Sir Muhammad Yakub : I never used the word "misguided". I said sensitive.

Mr. S. C. Mitra : My point is this. Some of these young men are graduates and really intelligent people. They are taking recourse to assassinations. It is a very serious thing to be seriously and calmly considered. It is not so much due to the ephemeral writing in the Press that these political assassinations are taking place. That was the main argument all along, that by passing this measure, Government will put an end to these things. But I do not think so. That was the reason why I said you are applying a false remedy by which you will not succeed in your object, while you will kill and suppress—as my Leader said—the liberty of the Press, the freedom of fair criticism and put an end to all enterprise in the printing business. It really requires a higher statesmanship to realise where the true defect in the body politic lies. India is no longer an inorganic State, people being unconscious of their political status. I may tell the Government that they cannot stop these things by these quack remedies. They are to look for a remedy for the real evil. I know that now Sir Samuel Hoare is at the helm of affairs, a Conservative Minister, and the Viceroy has declared himself to be a constitutional Viceroy. But I very much appreciate the position of a constitutional Viceroy when there is a responsible Ministry. But where the Ministry is irresponsible, as my friend, Mr. Ranga Iyer, styled it, I think the Viceroy also will have to see through these things and not rely entirely on the absolute tyrants that might be sitting on the Treasury Benches.

Then, as regards the principle, it has been said that killing itself is not always bad. If it had been bad, then why should there be so much praise of war and soldiers ? Why should people recruit soldiers ? They are

[Mr. S. C. Mitra.]

not brought under this law for inciting to murder. The best fighter will perhaps get a Victoria Cross for killing the enemy. So killing by itself is not necessarily bad. The motive must be found out. I agree that in any Government these political assassinations cannot be allowed. But we have to find out the real remedies against all these evils. Enacting repressive measures one after another is no remedy, and I think, Sir Muhammad Yakub suggested more coercive measures still. By suppressing the feeling you will not kill the disease. As I was going through this typical collection made by Government, I see what Government are now aiming at. I shall actually read two or three passages if time permits. No body can say that there was nothing for admiration in the motive of these political assassins. If I remember right, in the old days in Bengal the public Press used to condemn these dastardly crimes. It was the *Pioneer* from Allahabad that first said that there was the other side of the shield also, namely the high motives that actuated these people. That is also a matter for consideration. I find even in the judgment of one of these cases, Justice Buckland refers to the motive of the crime and recommends Government to consider about the sentence. The remedy is not by repressive legislation, but by helping the Indians to attain full and complete Swaraj, and if you do that you really remove the causes that lead to these political assassinations.

Before I finish I would like to say a word about my friend, the Leader of the European Group. I am just quoting from the writing of another European gentleman, Mr. B. G. Horniman, who writing in the *Daily Herald* about the European Group and its Leader says :

“ Mr. Moore made the further demand that the Frontier Crimes Regulation should be applied to Bengal.

We should welcome this measure if we thought that the Government would have the sense and the courage to apply it exclusively to dangerous aliens of the type of this utterly un-English representative of the European community in the Legislative Assembly.

Men of the type of Mr. Arthur Moore are infinitely more dangerous to society, we suspect, than most of the so-called ‘ dangerous revolutionaries ’ locked up in detention camps. They exercise an unhealthy influence over a Government that is over responsive to the cries of panic-mongers.

More than that they do more than a hundred so-called incitements to crime in the vernacular press to stir up feelings of revolt and revenge in the minds of young men against conditions and a system which make it possible for a foreigner like Arthur Moore to insult Indians in the press and in the Legislature.”

Sir, I oppose the Bill.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I stand to oppose the third reading of this Bill. I will not take a long time in making my speech, but I will emphasise certain points which I tried to make clear when I was pressing my amendments for the acceptance of the Honourable the Home Member. It is claimed that the 20th century is an age of reason and rationalism finds a better place than brute might with which we are familiar in the 16th and 17th centuries. I wish might had not been the right, but that reason had taken the place of might. But to my utter surprise I have found that in the discussions that have been going on on my amendments, reason was utterly thrown aside, and that might was used to crush and defeat all my amendments. I may make it quite clear I am entirely at one with the declared object of the Bill,

that it aims at crushing the anarchical movement in the country. I certainly want to assist the Treasury Benches in the attainment of that object ; but at the same time I will insist that in eradicating one evil, you should not be perpetuating another evil. One sinful act cannot be eradicated by another sinful act. You are welcome to eradicate the evil of assassination, but you are certainly not to be supported when you yourself take up the role of assassinating the juristic principles that are prevailing in this country. The whole aim of my amendments was that the principles laid down in the criminal jurisprudence of the country should be allowed free play, and even an assassin who kills an individual simply because he happens to belong to a different school of politics than himself, should not be treated on the same principles which were followed by the assassin himself. What I mean is that even a murderer, a ravisher, a dacoit and a robber has a right to be heard. If you want to muzzle the Press in this way by punishing the keeper of the press, printer or publisher, without giving him an opportunity to be heard, why not go ahead and say that every assassin who is guilty of political murder should be hanged straight away ? That would be much better. I would certainly prefer that course to this of punishing an innocent person without giving him a chance of clearing himself. My submission is that throughout my amendments I tried to take away the power from the executive and place it in the hands of the judiciary. My object was that the rule of executive should cease and the rule of law should find a place in this country. I tried to explain it and to emphasise it when moving my principal amendments ; but I entirely failed to carry conviction to the other side. The Honourable the Law Member, who has disappointed me a good deal, has put forward the justification that this particular Bill was an emergency measure and it called for a speedy remedy. My submission is that if you had looked at the amendment to clause 3 which I proposed, I did not overlook this fact. As a matter of fact when a person was to be called upon to deposit security, I made it a provision that during the time the trial lasts or during the time he is called upon to show cause, the Magistrate should have the authority to call upon him to deposit security or to be bound down that he would not do anything of the sort which is sought to be prevented by the introduction of this clause. But even that point has not been considered. Therefore, my submission is that the battle in which I was engaged to fight the other side raged round this one crucial point, that is, whether there should be a rule of law in the land or whether there should be a rule of executive in the land. As the Treasury Benches have succeeded and probably in a few minutes will come out triumphant and the rule of executive will have crushed the rule of law in this land, so I want to record my protest on this point.

Lastly, I wish to say a few words upon the speech of my Honourable friend, Sir Muhammad Yakub. He said that even the religious books of the Hindus, of the Christians and all other religions do control the liberty of action of individuals. Probably my friend forgets that the word “ liberty ” has a distinct connotation from the word “ license ”. If he had kept the distinction before him, he would not have used the language which he used. Liberty is defined like this : you are free to act provided you do not transgress the similar freedom of another citizen of the land. Control is placed upon

[Sardar Sant Singh.]

us because the liberty of every individual is sacred, not the individual liberty of one person only ; and that is the distinction between liberty and license. The second point he took was also objectionable. He said that we are not fit for Home Rule because we are not willing to trust the Indian Magistrates. Of course in one of my arguments I did say that Indian Magistrates more often than not, with rare and noble exceptions, act according to the hints they receive from the District Magistrate : not only do they act like that but at the time of pronouncing judgments they declare it before the accused as well as the counsel, " We are helpless ; you know we are helpless." And certainly we know that they are helpless. Not that they are not able to administer justice or that they do not understand the law, but because they are part of a system which system is bad in itself. Therefore, my submission is that the present system which combines in one both the executive and judicial functions is such that it takes away the liberty of the subject. Therefore, Sir, if this Bill is passed in its present form, it will curtail the liberty of the Press, if not entirely ruin the freedom of expression and freedom of comment in this land. With these remarks I oppose the third reading.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, I am obliged to you for giving me an opportunity to say a few words on the third reading of the Bill. Those of my friends who followed me on the last occasion must have known the logic with which I couched my story. As one coming from the farthest corner of India, and as one who more or less directly or indirectly has passed through great vicissitudes of Press tyranny, I think it will be wrong on my part if I do not say a few words on the third reading of this important measure.

I am really surprised, Mr. President, that a gentleman of the calibre of my friend, Mr. S. C. Mitra, should say here on the floor of the Assembly things under the cloak of section 67 of the Government of India Act, which really go to support the guilty. I hope I have not misunderstood his arguments, but what I feel is this, that perhaps on occasions more than one, some of us seem to take advantage on the floor of the House of section 67 of the Government of India Act, which allows the Members of this House some sort of freedom of speech. As I said once before, I think the encouragement which the Press and the public get from the speeches made by some of us in the House go a long way to further add to the excitement. I do not propose to read any homily to my friends on the right, but when they profess to condemn lawlessness and disorder, on the face of that and on the face of their condemnation of criminal acts of terrorists, how do they logically and consistently say that they by their words on the floor of the House are not encouraging things which Government are attempting to put down ? We have heard from all sides of the House that most diabolical crimes have been committed against European officials of the Government. I do not mean to hold any brief for the officials nor for the non-official European Community. I have many European friends in this country, but why blame the officials and non-official Europeans for asking the Government to bring in a measure of this kind ? None of my friends on the right care to face facts. It has been repeatedly stated before the House as

to how Government came to introduce this measure, and it has been repeatedly pointed out that chaos and anarchy is reigning in certain parts of India. The law-abiding citizens, people who have a stake in the country, approached Government from all parts, and Government realising that they had a duty to perform to the law abiding citizens and to allay the fears of such law-abiding citizens, have brought forward this piece of legislation. If my friends on the right want to be logical, I venture to say that the explanation given by Government to justify the introduction of this Bill should satisfy them. Sometimes our lawyer friends on my right ask how is it that such a responsible Government as the Government of India do not care for the rule of law ? Of course, there is only one answer to that question, and that is, if my friend Sardar Sant Singh and his supporters have read legal literature, they must have noticed that the rule of law is and has been prevailing in all civilised countries and it prevails in this country also. But I am really surprised that they do not care to come to that part of the story where the rule of law is a predominant factor all the time, but it is to a certain extent compromised on account of an emergency. My friends must have noticed that there was during the time of war in England a measure called the Defence of the Realm Act, or what in popular parlance is known as the D. O. R. A., and would my friends argue that, because D. O. R. A. was enacted as an act of emergency, England absolutely demolished or did away with the system of the rule of law of which we hear so much.

Then, Sir, I join issue in connection with the attacks on my friend on my right, Sir Muhammad Yakub, who has been so much heckled from the right wing of the House. My humble request to my heckler friends is this, they must have patience, they must respect the viewpoints of others ; if they do not like the viewpoints of others, even though they are plain truths, my friends must bear them patiently. There is no alternative. Inconsistency in conduct does not look well.

Lastly, I wish to say only one word with regard to what fell from my friend, Mr. Mitra, with regard to his praise about sharp shootings. Yes, even Mr. Mitra will praise skill in sharp shooting and archery, as a theory expressing courage and valour, but if anybody praises these sharp shootings against officials on the floor of the House, my impression is that such commendations go a long way to create further mischief outside. No one for a single second discourages valour and chivalry, but where they are likely to be distorted, it is better that they should not be uttered. The time is very critical. The fate of India is hanging on the balance—I hope and trust that my friends on the opposition, will not add any more fuel to the already over heated atmosphere in the country. This measure is a temporary one, and the Assembly will always have a say in its modification. With these few words, I support the third reading of the Bill.

The Honourable Sir James Crerar : Mr. President, at this advanced stage of the Session and after so many days' debate of this Bill, I do not think that the House expects from me any very long speech now. I think everything that was worth saying with regard to this Bill has been said. Perhaps a good deal has been said which need not have been said ; much has been repeated which was not worthy of repetition, and I do not wish to incur any of those censures myself.

[Sir James Crerar.]

I do, however, desire very briefly indeed to reply to one reproach which has been made against me and the Government and against which I must protest as not being a justifiable reproach. As regards the Assembly having been rushed over this measure, a full reply has already been given by other Members who spoke on this debate. The point on which I wish to make a few remarks is the suggestion that Government have been entirely impervious to reason and to reasonable criticism of this Bill, that because they accepted very few amendments on the long list of amendments placed before the House, therefore that is a reasonable proof of their rigid impermeability to any reason. Sir, I think those Honourable Members who are prepared to regard this question with candour will agree with me that between the form of the Bill as it was introduced and the form in which it is now before the House there are very serious changes. The Honourable Mr. Ranga Iyer, who was a member of the Select Committee, has had the candour and the justice—which here I do desire to acknowledge, though on some of the issues we necessarily differed—I do desire to acknowledge the general candour and justice with which the Honourable Member has addressed himself to the question, and he will, I am sure, agree that during the course of those discussions, the Government did give very careful, very sympathetic consideration to all the suggestions. If on certain broad issues we had yielded, the vital structure of the Bill would have been destroyed, and it was solely on that ground that we dissented and were compelled to stand our ground. Therefore, when the Honourable and learned gentleman opposite imputed to me an entire failure to respond to reason, I on my side must point out that the main points which he mentioned were points which were entirely inconsistent with the structure, the principle and the purpose of the Bill,—the structure, the principle and the purpose of which have twice been approved by the votes of the whole House. I should like to illustrate it by one particular point; longer than that I will not delay the House. The Honourable and learned gentleman opposite instanced as a particular case of unreasonable attitude on the part of the Government the fact that we were unable to accept the particular amendment relating to so-called *bonâ fide* encumbrances. Now, Sir, while that particular amendment was under discussion, I observed that my Honourable friend was not himself present in the House. I will not pursue in detail the merits or the issues of that amendment, because the House has recorded its decision. But the point I do desire to make is this that even if the Honourable Member who moved that amendment had good reason of thinking that some appropriate provision should be made regarding legitimate and innocent interests in confiscated property, no attempt was made to explain to us what was a *bonâ fide* interest in the forfeited property. Someone might have been accommodating enough to lend money to the keeper of the press. He might be sympathetic towards methods by which the press or the newspaper was conducted. If the money were returned to him under this amendment, he would presumably be accommodating enough to give it back to the keeper. We were not given any solution of that, nor indeed of any of the other difficulties. The amendment, in its present form, is simply thrown at our heads and no remedy is provided for the obvious difficulties that would arise, because it is quite clear if the amendment

stood in that form without any qualifications and reservations,—of practicability of which I remain unconvinced,—the whole purport of that clause would have completely disappeared, and in consequence a greater part of the structure of the machinery of the Act would become ineffective. Now, I do not think that it is a reasonable reproach to levy against Government when amendments are put forward in that crude, ill-considered fashion, in a form which in other respects also would destroy the machinery of the measure,—I submit it is not a fair imputation upon Government to say that they have been indiscriminate, rigid and unyielding in their consideration of the amendments. That is practically the last word I have to say. We on our side of the House, however, much we may differ in our views with regard to the main issues on this subject,—and I thought in the earlier discussions in the House the main issues had been accepted by Honourable gentlemen opposite and I built upon the assurance that many of them gave that they held to those main issues—we on our part do not desire to return any of those reproaches, but I do venture to say when Honourable Members consider the long progress of this Bill, when they consider the great changes with the Government have consented to make, those charges and those reproaches are not justified. (Applause.)

Mr. President : The question is :

“ That the Bill to provide against the publication of matter inciting to or encouraging murder or violence, as amended, be passed.”

The Assembly divided :

AYES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
Dyer, Mr. J. F.
Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Heatheote, 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.
Knight, Mr. H. F.
Lalchand, Captain Rao Bahadur.
Lall, Mr. S.

Leach, Mr. F. B.
Montgomery, Mr. H.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
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.
Ram Chandra, Mr.
Rama Rao, Rai Bahadur U.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Muhammad.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Sykes, Mr. E. F.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.

AYES—*contd.*

Todd, Mr. A. H. A.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.

Young, Mr. G. M.
Zulfiqar Ali Khan, Sir.

NOES—24.

Azhar Ali, Mr. Muhammad.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Muazzam Sahib Bahadur, Mr. Muham-
mad.
Ranga Iyer, Mr. C. S.

Reddi, Mr. P. G.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

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.

DEMAND FOR SUPPLEMENTARY GRANTS.

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

“ That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

Mr. President : I should like to draw the attention of the Honourable Member, Mr. Misra, to the fact that he has included in his grievances two items, one relating to the Orissa Boundary Commission and the other to the Round Table Conference. There is no provision in this demand for any expenditure on the Boundary Commission for Orissa. Therefore, that grievance cannot be ventilated on the present occasion. I, therefore, call upon the Honourable Member to move his amendment only in regard to the non-representation of Oriyas on the Round Table Conference.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, I am afraid this motion was already moved in connection with the previous grant, and so it cannot be moved.

The Honourable Sir George Rainy (Leader of the House) : The point is this, Mr. President. Precisely this grievance was ventilated on the vote for expenditure in India. This is now a vote for expenditure in England. I cannot say that the motion is substantially the

same ; but, if this were in the form of a Resolution, it would be precisely the same.

Mr. President : I had asked my office to go over all the amendments of which notice had been given, and I have disallowed Nos. 1 to 7 on that ground. This is really No. 8, which I am told has not been previously discussed. That is a question of fact which requires to be looked into.

The Honourable Sir George Rainy : I think, Sir, my Honourable friends, Mr. B. Das and Mr. Misra will both recollect that we did discuss the non-representation of Orissa, and I certainly made a speech on the subject.

Mr. B. N. Misra (Orissa Division : Non-Muhammadian) : I had discussed only one part, but the other part I think was ruled out.

Mr. President : The Honourable Member's motion seems to be out of order on both grounds. Mr. Das moved item No. 4 on the first supplementary demand and ventilated the grievance of the non-representation of Orissa at the Round Table Conference. I do not see any difference between the non-representation of Orissa and the non-representation of Oriyas (Laughter).

Mr. B. N. Misra : Sir, we have a grievance.

Mr. President : Very well, I want to hear the Honourable Member.

Mr. B. N. Misra : Sir, as regards the Orissa Boundary Commission...

Mr. President : I have already ruled that that is out of order.

Mr. B. N. Misra : As regards our non-representation at the Round Table Conference.

Mr. President : That has already been discussed.

Mr. B. Das : I submit, Sir, that this sum is allotted for expenditure in England. There is no Oriya Member of the Round Table Conference at London—so he will not be able to share what expenditure is incurred in England.

Mr. President : That is a purely technical point. The subject matter of the grievance has been fully ventilated, *viz.*, that the Province of Orissa has not been represented at the Round Table Conference. Whether it has been done under one head or under another is immaterial. If no motion had been made under the first head, I would have certainly allowed it on this motion.

Non-representation of Nationalist Muslims in the Round Table Conference.

Mr. B. N. Misra : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 2,63,000 in respect of ‘ Expenditure in England—Secretary of State for India ’ be reduced by Rs. 100.”

Sir, probably you will be wondering as to why, of all people, I should come forward with a motion on behalf of nationalist Muslims.

[Mr. B. N. Misra.]

First of all, let me be not misunderstood that I have put this motion at the instance of my party or anybody. I have brought this motion forward because the nationalist Muslims go unrepresented in this House. Sir, it is not foreign to Hindu culture that we should consider it our duty to espouse an unrepresented cause. (Hear, hear.) You know, Sir, from the Mahabharata that Vishma was a great hero, but he was a bachelor, he was issueless; and therefore, we Hindus, particularly I am now speaking of my Brahmin community, always offer *sradh* for him; it is incumbent, according to our Hindu ideas, that sons must offer *pindas* to their father. Of course if a Hindu has not a son, certainly the belief is that he must be given a son by somebody else; and therefore, the Brahmins undertake it as their first duty to offer their *pinda* to Vishma, who was a great hero but a bachelor and issueless. Therefore, I move this motion on account of the non-representation of nationalist Muslims at the Round Table Conference. Sir, whatever may be said by others, probably you have been reading in the papers, and particularly we get messages from London, that the Round Table Conference cannot proceed further on account of the absence of Dr. Ansari, so well-known to this House and I think to you also, Sir. Sir, on account of the absence of the nationalist Muslims, that Conference cannot go on. Of course, when I say this I do not thereby cast any reflection on any others, but I say that the Government are well aware of this view,—and so the work is being delayed in London. I, therefore, request the Honourable Members on the Treasury Benches that they should not make it a party question or a Government question, and I would request my Honourable Mussalman friends of this House also not to oppose my motion; and I would request the Treasury Benches to leave this question to the free vote of this House, without themselves taking any part in it; and then I think the House will agree to this motion.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, my Honourable friend, Mr. Misra, has not done justice to the Mussalmans when he says that nationalist Muslims are not represented on the Round Table Conference or that the nationalist Muslims are not represented in this House. Sir, I claim for myself and for my other Muslim friends in this House that we are as much nationalist as any other nationalist in India. Sir, we are not an inch behind any person in this country in claiming the freedom of our country.

Mr. B. N. Misra: Then my Honourable friend cannot object to my motion at all.

Sir Muhammad Yakub: We in this House, as well as the Muslims outside this House, have always fought shoulder to shoulder with the other communities in this country for obtaining the freedom of our motherland. In the same way my friend is not right when he says that nationalist Muslims are not represented on the Round Table Conference. Can any one say that there can be a greater nationalist Muslim than Mr. Muhammad Ali Jinnah himself? He is the man who unfurled the flag of nationalism in this House, the man who taught nationalism to many nationalists in this country, the man who has

ed all ideas of communalism and has fought against his own comrades for nationalism. When Mr. Jinnah is in the Round Table Conference can anybody say that nationalist Muslims are not represented? Sir, we have got another great nationalist Muslim in Sir Ali Imam, an who presided over the Nationalist Muslim Conference at Bombay, and is the accredited representative of the Nationalist Muslim

When Sir Ali Imam is there, can anybody say that the nationalist Muslims are not represented at the Round Table Conference? Then Sir Sultan Ahmed. He has always been in the front rank of nationalists in this country; and when all these gentlemen are represented, to make it a grievance that the nationalist Muslims are not is absurd. And to say that the work of the Round Table Conference is being hindered for want of one individual is an argument with which no reasonable man can agree. Probably it is an excuse for not going to any proper settlement with the Muslims. If "A" is present, next day it will be said that "B" is not there, and therefore, work cannot go on; "C" is not there and therefore, the work cannot proceed. Sir, the question of representation at the Round Table Conference has been made a sort of lame excuse in the country; I am not invited therefore the Mussalmans of the United Provinces are not represented; because my friend, Mr. Amar Nath is not there, therefore the Bengalis are not represented; because my friends are not there therefore their case has not been represented.

There are hundreds and thousands of sects and communities in the different sects in India, and if a claim is made for the representation of every community and sub-community and every caste in the Round Table Conference, I do not know what will be the dimensions of the Round Table Conference, when they will finish their work, and how much money will be spent upon these people who enjoy the hospitality of the British Government in England. So I say that it is a super-grievance to say that the nationalist Muslims are not represented for these reasons I am obliged to oppose the motion of my friend Mr. Misra.

r. B. N. Misra: Sir, I was trying for the unity of India and my Honourable friend says that there is no difference.....

r. President: The Honourable Member cannot speak again unless withdrawing the motion.

r. B. N. Misra: Yes, Sir, I am withdrawing it after clearing the air. I think any one reading the papers will find that on account of the absence of Dr. Ansari.....

unwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): Sir, on a point of order, when the Honourable Member has asked to withdraw his motion what is the use of making a speech?

r. President: He is not in order in making a speech, but he can briefly explain why he is withdrawing it.

r. B. N. Misra: Yes, Sir, I am not making a speech. I was speaking in the interest of the unity of India and of Muslims. It is regrettable that there are communalists and nationalists. If my friend were to be a nationalist Muslim, why should he object to another man speaking there? After all so many people have been included.....

Mr. President : The Honourable Member is again making a speech.

Mr. B. N. Misra : No, Sir, I will not make a speech but I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly withdrawn.

Mr. President : The question is :

“ That a supplementary sum not exceeding Rs. 2,63,000 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, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

The motion was adopted.

RESOLUTION RE EXPENDITURE ON ROADS.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I beg to move the following Resolution :

“ That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors' provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature.”

Sir, I do not propose to take up the time of the House at any great length, but I would remind Honourable Members of the Resolution which was passed by this House on the 4th February, 1930, whereby certain arrangements were made for the allotment to the provinces, in the ratio of consumption of the amounts of the extra petrol tax. That Resolution contemplated that these sums would be available as a block grant for expenditure on road development. After a time, we received applications from several Local Governments asking that this money might be made available for maintenance and not merely for construction. We went into this question very carefully and we came to the conclusion, having regard to the financial circumstances of the Local Governments, that it was unreasonable to suggest or to insist that they should build more roads while they were unable to maintain their existing ones. We were under the impression in the Standing Committee that we had power to do so under the terms of the Resolution as it stands. We were however advised that this was not so and therefore it has been necessary to come to this House for an amendment of the Resolution. The plain justification for this amendment is, as I have said before, that it is no use asking a Local Government to construct new roads when it has not the money to maintain its existing ones. You will however notice that this diversion, or as some call it this raid on the Road Fund, is not to be a permanent one. First of all, the Standing Committee will have to be satisfied that the Local Government has made out a good case ; secondly it is to be a loan, and this loan is to be repaid as soon as the financial circumstances of the Local Government permit.

I think, Sir, that the Resolution is one which should commend itself to the House.

Mr. S. G. Jog (Berar Representative) : Sir, it is really a very rare phenomenon that a Member of this House has got to rise to support a Resolution moved by a Member of Government. It appears to me that an emergency adjustment of the Fund is necessary and I have purposely risen to say that for all reasonable proposals even if they come from the Government side, this side of the House will give entire support. We have to show that we are reasonable provided the Government are also reasonable, and I heartily support the Resolution moved by the Honourable Member, Mr. Shillidy.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, in giving my approval to the Resolution moved by my Honourable friend, Mr. Shillidy, I would suggest to him that every year, before the Standing Committee on Roads, he will bring forward a statement shewing the sums that the Local Governments appropriate for the maintenance of roads from the Roads Fund, and also he will place statements before the Standing Committee on Roads from year to year showing that sums thus spent on revenue account are credited by the Local Governments to the capital account of expenditure on roads. If he does that I will be satisfied. I will only bring to his notice a local matter of the Kalka-Simla road for which the Standing Committee on roads granted a large sum of money to the Government of the Punjab.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : It is not correct. The Standing Committee on Roads did not grant any money for this road. It is a provincial road.

Mr. B. Das : It is not correct ? I will draw the Honourable Member's attention to the fact that we live in the Members' quarters on the Cart Road, which is under the administration of my Honourable friend, Mr. Shillidy. My friend allows a large number of motor cars to pass via that road and when Honourable Members come to this House, we come in a dust storm. Either he will stop the motor cars at the place where the medical examination takes place or he will grant sufficient money from the reserve fund accumulating to the Government of India, so that that road may be properly paved and there may be no dust storm when we come to meet here and to reply to the Honourable Member on his Resolution.

Mr. L. V. Heathcote (Nominated Non-Official) : Sir, this Resolution has all the appearance of being a harmless one. But actually I am afraid that I am not in love with it. The only justification that I can find for this Resolution is the sympathy which all of us feel in this House for the hard plight of Provincial Governments. But I do think that we should not allow our sympathy to run away with our reason. It is to be remembered that this additional annas 2 tax which was put on petrol for the purpose of finding funds for road development is a Central revenue and it is the responsibility of this House to see that a tax which was enforced for a particular purpose is used for that purpose. We also have a further responsibility to the person who pays that tax, and the motorist is taxed to a degree which I do not think many Members of this House realise. So the question arises whether there is anything that we can do which is going to bring it to the notice

[Mr. L. V. Heathcote.]

of the Provincial Governments that this money which is proposed to be given to maintenance is to be regarded as a loan. I considered the possibility of tabling an amendment which would to some extent fix the time when the loans were to be repaid, but it was pointed out to me that when the time came and conditions had improved so that we might expect these loans to be repaid, the constitution is likely to be an entirely different one, and whatever conditions may be made now, they would not have an application several years hence, and so the question then arises, is it safe to put the provinces on their honour, because that is really what it comes to, and I am perfectly prepared to do so. In fact I prefer to do so rather than try to invent some formula round which the Local Governments might not be able to get. The only reason which makes me to speak on this Resolution at all is that in the Provinces, the local Legislatures have not yet realised the real importance of roads. Roads is the Cinderella of the transferred Departments. Money is spent on education and health, but it seems to me that little consideration is given to the possibility of improving the roads leading to schools, and so enlarge the area served by the school. Large sums are spent on hospitals but what is the use if the poor villager coming to the hospital dies before reaching it on account of the jolts he receives. And so I would like an assurance from the Honourable the Mover of this Resolution that, in passing on the terms of this Resolution to the Local Governments, he will lay all emphasis he can on the fact that this diversion is a loan and that we rely upon the provinces to repay it to the Road Development Fund.

Mr. J. A. Shillidy : Sir, I would like to thank Mr. Jog for approving of the reasonableness of my proposal and for the promise that he is always ready to support anything reasonable from these Benches. But as all our proposals are entirely reasonable, I think he might cross the floor at once. Then, Sir, turning to Mr. Das, I am quite prepared to accept the suggestion Mr. Das has made that we should inform the Standing Committee of sums which are spent by the Local Governments on maintenance and that we should do so every year. Certainly I shall undertake to do it. As regards the Kalka-Simla road, we discussed it before. But the Standing Committee of this Legislature, I may say the Sub-Finance Committee consists of Members of this House, and they decided that it was a provincial road, expenditure on which must be met from provincial revenues. I shall be glad to hear that Mr. Das has succeeded in his agitation, but I cannot hold out any very great hopes in view of the previous decision of the Standing Committee.

Turning to Mr. Heathcote's remarks, there is of course only one justification for the Resolution, I have proposed, as I said before. It is that Local Governments have got no money at present. They cannot maintain their roads and it is not much use asking at least those Governments which cannot maintain their existing roads to construct new ones. That is the full justification for my Resolution. I am quite prepared to accept Mr. Heathcote's suggestion that, in passing on our orders to Local Governments, we should emphasise, and emphasise very heavily, that this grant or that this diversion to

maintenance is only a loan and that we do expect them to repay it as soon as possible.

Mr. President : The question is :

"That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors' provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature."

The motion was adopted.

RESOLUTION *RE* PURCHASE OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

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

"That this Assembly recommends to the Governor General in Council that, in accordance with the recommendations of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st of December, 1932 :

- (1) the Government should enter into negotiations with the two Companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December of any earlier year, again subject to one year's notice ;
- (2) the question whether the working of the Tirhoot Railway should be entrusted to the Bengal and North Western Railway Company during the 5 years (or shorter period), for which it is suggested that the option to purchase the Bengal and North Western Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Tirhoot Railway during this period ;
- (3) the question whether the working of the Lucknow-Bareilly State Railway should be entrusted to the Rohilkund and Kumaon Railway Company during the 5 years (or shorter period) for which it is suggested that the option to purchase the Rohilkund and Kumaon Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Lucknow-Bareilly State Railway during this period ;
- (4) in the event of its proving impossible to reach agreement with the Bengal and North Western and Rohilkund and Kumaon Railway Companies on the terms recommended in (1), the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms ; and the Government should again consult a committee of the Assembly for the purpose of re-considering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways."

This is a somewhat lengthy Resolution, but I do not propose that my speech should be adjusted to the length of the Resolution, for I am afraid in that case it would be a very long speech indeed. The Resolution is the result of the unanimous report of the Committee appointed by this Assembly, and as the Report of the Committee has been in the hands of

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Members for some time, it is not necessary, I think, for me to go into great detail on the question. As Honourable Members know, we can by giving notice before the 31st of December, 1931, exercise the right which we have under the contracts to purchase these railways with effect from the 31st December 1932. The sum we should have to pay is just over £10 millions sterling in the case of the Bengal and North Western Railway, and something less than £2 millions in the case of the Rohilkund and Kumaon Railway. And of course as Honourable Members already know—and it is clearly brought out in the Report of the Committee—the great practical difficulty which exists in the way of our exercising our option to give notice arises from the financial conditions now prevailing. As is pointed out in the Report of the Committee, “The Finance Member emphasised the fact that in present conditions a very large sterling sum, nearly £12 millions, required to purchase the railways could not be raised without unduly straining India’s credit with possible detrimental effect on existing securities, or without reducing the power of the Government to finance new expenditure in other directions”. I think that every member of the Committee realised that the difficulty was a very real one and that Government could not possibly, at the present stage, undertake to raise that sum in London.

Another point to which the attention of the Committee was drawn was this—that taking account of the terms on which the Government of India is in a position to borrow money, and taking into account also the probable increase of expenditure on the line which would result if Government took it over, and finally taking into account the existing depression in trade, it was not at all likely that as a business proposition the purchase of the line would be a good bargain. That in itself might not be decisive at ordinary times, but taken in conjunction with the practical impossibility of raising the sum required, the difficulty becomes very formidable. The unofficial members of the Committee, however, held very strongly that due account must be taken of the strong feeling on the subject in the areas served by the two companies that the lines ought to be purchased at the first possible opportunity. The Government were in no way disposed to under-rate the force of that line of argument; and therefore the Committee came to the conclusion that the best course we could recommend in the circumstances as regards the purchase of the two lines was that we should endeavour to obtain from the companies an extension of our option to purchase for a period of five years in the hope that during that period the financial conditions might improve and that it might prove possible to raise the money before the end of the period. The Government members of the Committee found it necessary to point out that all the probabilities pointed to the conclusion that by private arrangement, and apart altogether from the contract, it was likely to be possible to purchase the lines for a considerably smaller sum when the time came when we had funds to spend for that purpose. On the other hand, neither myself nor the Finance Member found any difficulty in concurring in the course recommended by the majority of the Committee, namely, that we should do our very best to secure this option. As Honourable Members, I think, know, if we do not exercise our option now, then we shall not be able to purchase compulsorily until the year 1981, and although we believe that, when funds are

available, it would be possible by private arrangements, apart from the contract, to purchase more cheaply, nevertheless we see no harm whatever in securing the extension of this option if the companies are willing to give it to us. That, Sir, covers the first clause of the Resolution.

The second and the third clauses are concerned with the arrangements to be made in respect of the two State-owned railways which are managed by the companies, that is the Tirhoot Railway and the Lucknow-Bareilly Railway. As regards both of these, we shall have a free hand after the 31st December 1932. The contract relating to the working of the Tirhoot Railway terminates on the 31st December 1932 whether Government purchase the Bengal and North Western Railway or not. A new contract will therefore be necessary whether we purchase that railway or not. The position is not precisely identical in the case of the Lucknow-Bareilly Railway; the contract does not terminate automatically unless we purchase the Rohilkund and Kumaon Railway line, but after the 31st December 1932 we can terminate the contract by giving 12 months’ notice. What the Resolution recommends about that is that, provided we can arrange satisfactory terms with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Company, then the management should continue with these Railways. It is impossible at the present stage to make a more definite recommendation, because the question of the terms will have to be discussed with the two companies concerned. These two clauses, however, assume that we shall be able to get the option to purchase extended for a period of five years and they do not cover the future management of the two State-owned lines except for such period.

Finally, we come to clause 4, which contemplates that it may prove impossible to reach agreement with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Companies on the terms about extending the option, and the Resolution recommends that in that case Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms, and in the second place that the Government should consult the Committee of the Assembly for the purpose of reconsidering the position with regard to the management of the Tirhoot and the Lucknow-Bareilly Railways. I lay some little stress on the point that these two recommendations are made on the assumption that we are unable to obtain an extension of the option. There is no difficulty, as the Resolution stands on the paper from the point of view of Government, in recommending either or both of these courses. We are quite ready to explore what other means may be possible for the purchase of the lines when financial conditions improve. Nor have we any difficulty about consulting a Committee of the Assembly as regards the future management of the Tirhoot and Lucknow-Bareilly Railways, because as I have explained, after the 31st December 1932, we shall not be bound by any contract, and we shall have a free hand.

Perhaps it might save the time of the House if I were to refer here to an amendment which is on the paper and of which notice has been given. That amendment is to omit at the very end of clause 4 the words “as regards the management of the Tirhoot and Lucknow and Bareilly

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Railways". I am not quite sure that I know fully what is in the mind of the Honourable Member who has given notice of that amendment. If it merely means that when in the course of the year 1932 or later we should consult the Committee of the Assembly about the future management of the Tirhoot and the Lucknow-Bareilly Railways we should also be ready to consult in 1932 about the whole position, then I have no objection. But as the Resolution is drafted, if the amendment were adopted, it might very easily be read as binding Government to consult the Assembly before our option to purchase the Railways expires on the 31st December 1931. I could not promise to do that because there is not sufficient time. The negotiations with the two companies will take up time, and I cannot give any promise of that kind. But I have not the least doubt that, whoever may sit in the seats where we sit to-day, this question of the possibility of purchase on reasonable terms will come before the Assembly at the end of two or three years. So far as that is concerned, and as regards future consultation from 1932 onwards, if that is what is meant, then I should have no difficulty in accepting the amendment. I have only mentioned this point as it may shorten the discussion.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, that in clause (4) the words "as regards the management of the Tirhoot and Lucknow-Bareilly Railways" be omitted is the amendment I propose. At the very outset I would like to emphasise once again the desire on the part of the Opposition as well as on that of the country to terminate, as far as, and as quickly as possible these contracts with the companies generally, and in particular with this company, in favour of State management. Having said that, I should like to draw the attention of the House to these words that occur in clause 4 limiting the scope of the consultation. I have heard with great relief the speech of the Honourable Sir George Rainy that if it was my desire in moving this amendment not to handicap the Government with regard to the exercise of the option, but only that the Assembly should be consulted after the end of 1931, he was prepared to accept my amendment. I only wish to submit that the Assembly should be consulted as early as possible in view of the desire so keenly felt and so often expressed that the railways should not be left under company management. I realise of course the difficulties which the Committee had to face when they had to recommend this five years extension on account of the financial stringency with which we are cursed. It is also a great relief to me to note that the five years is not a period finally fixed but they have also provided that if it is possible, if the financial circumstances permit, at an earlier date these contracts should be terminated and they give power to the Government to negotiate on that basis. I entirely agree with those conditions. I wish only to repeat once more that it is not my intention to handicap the Government in their negotiations, but only that the Assembly should be consulted on all these matters. With these few words I move my amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The position about these lines now under discussion is this ; we have four lines, (1) the B. & N. W. line, secondly, the R. & K. R. line, thirdly, the Tirhoot line, and fourthly, the Lucknow-Bareilly line. As regards the B. & N. W. line, the contract is

that we ought to give notice by the end of this year. If we do not give any notice, then automatically the contract will extend for another period of 50 years ; that is, up to the end of 1982. The Tirhoot line which is the most paying of all belongs to us, and we have handed over its administration to the B. & N. W. line, and it is open to us to take over that administration at any time we choose. As regards the R. & K. R. line, it belongs to the company, and the Lucknow-Bareilly line belongs to us which is given to the same company to run. Sir, if we do not give notice by the end of this year, then the contract with the B. & N. W. line will automatically extend to 1982, and the same is the case with the R. & K. R. line. But it will be open to us to give the contract for managing the Tirhoot and Lucknow-Bareilly lines to the same lines or we may undertake its management in our own hands. I tell you frankly what is at the back of our minds. We have got the very sad experience of the Assam Bengal Railway. Last year the Honourable the Leader of the House brought forward a motion that the terms of contract with this line should be extended for another ten years, in other words, that no notice should be given before 31st December 1931. The Assembly, on the motion of Mr. Fazal Rahimtulla, resolved that the period of contract be extended by one year only, but we were told very definitely by Mr. Parsons in reply to questions on the point that the Government cared nothing about this Resolution. The Government did not give the notice which they ought to have done on the 31st December 1930, with the result that automatically the contract has been extended for another period of ten years, and this was done against the explicit wishes of the Assembly. We are afraid that the same thing may be repeated in this case also, that is, that the railway authorities, the Government of India and the Secretary of State may ignore the fact and take no notice whatever of what we say, and automatically the contract may be extended by another 50 years. It is against all the principles on which the railway administration in India ought to be carried on.

Sir, I start with the fundamental principle that we take the earliest opportunity to purchase each and every railway in India, and as soon as the contract of any company is going to expire, we should not let the opportunity slip away, but we should take into our own hands the administration of all the railways in India. This is the principle on which I stand, and I challenge any person who may advocate any other principle contrary to this one, and I will give some of my reasons later on. (*Mr. S. C. Mitra* : "Where to get the money from ?") My Honourable friend, Mr. Mitra, asks where is the money to come from. I never cared for it ; if a thing has to be done, it must be done. Supposing there is a war to-morrow, then the Honourable Sir George Schuster will find money somehow or other. The question where the money is to come from depends very much upon the importance of the matter, and we must not sit idle saying, where is the money to come from ?

Now, if we remained silent, the Government might allow time to lapse, and automatically the terms of the contracts will be extended for another 50 years. This is a thing that we do not want, but realising the financial difficulties of the country at the present time, the Committee which was appointed by the Government from the various groups of this House, considered this question very carefully, and they

[Dr. Ziauddin Ahmad.]

recommended that, owing to the financial stringency, the utmost that they could do was they might be willing to extend the period of contract for a period of five years. If the B. & N. W. Railway company is willing to undertake the extension of this period and modify the terms of the contract accordingly as they have already done more than half a dozen times, we on this side of the House, at least and the members of the Sub-Committee, see no objection to an extension for another five years, but they do have great objection to extending the period of another 50 years,—it is an absolutely impossible problem. Supposing the B. & N. W. Company does not agree with this offer of extension for five years, what are we going to do?

In the first place, I should ask the Government to consult the Assembly or a Committee of the Assembly immediately before allowing the option to lapse altogether, and in that case, I would advise the Government to immediately take possession of the Tirhoot and Lucknow-Bareilly lines and manage them themselves. If the companies treat us indifferently, there is no reason why we should entrust the most profitable part of our railways into the hands of these companies. If they are not reasonable to us, I do not think we should be charitable to them. That is the first thing that I would submit if they do not agree to our terms. We should immediately take possession of the Tirhoot line and the other line which according to the contract you can do.

One reason among many others for which I very strongly press the immediate purchase of these railways is that I and probably some other Honourable Members know the working of these lines very well. I approach my constituency by this line, that is, the B. & N. W. line, and I know its working perhaps better than the Members on the Treasury Benches, including Mr. Parsons. I have travelled extensively on this line, and it is impossible to describe the inconveniences of the passengers even in the first and second classes, not to speak of the third class at all. There is no light at night, there is no sufficient water to be had, no refreshments at stations, and no sheds of any kind whatsoever. I went to Chauri-Chaura and made enquiries. The Station Master there is paid very little, perhaps not more than Rs. 100 a month, but his extra income is Rs. 4,000 a month. I will be quite willing to resign membership of the Assembly if the Honourable Member in charge of the Railways will make me Station Master of Chauri-Chaura. The reason why they run it economically is that the official pay is small but the employees make very high incomes from back doors. They neither pay any taxes on the back door income nor is there any chance of retrenchment. That is really the root cause of the troubles of the passengers. Though on paper they show that their working ratio is very small, the money that comes out from the people's pockets by the back door, is really enormous, and this money ought to be debited to the working expenditure of that particular railway. If the Government purchases this railway, then all these troubles will cease to exist.

There is one other story I want to tell about this railway. If you give the guard two sugar canes you can have the train stopped, during the sugar cane season. This happens in the Gorakhpur district. The quicker this company administration is finished, the better. It is really a scandal and, a source of great inconvenience to the people. There is

one other story which I may tell here. The ticket examiners on this railway do not know the difference between single and return tickets. Once a ticket examiner punched my ticket in the middle when I told him that it was a return ticket. He said, "Hallo, I did not realise this". This is the knowledge and intelligence of the people who are employed on this line. I do not waste the time of the House by telling stories. I could write volumes. My point is that we should take immediate possession of this railway. If the Railway Company is unreasonable then we should collect the money some how and purchase it at once. I can suggest two ways by which money can be obtained. The railway has got a substantial sum in the Depreciation Fund. The Depreciation Fund must be invested somewhere, and I am given to understand that this Company is paying 19 per cent. The Railway Administration will have a very good investment if the Depreciation Fund is invested in this particular railway. My next suggestion is this. If the Finance Member raises a loan for this specific object, the money will be subscribed immediately. I see no difficulty if the desire to purchase it is not wanting.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : As one of the signatories to the Report of the Sub-Committee which was appointed by this House, I should like to make one or two observations. In the first place I should like to voice the feelings of the people generally from my part of the country that the entire B. and N. W. Railway system should be purchased by the State as soon as possible. The Acworth Committee Report laid down the principle that, on the termination of the lease of a Company-managed railway, it should as a rule be taken over by the State. This House also in one of its Resolutions has confirmed that principle. If the financial situation of the country had not intervened, I would certainly have recommended the immediate purchase of this railway. As we discussed this matter at great length in the Sub-Committee which was appointed by this House, and as we had the advantage of listening to the arguments advanced by my Honourable friend the Finance Member, we came to the conclusion that it was out of the question, however, regrettable it may be, to purchase this railway in the immediate present. Therefore, we unanimously gave authority to the Government to negotiate with this railway to purchase it within a period of five years at the maximum, and our recommendation has the support, I am glad to say, of public opinion in my part of the country. The *Indian Nation* which is the leading organ of Indian Nationalism at Patna in its issue of the 16th September 1931 observed as follows :

"The suggestion of the Committee appointed by the Assembly to go into the question that option should be obtained by negotiation with the companies to purchase the lines on most favourable terms within five years hence seems a happy one. The companies should be given a year's notice which is only fair. We hope the suggestion of the Committee will be adopted by the Government of India, and efforts will be made to secure its acceptance by the companies concerned, so that the purchase of the lines may not be deferred to 49 years hence."

Now, Sir, there is one point about B. and N. W. Railway which I may mention. Its rates and fares are lower on the whole as compared with the rates and fares of any other existing railway system in the country. From the Railway Board's Report for 1929-30, Vol. II, pages 97-98, I cull the following :

"The average rate per mile is :—In the first class it is 13.7 pies on the B. and N. W. Railway, while it is 16.7 on the Eastern Bengal metre gauge ; on the second

[Mr. Gaya Prasad Singh.]

class it is 8.01 on the B. and N. W. Railway and 9.72 on the Eastern Bengal Railway ; on the inter class it is 3.47 on the B. and N. W. Railway, and 3.90 on the Eastern Bengal ; on the third class it is 2.29 on the B. and N. W. Railway, while it is 3.11 on the Eastern Bengal Railway."

So far as the goods traffic is concerned, we find also that the average rate in pies per ton mile is 7.34 on the B. and N. W. Railway as against 8.45 on the Eastern Bengal Railway.

Mr. B. Das : Why discuss fares now ?

Mr. Gaya Prasad Singh : I would not have mentioned it but for the observation made by my friend Dr. Ziauddin Ahmad. I do not know whether all the observations that my friend made were pertinent to the present motion. He might have reserved some for the Railway Budget.

Dr. Ziauddin Ahmad : I have enough for that occasion.

Mr. Gaya Prasad Singh : I do not want the rates and fares to be increased in these hard times. When I signed the Report of the Committee, I understood that, considering the extreme financial situation in the country, we were giving the Government the option to negotiate with the B. and N. W. Railway for the purchase of the entire system within a period of 5 years at the utmost. We can purchase it earlier, but 5 years is the maximum. If the railway does not care for this extension, then the whole position ought to be reviewed by this House and a committee may be appointed, not necessarily the same committee, and then we might come to whatever conclusion we like on the point, but we are definitely against the extension of the lease beyond five years. If we do not exercise our option, then the lease will automatically extend to 50 years. We are definitely opposed to this long extension. We are agreeable to purchase the lines within a maximum period of five years, failing which they should come to this House for necessary sanction in the matter. That is all I have got to say.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, all the three previous speakers who spoke on this Resolution from this side were members of the Select Committee. I was not a member of the Committee, but I understand that the Resolution, though worded in so many lines, simply means that the Government should try its best to get the best terms available from the Company, and that we should try to let them have a year or two's extension or at the maximum five years. All this had been pointed out at the Delhi Session, but what we now want to know is how these negotiations are proceeding. We know that the financial condition of the country is not such that the Government of India may be in a position to afford so much money as to purchase the whole line, but there are the other points brought out by my Honourable friend, Dr. Ziauddin Ahmad, that there is every reason for the Company to become reasonable because two or three of the Government-owned branch lines are now being managed by the Company, and they are the most paying—yielding very high dividends. But the learned Doctor is under the misapprehension, though he is a great mathematician, that we have a very big Depreciation Fund lying idle in the treasury for the railways ; I am sure it is known to the House that the whole fund of Government reserves on different accounts is a consolidated fund, so that if there is a deficit money is drawn from the consolidated fund and the railways may not always draw upon that fund as they desire.

The other question that the learned Doctor referred to was about the fate of the Assam-Bengal Railway ? But that was only an extension for ten years, and we can afford to let the Company have their time, but here the period being a very long one, 50 years, I think we can expect that the Government will now tell us how the negotiations have been proceeding during all these months and, now that there are barely three months left, whether there is any chance for the Government to come to any agreeable settlement with the Company.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, as one of the members of the Committee, there are two complaints which I have to make as regards the position of these railways. The first is that this motion by the Government to acquire these railways came very late during the last session of the Assembly. The Government knew that if the contracts were not finished by December 1931, the contracts would extend to another fifty years. I am making this point that, knowing that this matter would have to come before the Select Committee and before the Assembly, and that it is such an important matter involving Rs. 12 or 14 crores, the Government ought to have brought this matter up at least last year or year before last so that they might have been left some time to discuss this question and to examine it very carefully. Now on the eve of the expiry of the contract, the matter is placed before us, and we are in a fix. The other point I make is that the deeds of contracts which were made and which were placed before the Committee were so very much involved with one another and that for a very long time different concessions were made to the Companies one after another, that the result was that it was very difficult for anyone to examine their full import. The wording of the contracts which were entered into, time after time between the Government of India and the Company were ambiguous, besides no copy of the full contract was given to us which could give us the true condition in which we were at present in relation to the Company. Thus two facts were very prominent—one, that the Company was getting an income of 19 per cent. as dividend, and the other, that it was very difficult to acquire it unless notice was given by the 31st December, 1931. There is another fact too that the Company has invested about £3 million, and they have got more than £3 million as Reserved Fund. Looking to the income which the Company is making, if we ask the Government to go into the question earnestly, in the interests of the Indian exchequer and of the Indian people, I think we shall not be asking Government anything which is very embarrassing or to the detriment of the interests of the country.

Now, Sir, the amendment moved by the Honourable Mr. Sitaramaraju is only this, that the Government should carry on negotiations with the Company and this House should be consulted. There should be an undertaking given by the Government that some sort of settlement is sure to come out of these negotiations, and unless we are assured on this side of the House that some understanding is bound to come, we think it will be simply beating about the bush. My Honourable friend, Dr. Ziauddin Ahmad, pointed out, and we all know already, as to what was the fate of the Assam-Bengal Railway. In case the contract terminates in December 1931, and if the Company does not come to any understanding with us, it is no use my saying that the 50 years' lease is bound to remain where it is. Sir, to say that there is no money and therefore you cannot purchase it, is not right. In the Committee we suggested that some sort of

[Mr. Muhammad Azhar Ali.]

arrangement should be made either by floating a special loan for the purchase of these railways, or by means of debentures which may also be floated by the Government of India. I think in that case, instead of these big and fat dividends going to Europe or to other countries outside India, at least the money will remain in my own country. So, although it is a matter for those people who know finance well, still these suggestions from laymen are worth considering, *viz.*, that debentures or some sort of shares may be floated, and the Government should try to buy these railways so that they may become State railways.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I do not want to make a long speech ; but coming as I do from the Rohilkund and Kumaon Divisions and knowing as I do all about that railway,—I have given expression to my opinion about it on previous occasions during previous debates—I think I must speak a word or two now. I would, Sir, very strongly put it to the Honourable the Railway Member to exert all his influence with the Railway Company and to see to it that it agrees to his terms. As it is, the contract expires on the 31st December, 1932 and during this period unless the Company agrees to sell this railway to the Government it might be open to it not to sell it at all in another 50 years. I think the Company will agree to the Honourable the Railway Member's terms and leave it open to us to buy the R. and K. Railway within the next five years. Sir, it is absolutely necessary that the Rohilkund and Kumaon Railway must be bought by the Government, and I need not give reasons for that because there is no difference between that side of the House and this with regard to the reasons. Nor need I go into the various aspects touched upon by Dr. Ziauddin Ahmad in his criticism of the Railway. Many of them were exaggerated and some of them were incorrect.

The Honourable Sir George Rainy : Sir, I have only a few words to say at the close of this debate. My Honourable friend Dr. Ziauddin Ahmad suggested that, before the option to purchase finally expired, Government should consult the country. What else, Mr. President, have Government been doing for the last nine months ? We got a committee of the Assembly to express an opinion from the more central point of view, and we got expressions of opinion from the Legislatures of the two provinces concerned from the more narrow local point of view. If that is not consulting the country, I really do not quite know what method the Honourable Member would have us employ.

There are two small points I want to make plain. One is this : we cannot of course be quite certain,—we never can in these things,—whether the Companies will give us the extension of the option that we want or not. I hope they will, but clearly it is not in the power of Government to compel them to do so. The other is, that as far as I can see, it is as certain as anything can be that we shall not be in a position to give notice before the 31st December. My Honourable friend Dr. Ziauddin Ahmad said that the Finance Member should try and collect money somehow or other from somewhere. That is the pursuit in which my Honourable colleague is at present engaged, and I have no doubt that if the reception of his efforts in this House next month is cordial and appreciative, he will do his very best to follow out my Honourable friend's suggestions. But still I must confess to a remaining doubt,—and indeed I am afraid I must say, a remaining certainty,—that do what we will, it will not be possible

in the coming year to get that sum of 12 million sterling in the London market. That is all I need say because I think all the speeches were in support of the Resolution.

I think, Sir, I indicated in my opening speech that I was prepared to accept this amendment.

Mr. President : The question is :

“ That in clause (4) the words ‘ as regards the management of the Tirhoot and Lucknow-Bareilly Railways ’ be deleted.”

The motion was adopted.

Mr. President : The question is that the Resolution, as amended, be passed.

The motion was adopted.

RESOLUTION *RE* DRAFT CONVENTION ON FORCED OR COMPULSORY LABOUR.

The Honourable Sir James Crerar (Home Member) : Sir, I beg to move the following Resolution :

“ That this Assembly, having considered the Draft Convention and Recommendations concerning Forced or Compulsory Labour, adopted by the 14th session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention.”

Though this Resolution may at first sight appear to be of a somewhat formidable character, I hope, without detaining the House very long, to be able to convince it that the point involved, though important, is really a very simple one and that in the special circumstances which affect our case in India it is really impossible for us to take any other attitude than that which is set out in the Resolution. I do not intend, except in the most concise terms, to go into the previous history of this question and will deal in a few words with that aspect of the matter.

At the time of the conclusion of the peace when the Treaty of Versailles and the Covenant of the League of Nations were entered into, Honourable Members will recollect, certain territories, which had formerly been in possession of the enemy powers, were transferred under the ægis of the League of Nations to certain of the allied powers under a mandate. These territories were called mandatory territories and they were for the most part inhabited by primitive races many of them in a barbarous condition ; and the practice of slavery or of customs which practically amounted to slavery were either prevalent or were believed by the authors of these treaties to be of such a character that stringent precautions ought to be taken against them. Consequently, it was enjoined upon all the mandatory powers that they should, among other principles of administration, adopt the principle of suppressing the slave trade and slavery in all its forms. I mention that because it is interesting and important at this stage to observe that the Draft Convention which we have at present to deal with arose originally out of a consideration of something totally different ; that is to say, of conditions either actually amounting to or approximating to slavery. A Slavery Commission was appointed, and it reported to the League in 1925 and among other recommendations it made, one was that the principles which they themselves

[Sir James Crerar.]

arrived at with regard to slavery and forms of compulsory labour tantamount to slavery should be adopted as general international principles. The discussion was carried on for some time on these lines and then was laid before the 12th session of the International Labour Conference, a Report on Forced Labour prepared by the International Labour Office, containing a summary of the legislation and practice concerning forced labour in all countries. A questionnaire was issued and finally the Conference decided to place the question on the agenda for the 14th session of the Conference and to consider a draft Convention.

Now, Sir, at this stage the Government of India expressed its views on the subject. Our views were that we in no way objected to the main principles of the Draft Convention but from our point of view it would be necessary that the terms of the Draft Convention should be very carefully scrutinised in order that they should not be made to cover the kind of compulsory labour or work which is executed in such cases as the criminal tribes' settlements or, for instance, in the case of reformatory schools and certified training schools to which children and young persons are sent under the various Children Acts in force in India. During the course of the discussion, I regret to say that for some reason or other the views which the Government of India wished to impress upon the Conference were not apparently sufficiently clearly expressed. Two of our delegates did indeed point out the essential facts of the case as I have briefly recited here. One of the Indian representatives, either had not completely studied his brief or had completely misconceived the position. It was, however, made clear that if the relevant portion of the Draft were adopted in the form proposed, our practical difficulties would be so great that it would be impossible for us formally to accede to the Convention. Now, Sir, the particular passage in the Draft. The only part which is immediately relevant to the present discussion is as follows :

“Article 2.—Definition of ‘forced or compulsory labour’.”

I shall read only the strictly relevant words :

“For the purposes of this Convention the term ‘forced or compulsory labour’ shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term ‘forced or compulsory labour’ shall not include :

- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.”

I must point out to the House at this stage that we must either ratify this Convention wholly or we must decide not to ratify it at all. It is not open to us to ratify with any reservation or qualification, and we must apply the actual terms of the Convention with the strictness of the terms of statutory law. I must, therefore, now ask the indulgence of the House while I very briefly explain to them what is the position with regard to our main difficulty, that is to say, the effect which the ratification of this Convention would have upon the work now carried out among criminal tribes under the Criminal Tribes Act, 1924. The position, Mr. President, briefly is this. Under the Act to which I have

already referred, section 16 empowers the Local Government to “establish industrial, agricultural or reformatory settlements” and any criminal tribe in respect of which a notification has been issued under section 11 may be placed in any such settlement. The Act further empowers the Local Government to “establish industrial, agricultural or reformatory schools for children”. The rule-making power in section 20 empowers Local Governments to “make rules for the management, control and supervision of industrial, agricultural or reformatory settlements and schools” and likewise for “the works on which, and the hours during which persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid”, and the like. There is a further provision which is important, section 22, which is obviously essential for carrying on this work. It imposes a definite penalty for breach of the rules on the part of a member of the criminal tribe settled in one of these settlements.

Now, Sir, it is quite clear that when a Local Government takes action under this clause, that is to say, when it first registers criminal tribes, when it institutes a settlement or a reformatory school or the like, it is not taking penal action. That is to say, no sentence is passed on any person concerned. Consequently, though it is necessary that work or service should be exacted, it cannot be said in the terms of the Convention that it is exacted as the consequence of the conviction in a court of law. That is the legal position. But as I have myself always taken a great deal of interest in this work of criminal tribes the House will perhaps bear with me if I endeavour to give them a clearer picture of the facts than the recital of the provisions of law can possibly give. There are at present in India some 61 settlements which have been set up under this Act. They have a population of something over 30,000 people at the present time. In addition to members of criminal tribes who are in settlements formed under sections 16 and 17 of the Act, there are, more particularly in the Bombay Presidency, certain free settlements, that is to say colonies which have been set up by the criminal tribes settlement organisations which are not in any sense part of the settlements actually coming under the Act. This is a question of the reclamation of the criminal tribes, and I hope the House will follow me a little bit closely when I endeavour to explain to them what the intention of this body of legislation is, how it is carried out and what the results so far have been. In dealing with the stages of dealing with the criminal tribes, there are necessarily in the first instance measures of registration and restriction. The second stage is that of institution of settlements, reformatory schools and the like. The third is a very important development, that in which free settlements are formed which pass out to the normal and useful occupation of citizens—a large number of persons who have passed through the previous stages. When I speak more particularly of the work which is being carried out in the Bombay Presidency, I hope that will not be interpreted as any disparagement of the work carried out in the other provinces. I merely wish to give my personal experiences to the House of that which I myself have seen and observed. In the upland plains of the Deccan, as you ride on past the normally settled habitations, you will come across the encampments, large or small, of one of those tribes, may be the Haran Shikaris, the Mang Garudis or the like. They wander about and practise their only means of subsistence which is the habitual commission of crime. Some

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of them mainly make their living by such offences as coining. It is rather an extraordinary thing that primitive tribes of this kind should practise an offence of this character. Nevertheless, it is true. Others make their livelihood by house-breaking, theft and ordinary depredations. Most of them however have some particular form of crime which they have inherited and which they carry on. In these circumstances they wander about, themselves in the deepest depths of misery, penury, squalor and immorality, committing depredations upon the peaceful inhabitants of the country, making themselves an intolerable nuisance and danger to their fellow-citizens and living in the greatest misery themselves. Nothing is more striking, having seen the raw material, than to go to one of these large settlements, at Bijapur for example, or Hubli, and see the results. Instead of filth, instead of crime, instead of immorality, you see people passing through the phases of reclamation which I have mentioned. In these settlements they are taught agriculture and various useful trades; those that are settled near industrial towns in process of time take their place in the ranks of free labour and carry on the ordinary work of a labourer in conditions very different from those from which they have emerged. What is perhaps an even more beneficent part of this great work are the schools to which the children are sent. It is the invariable practice to attach schools to these settlements: sometimes for obvious reasons children are taken away from their parents and are sent to separate schools. These schools contain provision for the treatment of ailments; boy scouts and girl guides associations are instituted and what is rather a remarkable fact, as those who have had personal contact with this work can testify, is that the children of these unhappy parents very frequently in these schools show an adaptability and intelligence and quickness to learn a degree greater than the normal population of the country.

I do not wish to weary the House for I have already spoken at some considerable length. But I think that I have said enough to convince Honourable Members firstly that work of this kind must necessarily be carried out under conditions of discipline. What is the real remedy if we are to reclaim these criminal tribes with their long traditions of centuries of living by preying upon the community? You will not do it solely by police work, by convictions in courts of law, by long terms of imprisonment. There is one way by which you can reclaim these people permanently and profitably both to themselves and to the country as a whole. You must educate them; you must for that purpose place them under some measure of discipline; you must teach them useful arts and crafts; you must enable them to take, as useful and good citizens, their proper part in society. By that process you will not only add to the number of useful citizens, but you will reduce the number of those who are a danger and a nuisance to the community as a whole. The results on the actual criminal statistics of those provinces in which the work has been carried on most intensively are very striking. I do not wish to weary the House with lengthy statistics, but I hope that they will accept it from me that the result of the work now going on in these criminal tribes settlements is to pass out from year to year large numbers of men, women and children who are really qualified to take a useful part in the body politic. The statistics of crime, more particularly of

the kind of crime to which these criminal tribes are addicted, have fallen very effectively, more particularly in the Punjab and Bombay.

But it is perfectly clear that as these are obviously the only sound and sensible and human methods by which this work can be carried out, it must be carried out under discipline. There must be in the last resort some means of enforcing discipline. Consequently we cannot accept the express provisions of this Convention. Either we have to refuse to adopt this Convention, or we have to abolish all this great humanitarian and philanthropic work, the most important work in my humble opinion of that character which is now being carried out in India.

I could speak at very much greater length on the subject of criminal tribes and their methods, but I do not propose to do so as I think I have established my point. It will be apparent to the House that a strict application of the terms of this Convention would operate equally destructively upon the work which is now being carried out in reformatory schools devised for children and youthful offenders. The provisions of this Children Act are designed expressly to avoid the passing of a sentence. These children are sent to reformatory schools; they are subjected to discipline and so forth; but the application of the strict letter of the Convention would similarly prevent this work from being carried out. Therefore it is quite impossible for us to ratify this Convention without the most serious consequences on all beneficent activity. I should like to assure the House that except so far as work of this kind would be interfered with or completely stopped, we have no objection to the general principles involved in the Convention. We are quite prepared to adopt them and to apply them so far as possible provided that our position with regard to these various forms of social enterprise and beneficent activity is left untouched.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Sir, I beg to move that the word "not" occurring between the words "should" and "ratify" be deleted. The Resolution which my Honourable friend the Home Member has just moved relates to the Draft Convention and Recommendations which were adopted by the Fourteenth Session of the International Labour Conference.

(At this stage Mr President vacated the Chair which was taken by Mr. Deputy President.)

The other Resolution which stands lower down in the list in the name of my Honourable friend, Mr. Shillidy, also relates to a Draft Convention and Recommendation of the same session of the International Labour Conference. My Honourable friend Mr. Shillidy brought his Resolution in the Delhi Session, and on my motion, it was adjourned to this session. I should like in the first place to ask my Honourable friend the Home Member as to why this Resolution was not brought forward in the Delhi Session along with the Resolution of Mr. Shillidy. I will attribute to him no motive that this Resolution has now been brought forward in view of the thinness of the House.

I regret that those of our Honourable Members who took part in the International Labour Conference at Geneva are not here with us to give us the benefit of their views on the subject, like Mr. Joshi. I find that Mr. Joshi and Sir Henry Gidney opposed the Resolution of my Honourable friend Mr. Shillidy when it was brought forward before the House

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in the Delhi Session. But confining myself to the present Resolution, I should like to point out that there is no reason why we should not ratify the Recommendations adopted by the International Labour Conference. India, Sir, is an original member of the League of Nations; and on humanitarian and other grounds of practical utility, I am of opinion that the draft conventions concerning forced or compulsory labour adopted at the 14th session of the International Labour Conference should be ratified by this House. With your permission, Sir, I should like to point out some of the Articles dealing with the subject.

Article I recommends that each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Now, forced or compulsory labour has been defined to mean "all work or service which is exacted from any person under the menace of any penalty and for which such person has not offered himself voluntarily". There are certain exceptions to the employment of forced or compulsory labour, and these exceptions will go a great way to meet the objections which have been raised by my Honourable friend the Home Member. The following services have been exempted from the operation of this Convention:

"(a) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war, or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic, or epizootic diseases, invasion by animal, insect or vegetable pests, and so on."

Now, Sir, these are very exceptional occasions on which forced or compulsory labour may be utilised, but we find that in many Indian States as well as in British India forced or compulsory labour which is known as the *begar* system is in vogue on very common occasions. I asked a question on this subject some time back, and I understand that when His Excellency the Viceroy travels by train, villagers are taken out of their homes and are compelled to stand and guard the line, for which they are not paid anything. I do not know whether the visit of a high official could be described as falling in the same category as the visitation of a flood, fire or other calamity. I am of opinion that the use of forced or compulsory labour on an occasion like the one I have described, and to which I drew the attention of the House two or three years ago, should be immediately stopped.

Then, Sir, another Article in these Draft Conventions provides that there should be no imposition of forced or compulsory labour for the benefit of private individuals, companies or associations. Before the employment of forced or compulsory labour, the following points will have to be carefully looked into, namely:

"(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or service is of present or imminent necessity;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work, and so on."

It has also been provided in one of the Draft Conventions that only adult able-bodied males, who are of an apparent age of not less than 18 and not more than 45 years, may be called upon for forced or compulsory labour, and that ordinarily they will have to be examined by a medical officer to find out that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out. There is also exemption provided for school teachers and pupils and of officials of the administration in general. Exemption will also apply to the maintenance in each community of the number of adult able-bodied men indispensable for family and social life, and respect for conjugal and family ties. Sir, I do not find in any of the Articles to which I have referred anything to which any legitimate exception could be taken, and my Honourable friend the Home Member has not taken exception to any of the Articles provided in this Draft Convention. Then again the maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days. Now, Article 18 of the Draft Convention provides that forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. What legitimate exception can be taken to a provision like that unless we concede that it is the right of a Government servant, or of any officer for the matter of that, who goes to villages to exact forced labour for carrying his own luggage and other belongings?

The Honourable Sir James Crerar: I am very reluctant to interrupt the Honourable Member. I think his present argument is somewhat beside the point. I pointed out the particular difficulty arising out of the criminal tribes settlements and the analogous case of the Borstal schools. We do not take exception to the other provisions of the Convention though we could not ratify that, because we must ratify either all or none at all, but the other provisions we are prepared to accept and give effect to them, where necessary, as far and as speedily as possible. My Honourable friend has misrepresented my position.

Mr. Gaya Prasad Singh: I am glad to have this assurance from the Honourable Member for which I thank him; but what I want to point out is this, that the objections he has mentioned are for the most part illusory, because some of the objections are covered by some of the Draft Conventions to which I have referred.

Article 25 provides for the illegal exaction of forced or compulsory labour and it shall be punishable as a penal offence. In view of the fact that the Honourable Member generally speaking has not taken objection to the Draft Convention as it stands, I will pass on to the objection which he thinks is insuperable in the way of our ratifying this Convention. He referred, Sir, to the existence of certain criminal tribes settlements in some of the provinces in India under the Criminal Tribes Act.

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Now, the total number of persons on these settlements is about 32,000 or 35,000, but how much forced labour affects the vast millions of persons who have to undergo that. I will not refer to the numerical strength of these people who have settled on these areas in different parts of the country, but I will merely refer to the opinion expressed by the Criminal Tribes Settlement Officer in the Bombay Presidency, and which has been endorsed by the Bombay Government themselves, and it is this. This officer says :

" I do not know if the existence of the settlements is the only difficulty in the way of the Government of India ratifying the Convention, or the amount of pressure which will be exercised upon it to ratify the convention regardless of difficulties.

If the pressure is serious and if the existence of the Criminal Tribes Settlement is the only difficulty in the way of ratification it is possible that modification in the Criminal Tribes Act might be made to bring the Criminal Tribes Act within the terms of the convention."

The Honourable Sir James Grerar : That is not possible.

Mr. Gaya Prasad Singh : I will go a little further into the details. What do the Government of Madras say in their report on the settlements in that Presidency ? They say this :

" In practice, however, the measure of compulsion is very small.

In the three settlements managed by the Salvation Army the conditions of labour are hardly different from those under which ordinary free labourers work. The wages paid by the Salvation Army are what are usually paid to labourers in the neighbourhood. They get their usual daily wages like any other labourer outside and no compulsion or force is used."

In the circumstances, may I know what difficulty there is in our ratifying the Convention ? The Criminal Tribes Settlement Officer of Bombay has made the following remark :

" If it be agreed that the spirit of article 2 (c) would include persons detained in schools established under Children's Acts or Borstal Acts cannot it also be argued that settlements too are meant as training grounds ? "

The Inspector General of Police in the United Provinces has made this remark :

" The settlers cannot be said to be forced to work ; the work is there for them to do but they can if they wish take a ' day off ' and suffer a loss of wages as do labourers elsewhere. The work in settlements is not regarded as forced labour by the settlers themselves."

The Government of the Punjab say as follows :

" In the opinion of the Governor in Council the term ' forced or compulsory labour ' is misleading when applied to the conditions which obtain in the settlements established for the reclamation of criminal tribes. The labour which is done is not for the pecuniary benefit of the employer."

The opinion which my Honourable friend the Home Member has expressed on this point is somewhat at variance with the opinion expressed by the Government of the Punjab. In Bihar and Orissa there is only one little place in Champaran where there is a small settlement. With regard to the maintenance of these settlements and the work which they are doing, I have nothing, but commendation, but I find that the work is under the supervision of the Salvation Army. I do not know whether the Salvation Army is an organisation of Christians. If it is not, I have nothing more to say. But if it is a part and parcel of the Christian religion, I object in the first place to our people, whether they are Hindus or Mussalmans or belong

to any other community, being subjected to the discipline of a propagandist organisation of a different denominational character like the Salvation Army. There are so many other institutions, philanthropic institutions, maintained by the Hindus and Mussalmans, and members of the other communities, and I object strongly that under the garb of humanitarian work.

Mr. President : Order, order. The Honourable Member's time is up, but having regard to the importance of the subject, I will allow him five minutes more.

Mr. Gaya Prasad Singh : Thank you, Sir. As I was saying, there are so many other organisations belonging to different religious communities. I should like at this stage to record my protest against the fact that insidious proselytizing influence should be brought to bear upon our people under the garb of training them to be good citizens of the country.

Sir, criminal tribes are not confined to India alone ; there are criminal tribes in other parts of the world as well, but if there is no such difficulty for the other Governments to ratify this forced labour Convention, I do not know why the Government of India should experience any insurmountable difficulty. India is, as I have said, an original member of the League of Nations. She was a signatory to the Treaty of Versailles, and we are always told that India should not be thought to be lagging behind any other country in the matter of international obligations. So far back as 1921, Sir Atul Chatterjee, in addressing the Council of State, stated as follows :

" We have just entered upon a new constitutional era in this country. The eyes of the world, of the democracies of every country in the world are at the moment on us. I am convinced that the Council has a full sense of responsibility for the good name and the dignity of India in international councils. We do not want to be considered a backward nation always and for ever."

It would look rather awkward if India as an original member of the League of Nations fails to ratify this labour Convention on the sole ground that there is in existence in this country a small scattered population which has been termed as criminal tribes. I think that the Criminal Tribes Act could be suitably modified so as to bring it under the terms of the labour Convention. With these words, I move my amendment.

Mr. President : Amendment proposed :

" That the word ' not ' occurring between the words ' should ' and ' ratify ' be deleted."

Mr. B. Das (Orissa Division : Non-Muhammadan) : I beg to move.

Mr. President : I am not asking the Honourable Member to move his amendment now. The procedure I have suggested is this. Mr. Gaya Prasad Singh's amendment is to ratify the Convention. The original Resolution is not to ratify it. I will put after discussion Mr. Gaya Prasad Singh's amendment to the vote. If the House decides to ratify the Convention, then both the amendments of Mr. Das and Mr. Sitaramaraju fail. If that amendment is rejected, then I will call upon Mr. Das to move his amendment, and after that, if necessary, Mr. Sitaramaraju will be called to move his amendment. That is the only procedure which I think will be suitable in this case.

Mr. B. Das : Then I will only say a few words on my Honourable friend Mr. Gaya Prasad Singh's amendment. I thought he would not press his amendment because under the Convention of the International Labour Conference no Convention could be ratified if it was to be modified by the Legislature of any particular country.

Mr. Gaya Prasad Singh : I do not want it to be modified.

Mr. B. Das : My Honourable friend does not want it to be modified, but I find my Honourable friend the Home Member and the Government of India want it to be modified. Sir, I was a member of the International Labour Conference at Geneva in 1929 when the problems on Forced Labour were discussed in the first session and when these questionnaires were drafted. Mr. Shiva Rao and myself were on that particular Committee, and Mr. Clow represented the Government of India. At that time I never thought nor did Mr. Clow think that the Government of India would raise objections which would not be included in the exceptions to Article 2. But I find in the Fourteenth Session of the International Labour Conference that both Mr. Shiva Rao, who represented the Indian workers, and Mr. J. K. Mehta, who represented the Indian employers, went against the Government of India's suggestion for certain exceptions. The Government of India's representative pointed out that they could not recommend the Assembly to ratify, because there were still laws which were at work, and if my Honourable friends Messrs. Mehta and Shiva Rao thought that those laws should be repealed and thereafter Government of India should ratify the Convention, their proper course would have been to accept these things there, and through their representatives here, proceed to repeal the enactments. Within eighteen months after a Convention is adopted at the International Labour Conference, the Government of each member body must bring it up before its Legislature. To repeal these two enactments, whether through our efforts or efforts on the other side—I know the Government are not willing to repeal those two or three social enactments—it will take a long time and in the meanwhile the Draft Convention on Forced Labour will be shelved. Although I have a good deal of sympathy with what the Honourable the Home Member said, I think even if we ask the Government of India to ratify, they will not ratify because they want certain special exceptions under Article 2 of the Draft Convention. I would rather co-operate with the Government so that certain positive action is taken on this Draft Convention and Recommendations.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion, though for reasons quite different from those advanced by the Honourable the Mover. I am sure that neither the Members on the Treasury Benches nor the Members on this side will sympathise with me in some of my arguments. I stand by myself. A few years ago I took a very great interest in the work of the League of Nations. I thought at one time that perhaps the League of Nations would be able to find out a solution of the minority problem which is troubling the mind of every politician in India. I took a very great interest in the work of the League of Nations Union in London and its Secretary, Dr. Garnett, who happened to be a close friend of mine, introduced me to its literature. I had a long talk with him and he also gave me references to various organisations at Geneva. I went to Geneva and spent three weeks there, not as representative of

the Government and not in any official capacity but purely in a private capacity, and since I could speak French, German and Italian, I had no difficulty in talking with people of all nations from all countries, and I found that the League of Nations was the greatest humbug going. They are trying to do a thing which they are not capable of doing. They have not got the power behind them. Really speaking, there is one good work before the League of Nations now and that will be the test whether the League of Nations is really useful or not. And it is this, at present, America and France have cornered all the gold intended for circulation and left all the nations of the world to look after themselves. If the League of Nations is to be a reality, they ought to have a small authoritative currency committee and it should announce "We don't care anything about gold. We ourselves have made a Convention, that for the value of the paper money, there must be so much gold reserve in the bank". We should then say good-bye to this Convention. I think the exchange value of the paper money of each country ought to be fixed by the League of Nations, so that all the non-gold countries of the world may combine together against the gold countries of the world, i.e., France and America. If the League of Nations will come forward and do a thing of this kind, then I say that is a thing on account of which they can justify their existence. About this particular labour question, I had a talk with the representatives of labour and capitalists, and I found some representatives of labour were really sincere in their efforts. They really wanted to give some relief to labour, but the position of the majority of the people who represented the Government and the capitalists was very different. What they wanted was that the people in other countries should not do sufficient work, so that they may not be able to compete with the countries which manufacture articles. For instance if labourers in Germany did more work than other countries, they would be able to produce articles at a cheaper cost and the other countries would not be able to compete with Germany, and therefore they said that this should be forced on all countries. I went to Germany three times after the war and since I had been a student in German universities I had every facility to enter into the details of this question. Germany was required to pay 175 crores a year for an indefinite period as war indemnity after the war. I asked their representatives in various walks of life how they would be able to pay and they all told me that, by doing more work, for 10 or 12 or even 14 hours a day, they would produce sufficient wealth to pay the war indemnity. The result was that they were able to produce articles cheaply and the other countries were not able to compete with them. India, they all know, is a cheap country. We all know that we have got no machinery, that our labour is not so intelligent as in Europe. If we really want to produce articles at a cheaper cost compared with other European countries, we should not be tied down to 7 or 8 hours. This is all well on paper. This movement is started by capitalists who do not want India to compete with other countries. This movement is not a philanthropic movement. If these capitalists were really sincere, if they had the benefit of labourers in their mind, they ought to have moved an amendment that the labourers should derive proportionate benefit from the wealth which they help to produce. The profit should not go exclusively into the pockets of the capitalists but should be shared by the labourers as well. I told the representatives of labour at that time in Geneva. I tell the champions of

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labour now that if they want contented labour, they should pay a bonus from the profit to every person engaged in a particular trade or factory. If all the profit goes into the pocket of the capitalists, then it is but natural that labour should have some resentment. They will not be inclined to do the same amount of work, as they would be if they got benefit for the extra work they did.

Mr. B. Das : My friend seems to be speaking on the next motion to be moved by Mr. Shillidy.

Dr. Ziauddin Ahmad : As my friend seems to be anxious to speak, I shall stop here and reserve my other remarks for the second Resolution.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) **Mr. President,** I am afraid that the Mover of this amendment, the Honourable gentleman from Muzaffarpore, has not appreciated the difficulties in the way of ratifying a Convention like this. Honourable gentlemen are aware that under Article 405 of the Treaty of Versailles, a condition has been laid down that in proposing these Conventions and trying to apply them to countries other than European countries, due regard should be had to the conditions of those countries. In spite of that direction, year after year, Convention after Convention, has been passed without due regard to the conditions of certain countries whose conditions are different from the European standards. The representatives of both the workmen and the employers who assemble year after year at Geneva made it abundantly clear that the Conventions as drafted at Geneva could not apply *in toto* to the conditions in India. But the rule is that when a Convention is passed, it should be ratified either *in toto* or it should be rejected; we cannot ratify it half and half. Under these circumstances I was surprised very much to listen to my Honourable friend, Mr. Gaya Prasad Singh, asking us to forthwith ratify this Convention, not knowing what conditions we are going to legislate upon, and what those conditions actually are, and what are the difficulties in our way. I understood the Honourable the Home Member to say that, so far as the principle of compulsory or forced labour is concerned, he was entirely at one with us in saying that there should be no slavery of any kind or degree or form. I must also emphasize the same view, not only to this audience but also to the world outside, that we on this side of the House as well as the Government on the other side are at one now in saying that there shall be no form of slavery in this country. (Hear,hear.) So far as the principle underlying the Convention is concerned, we agree that it should be supported. The Honourable the Home Member said that the definition in Article 2 is such that it is possible to bring under it conditions of service which the Government of India are not prepared at the present stage to give effect to, particularly in view of the fact that the Criminal Tribes Act and other legislation has to be enforced in this country. I am not very much concerned with the Criminal Tribes Act; but I am concerned with the language of Article 2 which appears to be loose. I shall not be a party to the ratification of this Convention unless I am clearly given to understand what exactly it is going to do and what class of labour it is going to cover. The definition, so far as I can see, is this, that forced and compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty or for which the said person has not

offered himself voluntarily. Now the difficulty is this, that forced or compulsory labour, as I understand it and as I also believe was the intention of the representatives who were parties to this Convention, is slavery similar to that which was prevalent in some colonies where labour was exacted by force and without being paid for. There are forms of service in this country which cannot be strictly called "forced or compulsory" labour, but if this definition is allowed to stand as it is, in its present form, it is very difficult to exempt them from the operation of this clause. Take, for instance, the practice in vogue in the villages in the south, where there are certain communities who are expected to do a particular kind of service without being paid for it. Tradition and custom demands that service. There is a penalty for non-service attached to that custom. It cannot be said that it is a service which the person liable to perform it has himself voluntarily agreed to do. It has been from time immemorial the custom for them to do that particular kind of service without being paid for it. For instance, in the south there are in the villages a certain class of persons whose duty it is, if they belong to a particular community, to drag the cart of the village god through the streets on particular occasions without being paid for it. That is labour which they are bound to do and for which they are not paid. If they do not do that service, then they are liable to suffer the penalty of being outcasted in the village. Then, there are certain kinds and forms of labour performed by the agriculturists in our part of the country, on the farm of the land-owner during certain periods of the agricultural season in a year. It is no part of their written contract, to do that service. The said person cannot be said to have voluntarily agreed to do it. It is incidental to his tenantry. If he does not do it, then there is also a penalty attached to that in that he would be liable to lose the land. Therefore I am afraid the definition as it is drafted would apply to them also. It is clear to my mind that this kind of service should not be treated as compulsory or forced labour. That kind of service would not amount to an abrogation of the liberties of men. I do not think it is the intention of the framers of this convention to bring in that kind of service which is not the kind of slavery prevalent in some colonies which they were anxious to suppress. We are all at one with them in their desire to suppress that. But the difficulty is that we do not know to what extent the operation of such a clause as this can be worked and what practical difficulties it would give rise to. Now that the Honourable the Home Member has given us the assurance that he supports the principle on which this Convention is based and that he will do his best to give effect to as many recommendations as possible under this Convention, I do not see any reason why my Honourable friend, Mr. Gaya Prasad Singh, should think that this Convention should be ratified forthwith regardless of consequences. There was no question that these exemptions should not be exemptions, but the difficulty is, what else should be treated as exemptions; and therefore I say that this amendment should not be supported.

The Honourable Sir James Crerar : Sir, I will only say a very few words in reply to the amendment moved by my Honourable friend, Mr. Gaya Prasad Singh. I think his amendment shows some misconception of the position, and I am afraid he has not done me the honour of following my arguments at all closely. He refers to the merits of various other provisions of the Convention. I do not disagree with him there. He

[Sir James Crerar.]

also suggested that the exceptions under clause 2 were of a character which would enable the work of reclamation and reformation to be carried on. But he entirely failed to realize the cardinal point on this issue which had been emphasised by the Honourable gentleman who has just resumed his seat, viz., that we cannot accept this Convention piecemeal. If then we accept it as a whole, we accept definitely Article 2; and if we accept Article 2, we must to a large extent cease our work among the criminal tribes' settlements and the various other schemes. It is quite impossible to amend these Acts—unless the Honourable Member suggests that in order to bring work of that kind within the scope of the Convention, we should pass a law requiring Magistrates to pass convictions either upon the persons confined in the criminal tribes settlements or upon the children there, while the very object of our legislation is to enable them to escape the penalties of a conviction under the law. The Honourable Member has entirely failed to grasp both the legal and the practical part of the question. So far indeed from disapproving or withholding approval from other provisions of the Convention, I am perfectly prepared to accept the amendment of which notice has been given by my Honourable friend, Mr. B. Das, in substitution for my Resolution.

Mr. B. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : On a point of information,—was any attempt made by the Government of India delegates at Geneva to lay before the Conference fully the special conditions in India and to have an exemption clause, as they did in the case of the Washington Convention?

The Honourable Sir James Crerar : Yes, Sir,—as regards this particular question, the particular points which I have explained were put by the Indian representatives, but not I fear with sufficient clarity or sufficient force or sufficiently elaborately. Moreover certain other arguments were used, based on an entire misconception of the facts which seem to have misled the Conference. I think they were labouring under an entire misconception as to what we had in mind, what conditions we had to contend with; in fact there prevailed much misconception from beginning to end, and it is very unfortunate that the views of the Government of India as expressed through their representatives did not prevail.

Mr. President : The question is :

“That the word ‘not’ occurring between the words ‘should’ and ‘ratify’ be deleted.”

The motion was negatived.

Mr. B. Das : Sir, I beg to move :

“That for the original Resolution the following be substituted :

“While considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probationary Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable.”

The Honourable Sir James Crerar : Sir, I am prepared to accept this amendment.

Mr. B. Das : But I want still to say something about this Resolution. I was present at Geneva along with my Honourable friend Mr. Chetty.

We both took part in these debates and we found that the Government of India did not help us properly in the matters that we raised at the International Labour Conference at Geneva and we were contradicted. And because the Government of India had the right of reply at the end we could not give them a reply. I then told a delegate of the Government of India, Dr. Paranjpye, that I reserved my right to reply to them two or three years afterwards on the floor of the Assembly. I have got that opportunity to-day and I will do it.

Sir, I will first quote an extract from my friend Mr. Chetty's speech where he made a declaration on behalf of the Indian employers about our attitude to forced labour and also long-term contract labour and about things prevalent in the Indian States. My friend Mr. Chetty said :

“It is a question of national importance because a very large number of our fellow Indian subjects find employment both in Asia and in Africa often under conditions of slave labour. Indian employers therefore stand unreservedly for the complete abolition as soon as possible of every kind of slave labour in the world. We therefore heartily support the work of the International Labour Organisation and of the Conference in this matter, for we are anxious to see labour placed on a free basis throughout the world at the earliest possible moment.”

Sir Atul Chatterje who was the leader of the Government delegation refuted that, and subsequently Dr. Paranjpye refuted a similar statement made by me and Mr. Shiva Rao at the International Labour Conference. I will quote Sir Atul Chatterji's speech :

“There is one small point to which Mr. Chetty referred and to which I must make very brief allusion. That is the question of the position of Indian States in regard to the Draft Conventions and Recommendations passed at this Conference. I think Mr. Chetty has overlooked the fact that this is a matter which has received very anxious and prolonged consideration from the Indian Government, and the position was fully explained in a communication made to the Secretary-General of the League of Nations about two years ago.”

And I will give you the reply which the Director Mons. Thomas made to this statement of Sir Atul Chatterjee :

“First of all within the framework of the organisation itself there is the problem of the Indian Native States. Will the work partially, but still considerably, accomplished in British India for the protection of labour survive if competitive industries develop uncontrolled in the Native States? Mr. Chetty exempt from all social charges develop uncontrolled in the Native States? Mr. Chetty has expressed the concern of the employers; Sir Atul Chatterji has explained the difficulties connected with the introduction of protective legislation in the Native States. He recalled the dilemma with which Lord Birkenhead wished to confront us in 1927. Either the ratifications will apply to British India only or we shall not ratify at all. We cannot believe that this will be a final solution.”

I want the House to note this carefully. Mons. Thomas says :

“We cannot believe that this will be a final solution. We believe that we shall receive help from all quarters in the necessary endeavour to obtain a generalisation of just and humane working conditions in the immense communities of India.”

Sir, while I am grateful to the Honourable the Home Member for accepting every Article in the Draft Convention except Article 2 as to work connected with the Criminal Tribes Act and similar social legislation and also the Recommendations, I want a statement either from him or from the representative of the Department of Industries and Labour present as to what steps Government have taken since 1929 to bring the Indian States into harmony with India and whether the Indian States have fulfilled the expectations that the Director of the International Labour Conference expressed. I should also like to know what further negotiations have taken place between the Government of India, the High Commissioner and the

[Mr. B. Das.]

office of the International Labour Conference in this matter. Sir, at Geneva I did point out that I strongly resent that Indian Princes should represent India at the League of Nations and I did suggest that a representative of India should challenge their credentials because they do not allow Conventions that are passed in the International Labour Conference to be ratified in their States. Of course we know that in the present circumstances the Government of India have special power and they have reserved power to deal with the Indian States, but I cannot accept any Indian Prince or ruler as my equal or as my representative in international problems when he cannot accept the conditions of work that are laid down at the International Labour Conference. Sir, I hope I will get a reply, or if the Government have slept over it since 1929 I hope they will proceed further in the matter before the reforms are settled at the London Round Table Conference.

Sir, I did mention at the beginning that I told Dr. Paranjpye that I would challenge him on the floor of the Assembly—although he would not be present here—because he was the mouth-piece of the Treasury Benches at the International Labour Conference and tried to mislead the nations of the world gathered there. My friend Mr. Chetty, Mr. Shiva Rao and myself all alluded to the long-term contract labour to which Indians are subjected not only in Assam, but in the Malay States, in Ceylon, in Africa and other places; and I made a statement that Indians thus employed do not find humane conditions of living or proper wages. Dr. Paranjpye made a statement which showed that he was not properly coached by the Government of India. Coming from the province of Bombay,—I know it is your province, Sir,—and being, as he has been all his life, engaged in educational activities, he did not know the conditions of labour to which millions of Indians are still subject though these are not under penal conditions. I can never say that these were under penal conditions. But I know these long term contracts by which thousands of Oriya labourers go to Assam and spend all their life there in poverty and want and they cannot save sufficient money to come back even to their homes. I know also thousands of labourers from Southern India leave their native places and go outside India and cannot return to their homes and Dr. Paranjpye showed an amount of ignorance by picturing glowing conditions of labour, and I will ask the Government of India to be more careful in their future choice of delegates. They should not select men who are not properly conversant with Indian conditions. Dr. Paranjpye twitted the Assembly and spoke as a Member of the Treasury Benches in that International Labour Conference. He stood up to refute what I said. He referred to me and said :

“ He said that the Indian workers are vitally interested in this problem because there are millions of workers affected by it in India, in the Malay States, in Ceylon, and in South Africa, and in other parts of the Dominions where their conditions of work are not human. I do wish that he had been more accurate in his statements, for, so far as Assam and South Africa are concerned, there are no indentures at present, and penal sanctions have been abolished for several years,”.....

I did not speak of indenture nor of penal actions :

“ and in fact there is no recruitment now; there is no long term recruitment in South Africa at all. In the case of Ceylon and Malaya, there are no indentures under penal sanctions, but emigration is allowed by the Government of India only on the advice and with the sanction of the Legislative Assembly, of which my friend Mr. Das is a prominent member. In fact, the Legislative Assembly is keen on seeing that any

country to which emigration from India is allowed treats its labourers in no inhuman way, but keeps them in decent and tolerable circumstances.”

Sir, these are matters of opinion. Opinions differ, and Dr. Paranjpye knew that it is a human function. I must ask the Government of India not to send their representatives on international work who are not properly acquainted with facts. I think, such choice does definite harm to India. I do not want to quote Dr. Paranjpye's speech any further. But I have one request to make to the Honourable Members of the Treasury Benches. In future, I do not mind the High Commissioner being the leader at the International Labour Conference. But his advisers, both Indian and European, should be persons who are acquainted with the actual conditions of work in India. Otherwise they make statements which at times resemble the bureaucratic observations coming from the Treasury Benches. I am glad that the Honourable the Home Member accepts this amendment. It will save our face before the world and shows that we are bringing humanising conditions to our workers and are prepared to abolish slavery or forced labour in all forms both in British India and Indian States.

The Honourable Sir James Crerar : I accept this amendment and I have no further observations to make.

Mr. President : The question is :

“ That for the original Resolution, the following be substituted :

“ That while considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probationary Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable.”

The motion was adopted.

RESOLUTION RE DRAFT CONVENTION REGULATING HOURS OF WORK IN OFFICES, HOTELS, ETC.—*contd.*

Mr. President : Further discussion of the following Resolution moved by Mr. J. A. Shillidy on the 1st April, 1931 :

“ This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations.”

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : At the very outset, I desire to say that I yield to none in my desire to see that the employees get that necessary leisure which we all desire that they should have and which is so essential to their well

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being. But this Convention, instead of providing for any great relief to the employees, has provided for a maximum control by Government and minimum relief to the employees. It is not the fault of the International Labour Office that the Convention is as it is, because the original draft which was prepared by them was such that it would possibly, without alteration, have benefited the employees. But the delegates who were representing the Government, as well as the delegates of the employers, have combined together and whittled down the provisions of this Convention to such an extent that we find that this Convention, which provides for some relief to the employees, in fact does not provide such relief as we wish them to have. On the other hand, it provides for the entertainment of a large inspecting staff which must be a great burden to the country to maintain without giving adequate relief to the employees. The number of exceptions are so many that one is tempted to believe that they have become the rule. You know, Sir, that in this country most of the labour is agricultural and there is very little labour employed in commercial offices. Added to that, we have in this Convention the provision that all offices of the Government are exempt from the operation of this Convention, that is to say, all Government offices including quasi-Commercial offices like the Posts, Telegraphs and the Railways are all exempt from the operation of this Convention. Then again, Sir, intermittent workers are exempted from this Convention. It must be remembered that when we passed the Railway Act, 1931, we provided for the intermittent workers also, but under this Convention even the intermittent workers are exempt. Not only the offices of Government are exempt but also offices in which the staff is engaged in connection with the administration of public bodies, such as municipalities and local bodies. Then the third exemption is family business which forms the major portion of commercial business in this country. Then confidential servants who work in trade, and in commercial workshops are likewise exempt. Having made so many exemptions to this Convention, it remains to be seen what is the intention of the framers of this Convention and what are the classes of employees which this Convention is expected to cover. The Honourable the Mover of the amendment, Mr. Joshi—I am sorry he is not present here to-day—made an observation in the course of his speech, that the Government which is given also the power to exempt certain classes of private offices, stated that offices which do not contain more than 50 employees need not be brought under this Convention and that Government have got the power to exempt them. I would like to know to what offices the Honourable gentleman meant the Convention should be applied when he said that as it is possible under the Convention for the Government to exempt small offices they may do so where employees less than fifty in number are employed. I would like to know how many commercial offices there are in this country which have got more than 50 employees in their offices. Therefore, if we take the said exceptions and if we take also the advice of Mr. Joshi, and exempt offices where less than 50 employees are employed we find that the number of offices to which this Convention can be applied will be so small that it would not be worth while to ratify a Convention so limited in its scope. In this Convention overtime is not prohibited. It appears that it is almost impossible by legislation to prohibit overtime. Then there is the question of the minimum wage, a subject which is closely allied with this hours Convention. Some time back there was the minimum wage Convention which was brought before the Assembly. On the motion of Mr. Kunzru

it was postponed for consideration till the Whitley Commission Report was published. I do not know why that has not been brought before the House now because the Whitley Report has been published. That Report has stated that it is not possible for this country to fix any minimum wage. When we have the authority of a commission to state that it is not possible under the present conditions of this country to fix a minimum wage, it is very difficult to see how we can fix a Convention for hours, because wages and hours of work go together. If the option is given the employee prefers more cash even if he has to work for an extra hour or two in the absence of a wage Convention. Under these conditions it is very difficult to pass any legislation fixing hours of work which can be effective in their case. It is a known fact that, even in European countries where there are powerful combinations of employees, it is always found possible to purchase from them these rights by the employers. Here in this country when our labour organisations are in their infancy it is very difficult if a convention of this description is brought into existence to give effect to such legislation. Further, if we ratify this Convention, we have to employ a staff very much like the factory staff, which means a heavy expenditure. In the present circumstances of the country it is very difficult to find the necessary money to employ such a big staff. Mr. Shillidy, the Mover of the Resolution, remarked that village officers may be requisitioned for these purposes. But I am afraid the question of village officers does not arise in this case at all, because as I have already stated big commercial houses where more than fifty men are employed which are to be covered by this Convention will be so few in the country and none in the villages for any inspector to go and check. He has also stated that the local bodies should give their help. I do not think it is possible for the local bodies to give any help of this description. I venture to submit that under these circumstances it is very difficult for us to ratify the Convention, which gives us only Government control without giving any relief to the people for whom it is intended to legislate. With these few words I oppose the amendment and support the Resolution.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion ; and continuing my speech in connection with the last motion, in the first place, I would recommend very strongly to the General Purposes Sub-Committee that they ought to retrench substantially if not altogether our subvention to the League of Nations, because as I said it is a society which is not doing very useful work, and the one work which I just suggested I am sure they would not do. As I said in my last speech, the sympathy for labour is not based really on humanitarian grounds, but it is really on account of trade competition. I am really convinced of that from my conversations at Geneva with the people who proposed to represent labour interests. India is a country where living comparatively is very cheap, where people are accustomed to hard labour. Go to any village and you will find that the farmer and cultivator in India is really a very hard working man. Nobody ever came forward among the sympathisers of labour to say anything about the condition of poor cultivators. They spoke about labour in factories and railways, but not a single word has ever been said about the labour employed in agricultural operations, in spite of the fact that they form the preponderating majority. The thing is that if you give an option to any labourer in India and say, "Would you like to have eight hours' work and rest, or would you like to do more work and get a bonus for the

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extra work you do ? ”, I am positively certain that in India almost cent. per cent. will say, “ We are willing to do more work and you will please pay us the bonus ”. The really serious objection is this ; that the poorer people are required to do the extra work not for their benefit, but for capitalists and the money which they earn goes into the pocket of the capitalist. That is the trouble ; but if a portion of the money which these poor people earn also goes into their own pockets, then I am certain that the question will never arise from the side of the labourer. I think the International Conferences at Geneva and elsewhere will do really a very great service to the world if instead of taking up the cause of labour from the point of view of comfort, they press the labour problem from the other side, and insist that the capitalist should be allowed to have a profit not greater than the bank rate of interest in that particular country ; and any profit which is earned over and above that bank rate of interest ought to be shared proportionately by all who help to produce the wealth—the capitalist will have a share, the manager will have a share and the labouring people will have their shares. This is really the point which the people there ought to press and this is the only way which will induce the labourer to do hard work with contentment and try to produce things cheaply in order to stand the competition of the world. If we merely stop the labourer doing full work in one place so that another country may be able to produce cheaper in the world's market, it will be no help to the country and no help to the labour. It is a very selfish thing to do ; and from what I have seen I strongly oppose it. We have seen this question of the Labour Convention applied on the railways ; it has cost enormous sums of money to the railways ; and I think if they had distributed this sum of money which we are spending on account of the Convention among the people for whose benefit it is made, they would appreciate it better.

Mr. S. G. Jog (Berar Representative) : Sir, I am very thankful to the Chair for giving me an opportunity to speak, but I shall not detain the House very long. I am rising under a certain pledge given to the Honourable the Mover of the amendment, otherwise I would not have intervened in this debate at all. On the last occasion when the Resolution was being discussed,—and I must point out that it was discussed at the fag end of the session—there was no proper discussion, and it was thought fit that the matter should be discussed at the Simla Session. The Honourable the Mover of the amendment, Mr. N. M. Joshi, has left this as a sort of legacy. I know that generally legacies are left by the dead, but I do not view this legacy in that sense. Mr. Joshi, who is busy with other important work at the Round Table Conference, was very anxious that his amendment should be passed, and in that I feel that a certain sanctity attaches to the Mover of the amendment. On this side of the House we must see that his cause does not suffer in his absence. I am surprised to find that the Government Member should bring forward such a Resolution as this and that he should not be prepared to give effect to the Recommendations of the League of Nations. What are the Recommendations ? The Recommendations are really very small matters. The Recommendations ask Government to make investigation into the conditions of life and work as regards hours of work in the case of employees of hotels and restaurants. In fact, I feel there should have been two Resolutions, but somehow both the Resolutions have been combined into one, and it has caused some confusion. However, I am concerned only with the Recommendations, and

hey are that investigation should be made within a period of four long years—there is no particular hurry about it. It is not a thing which is to be reported within two or three months. I know the Government have got a big agency at their disposal, and if they are really serious, they can certainly collect the material. The difficulties which my friend Mr. Shillidy referred to are in my opinion somewhat exaggerated, and that is done with a view to shirk responsibility. The Government agency is very strong. If they want to find what articles there are in my house or in the house of any villager, they can certainly find all that out ; if they really want to do so, but if they don't want to do anything they can create all sorts of difficulties in your way and say that such and such a thing cannot be done. I do not see any reason why the existing agency should not be utilised for collecting such information which the League wants before taking any further action. This is only spade work, a sort of preliminary or preparatory work ; we are only to collect information before any action is taken. This in short is the recommendation of the Convention, and I see no reason why the Government Member should bring forward any difficulties and lower the credit of India in the eyes of other nations. When we make recommendations there, when our representatives sign the Conventions, they are in a way morally bound, and even the Government of India are morally bound, when their representatives attest their signature to the Convention, and so I think the Government of India should at least make an honest effort to carry out the Recommendations. This, I think, is the position which the Government should ordinarily take. Instead of that, I am surprised to find that some obstructive methods have been adopted by the Government. I believe the Government have taken to Swarajist ways.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I do not think it is necessary for me to make a long speech at so late an hour in the session. I can summarise very briefly the objections to the Convention. They are that the Convention is so wide in its terms, that it comprises a great many different kinds of businesses working under different conditions and that it is not really practicable to devise a convention so wide in its terms which will be practicable in application. The next objection is that it recommends a 48-hour week for those particular offices which are covered by the Convention. Now, in India, so far as factories are concerned, there is a 60-hour week, and for mines a 54-hour week. The Labour Commission after most exhaustive examination have suggested a 54-hour week for factories. Is it reasonable for us to go straight into a 48-hour week for commercial offices when we may still have a 54-hour week for factories ?

Then I come to the third point. If we accept this Convention we should have to put up a very large inspection staff. That point has already been made by my friend, Mr. Sitaramaraju. He however seems to have misunderstood me in one remark. He seemed to argue as if I advocated inspection by village officers. If he will look up my speech, he will find that I said rather the opposite, that unless Government were going to use village officers for this, they would have to employ a very large new inspectorate, but I asked the House if they considered village officers would be a suitable inspectorate for work of this kind. That I think was somewhat different to what he thought I said.

I will just turn to one further point. Mr. Jog raised the question of the Recommendations, and asked why did we not inquire into the different

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professions to which the Recommendations relate. I think he rather misunderstood the question. The Recommendations are to inquire into the professions named in order to see if the Draft Convention can be applied to them. But if you do not accept the Draft Convention, then what is the use of making an inquiry to find whether that Draft Convention should be applied to other professions or not.

Mr. S. G. Jog : Where is the objection to accept it ?

Mr. J. A. Shillidy : The reasonable and practicable objection that we have decided to take no action in regard to the Draft Convention.

There is only one other point I would like to make before I sit down. In the course of the debate in the last session, one of the speakers said that the Government of India had been very backward in ratifying Conventions. Now it may interest the House to know that India, with the exception of one country, has ratified more Conventions than any other overseas country—Australia, Canada, South Africa, Japan, China—these are the few names that occur to me, and it gives the pride of place only to Cuba. And, Sir, if anything further has to be said as to whether our work has been appreciated or not, I would just like to read out a few remarks which have been made about the work of India in this connection. The Director of the International Labour Office wrote :

“ I should be much obliged if you would convey to the Government of India the gratitude of the International Labour organization and its great appreciation of the manner in which the Government of India is fulfilling its obligations and of the conspicuous example of social and labour progress which she is thus showing to the world.” (Applause.)

This is a somewhat old report I may say, but I can carry it to a later date. The Director's report further recognises the efforts of India in the following paragraph :

“ The action taken by the Government of India with regard to the ratification of the Washington decisions may be regarded as the just tangible results in the East of the ideals inspiring paragraph 13 of the Treaty of Peace.”

The Belgian workers' delegation in 1927 in supporting the nomination of Sir Atul Chatterjee said :

“ I have another reason for supporting his candidature namely that he represents a distant country which from the beginning of the work of this organization has taken a great interest in it. His country has ratified many conventions, and I see in his nomination a sign of collaboration which already exists between European countries and countries in other parts of the world.”

The Italian representative also supported him because he was the representative of an important overseas country, and “ the first overseas country, I believe, to ratify the Washington hours of labour ”.

Mr. Gaya Prasad Singh : Any other testimonial ?

Mr. J. A. Shillidy : I have got another testimonial. Miss Bondfield in 1926, speaking at Geneva, said :

“ We do place on record with great thankfulness the improvements which have already taken place in India and Japan as a result of the work of the International Labour Conference.”

And she went on to say later :

“ I wish to join with those who have already appealed to the Government of Japan. Japan occupies a middle position. It is behind what has been accomplished in India and is ahead of China.”

She says again :

“ I trust India in the same way and I feel very relieved to find that India has not let me down.”

I merely make these statements because it has been said from time to time that the Government of India have been very slow in ratifying the Conventions. Here are statements made by impartial people about our work, and I would only remind this House that at the last Geneva Conference the representative of the Indian employers sounded a word of warning that we were going far too fast ; at the same time, the representative of the workers said that we were going much too slow. Sir Atul Chatterjee not unnaturally said to the Conference, that the Government of India was attacked on both sides, and probably it was on the whole fairly well right.

Sir, I have nothing more to say.

Mr. President : The question is :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted and the word ‘ and ’ be substituted for the word ‘ nor ’ occurring between the words ‘ Convention ’ and ‘ accept ’.”

The motion was negatived.

Mr. President : I now put the original Resolution. The question is :

“ This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations.”

The motion was adopted.

Mr. President : The only thing that remains now is to consider to what date this session should be adjourned. Honourable Members are aware that the Finance Bill remains to be considered by the Assembly, and Government have given an assurance to Honourable Members that they will agree to the session being adjourned to meet in Delhi, on such date as would enable the Assembly to go through the procedure legally necessary in regard to this Bill. The matter has formed the subject of very careful consideration, and the Chair has tried to consult some of the Honourable Members on both sides of the House. The problem of fixing the date is complicated by the fact that the *Diwali* holidays intervene. It has therefore been suggested that the Assembly should adjourn to the 4th November and take up first the consideration stage of the Finance Bill, which may take three days or perhaps four. Then, there should be a short adjournment for *Diwali* holidays and the consideration of the Bill, clause by clause, should be taken up either on the 10th or the 11th, in order that

[Mr. President.]

the whole process may be completed within the time allowed. Honourable Members are aware that, as soon as a Finance Bill is introduced, certain taxes begin to be collected, and unless the Central Legislature sanctions such taxation within sixty days, the amount collected would have to be refunded. It is therefore essential that both Houses of the Legislature should arrive at decisions in regard to the Finance Bill within 60 days of its introduction. If consideration of the Finance Bill, clause by clause, begins, say, at the latest on the 11th, then there will be only a very few days left to deal with it by both the Legislatures. It is therefore proposed that when once consideration clause by clause begins, the House should meet if necessary during all the six days of the week, and if that is not sufficient, to meet for longer hours during some days. I am sure Honourable Members are agreed that there should be no delay in coming to a definite conclusion one way or the other in time to obviate the risk of being called upon to refund the taxes collected. I therefore take it that the House agrees with me in the programme which I have suggested and that they further agree that I should adjourn this Assembly to the 4th November, 1931, to meet at Delhi. This session is now adjourned to the 4th November, 1931, at 11 o'clock at Delhi.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th November, 1931, at Delhi.

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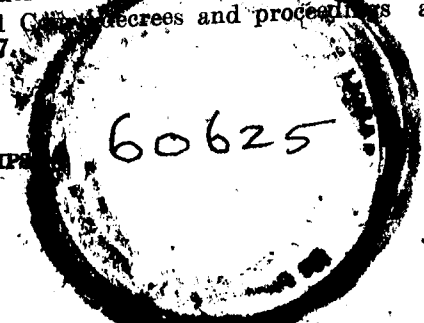
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